

## Post-Brexit International Trade Mark Protection

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- **Comparable UK trade mark will be created for your international trade mark designating the EU as of 1<sup>st</sup> January 2021.**
  - **An opt-out option is provided.**
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### **Comparable UK Trade Marks**

Your international trade mark registration designating the EU will no longer enjoy protection in the UK after 1<sup>st</sup> January 2021. However, the UK Intellectual Property Office (UKIPO) will create a comparable UK trade mark for your international trade mark designating the EU which has a protected status as of the end of the transition period. This new comparable trade mark will:

- be created automatically and at no cost;
- 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 original registration number prefixed with UK008;
- have filing and registration date which correspond to the date on which protection in the EU has been conferred;
- keep any seniority claim based on an earlier UK or international (UK) trade mark which has been recorded against the EU designation;
- keep the renewal date of the corresponding international trade mark registration or the subsequent EU designation.

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

When you have designated the EU in an international registration more than once, a new comparable trade mark will be created for each designation. Where there are multiple trade marks created from a single international trade mark, each comparable trade mark will be independent.

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 trade marks in the register and verify their details.

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### **Request for an Opt-out**

You may 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 1<sup>st</sup> January 2021 – any requests made before that will not be valid;
- follow a template which will be available on GOV.UK after 1<sup>st</sup> January 2021;
- contain the international registration number, along with details of any persons with a registered interest in the trade mark.

An opt-out will not be available if you have used the trade mark in the UK, assigned or licensed it, entered into an agreement in relation to the trade mark or initiated litigation proceedings based on the trade mark.

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