

Direct representation for your IP in Germany, the EU and beyond!



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With the looming spectre of Brexit and the lack of clarity as to the final shape this will take, in particular whether a deal will ultimately be brokered between the UK and the EU, uncertain times lie ahead. Whilst it is to be hoped that a final deal is agreed upon in the coming weeks, the precise form of the future interaction between the UK and the EU will certainly take much longer to legislate.

It is important to recall that certain of the IP rights which currently provide protection in the UK are based on EU treaties: given that these rights remain valid in the UK for only as long as the UK remains in the EU, or an appropriate agreement is made which extends protection of these EU rights to cover the UK post-Brexit, the future protection afforded by these rights in the UK is unclear. Moreover, it is currently doubtful that UK practitioners will have full access to represent clients on EU Trade Mark and EU Registered Design filings once the UK leaves the EU; the ultimate outcome of this may result in restrictions being imposed on who may represent clients on UK IP rights and filings, including UK Trade Mark and UK Registered Design filings.

In order to ensure that you, as one of our valued clients, continue to enjoy uninterrupted and complete protection and representation of your IP across the EU and in the UK, irrespective of the final Brexit deal, we are delighted to

inform you that we are strengthening and expanding our Meissner Bolte UK office.

Supporting you at Meissner Bolte UK are Janet Bray and Andrew Parker: two experienced Chartered UK and European Patent Attorneys, Janet being also a Chartered UK and European Trade Mark Attorney. Janet and Andrew are fully qualified and able to advise and represent you before the UK IPO in all IP related practices; in particular:

- Direct UK Patents (including UK validated parts of an EP patent)
- UK Trade Marks and
- UK Registered Designs

As Meissner Bolte UK is a fully IPReg Registered company, based in the UK, Janet and Andrew will remain able to represent you in front of the UK IPO, irrespective of any deal or no-deal Brexit.

Rest assured: whatever the final result of Brexit, Meissner Bolte has your IP covered now and in the future.

Hebden Bridge, UK



Brexit and your IP: what we know so far

European Patents in the UK

As the European Patent Convention (EPC) is not a piece of EU legislation, Brexit will have no effect on current and future European Patents and applications. The UK will remain a member of the EPC and granted European Patents can still be validated and maintained in the UK, irrespective of the eventual Brexit deal.

Granted European Registered Designs and Trade Marks in the UK

At the time of Brexit, the UK IPO has confirmed that all EU Registered Designs and Trade Marks will be automatically re-registered as national UK rights. The right holders will be informed of these details by the UK IPO, wherein the right holder may request deletion of this new UK right (unless proceedings are ongoing). It is very important to note that UK renewal fees will fall due for the continued existence of these rights post-Brexit, in addition to the renewal fees which are due with EUIPO.

Meissner Bolte will ensure that no loss of rights or information occurs during this time, and further will ensure that all of the resulting UK national rights are handled by making best use of our Meissner Bolte UK specialists.

Pending European Registered Design and European Trade Mark APPLICATIONS in the UK

The UK IPO has confirmed that pending European Registered Design and European Trade Mark applications at the time of Brexit will **NOT** be automatically extended to the UK. It will be necessary to refile these rights as national UK applications whilst paying full application fees to the UK IPO. Provisions are, however, in place to allow for such UK applications to retain the date of priority which apply to the EU applications, if these rights are refiled within months of Brexit.

Given that the UK IPO will NOT be sending any reminders or information to Applicants, we strongly recommend that you



review and identify any pending applications. We at Meissner Bolte will also be monitoring each of our pending EU Trade Mark and Design filings from now on, and will be able to notify you of any problems with UK coverage. Once again, Meissner Bolte will ensure that all of the new UK filings are handled by making best use of our Meissner Bolte UK specialists.

Unregistered Design Protection

Once the UK leaves the EU, unregistered protection for designs will continue to exist through the UK unregistered design right which provides a longer term of protection for a different scope of design features. In addition to this, where the UK does not have existing domestic legislation to protect certain types of rights, it will establish new schemes, which will preserve the full scope of the unregistered Community design right in the UK.

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