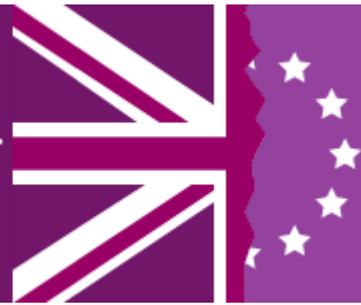


# Mills & Reeve's Brexit risk register

## Intellectual Property



As the date for the UK leaving the EU looms ever closer our legal experts have pulled together a must-read risk register for all organisations. Our register pulls out the vital issues that you need to be thinking about now in the run-up to 29 March 2019.

The risk	How to mitigate it
Potential delay in UK protection for newly filed applications for EU-wide registered rights like EU trade marks and Community designs. We expect existing registrations to be replicated in the UK after Brexit, but pending applications will need to be re-filed.	<ul style="list-style-type: none"><li>• Review your portfolios to assess the level of risk.</li><li>• Consider filing duplicate UK applications for important rights.</li><li>• Be prepared to re-file any pending applications that are not final by Brexit day.</li></ul>
IP-related agreements such as licences may not work properly after Brexit.	<ul style="list-style-type: none"><li>• Review important agreements to identify elements that will no longer work effectively, such as references to EU territory or EU-wide rights.</li><li>• Consider amending agreements to remedy defects.</li></ul>
Some rights held by UK entities (such as database right) may no longer be recognised in the EU.	<ul style="list-style-type: none"><li>• Consider alternative forms of protection where existing rights may fall away.</li></ul>
The UK may not have access to the unitary patent and Unified Patent Court	<ul style="list-style-type: none"><li>• Consider engaging UK-based representatives to manage UK rights.</li></ul>
Cross-border enforcement of IP rights after Brexit will become more complex, time-consuming and costly	<ul style="list-style-type: none"><li>• Prepare for more complex and costly proceedings where there is an EU-UK cross-border element.</li></ul>
Ongoing UK proceedings may no longer give rise to EU-wide injunctions.	<ul style="list-style-type: none"><li>• Consider commencing proceedings in an EU27 country to obtain EU-wide remedies.</li></ul>
Import and export of products and services may infringe IP after Brexit. The "exhaustion" principle will no longer include the UK as it does now and other rights clearance mechanisms will change.	<ul style="list-style-type: none"><li>• Consider where products and services that you deal in are first marketed, and what regime applies. You may need to obtain new permissions to continue cross-border activity like imports,</li></ul>

For more information or an informal chat please do contact us:



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