

Kluwer Patent Blog

Top 3 posts of the summer from our IP law blogs

Kluwer Patent Blog · Friday, August 19th, 2016

As well as bringing you a [fun copyright quiz](#) to keep you entertained over the rest of the summer, we've also prepared an overview of the top 3 most-read posts from each of our IP law blogs. Unsurprisingly, Brexit was the hot topic on all three blogs, but we also have a very interesting interview with Julia Reda, MEP on the future of copyright law and details of new Commission guidelines on counterfeit goods.

Top 3 Kluwer Copyright Blog posts of the summer



1) [So what does BREXIT mean for copyright \(and database rights\) in the UK?](#) by Theo Savvides

“BREXIT will obviously have an impact on some of the intellectual property regimes the UK will operate under in the post-EU world, but will it have a significant impact on the copyright regime in the UK?”

2) [Brexit and European copyright law: some conclusions and delusions](#) by Tatiana Sinodinou

“The UK electorate’s vote to leave the European Union has been perceived as a bolt from the blue. After the initial shock, the potential legal and business implications of Brexit have been widely discussed. In the field of IP, the main concern has been to predict how UK IP business and law will be affected.”

3) [Julia Reda MEP discusses the harmonisation of copyright law, IP enforcement and Brexit](#) by Kluwer Copyright Blogger

“Here at the Kluwer Copyright Blog we are thrilled to have had the opportunity to ask Julia Reda MEP a few questions on some very topical copyright law issues. We are very grateful to Ms Reda for sparing time in her busy schedule to do the interview, and here’s what she had to say:”

Top 3 Kluwer Trademark Blog posts of the summer



1) [BREXIT and Impact on EU trademarks and design rights](#) by Verena von Bomhard

“Early in the morning of the 24 June 2016 it was announced that, by a slim majority of 51.9% to 48.1% of the participating voters, the decision had been taken for the UK to leave the EU. While not legally binding on the UK government, this decision is politically binding and at this time

clearly expected to result in the UK eventually ceasing to be an EU Member State.

How does this impact existing EU trademark and design rights? Nothing will change immediately. European Union trademarks (EUTMs) and Registered Community designs (RCDs) will still have effect in the UK until the effective exit date. What happens to these rights then will have to be determined by UK national legislation.”

2) [Germany's most famous castle has been fortified](#) by Michaela Ring

“On July 05, 2016, the General Court confirmed the decisions of the invalidity department and the Boards of Appeal of the EUIPO and decided that the EU word mark “NEUSCHWANSTEIN”, registered by the Free State of Bavaria for goods and services in various classes remains registered since the trademark neither consists exclusively of an indication serving to designate the geographical origin of the goods and services and is not devoid of any distinctive character, nor was the mark applied-for in bad faith (GC decision of July 05, 2016, T-167/15).”

3) [The EU Commission publishes its guidelines on counterfeit goods in transit](#) by Bartosz Krakowiak

“On July 5, 2016 the EU Commission published its “[notice on the customs enforcement of Intellectual Property Rights concerning goods brought into the customs territory of the Union without being released for free circulation including goods in transit](#)” (in short: “**Transit Guidelines**”). The document is a slightly delayed reaction to the recent changes in the EU trademark laws ([EU Trademark Regulation](#) and [Trademark Directive](#)), which introduced a significant change in relation to enforcement of trademark rights against counterfeit goods transiting through the EU or a Member State.”

Top 3 Kluwer Patent Blog posts of the summer



1) [Brexit: scenario discussed to save the Unitary Patent system](#) by Kluwer UPC News Blogger

“How to save the Unitary Patent project? As soon as the outcome of the UK referendum on a Brexit was known, discussions started behind the scenes about ways to adapt the Unitary Patent system so the UK can stay in.”

2) [Even in case of a Brexit, UK may join Unitary Patent system](#) by Kluwer UPC News Blogger

“A Brexit would be harmful for Europe and a Unitary Patent system without the UK would be less appealing for Europeans as well as Americans and Asians. Most industries cannot afford that their products are only marketed in the UK and not in the other 24 UPC countries, so the system may still be quite effective, but the perception will be that it is handicapped. Besides, if a proprietor wants an injunction for the whole territory, he will have to pay for both UPC and UK litigation, which will make enforcement quite expensive. These are some of the observations of Bird & Bird Partner Wouter Pors regarding the upcoming UK referendum on EU-membership. Still, even in case of a Brexit, there could be ways to keep the UK in the Unitary Patent system, he thinks.”

3) [Brexit referendum shock – what will be of the Unitary Patent system?](#) – by Kluwer UPC News Blogger

“With many others, the European IP community is in shock after yesterday’s UK referendum. Though polls had indicated it was impossible to predict whether ‘Remain’ or ‘Leave’ would prevail, somehow it was difficult to believe the UK would really turn its back on the European Union.

For European patent specialists, it is hard to accept that the Brexit vote deals a blow to the Unitary Patent system, which should have started functioning next year. It will be delayed and weakened by the vote for a Brexit, as the UK cannot stay in the system if it is not an EU member. Some reactions on the outcome and views of what should happen as gathered by Kluwer IP Law:”

Read further posts on the Kluwer Copyright Blog [here](#), the Kluwer Trademark Blog [here](#) and the Kluwer Patent blog [here](#).

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