

Dear Mrs Carroll,

ACIP Review of post-grant Patent Enforcement Strategies

Everyone likes the idea of an affordable patent, trade mark and designs dispute resolution procedure but where do we find one operating?

In UK they set up the Patents County Court and encouraged patent agents to learn conduct of cases. It fared well for a while until one party wheeled in eminent counsel who wiped the floor with the other party's patent agent and thereafter few agents were game to try. Can you blame them? Barristers took over. I asked Judge Fysh in 2008, who runs the London court, if it was any cheaper than the High Court which in UK tries IP cases and he said no. Even though he said his Judge's salary in that Court was only £35,000/year.

The opinion service you sketch is a copy of the UK Patent Office model but is an opinion only and like a VCAT Order you have to go to another procedure to obtain enforcement. ACIP is not going to solve the problem. What rabbits there are have already been pulled out of the hats.

Yours sincerely,

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