

MB *Milestones*
Special Edition



Brexit and your IP – an update: What we know now



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Now that the UK has departed from the EU with the ratification of the Withdrawal Agreement, there is finally some clarity on the implications of BREXIT on IP rights.

We confirm that BREXIT will have no effect on European Patent registrations or applications. However, BREXIT will have certain implications for Design and Trade Mark rights.

First and foremost, it is important to note that the Agreement allows for a transition period until 31 December 2020, which means the UK will still be seen as an EU Member State until this date and EU law will continue to apply as it does now in the UK. During the transition period, all existing EU Design and Trade Mark rights, will be fully protected in the UK. Thereafter, however, a number of changes will come into effect to ensure these rights remain protected in the UK.

Furthermore, Meissner Bolte is fully prepared and has the necessary measures in place to ensure that no loss of rights occurs during this time. We shall keep you informed in good time of any action required in order to continue to enjoy uninterrupted and complete protection of your IP rights across the EU and in the UK, with the support of our experienced Meissner Bolte specialists, both in the EU and the UK.

In summary, the main changes which will affect your EU Designs and Trade Marks after the transition period are as follows:

- For Designs and Trade Marks registered with the EUIPO, the UKIPO will automatically create a comparable UK registration, which will inherit all relevant dates of the EU right. Appropriate notifications will be sent with details of the new national UK rights and there will be no loss of rights, unless the owner expressly “opts-out” of UK protection. No official fees will be incurred for this process.
- Any Design or Trade Mark applications pending before the EUIPO at the leaving date, will not automatically be cloned on the UKIPO register. For continued protection in the UK, it would be necessary to refile a national application with the UKIPO and pay full filing fees. Provided this is done within 9 months following the end of the transition period, all relevant dates recorded against the corresponding EU right could be claimed in the UK application (as appropriate).
- Unregistered protection for designs will continue to exist through the UK unregistered design right. Any unregistered design right arising before the end of the transition period will continue to be protected in the UK for the remainder of the three-year term. If it arises after

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this date, it may be protected in the UK through a supplementary unregistered design system.

- With regard to International Trade Marks (Designating the EU), these will no longer enjoy protection in the UK. After the transition period, any designation protected (i.e. registered) in the EU will be automatically replaced by a UK national trade mark registration, inheriting the relevant dates as the EU designation. There will be no loss of rights, unless the owner expressly “opts-out” of UK protection.
- For any pending EU Designations of International Trade Marks, the owners will be able to refile a national application with the UKIPO in order to obtain UK protection. Provided this is done within 9 months following the end of the transition period, all relevant dates recorded against the corresponding EU designation could be claimed in the UK application (as appropriate).

Meissner Bolte UK – Direct Representation in the UK covering all your EU IP needs

In order to ensure that you, as one of our valued clients, continue to enjoy uninterrupted and complete protection and representation of your IP across the EU and in the UK, we are delighted to inform you that we have strengthened and expanded our Meissner Bolte UK office.

Supporting you at Meissner Bolte UK are Janet Bray, Jorandi Daneel and Andrew Parker: Jorandi and Janet are experienced Chartered UK and European Trade Mark Attorneys, Andrew and Janet are also Chartered UK and European Patent Attorneys.

Our UK team is fully qualified and able to advise and represent you before the UK IPO in all IP related practices; in particular:

- Direct UK Patents (including UK validated parts of an EP patent)
- UK Trade Marks and
- UK Registered Designs

As Meissner Bolte UK is a fully IPReg Registered company, based in the UK, Janet, Jorandi and Andrew remain able to represent you in front of the UK IPO, irrespective of any deal or no-deal Brexit.

Furthermore, with direct links to Meissner Bolte in Germany, our UK team remains able to directly represent you in all matters in the EU, in particular relating to EU Trade Marks and EU Registered Designs.

Rest assured: Meissner Bolte has your IP covered now and in the future. For any further information, please do not hesitate to contact your Meissner Bolte UK expert. ■

Further information:

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