

BREXIT: What happens now?

CALM should be the watchword guiding the actions of holders of IP rights from midnight tonight, that is, when Brexit, the United Kingdom's withdrawal from the European Union, takes place at 00.00 am CET.

Despite the storms clouds that were gathering at times in 2019, pointing to a risk of the UK crashing out of the EU, finally an agreement has been reached which, aside from ensuring an orderly exit, also provides that during the transition period which, in principle, will run until 31 December 2020, EU legislation will continue to apply in the United Kingdom. This transition period thus extends to, among others, the regulations governing European Union trademarks and Community designs, the regulation on border measures to tackle counterfeiting and piracy or the procedural regulations that apply when bringing legal proceedings. It should also be borne in mind that European patents will not be affected by Brexit, given that the European Patent Convention, which regulates the grant of European patents, does not form part of the EU legal order.

The effects of Brexit with regard to industrial and intellectual property rights and other related rights are therefore delayed until 1 January 2021.

In the coming months, ELZABURU aims to send out circulars with information on the effects and consequences of Brexit in relation to the following areas: European Union trademark applications and registrations and international trademark registrations designating the EU; Community designs; plant varieties and ".eu" domain names; applications for EU Customs action; ongoing or planned legal proceedings; the absence of consequences, as things presently stand, for matters relating to the European patent; opposition, invalidity and revocation proceedings; and issues relating to representation before the EUIPO.

The message for now is clear. From 1 February 2020 until the end of the transition period (expected to be on 31 December 2020), everything will remain the same in practice: proceedings concerning trademarks, designs and other intangible assets will continue to operate as they have until now.

Please do not hesitate to write to your usual contact at ELZABURU or to brexit@elzaburu.es in case you need further clarification on these aspects or any other related to the Brexit