



Competition Law Association

British Group of the
Ligue Internationale du Droit de la Concurrence
(International League for Competition Law)

www.competitionlawassociation.org.uk
www.ligue.org

GOLDING ESSAY PRIZE 2017

The CLA is offering a prize of £1000 to be awarded for an essay submitted by a student, trainee solicitor, pupil barrister, devil barrister (from Scotland) or trainee patent and trade mark attorney on the following topic:

How can owners of EU trade marks effectively maintain their rights following Brexit, and what implications is this likely to have for trade mark litigation and licensing? Will any assistance be needed by way of legislation to preserve rights of such owners in the UK?

Whilst IP rights may have been far from the minds of many of those voting in the referendum on 23 June, the vote for “Brexit” has potentially serious and wide-ranging implications for IP rights owners and, in particular, the holders of unitary rights which currently extend to all EU Member States, such as the EU trade mark (EUTM).

Of primary importance to holders of existing EUTMs will be how best to maintain the same protection currently afforded by their EUTMs post-Brexit. Some of the issues entrants might like to consider include: is conversion of these rights into UK national rights a realistic possibility, or should other strategies be considered as an alternative? The enforcement of such rights must also be considered. What will happen to existing cross-border injunctions based on existing EUTMs following Britain’s exit from Europe and how might Britain’s future relationship with Europe impact the availability of similar relief going forward? More generally, what impact will Brexit have on contracts which have IP rights at their core, such as trade mark licence agreements? For example, how will an existing licence to use a trade mark in “the EU” be construed once Britain is no longer a Member State and how can businesses ‘future proof’ their agreements in the face of an evolving concept of “Europe”?

The essay shall be of a maximum length of 5000 words (inclusive of footnotes) and the closing date for submission of entries is 28 February 2017. Entries should be formatted on A4 in at least 11 point font and 1.5 spacing with footnotes at the bottom of the page, and submitted in electronic form to the CLA secretary, Sharon Horwitz at sharon.horwitz@cma.gsi.gov.uk.

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Entrants should please place a codeword instead of their real name on the essay and include both the codeword and real name, with confirmation that the author satisfies the entry qualifications, in the covering e-mail.

Those already qualified as lawyers whether in the United Kingdom or a foreign jurisdiction are not eligible for the prize and the entry qualifications apply as at 28 February 2017.

The panel of judges will be:

Michael Browne (Chairman)	Redd Solicitors LLP
Ilanah Simon Fhima	UCL Faculty of Laws
Arty Rajendra	Rouse & Co International LLP

The decision of the judges is final and the CLA reserves the right not to award the prize if the judges consider that no entry is of a sufficiently high standard or to divide the prize between two or more entries if the judges so decide.

The CLA encourages all entrants to consider submitting their entries for publication, and may lend support to the submission of the winning entry. The winning entry must only be published if it is identified on publication as having won the CLA's Golding Essay Prize. All entrants agree not to submit their entries for publication until after the judges have announced their decision.

With kind regards

Sharon Horwitz
Secretary

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