

Intellectual Property and Brexit

Unlocking Knowledge Transfer Webinar Series

April 2021

In the April edition of our *Unlocking Knowledge Transfer* Webinar series, we turned our attention to a topic which has had considerable interest from our audience over the last number of months: Brexit. In particular, how Brexit is going to impact on both businesses and the academic sector in terms of intellectual property? We were joined this month by three experts in the field, David Brophy - Partner & Patent Attorney, FRKelly, Stephen Donoghue - Knowledge Transfer Case Manager, NovaUCD and Unlocking Knowledge Transfer regular Joe Doyle, IP Manager - Enterprise Ireland.

David Brophy opened the discussion with an overview of the key changes and impacts to be expected when it comes to patents, trademarks and registered and unregistered designs in a post-Brexit landscape. David noted that the UK Government wanted to ensure there was as little impact on businesses as possible in relation to the various avenues of intellectual property and Brexit. As a result, the potential impact for Irish businesses and academics is, for the time being at least, relatively low. David pointed out that when it came to patents, they are governed by an inter-governmental, international organisation as opposed to solely at EU level. The biggest impact when it comes to patents is on the development of a unitary patent, this is now much less likely than it was before Brexit.

When it comes to trademarks, registered and unregistered designs, David explained that the EU databases covering these have been cloned onto a UK register so there is continuity for businesses. He also spoke of important dates businesses should be mindful of to reapply for pending EU trademarks and unregistered designs in the UK – both within 9 months of January 1st, 2021. EU businesses also no longer qualify for a 10-year unregistered design right.

Stephen Donoghue moved the conversation onto copyright saying that there were little changes in regard to copyright save for the fact that the UK has no plans to implement the EU Copyright Directive which related to content creators. Likewise with trade secrets, little change is expected, and the EU Trade Secrets Directive remains in effect in the UK while the UK is also continuing to participate in funding programs like Marie Curie and Horizon Europe. One issue, which may arise further down the line is what GDPR means for IP.

Joe Doyle rounded out the presentations with an overview of the funding supports available to businesses from Enterprise Ireland, and how IP is a fundamental part of developing trading relationships. In a poll of participants during the webinar, represented by both businesses and academia, 60% said that they have already considered how Brexit will impact their IP strategy.

To finish off the webinar, the guests discussed the broader topic of how businesses and academia should approach IP. All were in agreement that seeking appropriate and professional advice should be the first step, and that conducting an IP audit is a useful opportunity to prepare for the future. While there are not drastic changes expected with IP as a result of the United Kingdom leaving the EU, Joe Doyle pointed out that there are now far more complexities in trading with our nearest neighbour and this is very relevant for companies looking to access new markets.

The next webinar in the KTI *Unlocking Knowledge Transfer* series takes place on Tuesday 11th May at 11am, and will discuss the idea of connected health. You can register find out more about this event [here](#).