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IP infringement should be criminal offence says UK inventor

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Trevor Bayliss, inventor of the clock-work radio, has called on the UK government to sanction criminal penalties against patent infringers.

In a letter to the Secretary of State for Business, Innovation and Skills, Peter Mandelson, Bayliss said: "I believe that theft of intellectual property rights should be treated as a white collar crime... I believe that UK plc should stand behind those courageous individuals whose ideas can change all our lives both commercially and socially."

In an interview with the BBC, Bayliss elucidated his position commenting: "If I was to nick your car, which is worth £10,000, say, I could go to jail. But if I were to nick your patent, which is worth a million pounds, you'd have to sue me."

The inventor believes that the solution is to treat patent infringement as a criminal offence - similar to the criminal offence which exists in copyright law.

However, IP lawyers have been unsupportive of the idea. Ilya Kazi, patent attorney at Mathys and Squire believes that "the issues of criminalising patent infringement are not quite as straightforward as suggested here," adding: "As a patent attorney, I am naturally supportive of a strong IP system, which gives those who innovate protection. However, if people started being incarcerated for unwittingly infringing patents which later proved to be invalid there would be justifiable civil liberties outcries and a backlash against IP rights."

Bayliss says that he has the support of the Federation of Small Businesses, the Institution of Mechanical Engineers and of his local MP, the Liberal Democrat Treasury spokesman Vince Cable. In 2002 Cable introduced a bill in parliament which called for an increase in the penalties for copyright theft from a maximum of two years to 10 years imprisonment.