



IP Alert: With Brexit Upon Us, Are Your Trademarks in Jeopardy?

January 30, 2020

Brexit is upon us, and trademark owners are asking how their rights might be impacted in the United Kingdom. On January 31, 2020, the United Kingdom is set to officially depart from the European Union. EU trademark registrations have provided protection in the United Kingdom, as well as the other 27 EU member states, but this exit from the EU will affect those UK rights.

Following the official "Brexit" date of January 31, 2020, a transition period will begin on February 1, 2020 and is currently set to expire on December 31, 2020. During this transition period, the UK will still be governed by EU legislation. The UK Intellectual Property Office (UKIPO) has confirmed that any EU trademark registration granted before December 31, 2020 will be cloned into a UK registration at no cost to the trademark owner. (There will also be an option to opt out should the trademark owner wish to do so.) Trademark registration owners will not be required to re-file their trademarks in the UK. More detailed information on procedural issues is set to be ironed out during the transition period.

For EU trademark applications still pending on December 31, 2020 the UKIPO has stated that trademark owners will have the option to file applications in the UK within nine months from the end of the transition period. Further, these applications will be considered as having the same filing date and priority date of the EU application. There is still uncertainty regarding this proposed transition period and these details could change. Going forward, trademark applicants will soon need to consider filing strategies for protection of marks in the EU and UK — specifically, as to whether to file in the EU only but also whether to file additional national applications in the UK.

For more information, reach out to a member of the Trademark team at Lathrop GPM.