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Legal opinion now available on the UK's continuing participation in the UPC post-Brexit

The IP Federation, the Chartered Institute of Patent Attorneys and the Intellectual Property Lawyers Association have obtained the opinion of leading counsel (Richard Gordon Q.C. and Tom Pascoe, both of Brick Court Chambers) on the UK's ability to continue to participate in the UPC post leaving the European Union. As a contributor to the costs of obtaining of this opinion and through its membership of the IPLA, EIP have obtained a copy and it is available to download here .

Contrary to some earlier views based on the CJEU's Opinion 1/09, the opinion leaves the door open to continuing participation. This is a particularly important question to have answered as calls for the UK to ratify the UPC grow across Europe. We therefore consider this to be a particularly important document for the IP community (and indeed government) to consider.