



# Intellectual property

Local authority trading standards services have a statutory duty to enforce the criminal provisions of the Trade Marks Act 1994 and the Copyright, Designs and Patents Act 1988, and also have enforcement powers in relation to criminal provisions of the Registered Designs Act 1949.

## THE SITUATION IN 2021

The UK is no longer a member of the EU, but many existing EU rules and laws continue to have effect from January 1 2021, until they become part of the 'EU retained law' in the UK.

## What has changed?

- » The UK is no longer a member of the European registration system; however, UK subjects and businesses will still be able to register EU or Community Trade Marks (CTMs) by means of application to the EU Intellectual Property Office (EUIPO) in order to gain protection in the remaining 27 EU Member States.
- » The UK will protect existing registered EU CTMs by creating comparable UK rights which will be granted automatically and free of charge.
- » The government has drafted a new trade mark regulation, The Trade Marks (Amendment etc.) (EU Exit) Regulations 2019.
- » International registered designs designating the EU will also cease to offer protection in the UK. Accordingly, the UK will create new 'equivalent registered designs' in order to ensure no loss of protection.
- » The 'exhaustion principle' in relation to goods imported from the EEA will still be in effect. However, the principle will cease to apply to exports from the UK into the EEA.

## The Political Declaration

This sets out the framework for the future relationship between the European Union. The key points are that the 'Parties' should:

- » Provide IPR protection beyond WTO/TRIPS/WIPO convention levels;
- » Preserve high levels of IP protection;
- » Maintain the freedom to establish UK/EU regimes for the exhaustion of IP rights;
- » Establish a mechanism for cooperation and exchange of information on IP issues of mutual interest.

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