

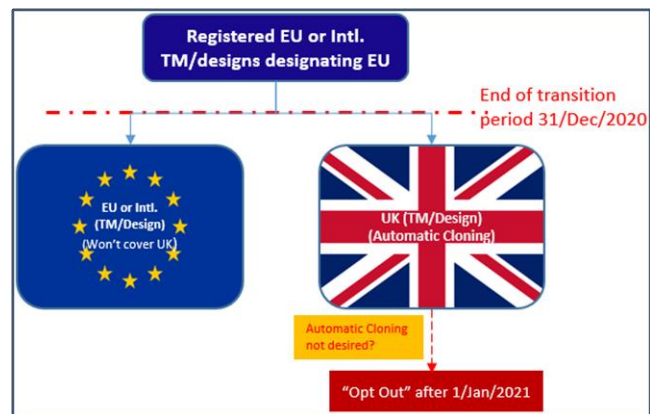
# IP & the UK's exit from the EU – GRÜNECKER is prepared for Brexit

With the end of the Brexit transition period on December 31, 2020, existing EU-level IP rights such as trademarks and registered design rights will no longer be protected in the UK. Following is a quick summary of changes to your EU-level IP rights such as trademarks, registered design and patent rights from January 1, 2021:

## Registered Trademarks/designs

Existing registered EUIPO & international trademarks/designs designating EU will no longer cover the UK.

What should you do? Nothing (*unless* you want to **opt out** – see below). The UKIPO will **automatically create** a corresponding UK trademark/design for every registered EU trademark/design and International trademark/design designating EU (a so-called clone). A separate renewal fee will need to be paid to both the UKIPO and the EUIPO.



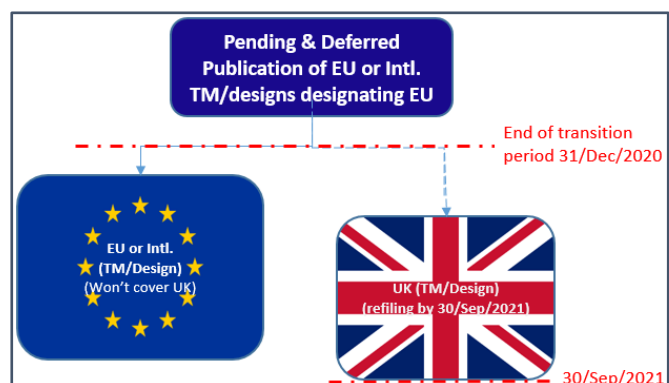
If the automatic creation is not desired, you have to actively request an opt-out (after January 1, 2021) unless the UK right have been already used/enforced (such as assignment, license, agreement, initiated litigation based upon the comparable UK right).

Caution: Registrations with *deferred publication* will not be automatically cloned! Such registrations will carry “pending” status (see below).

## Pending Trademarks/designs

EUIPO & international trademark/design applications designating EU that are pending on December 31, 2020, will no longer cover the UK.

What should you do? To obtain the same protection in the UK, a national UK trademark/design application has to be re-filed with the UKIPO by September 30, 2021. This re-filed right will be examined under the UK trademark/design law.



## New Trademark/design applications

From January 1, 2021, applicants seeking protection in the UK will have to file a separate UK trademark/design application.

## Patents

What should you do? Nothing. The EPO is not an EU agency, so the existing EPO route to obtain protection in the UK will continue.

## Representation

Rest assured that your usual Grünecker contacts are perfectly placed to represent your EU IP rights before the EUIPO and your UK IP rights before the UKIPO.

### **For further information, please contact:**

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