

CIPA – June 2009

Name:

David Musker

Committee chaired:

Designs & Copyright

Date:

27/05/2009

1. About you

What did you study at university?

Materials Science

What aroused your interest in IP/patents, and when?

When I tried to sign on the dole, they found me a job as a patent searcher, and I knew if I didn't take it I'd have my benefit cut! After a few years of that, I was good for nothing else but patents so, with considerable difficulty I found myself a job as a trainee patent agent.

What age were you when you joined a CIPA Committee and what motivated you to do so?

I joined the Computer Technology Committee in 1994, at the age of 34, because the law was changing so fast and so inexplicably that I felt I needed to get to the bottom of the issues – it was and remains a powerhouse of clever minds. Soon after, I joined the International Liaison Committee to see the world (as the Navy recruitment adverts used to put it). I was co-opted onto the D&C Committee in around 2000, to help get to grips with the upheaval caused by the new EU design laws (I've never been that good at saying no to persuasive people like Clifford Lees). I've been on others, including the pro bono committee, but have cut back to the D&C committee these days, as there is never enough time to do everything.

Do you find what you learn in Committee useful in your day-to-day professional work?

Not just useful but essential. I am surprised that more Members don't get involved in committees – there is so much knowledge, information and experience available there, and although we try to make it public there is nothing to compare with being in the room with the guys and gals who know their stuff.

What aspects of your Committee work do you particularly enjoy or find worthwhile?

Being an adrenalin-junkie, I quite like the exasperation of a last-minute consultation – for example, there was the time, back in 2003, when we pointed out that the UK design law didn't acknowledge Community Designs, which were just about to come into being, and the result was the Registered Design Regulations 2003, passed just in time. But I also enjoy our face-to-face meetings – there is always something to learn – and the seminar sessions we provide, despite the work involved.

Do you find what you learn in Committee useful and applicable in your professional work?

Designs yes, copyright only about 50% of the time.

What will you be doing in 10 years' time?

Probably just about completing this questionnaire by then.

How do you relax? Any hobbies?

Fencing, reading, swimming, travelling, my family, my dogs. Anything but IP!

How would you describe yourself in not more than ten words?

Others' descriptions matter more to me than my own.

2. About your committee

What are the current concerns of your committee?

The seemingly endless wave of copyright initiatives at UK and EU level, the abolition of the Designs Practice Group (DWPG) and apparent disinterested in consultation by UKG, the scope of registered designs.

Is there anything else farther away on the horizon that you are watching?

Substantive Design Law harmonisation at WIPO, US accession to the Hague Convention.

Do your Committee's members represent a good cross-section of practitioners of all ages and sectoral interests?

We have industry and private practice, agents and solicitors, male and female members, and a reasonable age spread – we are as representative as the profession itself.

Are you looking for new members/ new ideas?

Yes. Make that YES!

What could make your committee work more efficiently?

More use of electronic means. We are experimenting with a blog and a wiki.

3. Your committee and CIPA's Council

Could the way Council reacts your Committee's output be improved?

Not sure – sorry.

How could Council and/or the Secretariat make your Committee more efficient/successful?

No complaints.

4. Legislation and regulation

Do you have any direct contact with or access to UK Government, 'Brussels' and UK/European legislators? If not, how do you think things could be improved?

We have had good contacts with the IPO in the past, none at higher levels of UKG or with MPs. We have liaised with Sharon Bowles, CIPA member and my MEP. In the distant past we were in contact with the Commission, but not these days. Of all the players, they are the most active and hence the most important – improvements in that area would be really useful.

Following implementation of the Legal Services Act 2007, how do you think CIPA's role and will change? Will CIPA membership be as important to practising attorneys in five year's time?

CIPA will no longer be our judge and jury – alas. I should hope that they will become instead our trade union (and as a former trade unionist I say that without irony) – all other legal professions have organisations which tenaciously defend their turf and fight for their narrow interests, and I think CIPA may have to become a little less high-minded and broad-church if we are going to survive the 21st Century. But the excellent education and consultation work we do through CIPA remains as important as ever in boosting all members of our profession.

What can your committee do to encourage and retain continued support for CIPA, among patent attorneys?

CIPA benefits from everything we do. Committee work isn't just about talking, or learning, it is a badge of commitment and expertise to the technicalities of IP which committee members should wear with pride. CIPA could benefit more from the legal committees (as distinct from those concerned with CIPA business), perhaps, by building their work into the annual meetings, and getting more committee members upfront and visible perhaps in panel sessions.