

## **CERTAINTY IN UNCERTAIN TIMES? BREXIT UPDATE ON INTELLECTUAL PROPERTY**

Are you still wondering what will happen to your IP if there is a no deal Brexit on 31 January 2020 or any date before then. And has the position changed since no deal was last faced in March?

In short, the answer is no, although there is more certainty in that the legalisation in the UK implementing what will happen to affected IP has now been finalised. To summarise, the following will come into effect, deal or no deal:-

1. Owners of existing EU Trade Mark registrations and Community Design Registrations will be issued automatically and without charge by the UK Government, a comparable UK registration, mirroring the same details and dates;
2. Owners of existing EU Trade Mark applications and Community Design applications will have a nine month period following Brexit (31 October 2020) to request a comparable UK application mirroring the same details as their EU applications, but will have to pay official fees;
3. Comparable UK registrations due for renewal in the six month window after Brexit will still need to be renewed in the UK, even if the EU renewal was undertaken.

### **Do trade mark or design owners have to take any different action now?**

If you are launching a new product in the UK, there is some benefit to filing a separate UK trade mark application now if you believe no deal is still a real prospect, even if you file an EU TM application, as such an EU TM application filed now will not be registered by the current forecast Brexit date 31 January 2020. While a comparable application can be requested later, with the UK TM registration procedure being so quick (three to four weeks for examination to complete, plus two month opposition period), owners could potentially have a UK TM registered by the end of January 2020 (again with the payment of the official fees). Design registration is a much faster process, being a deposit system, and therefore is less of an issue. You will of course need a separate UK and EU registration after Brexit for both your trademarks and designs.

### **And if there is a deal after all?**

The current proposed transition phase will commence, with the status quo remaining until 31 December 2020, and thereafter the above taking effect. This transition date could be extended.

### **Any other actions you should take?**

If counterfeits are an issue, and an EU wide customs application for action watch is in place, this will be affected, and will no longer cover the UK after a no-deal Brexit, and a separate UK customs application for action should be filed. You should discuss options with your advisors.

Registrations of .eu domain names will require to be held by an entity or individual with an EU address, so check this is the case if you own such a .eu registration. Finally, review your portfolio to assess if UK comparable registrations may become vulnerable to cancellation for non-use in the longer term.

EUROPEAN PATENT AND TRADE MARK ATTORNEYS

Murgitroyd has offices in the UK, France, Ireland, Finland, Germany, Italy and Switzerland, with established attorneys in place for many years, and can offer direct representation in 15 member states, providing certainty in uncertain times.

For more information, please contact Eleanor Coates:



T: 0141 307 8400

E: [eleanor.coates@murgitroyd.com](mailto:eleanor.coates@murgitroyd.com)

#### UNITED KINGDOM

##### ABERDEEN

Unit G10, The Enterprise Centre  
Exploration Drive, Aberdeen, AB23  
8GX  
Tel: +44 (0) 1224 706 616

##### BELFAST

5th Floor, The Potthouse, 1 Hill  
Street, Belfast, BT1 2LB  
Tel: +44 (0) 28 90 320 441

##### CARDIFF

Cardiff Business Technology Centre,  
Senghennydd Road, Cardiff, CF24  
4AY  
Tel: +44 (0) 29 2009 9999

##### GLASGOW

Scotland House, 165-169 Scotland  
Street, Glasgow, G5 8PL  
Tel: +44 (0) 141 307 8400

##### LONDON

Corinthian House, 17 Lansdowne  
Road, Croydon, London, CR0 2BX  
Tel: +44 (0) 208 688 3490

##### LONDON CITY

CityPoint, 1 Ropemaker Street,  
London, EC2Y 9HT  
Tel: +44 (0) 207 153 1255

##### NEWCASTLE

Collingwood House, 3 Collingwood  
Street, Newcastle Upon Tyne, NE1  
1JW  
Tel: +44 (0) 191 211 3550

##### SOUTHAMPTON

Kings Park House, 22 Kings Park  
Road, Southampton, SO15 2AT  
Tel: +44 (0) 23 8000 2022

##### YORK

Enterprise House, Heslington, York  
YO10 5NQ  
Tel: +44 (0) 1904 898 881

#### FINLAND

##### HELSINKI

Mannerheimintie 12B 5th Floor,  
00100 Helsinki, Finland  
Tel: +358 (0) 9 2516 6388

#### FRANCE

##### NICE

Immeuble Atlantis, 55 Allée Pierre  
Ziller, 06560 Valbonne, Sophia  
Antipolis, France  
Tel: +33 (0) 4 97 21 52 00

#### GERMANY

##### MUNICH

Bernhard-Wicki-Straße 7, D-80636  
Munich, Germany  
Tel: +49 (0) 89 3090 71100

#### IRELAND

##### DUBLIN

Unit 1, Block 8, Blanchardstown  
Corporate Park, Cruiserath Road,  
Blanchardstown, Dublin 15, Ireland  
Tel: +353 (0) 1 882 9400

#### ITALY

##### MILAN

Piazza Borromeo 12, Milan 20123,  
Italy  
Tel: +39 0287 398 550

#### NICARAGUA

##### MANAGUA

Embajada de Mexico, Una Cuadra  
Arriba, A la Esquina, Casa #100,  
Managua, Nicaragua  
Tel: +1 (919) 474 8300

#### UNITED STATES OF AMERICA

##### DURHAM

4721 Emperor Blvd, Suite 430  
NC 27703, USA  
Tel: +1 (919) 474 8300

##### SILICON VALLEY

1275 Franklin Square, Santa Clara,  
CA 95050, USA  
Tel: +1 (408) 3073 736

General Email:

General Phone:

General Fax:

EUROPEAN PATENT AND TRADE MARK ATTORNEYS

[mail@murgitroyd.com](mailto:mail@murgitroyd.com)

+44 (0) 141 307 8400

+44 (0) 141 307 8401