



From the Minister of State
for Industry and Information Technology

DEPARTMENT OF TRADE AND INDUSTRY
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GEOFFREY PATTIE MP

Rt Hon Viscount Whitelaw CH MC
The Lord President of the Council
68 Whitehall
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28 January 1986

Dear Willie

LEGISLATIVE PROGRAMME 1986-1987: COPYRIGHT AND OTHER
INTELLECTUAL PROPERTY BILL

WILL REQUEST IF REQUIRED

You will recall that last year QL, and subsequently Cabinet, agreed to give an advance place to a Copyright Bill in the legislative programme for 1986-87. On 2 April 1985 I wrote to you to ask whether the inclusion of certain further items, including any amendments of existing legislation in order to implement hiving-off of the Patent Office, would cause any difficulty. You replied that these provisions would fit in well with the Bill which was originally proposed and that you were content in principle that they should be added. In subsequent correspondence you indicated that it would be best if QL were to consider the matter at an appropriate time. In December we submitted to the Cabinet Office a revised pro-forma relating to this Bill (now referred to as the Copyright and Other Intellectual Property Bill) and including hiving-off as a purpose of the Bill. I trust that QL will have no difficulty in ratifying your earlier decision to accept the inclusion of hiving-off provisions in the Bill.

I am now writing to ask whether you would be prepared to accept the following matter as falling within the authority for hiving-off. The matter concerns amendment of Sections 38 and 39 of the Trade Marks Act 1938. Under Section 39, the Trade Marks Registry of the Patent Office is obliged to maintain a branch in Manchester for the purpose of registration of trade marks relating to textile goods. Section 38 concerns the relationship between the Trade Marks Registry and the Cutlers' Company, and allows persons carrying on business in the Sheffield area the option of applying either to the Registry or the Cutlers' Company for registration of a trade mark in respect of metal goods. The first

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of these is therefore concerned with the structure of a part of the Patent Office, while the second is concerned with a statutory link between it and an outside body. Both of these facilities have fallen into desuetude and we are considering their abolition. Such abolition would appear to be appropriate for inclusion in legislation concerned with the legal status of the Patent Office.

Legislatively this would be a fairly straightforward matter, so that we have every expectation of being able to get Instructions to Parliamentary Counsel in accordance with the agreed timetable provided that you can give early agreement that it falls within the scope of the Bill.

I am copying this letter to the members of QL.

A handwritten signature in dark ink, appearing to read 'Geoffrey Pattie', with a stylized flourish at the end.

GEOFFREY PATTIE

JA4ABQ

