



VOSSIUS & PARTNER

## Brexit – Consequences for EU trademark and design owners

On June 23, 2016, the United Kingdom (UK) voted in a Referendum to withdraw from the EU. We would like to provide you with a brief overview of the present consequences of this vote for IP rights in the EU.

### What happens next?

The UK may remain a member state of the EU for at least two years from the date on which the UK government gives formal notice to the EU Council of its decision to withdraw from the EU, Art. 50 (2) TEU. Such formal notice has not yet been given and is not expected before a new UK Prime Minister is appointed. According to current information, this is expected to occur in October of this year.

### What are the consequences for owners of EU trademark and design rights?

For **existing** EU trademarks (EUTM) and EU Designs (RCD) there is no immediate loss of rights, since such rights will remain in force in the UK for the moment. The most likely future scenario is that EUTM's and RCD's will eventually cease to apply in the UK. But, there will likely be transitional provisions concerning the possibility of conversion into national UK rights with the same time rank. Consequently, we do not expect a loss of existing EU rights in the UK in the future.

For **new** EUTM and RCD applications, in order to be on the safe side, we strongly recommend filing national UK trademark and design rights in addition to EU rights.

### Forecast

While there is no need to take immediate action regarding existing EU trademark and design rights, please rest assured that Vossius & Partner will keep you closely informed on any new developments that might affect your IP rights.