

“BREXIT BITES”

A Brexit would in all likelihood have a significant impact upon intellectual property legislation, much of which derives from the EU. We summarise below the important considerations for organisations looking to protect their intellectual property.

Preparing for Brexit: Intellectual Property

REGISTERED TRADE MARKS

Consider implications of the UK not being part of the European Union Trade Mark System and desirability of national protection for key brand assets

REGISTERED DESIGNS

Consider implications of the UK not being part of the European Union Design System and desirability of national protection for key design assets

PATENTS

Review plans for utilising the Unitary Patent System for filing and enforcement, and interaction with existing EPO strategy

COPYRIGHT

Monitor proposals for harmonisation of copyright law and enforcement issues, including progress of digital single market strategy

ENFORCEMENT

Consider impact of Brexit on existing IP enforcement actions (including pending court proceedings, temporary and permanent injunctions and customs actions) and future litigation

LICENSING

Review existing agreements and consider “future-proofing” options, including territorial delineations, treatment of national vs unitary IP rights and dispute resolution mechanisms for UK parties

Tailor agreements which need to be entered into in the next few months to address potential changes in the IP landscape pre and post Brexit

IP DILIGENCE IN M&A

Review IP diligence strategy for pending transactions, including options to further diligence national IP rights, query target or seller strategies for unitary patents and review historical and future enforcement activities

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K&L Gates Brexit Task Force
Clients can contact the firm with questions about the consequences of Brexit by email at brexit@klgates.com.

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