



2017 AIPPI World Congress – Sydney
Lunch Panel 3: Briefing: Update on Brexit/the UPC

Article 50 of the Lisbon Treaty was triggered in March 2017, giving the UK two years to negotiate its withdrawal from the EU. Given the extent of harmonization of IP law across Europe, the consequences of a UK departure are complex. To facilitate the transition of the UK out of the EU legal system, a Great Repeal Bill will preserve and convert EU laws into domestic UK law as at the point of exit subject to adaptation in some cases.

This session will provide a briefing on the likely implications for the protection and enforcement of IP in the UK generally, including the issues of free movement/exhaustion and the jurisdictional arrangements if the Brussels Regulation (or part of it) no longer applies to the UK.

The implementation of the Unified Patent Court was at an advanced stage when the Brexit referendum took place. While the UK's announced intention to ratify the UPC agreement suggests that the UPC system might go ahead, it is unclear if and how the UK can participate in the context of the current UPC framework: part international treaty, part EU Regulation, and subject to the oversight of the Court of Justice of the EU (CJEU), especially as no references from UK courts to the CJEU are possible once the UK has left the EU.

The UPC may be operational by December 2017. This session will also provide a timely briefing on progress and the possibilities for the UK's ongoing role in the UPC, in light of the structural uncertainties due to Brexit.