

Brexit and brands: are you ready?

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Across the UK and Europe we are advising many clients on their strategies to deal with various Brexit scenarios. We understand the importance of getting a robust strategy in place to deal with situations like Brexit. Our goal is to help companies succeed through the Brexit process, hence why we are offering a FREE tailored portfolio review to address the below issues and provide you with a bespoke Brexit intellectual property strategy.

Have you considered the questions below? If not, we're on hand to support you.

What does Brexit mean for your UK and EU trade mark and design portfolio? Have you been relying largely on EU trade marks and designs to date? Have you considered what you will do in the "opt-out" process for the cloned UK rights that might be created under the current UK Withdrawal Agreement (see below)? Might some of your UK trade marks and designs benefit from being filed as EU trade marks and designs as well (for example, so you can still rely on them to object to third parties trying to register similar brands and designs as EU trade marks and designs)? Are you monitoring your pending rights adequately? Do you have any ongoing fights with other brand and design owners or infringers, which might require a careful resolution taking into account Brexit?

At the moment, the UK Withdrawal Agreement (as provisionally approved) means that registered EU trade marks and designs should automatically (if you do not opt out) become equivalent UK rights after Brexit, at no cost to you (save for ongoing renewal fees). In addition, you should be able to refile all pending EU trade marks and designs at the UK IPO within nine months from the official leave date and still benefit from the earlier EU filing date (for a fee). The government has stated that these arrangements should stand if there is no deal, but nothing is certain.

To arrange your Brexit health check, please contact Anna Copeman (Head of Trade Marks, UK) or Anna Brown (Senior Trade Mark Attorney, UK) at IPTeam.UKandME@dentons.com.

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