

BREXIT IN BRIEF | TRADEMARKS

At 11:00pm on 29th March 2019, the United Kingdom will leave the European Union unless the Article 50 period is extended, the United Kingdom revokes its Article 50 notice, or a withdrawal agreement is agreed and concluded between the United Kingdom and the European Union providing for a later withdrawal date. Below is a brief overview of the potential implications if you own, have applied, or intend to apply for a trademark within the United Kingdom or within the European Union.

HOW MIGHT I BE AFFECTED?

- ❖ Unless otherwise provided for, trademarks registered in the European Union are likely to cease to have force within the United Kingdom following Brexit. However, it has been proposed that the grant, protection and registration of equivalent rights within the UK are to be carried out free of charge by the UK authorities.
- ❖ If you have a trademark application pending with the EUIPO (EU Intellectual Property Office) at the date of exit, it is proposed that you may have the opportunity to make application to the IPO (UK Intellectual Property Office) under equivalent terms for protection within the UK.
- ❖ It is proposed that any applications to be made following the date of exit would need to be made individually to both the IPO and the EUIPO.

WHAT IF THERE IS NO DEAL?

- ❖ Trademarks registered in the European Union are likely to cease to have force within the United Kingdom from the date of exit.

WHAT SHOULD I BE DOING?

- ❖ Review your registered trademarks to ensure that you will continue to be protected within each territory that you require protection.
- ❖ Consider any potential or pending trademark applications in respect of your intellectual property.

If you would like further information or advice in respect of the potential implications of Brexit, please contact Piers Larbey at piers@fletcherday.co.uk or on 020 7870 3870.