

EU Trade Marks and Brexit – Update

The UK government has not yet invoked Article 50 of the Treaty on European Union (this is likely to happen by the end of March), and the UK's actual exit from the European Union is at least two years away. However, it is clear that transitional provisions are required to preserve EU Trade Mark owners' existing rights in the UK from the date of Brexit, and the UK Chartered Institute of Trade Mark Attorneys (CITMA) has already been working hard on the details of those provisions. CITMA is currently discussing its proposals with the UK Intellectual Property Office.



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CITMA has recently issued an update on its discussions with the UKIPO regarding the various options for the transitional arrangements. CITMA's latest update can be viewed [here](#).

In summary, CITMA is considering in detail two options whereby existing EU Trade Marks will be entered onto the UK Trade Mark Register as corresponding national rights upon the UK's exit from the EU. The first option ("the Montenegro model") would allow all existing EU Trade Mark Registrations to be automatically entered onto the UK Register as UK Trade Mark Registrations. The second option ("the Tuvalu model") would require EUTM owners to file a form to request extension of their existing EUTM Registrations to the UK.

Both of these options raise issues regarding the UK's intent to use requirement, non-use periods, seniority, pending applications and ongoing proceedings. CITMA has now assessed all of these areas and provided detailed analysis on how such issues would be dealt with (as can be seen at the link above).

CITMA is continuing to discuss the proposals with the UKIPO with a view to protecting the rights and interests of EU Trade Mark owners.

Abel & Imray continues to be at the heart of European IP and we are putting in place arrangements to ensure we retain rights of representation before the EUIPO, so that we can continue to represent all of our clients in EU trade mark and design matters no matter what form Brexit takes. We are monitoring developments carefully and will update you as new information emerges.

In the meantime, please do not hesitate to let us know if you have any questions relating to Brexit and how it will impact EU Trade Marks. You can also read our earlier newsletter on Brexit and Trade Marks [here](#).

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