



## EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry,  
Entrepreneurship and SMEs

Brussels, 1 December 2017

### **NOTICE TO HOLDERS OF AND APPLICANTS FOR EUROPEAN UNION TRADE MARKS PURSUANT TO REGULATION (EU) 2017/1001 ON THE EUROPEAN UNION TRADE MARK AND TO HOLDERS OF AND APPLICANTS FOR COMMUNITY DESIGNS PURSUANT TO REGULATION (EC) No 6/2002 ON COMMUNITY DESIGNS**

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that, unless a ratified withdrawal agreement<sup>1</sup> establishes another date or the period is extended by the European Council in accordance with Article 50(3) of the Treaty on European Union, all Union primary and secondary law will cease to apply to the UK from **30 March 2019, 00:00h (CET)** ("the withdrawal date"). The United Kingdom will then become a "third country".<sup>2</sup>

Subject to any transitional arrangement that may be contained in a possible withdrawal agreement, as of the withdrawal date, EU rules on EU trade marks and Community designs will no longer apply to the United Kingdom.

As a result, EU trade marks and registered Community designs registered in accordance with Union law (Regulation (EU) 2017/1001 on the European Union trade mark<sup>3</sup> and Regulation (EC) No 6/2002 on the Community designs<sup>4</sup>) as well as unregistered Community designs made available to the public in the manner provided for in Union law (Regulation (EC) No 6/2002) before the withdrawal date will continue to be valid in the EU27 Member States but will no longer have effect in the United Kingdom as from the withdrawal date. Any application for an EU trade mark or for a registered Community design pending before the withdrawal date will no longer cover the United Kingdom as from that date. Any right granted by the European Union Intellectual Property Office on or after the withdrawal date will only cover the EU27 Member States. All existing seniority claims in EU trade marks based on national trade mark rights in the United Kingdom will cease to have an effect in the EU as from the withdrawal date.<sup>5</sup>

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<sup>1</sup> Negotiations are ongoing with the United Kingdom with a view to reaching a withdrawal agreement. For latest developments of the negotiations, follow the website of the European Commission: [https://ec.europa.eu/info/departments/taskforce-article-50-negotiations-united-kingdom\\_en](https://ec.europa.eu/info/departments/taskforce-article-50-negotiations-united-kingdom_en)

<sup>2</sup> A third country is a country not a member of the European Union.

<sup>3</sup> Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark, OJ L 154, 16.6.2017, p. 1.

<sup>4</sup> Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs, OJ L 3, 5.1.2002, p. 1.

<sup>5</sup> The EU is trying to agree solutions for some of the issues that might arise. The essential principles of the EU's position on intellectual property rights (including geographical indications) is available here:

In addition, the holders of international registrations of trade marks and designs having designated the European Union before the withdrawal date pursuant to the Madrid system for the international registration of marks, and the Hague system for the international deposit of industrial designs, should consider that, as from that date, those international registrations will continue to be valid in the EU27 Member States only and thus will no longer have effect in the United Kingdom.

In this regard, holders of a European Union (EU) trade mark pursuant to Union law or of a registered Community design or of an unregistered Community Design pursuant to Union law, all applicants for an EU trade mark or for a registered Community design or any business operator who can potentially rely on such Regulations (hereinafter referred to as 'right-holders and applicants') are reminded that preparing for the withdrawal is not just a matter for European Union and national authorities, but also for private parties.

In view of the considerable uncertainties, in particular concerning the content of a possible withdrawal agreement, all right-holders and applicants are reminded of certain legal repercussions stemming from currently applicable rules of Union law when the United Kingdom becomes a third country, and which need to be considered and anticipated.

In particular, the following should be considered by right-holders and applicants:

- Natural or legal persons that are domiciled or have a seat in the United Kingdom only will have to be represented before the European Union Intellectual Property Office in accordance with Article 120(1) of Regulation (EU) 2017/1001 (on the European Union trade mark) and Article 78(1) of the Regulation (EC) No 6/2002 (on Community designs) in all proceedings provided for in those two Regulations, other than the filing of an application for an EU trade mark or an application for a registered Community design.

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European Union Intellectual  
Property Office