

# Shifting Sands: Brexit

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@AlexHardy\_



# “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

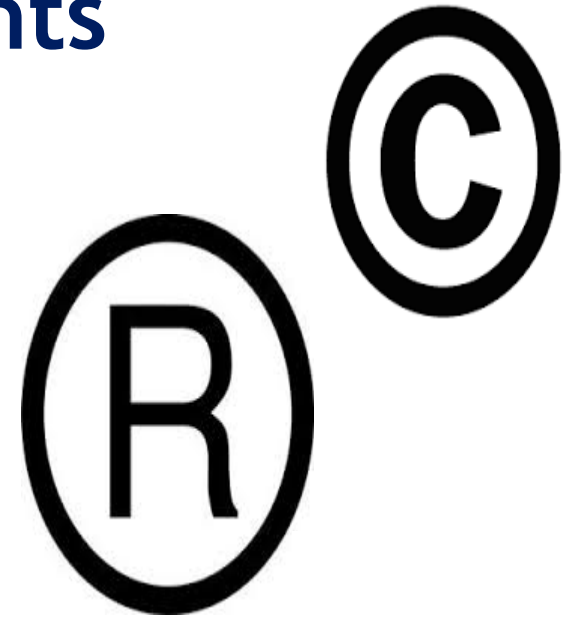
# Intellectual property rights

## 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



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# 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.

## Timeline

- Four years in the making.
- In force from May 2018.

## 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.

## 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

Questions?

[alex.hardy@harbottle.com](mailto:alex.hardy@harbottle.com)

[@AlexHardy\\_](#)

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**Harbottle & Lewis LLP**

Hanover House

14 Hanover Square

London W1S 1HP

**T:** +44 (0)207667 5000

[Harbottle.com](http://Harbottle.com)