

Track Changes

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February 2020

GET TRADE MARKS DONE

WHAT DOES BREXIT MEAN FOR EUROPEAN UNION TRADE MARKS?

The United Kingdom (UK) left the European Union on 31 January 2020. Since European Union Trade Marks (EUTMs) are valid throughout the entire territory of the European Union, the question arises as to what happens to EUTMs with regard to their protection in the UK.

In a nutshell, nothing at all will change at first. In particular, the so-called "**transition period**" came into force on 1 February 2020 governing relations between the EU and the UK for now. During this transition period, all EU regulations will continue to apply in and in relation to the UK as before. This means that by the end of the transition period most probably on 31 December 2020 - there will be no change from the current status, also with regard to EUTMs. Therefore, EUTMs will continue to be fully recognized in the territory of the UK until 31 December 2020.



For the time **following the transition period**, i.e. presumably from 1 January 2021, the Withdrawal Agreement provides for the following procedure with regard to EUTMs and their applications:

For all **EUTMs registered** before the end of the transition period the UK Intellectual Property Office (IPO, <https://www.gov.uk/government/organisations/intellectual-property-office>) will register comparable national UK trade marks, which will also retain the filing date and any priority date of the EUTMs. The same applies to international trademarks registered via WIPO (IR) designating the EU. The new UK trade marks will maintain the corresponding EUTM number, which will be preceded by "UK009".

With regard to pending **EUTM applications**, trade mark applicants may apply to register a comparable UK trade mark within nine months of the end of the transition period. Such new UK trade mark applications will retain the earlier filing date of the pending EUTM application and, where appropriate, claim the priority of the corresponding European Union trade mark application.

In this context, it is important to note that in the course of the negotiations on "post-Brexit" relations between the EU and the UK during the transition period, these envisaged procedural rules could theoretically also be changed again. Therefore, there is as of yet no final legal certainty in this regard. However, it is widely expected that the envisaged procedures with regard to intellectual property rights will probably not change even in the case of a "no-deal Brexit", i.e. if the EU and the UK cannot agree on their future relations at the end of the transition period.

Conclusion: Nothing will change until 1 January 2021, after which a clearly regulated and trademark owner-friendly system will most likely come into force.

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