

# Horizon Scanner – Intellectual Property

## Copycat products and the Digital Markets, Competition and Consumers Act 2024

Provisions of the Digital Markets, Competition and Consumers Act 2024 (DMCCA) which address copycat products have commenced operation, alongside new potential fines for non-compliance.



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## Design right reform proposals

EU design reforms have now come into force. The UK IPO has also recently surveyed designers on how the domestic system should be improved, and this will be followed by a consultation on UK reform proposals later in the year.



## UPC and 'long arm' jurisdiction

In two recent decisions, the UPC and the CJEU have addressed the long arm jurisdiction of EU national courts and the Unified Patents Court (UPC) to decide patent infringement cases, even if the patent was granted in a different country.



## Bad faith in trade mark law

In November 2024 the UK Supreme Court delivered judgment in Skykick v Sky clarifying the test for bad faith under UK trade mark law. We now await guidance from the UKIPO on how the decision will be implemented by trade mark examiners.



## Can you obtain patent protection for AI?

The UK Supreme Court has granted permission to appeal in the Emotional Perception case, which will address the availability of patent protection for AI tools in the form of artificial neural networks (ANN).

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## UK Copyright and AI consultation

On 17 December 2024, the Government launched a consultation to resolve the ongoing tension between copyright law and artificial intelligence. The consultation has now closed, and we expect a response involving potential legislative changes later this year.



## EU withdraws proposals for SEP Regulation

In February 2025 the EU Commission withdrew its controversial proposals for a new EU Regulation on Standard Essential Patents (SEPs) – new reforms not expected until 2029.