

Post-Brexit EU Trade Mark Protection

- **Comparable UK trade mark will be created for your registered EU trade mark as of 1st January 2021.**
 - **An opt-out option is provided.**
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Comparable UK Trade Marks

The UK has left the European Union and the transition period ends on 31st December 2020. As a result, your registered EU trade mark (EUTM) will no longer be protected in the UK as of 1st January 2021. However, the UK Intellectual Property Office (UKIPO) will create a comparable UK trade mark for your EU trade mark. This new comparable UK trade mark will:

- be granted automatically and free of charge;
- protect the same sign and the same goods and services;
- be recorded in the UK trade mark register at <https://www.gov.uk/search-for-trademark>;
- have a registration number consisting of the last 8 digits of the EUTM prefixed with UK009;
- keep the original filing date of the EUTM;
- keep the original priority or UK seniority dates of the EUTM (if any);
- keep the renewal date of the corresponding EUTM.

The comparable UK trade mark will be renewed, challenged, licensed and assigned separately from the respective EU trade mark. Consequently, separate fees apply.

No certificate for the registration will be issued by the UKIPO but you can access the trade mark details at the address of the UK trade mark register above. In January 2021 DGKV will check the status of the newly created comparable UK trade mark in the register and verify its details.

Request for an Opt-out

You can opt out of holding such comparable UK trade mark. In such case the comparable right will be de-registered and will be treated as if it had never been applied for or registered under UK law. The opt-out request shall:

- be submitted only after 1st January 2021 – any requests made before that will not be valid;
- follow a template which will be available on GOV.UK after 1st January 2021;
- contain an EUTM registration number, along with details of anyone with an interest in the EUTM.

An opt-out will not be available if you have:

- used the trade mark in the UK;
- assigned or licensed the trade mark;
- entered into an agreement in relation to the trade mark;
- initiated litigation proceedings based on the trade mark.

In case UKIPO determines that an opt-out is not permitted, the comparable UK trade mark may be reinstated if it was removed from the register.
