



# Intellectual Property & No-Deal Brexit



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# Summary

1. No-deal and UK patents, trade marks and designs
2. No-deal and European Patents
3. No-deal and European trade marks and designs
4. Exhaustion of rights – importing and exporting to the EEA
5. What does your business need to do?



# UK patents, trade marks and designs

No Change



# European patents

No Change



# European trade marks

## No longer extended to the UK

### But HM Gov. will...

- automatically create cloned UK registrations (no official fees)
- give 9 months to file a clone UK application (official fees payable)
- licenses automatically extended too



# International trade marks based on EUTMs

## No Change

### But to apply Post-Brexit...

- You will need a UK base application/registration; or
- Be a national/domiciled/business in EU to use an EUTM as a base application



# European Registered designs

## No longer extended to the UK

But HM Gov. will...

- automatically create cloned UK registrations (no official fees)
- give 9 months to file a clone UK application (official fees payable)
- licenses automatically extended too



# European Unregistered designs

## No longer extended to the UK

But HM Gov. will...

- automatically create Continuity Unregistered Designs
- Introduce Supplementary Unregistered Designs





# Exhaustion of Rights – Importing from the EEA

## No Immediate Change

IP on Goods sold in the EU, after Brexit, will be considered exhausted in the UK

Parallel imports of genuine goods from the EEA to the UK will be unaffected



# Exhaustion of Rights – Exporting to the EEA

## May be restricted

IP on Goods sold in the UK, after Brexit, will not be considered exhausted in the EEA

Export to EEA may present an infringement risk



# What do you need to do?

- Act on EU TM / RCD applications
- Check licenses have no special provisions
- Notify licensees
- If you export check permission with the EU rights holder
- If in doubt contact your IP advisor

Otherwise it is business as usual



# Questions?

Have a chat if you have questions or need advice



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