

BREXIT AND IP – UPDATE 21 JAN 2019

Brexit – Patent Implications

Although it may be obvious to those in the know, the UK's exit from the EU will not affect the current European patent system, which is governed by the European Patent Convention rather than the EU. As such, whatever the outcome of Brexit, UK individuals and businesses will continue to be able to apply to the European Patent Office for patent protection and European patents will continue to apply to the UK. Existing European patents that have been pursued in the UK will also be unaffected. Moreover, Murgitroyd's European patent attorneys, wherever they are based, will moreover continue to be able to represent applicants before the EPO.

You may ask what effect Brexit might have on the Unified Patent Court (UPC), which as you may know is intended to be a court having exclusive competence in respect of European patents and European patents with unitary effect. In this respect, the UK ratified the Unified Patent Court Agreement on 26 April 2018 and it is our understanding is that the UK intends to stay in the Unified Patent Court and unitary patent system even if the UK leaves the EU.

As regards the granting of Supplementary Protection Certificates (SPCs) for certain patents relating to medicinal or plant protection products, while the UK remains a full member of the EU, businesses can continue to apply for and be granted SPCs using the current SPC system. Our understanding is that once the UK leaves the EU, UK businesses will still be able to apply for SPCs in all remaining EU Member States under the existing system. We understand also that the UK will maintain the current SPC legal framework in the UK if we leave the EU.

As such, despite Brexit, it is business as usual in relation to patents in Europe.

See Murgitroyd's other Brexit updates by visiting [the Legal Updates page here](#).

For more information, please contact Steven Suèr:



T: 01224 706 616

E: steven.suer@murgitroyd.com

EUROPEAN PATENT AND TRADE MARK ATTORNEYS

UNITED KINGDOM

ABERDEEN

Unit G10, The Enterprise Centre
Exploration Drive, Aberdeen, AB23
8GX
Tel: +44 (0)1224 706 616

BELFAST

5th Floor, The Potthouse, 1 Hill
Street, Belfast, BT1 2LB
Tel: +44 (0)2890 320 441

GLASGOW

Scotland House, 165-169 Scotland
Street, Glasgow, G5 8PL
Tel: +44 (0)141 307 8400

LONDON

Corinthian House, 17 Lansdowne
Road, Croydon, London, CR0 2BX
Tel: +44 (0)20 8688 3490

LONDON CITY

CityPoint, 1 Ropemaker Street,
London, EC2Y 9HT
Tel: +44 (0)20 7153 1255

NEWCASTLE

Collingwood House, 3 Collingwood
Street, Newcastle Upon Tyne, NE1
1JW
Tel: +44 (0)191 211 3550

YORK

Unit F3, IT Centre, Innovation Way,
Heslington, York, YO10 5NP, United
Kingdom
Tel: +44 (0)1904 898 881

FINLAND

HELSINKI

Mannerheimintie 12B 5th Floor,
00100 Helsinki, Finland
Tel: +358 (0)92516 6388

FRANCE

NICE

Immeuble Atlantis, 55 Allée Pierre
Ziller, 06560 Valbonne, Sophia
Antipolis, France
Tel: +33 (0)4 97 21 52 00

GERMANY

MUNICH

Bernhard-Wicki-Straße 7, D-80636
Munich, Germany
Tel: +49 (0)89 3090 71100

IRELAND

DUBLIN

Unit 1, Block 8, Blanchardstown
Corporate Park, Cruiserath Road,
Blanchardstown, Dublin 15, Ireland
Tel: +353 (0)1 882 9400

ITALY

MILAN

Piazza Borromeo 12, Milan 20123,
Italy
Tel: +39 (0)2 87 39 85 50

NICARAGUA

MANAGUA

Embajada de Mexico, Una Cuadra
Arriba, A la Esquina, Casa #100,
Managua, Nicaragua
Tel: + 1 (919) 474 8300

UNITED STATES OF AMERICA

DURHAM

4721 Emperor Blvd, Suite 430
NC 27703, USA
Tel: +1 (919) 474 8300

SILICON VALLEY

5201 Great America Parkway, Suite
320, Santa Clara, CA 95054, USA
Tel: +1 (408) 542 2970

General Email:
mail@murgitroyd.com

General Fax:
+44 (0)141 307 8401