

„Hard“ Brexit?

What happens to EU trademarks and Community designs?



On March 29, 2019, the United Kingdom (UK) will leave the European Union (EU). If this should happen without an agreement, i.e. in case of a “hard Brexit”, the situation of European Union trademarks and Community designs, currently protected also in the UK, will be as follows, according to information made available by the UK government:

- **Registered EU trademarks** and marks protected under the Madrid Agreement will continue to be protected in the UK as “comparable” trademarks. This effect will be automatic, without any application, and without any fees having to be paid. The term of protection for the resulting UK trademark registrations is the same as that of the original EU or Madrid trademark.

- **Applications for the registration of EU trademarks** pending on March 29, 2019, may be re-filed as UK applications, within a period of nine months from the Brexit date. This applies also for Madrid applications.

- **Registered Community designs** will continue to be protected in the UK as “re-registered” designs. This effect will be automatic, without any application, and without any fees having to be paid. This applies also for designs protected under the Hague Agreement.

- **Applications for the registration of Community designs** pending on March 29, 2019, may be converted to UK applications by filing a corresponding application, within a period of nine months.

- **Renewals** of trademarks and designs protected in the UK after Brexit will have to be effected at the UKIPO, according to the terms set by the UK. The UKIPO will send renewal notices directly to the proprietor (not to his representative), which causes risk to be mitigated by respective internal processes.

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