

14 January 2022

## UK Trade Negotiations: Free Trade Agreement with Australia

### Submission of the Chartered Institute of Patent Attorneys (CIPA)

1. The Chartered Institute of Patent Attorneys (CIPA) welcomes the newly signed Free Trade Agreement (FTA) with Australia and the opportunity to submit written evidence to the International Trade Committee's inquiry into the finalised agreement. Due to the limited effect of the agreement on our members, our submission focusses entirely on how the terms of the FTA are likely to impact upon those that we represent.

#### **How are the terms of the FTA between the UK and Australia likely to affect you, your business or organisation, or those that you represent?**

2. CIPA is very pleased to see that the newly published FTA appears to be consistent with our membership of international treaties such as the European Patent Convention (EPC).
3. The FTA helps to advance our ambition in establishing UK patent attorneys as a world leader of Intellectual Property legal services. Specifically, the agreement does not refer to any requirements for a grace period and the (currently suspended) requirements for patent term adjustment which CIPA is concerned are potentially inconsistent with the European Patent Convention (EPC), to which the UK is a party.
4. CIPA is also pleased to see the guarantee in the agreement to protect UK brands and trade marks through a commitment to an equitable and correspondent approach to Geographical Indications (GIs). GIs are Intellectual Property rights for products with qualities or characteristics attributable to a specific geographical origin. Our understanding of the agreement is that, should Australia introduce bespoke GI schemes for spirits and agri-foods, the UK will be able to put forward GIs for potential protection subject to Australia's legal procedures, a step forward which our members will benefit from.
5. Further to this, CIPA notes a couple of other minor points of interest to Patent Attorneys contained within the agreement. Similar to the AiP, the full text of this agreement makes no mention of non-agricultural GIs, which remains an extension that is under active consideration in some trading blocs. We are pleased to see this excluded. CIPA also notes that the agreement does not appear to have impacted upon reciprocal rights of representation for attorneys, which again is welcome.
6. CIPA fully supports the Government's global trade ambitions and looks forward to future trade announcements which will further strengthen the UK's position as a world leader in services trade.
7. We would also be very willing to discuss these areas in more detail if it would be helpful to the Committee as it undertakes its inquiry into FTA.

#### **About the Chartered Institute of Patent Attorneys (CIPA)**

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8. The Chartered Institute of Patent Attorneys is the UK's largest intellectual property organisation. We are the professional and examining body for patent attorneys in the UK,

representing virtually all the 2,400 registered patent attorneys in the UK, whether employed in industry or private practice. Our total membership is over 4,000 and includes trainee patent attorneys, judges, barristers and other professionals with an interest in protecting innovation through the use of intellectual property rights (patents, trade marks, designs and copyright). We represent members' interests to Government and a wide range of stakeholders at home and abroad. The profession is one of the UK's most export intensive technical / legal services, generating around £1 billion for the economy in gross value added, and approaching £750 million in exports.