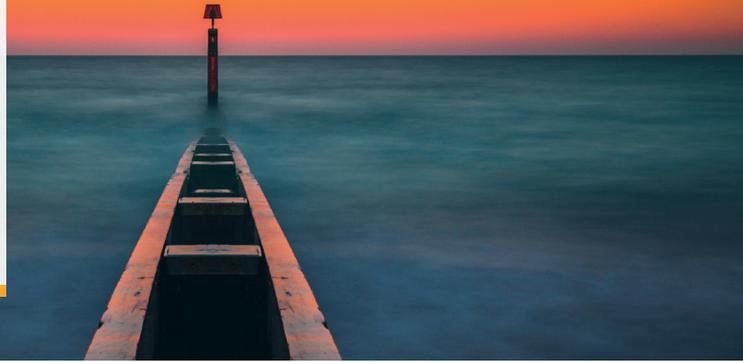


Brexit and IP – Action points



Action: *From now!*

- If possible, try to complete EU trademark (EUTM) and design (RCD) registration processes before Brexit day, so you will benefit from the automatic cloning of your rights into corresponding UK registrations. Novagraaf can help to expedite matters for you where possible.
- Add UK designations to new International Registrations (IR), or extensions of existing International Registrations designating the EU. The total registration process for new EU designations within International Registrations will most likely not have been completed before Brexit (according to current timings and the average length of time for an EU designation to mature into registration).
- Transfer .eu domains to an EU-based entity.

Action: *post-Brexit*

- Record relevant nine-month deadline for re-filing UK counterparts of EUTM and RCD applications that were pending at Brexit day including International trademarks and designs.
- Update records: Check details of the EUTM and RCD rights that have been automatically cloned into UK registrations after onboarding this information. Cloned rights from International trademarks and designs will be UK registrations, not IR designations.
- Review EUTM and RCD portfolios to consider whether to retain (or renew) the cloned right in both jurisdictions (and perhaps use this as an opportunity to “prune” the wider portfolio).
- Monitor renewals deadlines: Any EU renewal due after Brexit day will also require a UK renewal (you can't avoid the fee by renewing early). Generate a list of renewal due dates, including rights that will require a second UK renewal payment post-Brexit
- Check whether registry of cloned registrations needs updating regarding recorded licences or security interests.
- Closely watch for guidance about EUTM and RCD disputes that started, but did not conclude, before Brexit.
- Check Customs applications for action (AFAs) covering the EU and refile for the UK where appropriate.

General IP:

- Check all IP agreements and update where appropriate.
- Examine the impact on your business of EU Regional Exhaustion rules no longer covering the UK. This may depend on a deal or no-deal Brexit scenario, but for importers and exporters of goods trademarked by third parties caution is key for any obligations to deliver goods across the then EU or UK borders after Brexit. We will continue to keep you advised as soon as the position of the UK government on exhaustion rules becomes clearer.

How can Novagraaf help?

Novagraaf is a Europe-wide firm, with offices in the UK, as well as across the European Union, meaning we can act for you, even when changes in representation rules come into effect after Brexit. If you have any questions about your IP portfolio pre- or post-Brexit, please get in touch. In addition to general advice, we can assist with a detailed IP portfolio audit to identify specific rights where you may need to take action, as well as duplicate rights or potential gaps in your coverage in Europe.

Further information

Contact us at customerservice@novagraaf.com or [subscribe](#) to our newsletter to receive future updates on Brexit.

You can also download our white papers

- [‘Brexit – what will it mean for your IP’](#)
- [‘A practical guide to trademark auditing’](#)