THE CHARTERED INSTITUTE OF PATENT ATTORNEYS

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A consultation response from the Chartered Institute of Patent Attorneys (CIPA) to the Call for Input on Potential Powers to Protect the UK from Adverse Economic Pressure

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The Chartered Institute of Patent Attorneys (CIPA) is the professional body and approved regulator for patent attorneys in the United Kingdom. Founded in 1882 and incorporated by Royal Charter in 1891, CIPA is one of the oldest intellectual property organisations in the world. With almost 5,000 members including 2,900 Fellows (Chartered Patent Attorneys), 1,000 student members and 700 paralegal members, CIPA is the largest IP membership body in the UK. CIPA's Royal Charter covers IP practitioners with expertise in patents, trade marks, designs, copyright and all other forms of intellectual property. CIPA is governed by its elected Council, in whose name this consultation response is made.

Summary

- Intellectual property rights should not be included within any future anti-coercion instrument.
- Unlike other economic measures, interference with intellectual property rights may create permanent or irreversible consequences.
- The UK's intellectual property framework is a strategic asset that supports innovation, investment and economic growth and should not be weakened through the use of intellectual property rights as a geopolitical tool.
- Any new powers should be used only as a measure of last resort, with a high threshold for intervention, appropriate safeguards and meaningful parliamentary scrutiny.
- The UK's approach should be closely aligned with key allies and partners wherever possible.

CIPA welcomes the opportunity to respond to the Department for Business and Trade's call for input on potential powers to protect the United Kingdom from adverse economic pressure.

CIPA supports the government's objective of strengthening the UK's economic security and resilience. As an open, internationally connected trading nation, the UK requires credible tools to deter and respond to attempts by foreign states to apply coercive economic pressure. We recognise that the international environment has become more uncertain and that economic measures are increasingly being used to pursue geopolitical objectives.

However, any new powers must be designed in a manner that preserves the UK's long-standing reputation as a stable, predictable and rules-based place to invest, innovate and do business. That reputation is itself a strategic asset and a source of economic strength. For the reasons discussed below, CIPA does not support the inclusion of intellectual property rights within any future anti-coercion instrument.

CIPA's response focuses on the high-level principles we believe should guide the development of any future regime. CIPA would welcome further engagement with government on these issues, including the opportunity to provide specific examples of how the inclusion of intellectual property within an anti-coercion instrument could adversely affect UK businesses.

Any new powers should be used only as a genuine measure of last resort. Diplomatic engagement, international cooperation and existing dispute resolution mechanisms should remain the primary means of addressing adverse economic pressure. The value of any new powers is likely to lie principally in their deterrent effect rather than their routine use. The government should therefore establish a high threshold for intervention and ensure that any exercise of the powers is subject to clear evidence of serious harm, appropriate safeguards and meaningful parliamentary scrutiny.

The UK's response should be closely aligned with key allies and partners. The effectiveness of economic countermeasures depends heavily on scale and coordination. Unlike member states of the European Union or other trade blocs, the UK is not part of a large single market and should therefore be realistic about the practical impact of unilateral measures. Where action is necessary, alignment with allies will generally maximise effectiveness while reducing unintended consequences for UK businesses. Within a trade bloc, businesses have some security from continuity in that market in the event of a trade dispute with a third-party state. UK businesses would not benefit from the same degree of protection. Conversely, if the UK does not introduce such measures, businesses from third-party states may be more comfortable investing in the UK.

CIPA is concerned that the introduction of such powers may encourage reciprocal measures by other states. While the UK would be expected to apply appropriate safeguards, evidential thresholds and due process before exercising any such powers, this may not be the case in all jurisdictions. There is therefore a risk that the overall effect could be to increase uncertainty and expose UK businesses to retaliatory measures in overseas markets, potentially leaving them worse off than before.

The wider policy debate on economic security has considered the potential use of intellectual property measures. For example, the House of Commons Business and Trade Committee's 2025 report, *Toward a New Doctrine for Economic Security*, recommended that any future UK Anti-Coercion Instrument should consider a range of possible countermeasures, including the suspension of intellectual property rights. CIPA disagrees with that recommendation and the inclusion of intellectual property rights within any future anti-coercion instrument.

The government should carefully consider the interaction between any such measures and the UK's international obligations and commitments relating to intellectual property. The UK's intellectual property framework operates within a broader international legal system, and any departure from established principles could have implications extending beyond the immediate operation of the proposed powers.

On the UK’s accession to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), CIPA worked closely and successfully with the government to ensure that international trade negotiations did not inadvertently undermine the UK’s position within the European Patent Convention (EPC). This experience illustrates the importance of considering carefully how any proposed intellectual property measures may interact with the UK's wider international obligations and strategic interests.

Intellectual property rights are long-term strategic assets and differ fundamentally from many other economic measures that might be deployed in response to adverse economic pressure. Tariffs, procurement restrictions and certain trade measures can generally be introduced and later removed. Intellectual property rights are different. Where rights are lost because renewal fees cannot be paid, applications cannot be filed, or legal protections cannot be maintained, the consequences may be permanent and irreversible.

The UK’s intellectual property system underpins investment, innovation, technology transfer and economic growth. It is a critical part of the infrastructure that supports research-intensive industries and international investment into the UK. Any perception that intellectual property rights could be suspended, weakened or used as a retaliatory policy tool would risk undermining confidence in that system. That confidence is a strategic asset that contributes to the UK's attractiveness as a destination for innovation, research and investment.

There are also significant practical difficulties. Modern innovation ecosystems operate through complex international licensing arrangements, collaborative research relationships, patent pools and standard essential patents. Interference with intellectual property rights could create substantial legal uncertainty, disrupt commercial relationships and generate unintended consequences for businesses far beyond the immediate target of any measure. These complexities are particularly acute in relation to standard essential patents and other technologies that support globally interconnected supply chains.

More broadly, including intellectual property within an anti-coercion regime would risk weakening the UK’s international standing as a champion of strong intellectual property protection and the rule of law. The UK has consistently advocated for robust intellectual property systems through international institutions and trade relationships. That advocacy carries weight because the UK is viewed as a jurisdiction that provides reliable and predictable protection for intellectual property rights.

Measures that treat intellectual property as a geopolitical instrument could undermine that credibility and weaken the UK's ability to promote high standards internationally.
They may also ultimately harm UK businesses seeking to obtain, maintain and enforce intellectual property rights internationally, particularly if reciprocal measures are adopted by other jurisdictions.

The government should also consider the broader economic consequences for the UK’s innovation and professional services sectors. The UK intellectual property profession supports significant inward investment and facilitates international innovation activity. Any reduction in confidence in the UK intellectual property framework could have consequences extending well beyond the immediate operation of the proposed powers.

CIPA agrees that further stakeholder engagement will be essential should the government decide to proceed. At this stage, stakeholders have not been provided with detailed proposals regarding the operation of any potential measures. Meaningful assessment of specific options will therefore require further consultation and close engagement with affected sectors. This will be particularly important if intellectual property measures remain under consideration.

In conclusion, CIPA supports the government's objective of strengthening the UK's resilience to adverse economic pressure but does not support the inclusion of intellectual property rights within any resulting anti-coercion instrument. Any proposed new powers should be proportionate, subject to a high threshold for use, aligned with international partners and deployed only as a last resort. The unique nature of intellectual property rights, the risk of irreversible consequences, the complexity of global innovation systems and the importance of maintaining confidence in the UK's intellectual property framework all point strongly towards their exclusion from any future regime.

Yours sincerely

Lee Davies
Chief Executive