

IP Alert: Brexit Update – UKIPO Announces Plan for Conversion of EU Trademarks

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Trademark owners have been watching the Brexit negotiations between the United Kingdom (UK) and the European Union (EU) closely to assess how the UK's decision to leave to the EU will affect the protection of EU trademarks in the United Kingdom after Brexit. After months of negotiations with the EU, the UK's Intellectual Property Office (UKIPO) has recently announced its plans for an automatic and free conversion of EU trademarks to the UK register.

During a debate held by the House of Commons, the UK confirmed that the UKIPO will continue to protect existing EU trademarks and will *automatically* grant rights to EU trademarks in the UK *without charge*. This approach is consistent with the EU Commission's paper on intellectual property rights published last fall, which emphasized the unitary character of these rights and proposed automatic recognition free of charge for current rights holders. While a Brexit paper published by the UK in March confirmed that the transition would be automatic, the most recent announcement that it will also be free is a welcome clarification.

The announcement comes as a surprise as many were expecting a joint announcement between the UK and the EU. However, the end-result will be the same: trademark owners no longer need to worry about losing protection in the UK as a result of Brexit. The affirmation of intellectual property cooperation and the dedication to a smooth transition for holders of EU trademarks to national registration in the UK assuages many rights holders' concerns as negotiations continue in this unchartered territory.

For more information, contact the Gray Plant Mooty Trademark team.

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