



## **Brexit: Impacts for IP, Trade and Commercialisation Agreements**

**Tuesday, 12th May 2020**

**3:30pm – 5:00pm**

### **Preliminary Programme**

**3:30pm** Chair's Introduction

*Simon Chalkley, LES B&I President*

**3:35pm** **Brexit Impacts 1: What business needs to know about management of their brand and design assets post-Brexit and the impacts for brands and designs licensing.**

This session will include:

- How cloned comparable trademarks will operate
- What action should be taken
- What costs will be involved
- An assessment of the position in the light of the final withdrawal agreement

*James Love, Partner, Womble Bond Dickinson*

**3:50pm** **Brexit Impacts 2: What we know already about divergences in law and their potential impact on business: Enforcement of IP rights; parallel trade and exhaustion of IP rights; impacts on other intellectual property rights.**

This session will include:

- What the Withdrawal Agreement says about Intellectual Property
- Known divergences between European and UK Law
- Exhaustion of Rights
- Effect on Parallel Imports
- Effect on GDPR

*Dai Davis, Partner, Percy Crow Davis & Co*

**4:05pm**      **Brexit Impacts 3: Practical considerations for IP rights holders and business. How are Irish businesses planning for Brexit? – An Irish Perspective**

This session will include:

- An overview of the Irish perspective
- Cross border trade issues
- What businesses in Ireland are planning
- What practical steps businesses have taken

*Ann Henry, Partner, Pinsent Masons (Ireland)*

**4:20pm**      **Brexit Impacts 4: IP Commercialisation Contracts – drafting for and impacts of Brexit: force majeure, material adverse impact and frustration; choice of law and jurisdiction; where contract disputes may arise.**

This session will include:

- What Brexit means for exclusion/limitation clauses
- What Brexit means frustration/force majeure clauses
- Arbitration and jurisdiction
- Drafting comments

*Gideon Shirazi, Barrister, 4 Pump Court*

**4:35pm**      **Panel Session: Questions and Answers**

**4:55pm**      Chair's closing remarks

**5:00pm**      End of Session

**About the Speakers**

**James Love**

James is a solicitor–advocate with 30 years' experience specialising in intellectual property, including handling disputes in the Supreme Court. He recently joined international legal practice Womble Bond Dickinson as a partner, after having run his own successful IP boutique, James Love Legal, for 13 years. James was a member of the Law Society Intellectual Property Law Committee for 10 years, during which time he assisted the government on the implementation of the Trade Marks Directive, sat on the UKIPO Trade Marks and Designs Forum, and worked in conjunction with the Law Commission on the reform of "threats" legislation. He currently sits on the Law Society International Committee. James' views have been sought on national television and radio, as well as being quoted in the national and international press such as the FT and the South China Morning Post.

**Dai Davis**

Dai Davis is a technology lawyer. He holds Masters Degrees in both Physics and Computer Science. He is a Chartered Engineer and Member of the Institution of Engineering and Technology. Dai has consistently been recommended in the Legal 500 and Chambers Guides to the Legal Profession. Having been national head of Intellectual Property Law and later national head of Information

Technology law at Eversheds, Dai is now a partner in his own solicitor's practice, Percy Crow Davis & Co.

Dai advises clients throughout the country on non-contentious Intellectual Property and Information Technology matters. Dai advises businesses, including law firms, on all types of technology law issues including Software Licensing and Distribution, Data Protection, Cryptocurrency, IT Security, Cloud Computing and Open Source issues.

Dai is a non-executive director of FAST (Federation Against Software Theft) and a Freeman of the City of London through WCIT (Worshipful Company of Information Technologists).

### **Ann Henry**

Ann Henry leads the IP and Data Litigation team for Pinsent Masons in Dublin. Ann was Chairwoman of the Intellectual Property and Data Protection Committee of the Law Society of Ireland from 2016-2018. She has been involved in numerous IP policy initiatives at national and EU level. She is a member of the Irish Government's Data Forum which sits in the Dept. of An Taoiseach and which considers data related issues relevant to the development of Ireland's digital economy. She has been involved in many of the leading cases to come before the Irish Courts. Most recently she advised the Data Protection Commission in Ireland in Schrems II, concerning the reference to the CJEU on the question of the validity of standard contractual clauses. She is currently advising on a number of patent litigation cases before the Irish Courts.

### **Gideon Shirazi**

Gideon is a barrister at 4 Pump Court specialising in high-value, complex commercial litigation and international arbitration, with a particular focus on technology, data and IP licensing disputes. He was featured in the 2018 Global Data Review's "40 Under 40": a list of the top 40 data lawyers worldwide aged under 40, and is ranked in Chambers & Partners for IT which notes "He really knows his stuff, is very knowledgeable and very commercial where it counts". He often acts as sole counsel against senior juniors, QCs and eminent arbitration practitioners.