

Brexit: When two become one

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The UK government is in the process of selecting a new leader for the reigning Conservative party, all against the backdrop of the impending Brexit deadline (31 October 2019). The members of the Conservative party will vote for one of the two candidates, Boris Johnson and Jeremy Hunt, with a victor announced next week on 23 July 2019. At the risk of sounding like a broken record, we remain hopeful that the conclusion of the Conservative leadership race will bring us a degree of certainty as to next steps with regards to everyone's favourite severance of political union.

Both candidates have set out their view on Brexit and the parameters of their preferred approach. Jeremy Hunt, the current Foreign Secretary has stated that he would rather the UK leave with a deal, however, that he would back a no deal Brexit. He proposes the creation of a new negotiating team with a view to producing an alternative Brexit deal to that proposed by Theresa May, with a view to resolving outstanding issues with EU leaders over the course of August. If this is not accepted by early September, talks will be abandoned and focus will shift to no deal preparations.

Boris Johnson, presently a Conservative party backbencher, has set his stall on the UK leaving the EU by the 31 October deadline no matter what. That said, he has also confirmed that he considers the likelihood of a no deal Brexit being a million to one. He intends to negotiate an alternative deal, like his adversary Hunt, and has proposed that, if the new deal is not agreed, he will request that a standstill

period (a transition period of sorts) is granted in order to negotiate a free trade deal.

What that gives us in terms of certainty around IP provisions over the coming six months is not altogether clear. Certainly, both politicians have made it clear that they intend for the UK to leave the EU by the end of October but both seem to prefer leaving in an orderly fashion with clear parameters set on the exit, rather than leaving without such an arrangement in place.

The new arrangements being discussed may well change the provisions relating to IP as were set out in Theresa May's previous deal; only time will tell on this front. That said, one might assume that the crux of these agreements are unlikely to hinge on the intellectual property provisions (much as we consider they ought to...) and as such it may be that these particular provisions are similarly reproduced in the resulting deals.

With luck, the conclusion of the Conservative Party leadership race will bring with it a clearer focus on resolving outstanding issues with regards our international political position. We shall report on further updates in due course.