



Brexit: Impacts for IP, Trade and Commercialisation Agreements

Joint Meeting between LES Britain and Ireland, LES Benelux and LES France

Online Zoom Video Conference: Thursday, 18 February 2021

Start: 3:30pm (UK time) / 4:30pm (European time)

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Programme

This online session is the first of what we hope will be a series of three, looking at the impact of the final Brexit Treaty, the “Trade and Cooperation Agreement between The European Union and the United Kingdom” from an Intellectual Property, Information Technology and Data perspective. The first session will concentrate on what Brexit means for the historical interpretation of existing Intellectual Property licensing agreements, as well as future licensing agreements.

There will be two talks of thirty minutes each, allowing an ample time of 30 minutes afterwards for questions and answers.

3:30 Chair’s Introduction

Laura MacDonald, LES Benelux

3:35 **Brexit: The story so far, Interpretation, Copyright and Database Rights**

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:

- Some comments on what the Withdrawal Treaty says about Copyright
- Known divergences between European and UK Law
- Exhaustion of Rights and Parallel Imports
- Effect on GDPR
- Effect on Data Base Rights and on those qualifying for those rights

Dai Davis, Partner, Percy Crow Davis & Co

4:05 **Brexit: Commercial Contract Issues**

Intellectual Property issues in commercial 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 for frustration and force majeure clauses

- Arbitration and jurisdiction issues, post Brexit
- Post Brexit enforcement of rights
- Drafting comments

Gideon Shirazi, Barrister, 4 Pump Court

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

5:05 Chairs' closing remarks

5:10 Session closes

About the Speakers

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 for over 25 years. 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 on non-contentious Intellectual Property and Information Technology matters. Dai is a non-executive director of FAST (Federation Against Software Theft) and a Liveryman of the City of London through WCIT (Worshipful Company of Information Technologists).

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 and Legal 500 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.

Laura Macdonald (Chair)

Since 2016, Laura heads up the HQ of ASTP (the largest trans-European members association for knowledge transfer professionals) running training events and conferences for those working at the academic/industrial interface. Laura originally qualified as a Scots lawyer, specialising in EU and IP law. Her transition to the world of academic/industrial collaborations started in 1992 in Dundee when she established the first in-house legal function in a UK university to support such collaborations. Then followed a career in Edinburgh University and latterly Leiden, The Netherlands with responsibility for establishing collaborations, research consortia, managing IP portfolios, setting up spin-outs and training colleagues.