

## Briefing Note: Brexit and your UK and European IP – Business as usual

The recent "Brexit" vote will - in due course - have the effect of the UK leaving the EU. Despite immediate political uncertainties, it is very much a case of "business as usual" for current and prospective IP owners in the (at least two year) period leading up to the UK's formal exit from the EU. Beyond that, the longer term implications for IP owners are likely to be limited as discussed briefly below:

### **1. No Change for at Least Two Years**

It seems highly likely that the UK will remain a member of the EU for at least a further two years. Throughout this period, we will be monitoring developments closely and will keep our clients updated.

### **2. No impact on UK National IP Rights**

UK IP rights including patents, trade marks and registered designs will not be affected in any way.

### **3. No Impact on European Patents**

The European Patent system is governed by the "European Patent Convention" (EPC) which is entirely independent of the EU. For example, Switzerland and Turkey have been non-EU members of the EPC for many years. The UK's exit from the EU will therefore have no effect on the current European patent system and European patents will continue to have full effect in the UK. The UK's participation in the new Unitary Patent system (which was scheduled for 2017) is uncertain at this stage and may form part of exit negotiations.

### **4. EU Trade Marks and EU Registered Designs**

Following the UK's exit from the EU existing EU-wide trade mark and design rights will no longer have effect in the UK. However, it is widely anticipated that the UK government will pass legislation enabling pre-existing rights to have continuing effect in the UK. As a purely precautionary measure within the period between now and the UK's formal exit from the EU, prospective trade mark and design applicants may wish to consider filing a UK national application in addition to an EU-wide application.

### **5. We Remain Qualified to Handle European IP Matters**

At present, our attorneys are fully qualified to act before the UK Intellectual Property Office, the European Patent Office and the EU Intellectual Property Office. Our representation rights before all three offices will continue uninterrupted. Following the UK's formal exit from the EU we will take any appropriate action to ensure that we can continue to act for clients before the EU Intellectual Property Office.

## 6. Longer term strategies may change

We are always considering the best filing strategies for our clients in order to obtain a good balance of geographical breadth in protection against value for money. In the *longer term*, the most appropriate filing strategy for obtaining certain types of protection in the EU may potentially change; however, rest assured that we will provide guidance and recommendations at the appropriate time.

*The above information is provided for background information only and should not be considered as legal advice.*