

CITY OF LONDON LAW SOCIETY (“CLLS”) IP LAW COMMITTEE
(THE “COMMITTEE”)

Minutes of the Committee Meeting held at 6:00pm on 12 February 2025 at the offices of CMS Cameron McKenna Nabarro Olswang LLP, Cannon Place, 78 Cannon Street, London, EC4N 6AF (the “**Meeting**”) hosted by David Parrish.

Present: David Parrish, CMS (Chair)
Rachel Anderson, CMS (RA) (Secretary)
Beverley Potts, A&O Shearman (BP)
Jonathan Turnbull, Herbert Smith Freehills (JT)
Adam Rendle, Taylor Wessing (AR)
Huw Evans, Gowling (HE) (dialled in)

In attendance: Kevin Hart, CLLS (KH) (dialled in)

Apologies: Mike Knapper, Norton Rose Fulbright (MK)
Morag Macdonald, Bird & Bird (MM)
Emily Nuttall-Wood, Addleshaw Goddard (ENW)
Jessica Le Gros, Baker McKenzie (JLG)
Caroline Young, Charles Russell Speechlys (CY)
Emily Nuttall-Wood, Addleshaw Goddard (ENW)
Oliver Fairhurst, Lewis Silkin (OF)
Priya Nagpal, Simmons & Simmons (PN)

together, the “**Members**”.

1. Welcome from the Chair and preliminary matters

The Chair opened the Meeting and welcomed all Members. Apologies were given for the late notice of the formal invite for the meeting.

The Chair confirmed that the principal focus of the Meeting was to discuss whether the Committee should respond to the UKIPO’s December 2024 consultation on Copyright and AI (the “**Consultation**”) before the deadline of 25 February 2025, and if so, what the content of such a response should be. There were also a number of upcoming CLLS events which the Chair would announce later in the meeting.

2. Apologies

Apologies from the individuals listed above were received.

3. Response to the UKIPO’s AI and Copyright Consultation

The Chair highlighted that in considering a response (if any) to the Consultation, it would be necessary to respond in a neutral and objective way, given the broad church of clients that Members of the Committee (and members of the CLLS more broadly) have, and the range of views those clients will have on the proposals contained in the Consultation.

It was noted that other committees will have contributed to consultations where they will have also had to represent contrasting positions. KH was asked about how this process is normally managed, where a range of views will need to be taken into account. KH explained that one option was to provide a “bigger picture” response, without necessarily addressing every question in the consultation. It was also noted that paralysis can sometimes set in where there

are difficulties in responding democratically, and that the Committee should provide an expeditious response in any case.

It was pointed out that it would be difficult to answer any of the questions proposed by the Consultation, without presupposing that the objectives set out are correct.

Therefore, it was decided that the most sensible neutral way in which to respond would be to focus on the practical implementation of any proposals set out in the Consultation. By way of example, it was noted that one of the Consultation proposals was an iteration of the “text and data mining” (“**TDM**”) exception that was accompanied by a reservation of rights model. The Committee agreed that many people do not know what an effective “reservation of rights” or “opt-out” model looks like, and that there is a lack of certainty as to how this may look on a practical level. In its response to the Consultation, the Committee could outline some of the difficulties of the “opt-out” model that may accompany the TDM exception.

The Committee agreed that how the Consultation proceeds will partly be a political question, and it is difficult for the Committee to provide input until such a policy decision has been made. In addition, given the number of questions in the Consultation (47) it would in any event be difficult to respond to all of these in full before the deadline of 25 February 2025.

HE noted that the IP Federation were discussing the Consultation at a meeting on Friday (14 February). HE would ask the IP Federation whether he was able to share their discussion points with this Committee.

The Chair added that the CLLS AI Committee were also looking at the Consultation and had identified a number of questions that they were considering a response to (namely questions 26, 27, 40, 41, and 42).

The Committee agreed that they would respond to the Consultation in a short letter (approximately 2 pages) which acknowledges the need for the government to move quickly, but also states that in order for the UK to have successful growth, adequate time is needed to consider the practical implementation of whatever is decided on at a policy level in the Consultation. The Committee would also include a “shopping list” of issues that the UK government would need to consider if certain decisions are made.

The following timeframe for the Consultation response was agreed:

- **Action** – On Thursday 13 February, the Chair would circulate an email asking each Member to think of 1 issue for the “shopping list” to be included in the response to the Consultation, by no later than Wednesday 19 February;
- **Action** – A draft response to the Consultation would then be circulated to all Members by no later than Friday 21 February;
- Members would then have until Monday 24 February to provide any comments on the draft before it is submitted before the deadline of midnight on Tuesday 25 February;
- Around 24 hours after the Committee’s response to the Consultation had been submitted, it would then be uploaded to the CLLS website.

The Committee were satisfied that they had given the Consultation sufficient consideration and were prepared to proceed as agreed. The Chair asked for any final comments and none were raised.

4. Minutes from December meeting

The Secretary had circulated the minutes from the December meeting to the Committee. It was agreed that if no comments had been received by close of business on Friday (14 February), the minutes would be uploaded to the CLLS website.

5. Upcoming events

The Chair read out a list of the upcoming CLLS events:

- CLLS Annual Banquet – Tuesday 25 February, evening (Egyptian Hall at Mansion House, London, EC4N 8BH);
- CLLS AI Committee Open Event – Wednesday 26 February, from 6pm (Kingsley Napley, 20 Bonhill Street, London, EC2A 4DN);
- Annual Service of the CLLS and City of London Solicitors' Company – Thursday 15 May (All Hallows, Byward Street, London, EC3R 5BJ); and
- AGMs of the CLLS and City of London Solicitors' Company – Thursday 26 June (Saddlers' Hall, 40 Gutter Lane, London, EC2V 6BR)

Action - the Secretary was to circulate a list of these events following the Meeting.

6. INTA meet

ENW had suggested a meet at the INTA Conference in San Diego in May, for Members that wanted to.

Action – the Secretary would mention this in the email listing the upcoming events, in order to gauge interest.

7. CLLS AI Committee

The CLLS AI Committee had announced the launch of its 2025 AI Governance Survey, and have asked all CLLS member firms to contribute to the survey (all responses will be anonymous). The survey is open until 28 February.

Action – The Chair would circulate a link to the 2025 AI Governance Survey.

8. Next meeting

The Chair reminded the Committee that the next meeting was to take place on Wednesday 7 May 2025. The location of the meeting was to be confirmed. HE suggested that Gowling may be able to host.

Action – HE to check whether Gowling could host the next meeting.

9. AOB

No other areas of business were raised. The Chair closed the Meeting.