
DRAFT STATUTORY INSTRUMENTS

2018 No.

**The Intellectual Property (Exhaustion
of Rights) (EU Exit) Regulations 2018**

PART 2

Effect of certain retained EU law

Exhaustion of intellectual property rights

2.—(1) Anything which—

(a) was, immediately before exit day, an enforceable EU right relating to the exhaustion of rights of the owner of an intellectual property right under Articles 34 to 36 of the Treaty on the Functioning of the European Union⁽¹⁾ or Articles 11 to 13 of the Agreement on the European Economic Area⁽²⁾, and

(b) is retained EU law by virtue of section 4 of the European Union (Withdrawal) Act 2018, has the same effect on and after exit day, despite the United Kingdom not being a member State, as it had immediately before exit day.

(2) In this regulation “enforceable EU right” has the meaning given by section 2(1) of the European Communities Act 1972⁽³⁾ (as that Act had effect immediately before its repeal by section 1 of the European Union (Withdrawal) Act 2018).

⁽¹⁾ OJNo. C83, 30.3.2010, p.47.

⁽²⁾ OJ No. L1, 3.1.1994, p.3.

⁽³⁾ 1972 c.68.