



In Focus

World Intellectual Property Day, 26 April 2016

Overview

In 2000, member states from the World Intellectual Property Organisation (WIPO) designated 26 April of every year as World Intellectual Property Day, with the [aim](#) of “increasing [the] general understanding of intellectual property”. The 26 April coincides with the day on which the [WIPO Convention](#) came into force in 1970. The WIPO Convention replaced both the 1883 Paris Convention for the Protection of Industrial Property and the 1886 Berne Convention for the Protection of Literary and Artistic Works—who had united in 1893 to establish an “International Bureau”—with the WIPO.

The subject for this year’s World Intellectual Property Day is “Digital Creativity: Culture Reimagined”, with the WIPO particularly focusing on “exploring some of the issues surrounding our cultural future”, for example, how we create, access and finance it.¹

What is Intellectual Property?

The World Intellectual Property Organisation, [defines intellectual property](#) as “creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce”. Intellectual property is [divided into two categories](#): industrial property and copyright. Industrial property includes patents for inventions, trademarks, geographical indications and industrial designs, and copyright covers a broad range of other work, including literature, such as novels, plays and poems, films, music, artistic works and architectural design.²

The rights protected under intellectual property are outlined in [Article 27 of the Universal Declaration of Human Rights](#), which states that:

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Intellectual Property in the United Kingdom

In its most recent [publication on intellectual property](#) in the United Kingdom, the Intellectual Property Office reported that in 2011 an estimated 50 percent of knowledge investment, worth £63.5 billion in the UK market, was protected by Intellectual Property Rights, which was the equivalent to 4.2 percent of the total UK gross domestic product. In addition, the UK’s investment in intangible assets protected

by Intellectual Property Rights, such as patents, trademarks and copyrights, rose from £23.8 billion in 1990 to £63.5 billion in 2005, representing a 167 percent increase. The table below reveals investment in tangible and intangible assets in the United Kingdom since 1990.³

Year	1990	1995	2000	2005	2010	2011
All tangible investment	66.9	66.5	93.8	100.1	94.4	87.9
Intangible category						
Software	7.3	11.0	17.2	22.3	23.4	24.3
Total R&D	7.5	8.6	11.4	13.0	15.7	16.8
Design	6.7	7.0	9.5	11.6	12.8	12.9
Mineral Exploration	1.6	1.1	0.5	0.7	0.6	0.8
Financial Innovation	0.3	0.4	0.7	0.9	1.6	1.8
Artistic Originals	1.9	3.0	4.9	7.0	5.7	5.8
Branding	4.8	6.7	10.2	11.7	13.5	14.0
Organisation Capital	5.9	11.7	18.1	25.7	27.0	25.5
Training	11.8	14.4	19.9	25.2	27.4	25.0
All intangible investment	47.9	63.9	92.1	118.1	127.6	126.8

Policy Developments

In November 2015, the Government [published draft regulations](#) to implement the EU Collective Rights Management Directive for technical review. The Government published the [final Regulations](#) on 25 February 2016, with the Directive implemented into UK law, and coming into force, on 10 April 2016. The Directive sought to increase the oversight of [collective management organisations](#) who ensure that creators receive payment for the use of their works. According to the [Intellectual Property Office](#), the Directive would “improve the [existing] system” by giving right holders “an explicit right” to authorise any collective management organisation in the European Union to either manage their rights or withdraw the authorisation. The Intellectual Property Office also stated that the Directive would ensure that collective management organisations give “proper representation” to their members in the decision-making processes, including the distribution of royalties, and would be required to publish more detail about their operations, enabling right holders to “make an informed judgement on their performance”.⁴

On 14 May 2014, the [Intellectual Property Act 2014](#) received royal assent. The Act sought to modernise aspects of the law relating to intellectual property, including changes to the design framework and the introduction of a simplified method for patent owners to provide public notice of their patent rights. The Act also includes powers to implement the intergovernmental Agreement on a Unified Patent Court to be brought into effect in the United Kingdom (the [international process](#) for this is still ongoing) and would allow the Intellectual Property Office to “share information on unpublished patent applications with international partners” in order to “help reduce international patent backlogs and speed up patent processing”.

¹ World Intellectual Property Organisation, ‘[World Intellectual Property Day April 26](#)’, accessed 18 April 2016.

² World Intellectual Property Organisation, [What is Intellectual Property](#), 25 August 2011.

³ Intellectual Property Office, [Fast Facts 2015](#), 13 October 2015.

⁴ Intellectual Property Office, ‘[New Law to Give UK’s Rights Holders a Better Deal](#)’, 8 April 2016.

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