

UNDERSTANDING ON FOOTNOTE 14 TO ARTICLE 10.30 OF THE INTELLECTUAL PROPERTY CHAPTER

During discussions on Chapter Ten (Intellectual Property) of this Agreement, the Parties discussed the need for the inclusion of new footnote 14 to Article 10.30 for the purposes of clarification and to preserve the status quo.

The Parties share the understanding that two types of unregistered design right operate alongside one another in the United Kingdom: a national Unregistered Design Right, provided for by Part III, Copyright, Designs and Patents Act 1988 and a Community Unregistered Design right provided for by EU Regulation (EC) No 6/2002 on Community designs.

The Parties agree that Article 10.30 of this Agreement only applies to the European Union's Community unregistered design right as retained in the United Kingdom's law through the European Union (Withdrawal) Act 2018 after the United Kingdom leaves the European Union. The Parties recognise that this is because the Korea-EU FTA only applies to the Community unregistered design right.

Based on this understanding, the Parties agree that footnote 14 provides this clarification.

The United Kingdom confirms that the inclusion of footnote 14 does not affect the conditions under which a design qualifies for protection as a national unregistered design right or a Community unregistered design right as retained in the United Kingdom's law through the European Union (Withdrawal) Act 2018 (referred to above). Accordingly, the United Kingdom intends that those Korean businesses or persons eligible to use these rights previously will continue to be able to do so after the United Kingdom leaves the European Union.

This Understanding shall constitute an integral part of this Agreement.