

Brexit: implications for IP rights

Licenses

All IP contracts concerning EUTMs and RCDs should be reviewed as their basis could be removed. Where new rights are obtained for the UK, these may need to be included in existing contracts.

European patents

These are governed by the Patent Co-operation Treaty and the European Patent Convention. Both are independent of membership of the EU and are expected to remain unchanged.

Unitary patent and the Unified Patent Court

These are uncertain as they are still to come into force. Brexit may result in the proposals being shelved.

Trade secrets

These will continue to be protected by UK law and contracts. However, UK law may not be harmonised with EU law under the proposed Trade Secrets Directive.

Copyright

This is already governed by UK law and international treaties which are outside EU membership.

Registered community designs

These are expected to stop covering the UK. Transitional provisions will be needed to preserve UK protection.

Unregistered Community design right

Will no longer cover the UK, although its short-term of protection (3 years), which is less than its UK equivalent, means this right is less likely to be missed.

European Union trade marks

These, as the name suggests, cover EU member states only. Transitional provisions are expected to ensure UK protection is not lost.

Rights owners

Where a right may be lost, thought should be given to applying for UK protection now.

