

Abel+Imray

The future of IP in Europe

The effect of “Brexit”

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Brexit – a brief reminder

+ June 2016 referendum

- Wish of the UK people to leave the EU has no immediate effect
- Requires the UK Government to act on those wishes
- Art. 50 Lisbon Treaty – UK triggers 2+ year exit process

+ Post-Brexit

- The UK is no longer a full EU member.



“Don’t panic,
Mr. Mainwaring”

“We’re NOT all doomed”

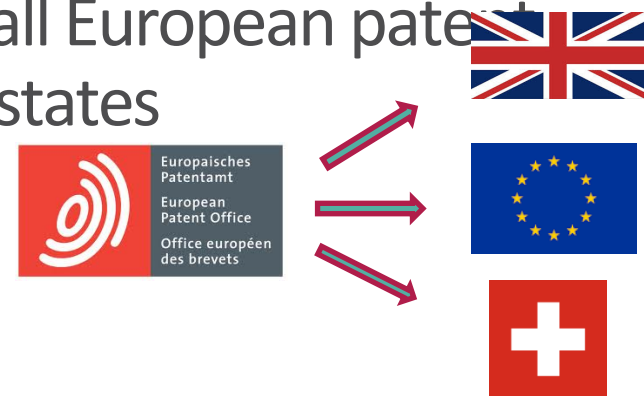
Patents in Europe

Obtaining Patents – “Brexit” effects

No change from today

+ Centrally *via* the EPO or individually *via* national offices

- The EPO is not an EU institution
- The UK remains an EPO contracting state just like other non-EU countries(e.g. CH, NO)
- No change to representation, all European patent attorneys from all contracting states



The Future? The Unitary Patent

+ An “EU Patent”

- A single right covering those of the 28 EU member states that join (at least Spain will not take part)
- Single validation procedure, fewer translations
- Centrally payable renewal fees

+ Unitary right

- Enforceable in a single action
- Revocable in a single action - good or bad?
- Cannot be split up later – good or bad?

The Unitary Patent – status

- + Not now happening in 2017
 - Current agreement require ratification by DE, UK and FR (the “big-3”)
 - Ratification by the UK affected by “Brexit”
- + Several possible routes forward
 - Nothing likely to happen soon

IP in Europe

Trade Marks
Registered Designs

EU Trade Marks after “Brexit”

UK (probably) not covered by an EUTM

- + Parallel EU TM and UK TM required
- + Probable provisions to allow conversion of EUTMs into the UK national TMs
- + Use in UK to maintain UK registration

UK TM obtainable via Madrid Protocol or via national filing

Registered Designs

Situation very similar to trade marks:

- + Registered community design (RCD)
 - Centrally granted and enforced unitary right
- + Equivalent national design registrations

Effect of Brexit similar:

- + Conversion of existing RCD in the UK
- + Parallel system going forward
- + UK soon to ratify Hague convention

Action Points

Don't panic - no urgent action required!

Possible future action:

- + Consider filing national UK TM and Designs
- + Parallel national patent filings for important cases
- + Your UK-based patent and TM attorney will continue to offer EU TM and design services alongside European patents

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