

Brextra: Impact of Brexit on trade marks and designs

The Brexit gets Brextra time, at least until 12.04.2019. Nobody knows yet whether then there will be a deal or not. In the meantime it is time to look at the current state of the effects on trade marks and designs.

Impact of Brexit

Brexit has a major impact on EU trademarks and Community designs. So far, these are also valid in Great Britain. This ends with the withdrawal of the United Kingdom from the EU, as [EUIPO clarifies](#).

Whether and how owners of EUTMs and Community designs will maintain protection in the United Kingdom in the future thus largely depends on regulations in the United Kingdom.



UKIPO has provided [information](#) on this subject which applies to EU trade marks and Community designs in the event of a no-deal Brexit:

- already registered EUTM / RCD will be transferred / converted into national rights in the UK. The term of protection is the same as that of the respective EUTM or Community design. As of today, there are no costs involved for the transfer.
- filed but no yet unregistered EUTM / RCD at the time of Brexit must be filed separately in the UK
- Unregistered Community designs shall continue to maintain protection in the UK

What should rights holders do for Brexit?

Holders of registered EU trade marks and Community designs may well be able to sit back and



relax, as their rights are initially maintained in the UK. Only future renewals will have to be done in the UK separately, if rights shall be maintained in the UK. This means that additional costs will be incurred in the future.

Holders of filed but not yet registered EU trademarks should consider, if necessary, to file additional national trade marks in the UK, at least if the registration of the EUTM until the Brexit date is unlikely.

If the EU is named in international applications, it may make sense to subsequently designate the UK there as an additional country.

Should there still be a deal between the EU and the UK, this could lead to changes in the consequences for right holders. Those changes will though more than likely be better than worse for rights holders.