

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

Minutes of the Committee Meeting held at 6:00pm on 7 May 2025 at the offices of Gowling WLG, 4 More London Riverside, London, SE1 2AU (the “**Meeting**”) hosted by Huw Evans.

Present: David Parrish, CMS (Chair)
Rachel Anderson, CMS (RA) (Secretary)
Huw Evans, Gowling (HE)
Beverley Potts, A&O Shearman (BP)
Adam Rendle, Taylor Wessing (AR)
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)
Oliver Fairhurst, Lewis Silkin (OF)

Apologies: Priya Nagpal, Simmons & Simmons (PN)
Kevin Hart, CLLS (KH)
Jonathan Turnbull, Herbert Smith Freehills (JT)

together, the “**Members**”.

1. Introductions

The Chair and Vice Chair opened the meeting. MM, MK and ENW introduced themselves to the committee.

2. Follow-ups from February meeting

The Chair asked if the Members had reviewed the minutes of the February meeting that had been circulated alongside the agenda for the meeting. No comments were raised and the minutes were approved.

Action – February meeting minutes to be uploaded to the CLLS IP Committee webpage.

The committee briefly discussed their response to the UK government’s copyright and AI consultation, and noted that there had been a high volume of responses to the consultation. The Chair commented that this had plainly been a reactive response on behalf of the committee, and emphasised the need to take proactive action in the future. The committee commented that it is unable to get involved in policy decisions where this may implicate clients.

3. Legal privilege and patent attorneys

HE raised the issue of legal advice privilege and patent attorneys. Section 280 of the Copyright, Designs and Patents Act 1988 gives patent attorneys legal advice privilege, and there are concerns in other jurisdictions as to how far this privilege goes. There was a recent decision in Canada stating that this privilege does not extend to advice on freedom to operate. It was noted that some in-house patent attorneys may give legal advice more generally, rather than just in relation to patent prosecution.

HE highlighted that the IP Federation and CIPA are looking at how legal privilege for patent attorneys could be expanded. The Members considered whether this is something that the committee would be in favour of. The committee agreed that it would be in favour of such expansion. It was highlighted that trade mark attorneys have privilege in relation to infringement proceedings.

Action - HE confirmed he would share the draft wording that CIPA had produced that seeks clarifications on legal privilege for patent attorneys.

4. The UPC and UK practitioners

The difficulties for UK practitioners and representation at the UPC were discussed. It was noted that many UK practitioners will obtain an Irish practising certificate so that they can act as UPC representatives.

It was flagged that the EU Commission is currently considering legislative proposals that would recognise the qualifications of UK professionals. The committee commented that this was of interest and that these developments would be monitored.

The committee considered whether the UK should revisit signing the UPC Agreement, and whether this is a topic worth campaigning on. Pantera would be able to help the committee gain traction in its advocacy efforts on this. Potential collaboration with the litigation committee was suggested, given the implications for Lugano.

Action – the committee will look into whether the CLLS Litigation Committee would be interested in jointly campaigning on this point.

5. Marks and Designs Forum

The Chair had circulated the agenda from the most recent meeting of the Marks and Designs Forum. Their meetings are held quarterly. The Chair highlighted that various other professional bodies and committees are represented at these meetings (including INTA, the Law Society IP Committee, and the IP Federation).

The Chair asked for thoughts on whether the committee should attend these meetings too. The Members agreed that they should, as many of the agenda items will be of interest to the committee. There should be a degree of consistency in the Members that attend the Marks and Design Forums meetings. BP, ENW, and JLG volunteered to attend these meetings to represent the committee.

6. Supporting CITMA

CITMA's key focusses were outlined. The Members agreed that these issues were also of concern to the committee, particularly where relating to unregulated representatives submitting filings to the UKIPO and PO boxes being used as addresses for service in the UK. The collective view of the Members was that the committee would support CITMA with its strategic objectives.

7. Outward-facing event

The committee considered suggestions for the outward-facing event later in the year. It was suggested that the event be hosted in November. The committee decided that an event aimed at junior IP lawyers would align with the committee's objectives (as set out in the initial December meeting). Social mobility amongst junior IP lawyers was proposed as a topic for the event. Members asked what kind of events other committees had run.

Action: The Chair to ask KH what other committees have done for their “outward-facing” events.

8. Next meeting

It was suggested that the next meeting take place in early July before schools break up for summer. A poll would be sent round for evenings in the first week of July to ascertain availability. The host will be confirmed in due course. Some attendees would be permitted to join remotely due to summer travel arrangements.

9. AOB

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