

IP insights: January 2025

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Welcome to our round up of the most important news and insights in intellectual property.

About our IP team

Our award-winning intellectual property lawyers across the UK and Ireland advise on the full range of rights from patents, confidential information and designs to trade marks and copyright. Our team is ranked by World Trademark Review, Managing Intellectual Property, IP Stars and IAM Patent 1000, Chambers UK and Europe and Legal 500.

Browne Jacobson advise Clean Power Hydrogen on new global IP licence

Browne Jacobson, led by Nick Smee and Jess Zareh, advised Clean Power Hydrogen Group (CPH2), a leading UK manufacturer of membrane-free electrolyzers for green hydrogen production, in a landmark deal that will enable the construction of 2GW of electrolyzers in Ireland over a period of up to 20 years.

This follows a succession of recent projects which our IP and green technology specialists have delivered for CPH2.

[Full press release](#) →

Insights

IP: Predictions for 2025

2024 was a busy year in the world of IP. Our team takes a look at the biggest cases of last year and what might be to come in 2025...

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Can the disclosure of a design in the UK be used for unregistered protection in the UK and EU?

Unregistered design rights play a crucial role for UK designers, particularly in fast-paced industries like fashion. Post-Brexit, the complexities of first disclosure in both the UK and EU markets have increased, often leading designers to opt for simultaneous online disclosures to maintain novelty.

As the EU prepares to introduce a new design regime, Bonita Trimmer, Giles Parsons, and Alice Elliott-Foster explore the evolving landscape of design protection in their latest Q&A with LexisNexis UK.

[LexisNexis Q&A \(paywall\)](#) →

UK court clarifies copyright protection for "works of artistic craftsmanship"

In a key decision, IPEC evaluated the eligibility of functional designs like the WaterRower for copyright protection under the CDPA, highlighting a significant divergence between UK and EU laws.

With the court taking a more restrictive approach than the CJEU in Cofemel, this decision will have significant consequences, particularly for the protection of functional items.

With an appeal granted, Nick Smee and Shania Hussain analyse what this means for UK designers moving forward.

[Read more](#) →

Ireland: Trade mark infringement and interim injunctions

Our recent practice note for Lexis Nexis outlines how injunctions can function as an effective legal tool for proprietors of Irish and EU trade mark registrations.

The note, produced by Shannon Fahy and Keara McGinley, discusses interlocutory and Mareva injunctions, as well as Anton Piller and Norwich Pharmacal orders, and the procedure associated with each.

[LexisNexis note \(paywall\)](#) →

UK consumer law: What is changing and how might it affect retailers?

The Digital Markets, Competition and Consumers Act 2024 introduces major updates to UK consumer protection laws.

With the CMA's enhanced powers to impose fines for consumer law violations, Emma Roake and Phoebe Price look at how retailers must adapt to avoid hefty fines and reputational harm.

[Read more](#) →

Supreme Court slices Sky's trade marks

At the end of last year the Supreme Court restored the judgement of Justice Arnold, to find that Sky acted in bad faith when applying for overly-broad trade marks.

The decision clarified that a lack of intention to use a mark for goods and services within the specification can provide the basis of an invalidity challenge. It is likely this judgment will see more carefully considered specifications and strategic invalidity challenges in the near future.

Giles Parsons, Bonita Trimmer and Alice Elliott-Foster discuss the landmark decision and its practical implications in a recent article for LexisNexis.

[LexisNexis article \(paywall\)](#) →

The EU Cyber Resilience Act: An overview

The Council of the European Union has recently adopted the Cyber Resilience Act, marking a pivotal moment in cybersecurity standards for digital products, like connected home devices.

The regulation addresses security gaps and mandates that products must meet essential cybersecurity requirements before market entry. With clear labelling and compliance requirements, it promises a safer digital marketplace for consumers

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