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INTELLECTUAL PROPERTY

Royal IP continued

29 May 2020 *3 min read*

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We have previously written about Prince Harry and Meghan Markle stepping down as "*senior royals*". The Duke and Duchess of Sussex will be financially independent balancing their time between the United Kingdom and North America and are assuming their newly defined roles as agreed by the Royal Family. The terms of the Spring 2020 transition are now detailed on their website.

What remains is that the Royal Couple continue to receive extensive press coverage and with it, various legal matters have arisen, notwithstanding two issues concerning intellectual property ("IP").

Copyright

Around the time of their wedding, Meghan Markle had addressed a private five-page letter to her father, Thomas Mark and certain extracts were published in the press. As a result, the Mail on Sunday is currently defending claims of copyright infringement, invasion of privacy and misuse of personal data in court proceedings brought by the Duchess.

What might, however, be considered a set-back to Meghan Markle's case are the recent initial findings by a UK virtual court wherein certain of the allegations raised are regarded to be "irrelevant" to her claim for misuse of private information, copyright infringement and breach of the Data Protection Act. These include allegations that the Mail on Sunday had "stirred up" issues between Meghan and her father, and that it had an "agenda" of publishing intrusive or offensive stories about her. The view, however, remains that this judgment would make no difference to Meghan Markle's claim for misuse of private information and, at the time of writing, it is expected that the matter will continue to run its course.

Trade marks

The Royal Couple had filed for the registration of the trade mark SUSSEX ROYAL for various products and ventures in the UK, Australia, Canada, the European Union and the USA in a wide range of classes from stationery to fundraising and social care services. At that time it was reported that brand SUSSEX ROYAL already had several million followers on Instagram and that the name had been applied to a wide range of products possibly generating an income of four hundred million sterling or more. Understandably too, these actions sparked many questions on whether the Duke and Duchess had the right to use and register trade marks comprising Sussex Royal.

The Spring 2020 transition brings with it some clarity. The Duke and Duchess of Sussex will instead establish a non-profit organisation to complement other existing global organisations and won't be utilising the name Sussex Royal or any other iteration of Royal. As a consequence, those Sussex Royal trade marks filed are being removed.



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