



July 2021

Dear Constituent,

Thank you for contacting me about intellectual property (IP). I take the protection of IP seriously and I am pleased that a range of initiatives have been designed to reduce IP theft.

Officials from the Intellectual Property Office (IPO) have been holding roundtable meetings with representatives from online platforms and rights holders to discuss the availability of counterfeits on their platforms and to help co-ordinate law enforcement action against sellers.

A Police Intellectual Property Crime Unit (PIPCU), run by the City of London Police, was launched in 2013. The PIPCU is dedicated to tackling serious and organised online piracy and counterfeiting, affecting digital and physical goods, and protecting legitimate UK businesses.

In the Trade and Cooperation Agreement (TCA) between the UK and EU, it included commitments on IP that provide high standards of protection for, and enforcement of, IP rights. These include registered IP rights such as patents, trade marks and designs, and unregistered rights such as copyright, trade secrets and unregistered designs. These provisions refer to, and in many areas exceed, the standards set out in international agreements such as the WTO Agreement on Trade-Related Aspects of Intellectual Property (TRIPS) and World Intellectual Property Organisation (WIPO) treaties. The TCA includes mechanisms for cooperation and exchange of information on IP issues of mutual interest. Furthermore, the TCA retains regulatory flexibility for both sides, enabling the UK to develop an IP system in line with our domestic priorities.

I understand that the principle of exhaustion sets a limit on the ability of IP rights holders to control the distribution of goods protected by those rights. When the UK was in the EU single market, the UK has considered first sale within the European Economic Area to be the point at which the control of a rights holder expires. This approach allowed the trade of goods on the secondary market to flourish between EEA countries, while retaining the ability of rights holders to prevent imports into the EEA of goods that they have sold elsewhere in the world.

Now we have left the EU, and therefore no longer bound by its framework nor a member of the single market, the Intellectual Property Office (IPO) is re-examining how the principle of exhaustion should work for the UK as a standalone sovereign nation.

The IPO has launched a consultation and is seeking views on a range of options from all interested parties, including businesses and consumers. The consultation will help government assess the feasibility and potential impact of the different exhaustion of IP rights regimes. This will include consideration of impacts on the publishing industry and cross-border trade of goods in the secondary market, including goods from the creative industries.



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You may want to respond to the consultation:

<https://www.gov.uk/government/consultations/uks-future-exhaustion-of-intellectual-property-rights-regime>

Thank you again for taking the time to contact me.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Chris'.

CHRIS HEATON-HARRIS MP
MEMBER OF PARLIAMENT FOR DAVENTRY