

INTELLECTUAL PROPERTY

>>ALERT

BREXIT'S IMPACT ON EUROPEAN UNION TRADEMARKS

The United Kingdom (UK) left the European Union (EU) on January 31, 2020 after mutual ratification of the Withdrawal Agreement, thus making "Brexit" official.

The UK is now in a transition period until December 31, 2020, during which EU laws, including those that pertain to the protection of trademark rights, continue to apply in the UK.

Once the transition period ends, there will be significant changes to the protection of EU trademark rights in the UK. While the details are not finalized, there are two noteworthy takeaways related to EU trademark registrations and EU trademark applications.

- 1) EU trademarks registered before the end of the transition period will continue to be in effect in the remaining EU member countries, but not in the UK. The owners of these EU registrations will, however, automatically receive comparable UK registrations at no cost, which will have the same basic effective

THE BOTTOM LINE

Now that Brexit has occurred, companies should review their UK and EU trademark portfolios during the transition period to determine what actions should be taken.

dates as those of the corresponding EU registrations, so there would be no loss of protection.

- 2) EU trademark applications that are pending at the end of the transition period will not automatically receive comparable UK applications. The expected procedure will be that, for nine months after the transition period ends, these owners will have the option of filing a corresponding UK application for the same mark (presumably incurring the normal costs), which will maintain the priority date of the EU application.

FOR MORE INFORMATION

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