Shifting Sands: Brexit
ALPSP Conference 15 November
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“Brexit means Brexit”

23 June: “Should the United Kingdom remain a member of the European Union?”

**NO = BREXIT**

— **When** should the UK leave the EU?
— **How** should the UK leave the EU?
— **What** kind of relationship should the UK and EU continue to have?
Shifting sands

Currency fluctuations.

Trade relationships outlook.

Proceeding with caution.

Refocussed lobbying and campaigning.

Alternative models (e.g. EEA, EFTA or “bespoke”).
Strategic thinking in the sand-pit

- Intellectual property rights
- Contracts
- Data protection
- Employment
Intellectual property rights

Copyright
— Largely national law and international treaties.
— EU harmonisation and the Digital Single Market?
— Continue to comment, contribute & influence.

Trade marks
— EU trade mark or EU + UK trade mark?
— Conversion mechanism?
— Review portfolio, plan & budget
Contracts

Scope
— Territorial scope.
— Trade and IPR licences.
— Review territories and IPRs.

Governing law and jurisdiction
— EU courts likely to continue to respect English law contracts.
— Arbitration likely to be more popular.
— Consider alternative dispute resolution.

Termination rights
— Force majeure?
— Pricing or service terms review.
— Opportunities for renegotiation.

Consumer contracts
— Heavily shaped by EU laws: Post-Brexit review?
— Compliance required for doing business in EU.
— Plan for continued compliance.
EU General Data Protection Regulation

GDPR
— Updates and harmonises law across Europe.
— Stronger rights, stricter obligations.
— Heavier enforcement: €20M or 4% of global annual turnover.

Brexit is no excuse
— Likely to come into force before Brexit.
— Applies to anyone outside EU processing data to offer goods/services to or monitor EU citizens.
— Adequacy of law required for data transfers.

Timeline
— Four years in the making.
— In force from May 2018.

To do list
— Steering committee & data protection officer.
— Data audit.
— Policies and training.
Employment

Right to work in UK
— Free movement of people a key political issue.
— No clarity on post-Brexit position.
— Audit & assess opportunities for claiming rights to work in UK and EU.

Recruitment
— Consider diversifying recruitment policy.
— Beware of discrimination.
— Review policies.
Surviving the shifting sands of Brexit

— Take stock
— Be prepared
— Maintain influence