

## IP IN EUROPE AFTER BREXIT

### Design

Similarly, while registered EU designs will (eventually) no-longer cover the UK, AIPEX members can also continue to file and prosecute registered EU design applications, and subsequently enforce EU design registrations.

**Consequently, all AIPEX firms will be pleased to represent our clients in all EU design proceedings, as we have always done.**

Again however, the uncertainty concerning registered EU designs relates to those EU registered designs that are presently in force. Unless the UK Government enacts suitable transitional legislation to recognize registered EU design rights in the UK, it may be the case that existing registered EU designs will no longer provide design protection in the UK. Once again, we think this is unlikely because of the consequences of loss of rights in relation to designs, which rely on novelty, and hence cannot be re-instated by later UK design applications.

In addition, EU design law also provides for unregistered EU design rights. This unregistered right provides design protection for a period of 3 years from when the design is made publically available within the territory of the EU. The protection afforded is different from that afforded by unregistered UK design rights, both substantively and in terms of duration. Accordingly, unless any transitional arrangements are put in place, it is likely that, for some designs, unregistered EU design protection will be lost as far as the UK is concerned. It is also likely that design publications in the UK will no longer trigger the existence of the EU right.