



Daily COVID-19 Bulletin

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July 2, 2020

To Our Clients and Colleagues:

Gibson Dunn's lawyers regularly counsel clients on issues raised by the COVID-19 pandemic, and we are working with many of our clients on their response to COVID-19. The following is a round-up of today's client alerts on this topic prepared by the Gibson Dunn team. Our lawyers are available to assist with any questions you may have regarding developments related to the outbreak. As always, for additional information, please feel free to contact the Gibson Dunn lawyer with whom you usually work, or any member of the firm's [Coronavirus \(COVID-19\) Response Team](#).

GLOBAL OVERVIEW

Don't Count On PREP Act To Defend Pandemic IP Infringement

As COVID-19 cases continue to rise worldwide, the demand for products used to test for, prevent and treat the virus has grown. Both established businesses and new enterprises are serving the market by producing, supplying, distributing and/or administering products that combat COVID-19. Some of those businesses may invoke, or plan to invoke, the Public Readiness and Emergency Preparedness Act, or PREP, Act to protect against certain product-based lawsuits relating to COVID-19 countermeasures.

Although the PREP Act's applicability to product liability claims is clear, whether or not companies may invoke the act as a defense against intellectual property infringement claims remains unsettled. That uncertainty could affect supply chains for personal protective equipment, COVID-19 tests and other in-demand countermeasures as companies evaluate potential exposure. Because the question of whether the PREP Act extends to IP claims has

not yet been resolved by courts, companies embarking on new product ventures in response to COVID-19 should carefully evaluate associated IP infringement risks. *Originally published by Law360 on July 2, 2020.*

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COVID-19 UK Bulletin - July 1, 2020

This bulletin provides a summary and compendium of English law legal developments during the current COVID-19 pandemic in the following key areas: Competition and Consumers; Corporate Governance (including accounts, disclosure and reporting obligations); Cybersecurity and Data Protection; Disputes; Employment; Energy; Finance; Financial Services Regulatory; Force Majeure; Government Support Schemes; Insolvency; International Trade Agreements (private and public); Lockdown and Public Law issues; M&A and Private Equity; Real Estate; and UK Tax.

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