

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 change, but that is to be clarified in the future. 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 the UK has officially notified the EU of its intention to leave (Article 50). The clock has started ticking and the negotiations will to be completed by March 2019. 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, CITMA meets with the UK Government and EUIPO to discuss the detail of this and to seek that UK practitioners remain entitled to represent clients before the European Union Intellectual Property Office. Lockhart & Hastings will also set up an office within the EU to ensure that we are able to operate in the EU.

Please contact us if you want to register a Trade Mark in the UK or for professional advice on how you take you intellectual properties forward.

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

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