

Intellectual Property Law

Did My UK IP Rights Just “Brexit” The European Union?

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One of the overlooked issues of Britain’s decision to leave the European Union is the implications of “Brexit” on the rights afforded to individuals and entities holding European Union trademark and design registrations (a/k/a “EU Community Registrations”). The EU Community Registration process has become favored by many trademark owners across the globe for a number of reasons, the most obvious being the ability to obtain protection in all EU member states with a single application (and the corresponding reduction in fees and costs). It is expected that legislation will be passed to protect those who have obtained UK trademark protection by virtue of their EU Community Registration, although the logistics of any transfer from the European Union Intellectual Property Office to the UK Intellectual Property Office is yet to be determined (for example, will the registration automatically transfer, will a streamlined application process be necessary, and how will priority be determined). With the UK’s formal departure from the EU expected to take some time, there should be no immediate concern, although trademark owners should continue to follow the issue closely to ensure continuity of protection through this transition.