

COVID-19: PRESSURE POINTS: THE GOVERNMENT CONFIRMS THAT IT WILL INDEMNIFY VENTILATOR MANUFACTURERS AGAINST IP INFRINGEMENT CLAIMS (UK)

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Legal Briefings - By **Rachel Montagnon**

The UK Government has issued an indemnity in relation to claims brought against the manufacturers of new ventilators produced to deal with the COVID-19 pandemic in the UK as part of the Government's campaign for rapidly manufactured ventilator systems (RMVS). A [letter](#) from Michael Gove MP to the Chair of the Public Accounts Committee (3 April) confirms that product liability and intellectual property infringement liabilities will be indemnified by the Government.

There is no specific statement of the amount the Government expects may be needed in relation to these RMVS indemnities, other than an indication that it could be over £3 million. A contingent liability for the Government of over £3 million, for which there is not statutory authority, would normally require a 14 day approval process. The exception is in cases of special urgency. In his letter, Mr Gove acknowledges that he is not using the usual procedure for liabilities over £3 million, but is notifying the Public Accounts Committee directly, in order to prevent further delay and allow the contracts for procurement to be concluded.

Mr Gove states that the need for both indemnities is *"driven by the unprecedented speed of the development of these medical device. The indemnities are essential for the emergency provision of ventilators, procured at pace"*.

[More on COVID-19](#)

KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



**RACHEL
MONTAGNON**
PROFESSIONAL
SUPPORT
CONSULTANT,
LONDON
+44 20 7466 2217
Rachel.Montagnon@hsf.com

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