

Patents, standards and video tapes: UKCRA meeting

The most recent UKCRA meeting was held in Warwick, in the English Midlands. After the complimentary coffee and biscuits, the UKCRA board welcomed the assembled guests, including Paul Rowan MP, who is very interested in understanding and supporting the remanufacturing industry.

Another guest, Vincent van Dijk, Secretary General of ETIRA (European Toner and Inkjet Remanufacturers Association) gave a very interesting presentation about the different challenges that the industry is facing and how the association that he represents is working to overcome them. One of the hottest topics in the remanufacturing industry is intellectual property (IP) rights. This is an issue that has been around for quite a while, but for the last 18 months or so, it has become more and more prominent at industry shows and conferences as well as in industry publications.

Vincent explained that there are two main types of patents being registered by the OEMs:

- Generic patents on remanufacturing processes; consisting of various very vague descriptions of how to refill an inkjet cartridge through a hole or on how to dismantle and put back together a laser cartridge.
- Specific patents over certain products launched by the OEMs. Patents of this kind are currently out of the scope of ETIRA.

However, ETIRA is very active fighting the first type of patents. The association, with evidence provided by UKCRA, The Recycler, Recharger and the I-ICT, has filed legal opposition against two of these patents and is planning to do the same against another one very soon. This matter raised an interesting discussion among the attendees.

Vincent clarified that even though it is very unlikely that at this moment in time OEMs make use of these patents to take one or more remanufacturers to court, it is better safe than sorry. If the industry remains passive in the face of OEM activity, it could happen that one of them takes a remanufacturer to court. If so, even if the battle could be won, it would be a very difficult and resource consuming task. The

OEM would have the backing up of an unchallenged patent in the European Patents Office (EPO) and almost unlimited economic funds to defend their case whereas the remanufacturer would only have reason on his side.

In order to avoid this scenario, ETIRA has gathered information to prove to the EPO that these patents are not valid, as they are covering information that was in the public domain. This is an ongoing process which might take two years. ETIRA and The Recycler have set up a programme to follow up patents that could be used to stop the remanufacturing industry. As pointed out in the meeting by Chris Brooks, this is not very easy, as the OEMs use terms like "ink recording devices" instead of "printers" in order to make searching these patents more difficult.

Vincent also talked about ETIRA's efforts towards making European legislation more favourable to our industry. The association is working towards a review of the Waste Directive, so cartridges are recognised as not being waste. It is also monitoring the evolution of Waste shipment regulations.

The next guest was Ben Walsh from Oakdene Hollins, a research company specialising in the waste management industry. He explained to the attendees the potential of public procurements for the cartridge remanufacturing industry. The Waste and Resources Action Programme (WRAP), is a not for profit company created in 2000 as part of the Government's waste strategies across the United Kingdom. The WRAP Procurement team has produced information about remanufactured and recycled products in order to encourage Councils and Governmental offices to purchase this kind of products in their public tenders. Even though the potential seems to be very large (around 90 million pounds), UKCRA members were quite sceptical about the real possibilities of



entering this market.

Paul Rowan MP raised the issue of the carbon footprint, pointing out that locally remanufactured products are more environmentally friendly than sending the cartridges back to the OEMs for recycling. One of the delegates compared this to the "food miles" concept and the need for raising the general awareness of the benefits of remanufactured products. During the meeting it was evident that one of the things that are holding this industry back is its low profile among consumers.

Among other topics, standardisation was discussed. UKCRA had a meeting with the Office of Fair Trade (OFT) in July. Standards approved by the CEN is something that remanufacturers and OEMs are working on. It is proving to be a very complicated process but progress has been made, particularly in the monochrome laser cartridges area. The meeting with the OFT was part of a series of meetings that the Office is having separately with UKCRA and Intellect (Association which unites the major OEMs) to determine if OEMs are obstructing fair competition. These meetings are perceived by UKCRA as very positive. One of the latest outcomes has been the appointment (approved by the UKCRA members) of Keith Moss, UKCRA's Chairman, as regular consultant to the OFT.

The Recycler TV team attended the meeting and recorded some material which will be included in upcoming programmes. Keep an eye on our website to see the video: www.therecycler.com