

BREXIT and Patents

The United Kingdom ended the transition period with the EU on 1 January 2021 having actually left nearly a year ago but followed the EU rules up to the end of the transition period.

There have been some changes, try taking a ham sandwich into the EU after 1 January 2021 despite the sandwich having ham made in the Netherlands. However, in the area of patents **nothing has really changed**.

The United Kingdom is part of the European Patent Convention which is a separate agreement to the EU and validation once granted is to a national patent in the selected designated countries with requirements listed in the London agreement.

UK based representatives can still represent clients worldwide before the EPO. If anything, with the situation with COVID-19, it could be argued that the wider scale use of video conferencing for oral proceedings as the default, that the situation is very much better for UK representatives, and for that matter any representatives based outside of Munich and The Hague.

No doubt post Covid there will be some intense lobbying for a return of more in-person representation, particularly by Munich and Hague based representatives for obvious reasons. For inter party hearings, such as opposition along with some appeals, perhaps an argument can be made but the better videoconferencing arrangements with virtual side rooms etc. allowing applicants and representatives to discuss the proceedings without everyone travelling to Munich or the Hague has to be welcomed and sustained wherever possible.

This may be the patent professions contribution to climate change!

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