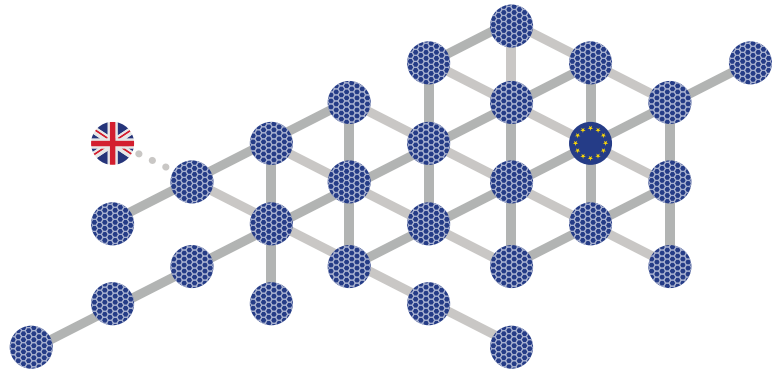




What will Brexit mean for trade mark and IP protection?

Brexit Briefing Note



Following the UK Government's recent successful vote in the House of Commons, it is now virtually certain that the UK will leave the European Union (EU) on 31 January 2020. The transition period will begin on exit day and continue until 31 December 2020 (unless that period is extended by agreement).

What is key to note is that, under the transitional arrangements, EU law will continue to apply to the UK during the transition period as though it were still a Member State. We have set out a brief note on key considerations in the field of intellectual property rights. The key message is that the status of UK and EU intellectual property rights remain largely unaffected until the end of the transition period.

TRADE MARKS

It will be business as usual for holders of both UK trade marks and EU trade marks until 31 December 2020. Guidance from the UK IPO has allowed us to anticipate the impact on trade mark rights in the UK and EU at the end of the transition period. The transition period is a good opportunity for businesses to get their trade mark rights in order.

For businesses selling goods and services in both the UK and EU, it is important to think about the value of securing

registered trade mark protection for your brand, including core products and services lines, both in the UK and EU.

COPYRIGHT

As with the position on trade mark rights, the position on copyright is largely unaffected during the transition period.

SUI GENERIS DATABASE RIGHTS

Sui generis database rights were introduced into UK law by EU legislation. Those rights provide database owners with an enforceable right to prevent the unauthorised copying or extraction of data from their databases in the European Economic Area (EEA). As these are rights derived from EU law, sui generis database rights will be unaffected during the transition period, although that position will change after the transition period ends.

NEXT STEPS

Via our European presence in Dublin and our offices throughout the UK, we will continue to support our clients during the transition period and beyond to ensure that they are well-placed to optimise the value of their intellectual property rights worldwide.



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