

## MB Milestones Special Edition



# Meissner Bolte is ready for Brexit, are you?

**First things first: There is no need to panic as your trade mark and design rights will remain in safe hands with Meissner Bolte.**

On 31st December 2020 the transition period will end and the relationship between the UK and the EU will change. Whilst there are a couple of months left for a trade deal to be put into place between the UK and the EU, time is running short and there will undoubtedly be a period of uncertainty leading up to Brexit and beyond. As regards your IP, however, Meissner Bolte's UK and German offices are perfectly placed to answer any queries you may have and to assist you through the next months and beyond.

### Reminder of the Main Effects of Brexit on IP:

From 1<sup>st</sup> January 2021 granted EU Trade Marks (EUTM) and Registered Community Designs (RCD) will cease to have territorial effect in the UK. The UKIPO will automatically clone an equivalent right, thus giving continued UK protection. EUTM and RCD applications which are still pending on 1<sup>st</sup> January 2021, will need to be refiled with the UKIPO as national TMs or Designs. Provided this is done within a 9-month grace period, so by 30 September 2021, the same relevant dates as the EUTM and RCD will apply. All EUTMs and RCDs filed in 2021 will need to be separately filed as national UK applications, if protection in the UK is desired.

Given the EUTM opposition period of three months, EUTM applications filed now will not have secured registration by the end of the transition period. The prudent and recommended course of action would, therefore, be co-filing a UK TM application at the same time as an EUTM application

to ensure rights are sufficiently protected. Design applications could in some instances mature to registration in a few weeks, so there may be time to file only an RCD, depending on the circumstances.

### Renewals:

The new UK national registrations, whether derived from an EUTM/RCD or independently filed, will be separate from EU registrations. Accordingly, individual renewal fees will fall due for the UK registrations and EU registrations, separately. **Care must be taken to avoid inadvertent loss of rights!**

### Meissner Bolte is prepared for all changes:

Although UK based Attorneys will no longer be able to represent clients before the EUIPO, rest assured that Meissner Bolte's Germany-based specialists are perfectly placed to assist them with any EUTM and RCD cases. Conversely, the UKIPO will require UK-based attorneys to handle all cases before the UKIPO in due course. Although this is not an immediate requirement, Meissner Bolte's UK experts will handle all UK based rights in readiness for the change.

### What Meissner Bolte will be doing for you:

Whether you are used to dealing with our UK or Germany based experts, you will experience no change to the service we provide. All cases will continue to be handled by your usual representatives and team, with the support of the UK/German offices as required.

The information contained in this newsletter may or may not reflect the most current legal developments; accordingly, information in this newsletter is not promised or guaranteed to be correct or complete, and should not be considered an indication of future results. Meissner Bolte expressly disclaims all liability in respect to action taken or not taken based on any or all contents in this newsletter.

We will be doing all the work with the relevant offices and shall get in touch with updates on any developments on an application or registration, or if any action is required from your side regarding the continued protection of your rights.

At this early stage of the UK's post-EU future, we strongly advise **against** allowing any IP rights in the UK to lapse. The fees in the UK are very reasonable and purchasing another 5 or 10 more years of protection in the UK, especially in these unprecedented times, makes good commercial sense!

If you have any queries or concerns, please do not hesitate to get in touch with your usual Meissner Bolte advisor. ■

### Further information:

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Meissner Bolte has full-service offices in both Germany and the UK; our experienced attorneys in each office provide direct representation of all your IP rights in front of the national offices. In our UK office: Jorandi and Janet are available to discuss all issues relating to UK and European Trade Marks and Designs as well as UK and European Patents. At our Munich location, Oliver and Andrew are available to discuss all issues relating to German and European Trade Marks and Designs as well as UK and European Patents.

**Whatever information you need,  
Meissner Bolte has the expert for  
you on call!**