

EU Referendum Result and your Trade Marks

As you will have seen in the news, the people of the UK have voted to leave the EU. This obviously raises many questions, one of which is how this will affect Trade Mark rights and other IP rights.

The first point to emphasise today is that it's business as usual and trade mark and design owners should not panic – European Union Trade Marks and Registered Community Designs remain valid in the UK and there is no immediate loss of protection.

We do not know when the exit will actually happen but once the UK officially notifies the EU of its intention to leave, the negotiations need to be completed within two years, during which the UK remains a regular EU member. Therefore, it will be business as usual for some time yet.

During the next two years there will be changes to address the UK's departure with new processes to be put in place to protect or maintain IP rights in the UK. The UK Trade Mark Institute will work with the UK's Intellectual Property Office and Minister for Intellectual Property to influence the forthcoming negotiations on exit from the EU. It will be looking to ensure the best possible outcome for owners of intellectual property rights and will also advocate for the transition of all EU-based trade mark and design rights to UK-based protection to be simple and cost effective.

The main issues to emphasise are:-

- UK national trade mark and design rights will not be affected by the UK exit from EU
- EU registered Trade Marks and registered designs, which currently cover the UK, will remain in place and enforceable in the UK until new provisions are put in place to give them continuing, or corresponding, effect in the UK

Nucleus IP shall continue to act for clients before the EUIPO in respect of European registered trade marks and registered designs. No action is required by you at this point. We shall ensure you are informed when action is needed.

If you have any questions or concerns about IP Rights in the UK outside the EU, or would like further advice on this matter, please contact your attorney at Nucleus IP.