



Paper 4 - Intellectual property – implications for Industry

Intellectual property and the related areas of Copyright law are essential elements of carrying out business. They are closely linked to innovation and standardization, and are often the result of Research and Development.

EURIS industries believe that the development of a workable and beneficial IP and Copyright system is one of the most important agreements needed for a post-Brexit business environment in the UK.

- It is essential that the UK remains closely aligned to the EU policies and legislation as regards IP and copyright law.
- Currently, individuals and businesses have the choice when registering their trademarks or designs. National rights can be obtained by registering with the UK Intellectual Patent Office (IPO) or, if wider protection is required, an application can be made to the European Union Intellectual Property Office (EUIPO), for an EU Trade Mark (EUTM), or a Registered Community Design (RCD). These unitary rights afford trade mark or design protection in all current member states of the EU, including the UK. In addition, because the application and registration process is centralised, the system provides for a fast and cost effective system of obtaining extensive protection.
- A key arrangement for IP rights holders is the Application for Action (AFA) process, which enables rights holders to instruct Customs across the EU to detain shipments of goods entering or leaving the EU, where there is a reasonable suspicion on the part of Customs that the goods infringe their IP rights.
- Whilst the UK remains a member of the EU, we understand that EU Trade Marks (EUTM) and Registered Community Designs (RCD) will continue to be valid in the UK. Similarly our copyright laws will continue to comply with the EU copyright directives. The continued applicability of EUTMs and AFA process would be dependent on the exact nature of post-Brexit relationships.
- Any future solution that does not have at its heart EUTMs and the AFA process will lead to increased costs and difficulties for those seeking to protect their IP. Increased costs and lack of clarity on the future intellectual property protection environment, could discourage research and development investment in the UK and easily undermine any national innovation policy.
- It is a very positive step that the UK has now ratified the EU Unitary Patent regime as this should reduce cost and complexity for UK innovative companies seeking to protect IP. As things stand, this would be lost on the UK's exit from the EU so lobbying should now proceed to allow for the UK's continued participation, preferably also allowing for other states such as Switzerland to participate.