

Brexit and your Intellectual Properties

The first point to emphasise is that it's business as usual and Trade Mark and Design owners should not panic – European Union Trade Marks (EUTM) and Registered Community Designs (RCD) remain valid in the UK and there is no immediate loss of IP protection. Once we actually leave the EU, that position will presumably change, but that is probably two years hence.

Meanwhile, the many UK companies and traders who have only filed EU Trade Marks should consider filing for a UK Trade Mark; these are inexpensive and quick to register, but don't delay. We are happy help you with your requirements.

Design registration is slightly more complex, and best discussed. The European Patent Office (EPO) is not an EU institution, so there will be no change there, but presumably the EU Patent, when it comes into being, would be treated as another overseas application.

We do not know when the exit will actually happen but once the UK officially notifies the EU of its intention to leave, the clock starts ticking and the negotiations need to be completed within two years. The two-year period can be extended but only if all the other 27 EU countries agree.

The UK's Intellectual Property Office will continue to work with the EU Intellectual Property Office; we will no longer be around the table when final decisions are taken, and this will impact on our IP law, but we can assume that co-operation will continue, as it does with other major IP countries. Whilst IP rights are limited to a particular territory, as a profession, our horizons have always been international.

Our professional body, ITMA, will be calling on the UK Government to ensure that UK practitioners remain entitled to represent clients before the European Union Intellectual Property Office, but we will also be setting up an office within the EU to ensure that we are able to do this.

Do seek professional advice on how you take you intellectual properties forward; there are many pitfalls that can easily be avoided with a bit of know-how.

Call us on [01424 205 448](tel:01424205448) or [07968 845 426](tel:07968845426), or email lockharthastings@btconnect.com

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