

## **Data & Intellectual Property**

### **Data**

Personal data is any information that can be used to identify a living person, including names, delivery details, IP addresses, or HR data such as payroll details.

Most organisations use personal data in their daily operations. If you receive personal data from the EU for business use, you may need to take action on data protection.

Additionally, if you provide online service in the EU, you will have to ensure that you are compliant with relevant requirements in each EU country you operate in.

#### **✓ Be prepared on data protection and data transfers.**

If you're a business or organisation that receives personal data from the EU/EEA, you may need to take action on data protection as we transition to our new relationship with the EU. Check how you can legally continue to receive personal data such as names, addresses or payroll details from organisations in the EU or EEA from 1 January 2021. You may need to update your contracts or take other steps.

A UK company that receives customer information from an EU/EEA company, such as names and addresses of customers, suppliers or partners to provide goods or services should check how they can legally keep receiving the data from 1 January 2021.

To understand more about the steps you need to take, visit:

<https://www.gov.uk/guidance/using-personal-data-after-brexit>.

A full list of EU and EEA countries is available at: <https://www.gov.uk/eu-eea>.

#### **✓ Replace .eu top level domain names**

If you hold a .eu domain, check if you need to replace it. From 1 January 2021, you'll no longer be able to register or renew .eu domain names if your organisation, business or undertaking is established in the UK but not in the EU/European Economic Area (EEA), or if you live outside of the EU/EEA and are not an EU/EEA citizen. Find out more at:

<https://www.gov.uk/guidance/eudomain-names-what-you-need-to-do-to-get-ready-for-brexit>.

**✓ If you provide online services to countries in the EEA, check if rules in those countries newly apply.**

The eCommerce Directive currently allows UK based online service providers to operate in any EEA country, while only following relevant rules in the country in which they are established. This framework will no longer apply to UK providers from 1 January 2021.

You should consider whether your services are currently in scope of the Directive, and if so, ensure that you are compliant with relevant requirements in each EEA country you operate in.

Depending on the nature of your online services you may already comply with these requirements.

Find out more at: <https://www.gov.uk/guidance/e-commerce-directive-what-online-service-providers-in-the-uk-should-do-to-get-ready-for-brexit>.

**✓ Ensure compliance with Network and Information Systems Directive if operating in the EU/EEA**

If your business is a UK based Digital Service Provider to the EU/EEA, make sure you comply with the Network and Information Systems Regulations and the associated EU Directive from 1st January 2021. The Network and Information Systems Directive provides legal measures to boost the overall level of network and information system security in the EU. To comply, you must appoint a representative in one of the EU member states where you offer services. Find out more at: <https://www.gov.uk/guidance/nis-regulations-what-uk-digital-serviceproviders-operating-in-the-eu-should-do-after-brexit>.

**Useful links:**

- ICO Website - Data protection at the end of the transition period: <https://ico.org.uk/for-organisations/data-protection-at-the-end-of-the-transitionperiod/>.
- Legal aspects of information society services: <https://eur-lex.europa.eu/legalcontent/EN/ALL/?uri=CELEX%3A32000L0031>.

## **Intellectual Property**

The Intellectual Property system will continue as it is until 31 December 2020. There will be no disruption to IPO services or changes to the UK IP system during this transition period. The IPO will convert almost 1.4 million EU trade marks and 700,000 EU designs to comparable UK rights at the end of the transition period. However, there will be some actions business will have to take in order to protect their intellectual property.

**✓ Business should consider whether changes to the framework for the exhaustion of IP rights will impact their business. They may want to seek legal advice to inform their assessment.**

If you currently export intellectual property protected goods (such as goods branded with a trade mark) from the UK to the EEA that have already been placed on the UK market, you may need to contact the rights holder to get permission to continue after 1 January 2021. If you own intellectual property rights in goods first sold in the UK, you will need to consider if you want to allow parallel exports of your intellectual property-protected goods from the UK to the EEA after 1 January 2021. More information is available at: <https://www.gov.uk/guidance/exhaustionof-ip-rights-and-parallel-trade-after-the-transition-period>.

**✓ Business should consider if any potential changes to the eligibility for unregistered designs rights in the UK and the EU will impact their business.**

From 1 January 2021 onwards the unregistered Community design will no longer cover the UK. A new supplementary unregistered design, mirroring the characteristics of the Community right will be introduced in the UK. Unless there is an agreement on disclosure, eligibility will be restricted to the territory in which a design is first disclosed, either the UK or EU. You may not have IP protection in your most important market if you do not make an informed choice about first disclosure of their unregistered designs.

You should consider if any potential changes to disclosure requirements will impact your business and check with your legal team about how best to secure unregistered design protection in the UK and EU. More information is available at: <https://www.gov.uk/guidance/changes-to-unregistered-designs-after-the-transition-period>.

## **Useful Links**

Intellectual Property - [Intellectual property and your work - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/topics/intellectual-property)

Conformity Assessment - [Conformity assessment and accreditation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/topics/conformity-assessment)

CE Marking [Placing manufactured goods on the EU market from 1 January 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/topics/ce-marking)

[UK product safety and metrology from 1 January 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/topics/uk-product-safety-and-metrology)

[Intellectual property after 1 January 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/topics/intellectual-property)