



10 DOWNING STREET

THE PRIME MINISTER

JR
rice
cc Dr Nicholson
cc
DTI
press office
20 December 1983

Dear Sir Austin,

I thought you would be interested to see the enclosed Green Paper which I laid before Parliament today.

We met with Lord Cockfield in September 1982 to discuss the importance of intellectual property rights and I recall that you raised the subject again at my seminar at Lancaster House recently. Dr. Nicholson was asked to study whether the intellectual property rights system was best suited to encouraging innovation. The recommendations that he makes are intended to improve the awareness of the value and importance of those rights, their accessibility and their usage.

We shall be seeking comments widely and the Department of Trade and Industry will take the lead in formulating the Government's own views. I hope that you feel that the report is a useful contribution to this important, though too often overlooked, subject.

Yours sincerely
Margaret Thatcher

Sir Austin Bide

(3)



10 DOWNING STREET

Prime Minister

The Green Paper on
Intellectual property rights
is being published tomorrow
(Tuesday). You may like to
write to Sir Austin Bide
about it, in view of his
past involvement with this
subject.

I attach a draft which, if
you agree, we will despatch
as soon as the Question has
been answered tomorrow.

DMB
19/62

W.0838

12 December 1983

SIR ROBERT ARMSTRONG

REPORT: INTELLECTUAL PROPERTY RIGHTS AND INNOVATION

You will recall that the Prime Minister has agreed to lay this report before Parliament as a Green Paper (David Barclay's minute to me of 8 November). She has also approved an introductory statement which will go over her own signature.

2. Departments have subsequently been consulted on the final wording of the text and a number of small alterations have been made in order to correct factual errors. I have also modified the discussion of compulsory licensing (paragraphs 5.11 - 5.22) and of the Paris Convention (paragraphs 5.26 - 5.28) to exclude any advocacy of exclusive licences. Both FCO and DTI believe that any such advocacy, bearing the imprimatur of the Prime Minister, even though the introduction makes the Government's position clear, might make negotiations within the Paris Convention more difficult. It is not an essential part of the report and I have therefore omitted it. DTI believe that similar arguments apply to transfer of know-how (paragraph 5.18) but this is already embodied in some existing legislations abroad and would appear to be permitted within existing UK patent law. Moreover, the discussion is a major part of the line of argument of the report and I would not wish to lose it without more substantial reasons. I have therefore left the reference but further modified the material to reduce DTI's concern to a minimum.

3. The final text of the report has now gone to HMSO with a request that it be ready to be laid before Parliament by 20 December. I attach a copy. Any last-minute alterations can be accommodated at the proof stage on 14 December.

4. I also attach:

RESTRICTED

- i. A draft Parliamentary Question with which the Prime Minister might announce the publication of the Green paper

- ii. A draft press release.

5. If you are content with these perhaps you could forward this minute and attachments to Charlotte Stevens, the Prime Minister's Parliamentary Clerk.

6. I would like to suggest that John Stubbs and Bernard Ingham conspire to organise an off the record press briefing that I would give. The subject of the Green Paper is a complex one and may need explanation for there to be any press impact. I would also like to ensure that the link is made very firmly with the Prime Minister's seminar at Lancaster House, ie that the Government is exploring actively the ways to improve the climate for innovation and wealth creation.

- 7. Finally, I attach a letter which the Prime Minister might send to Sir Austin Bide on the day of Publication, with a copy of the Green Paper. I put the original suggestion for this study to the Prime Minister at the time of her meeting with Sir Austin, to discuss the importance of intellectual property, in September 1982. He referred again to the topic at the Prime Minister's seminar.

RBN

ROBIN B NICHOLSON

cc: Mr B Ingham, No 10
Mr J Stubbs, MPO Press Office
Ms Ruth Thompson, PS/Secretary of State
for Trade and Industry

DRAFT LETTER FROM PRIME MINISTER TO SIR AUSTIN BIDE, Chairman, Glaxo Holdings Ltd, 6-12 Clarges Street, London W1Y 8DH

for David

INTELLECTUAL PROPERTY RIGHTS AND INNOVATION

I thought that you would be interested to see the enclosed Green Paper which I laid before Parliament ~~today~~.

We met with Lock Cockfield in September 1982 to discuss the importance of intellectual property rights and I recall that you raised the subject again at my seminar in Lancaster House recently. Dr Nicholson was asked to study whether the intellectual property rights system was best suited to encouraging innovation. The recommendations that he makes are intended to improve the awareness of the value and importance of those rights, their accessibility and their usage.

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