

Potential outcomes in relation to EU designs and Trade Marks following exit of UK from EU

Type of agreement	Pros	Cons
EU TMs and RCDs will cover UK.	Already established and no additional cost	Unlikely to happen as subject to EU's agreement
UK treats EUTMs and RCDs as having effect in the UK.	No need to re-register	It is unclear how this arrangement would work in practice.
EUTMs and RCDs automatically entered onto the UK systems with same scope of protection.	No additional cost to rights holders. Established system as a number of territories outside of the EU use this system	Use issues if mark has only been used in relation to other EU territories and not the UK. Practical difficulty in implementation given large number and likely to take a long time
Existing EUTMs and RCDs automatically entered onto the UK systems with same scope of protection provided the owner opted to do this.	Rights would be automatically registered in the UK	Additional costs to rights holders and risk that some rights holders may neglect to do so within time limit. It is unclear what the EU would make of the arrangement and how the arrangement would work in practice.
Owners of EUTMs and RCDs have the option to convert IP rights into UK protected rights however the UK rights would then be examined under UK law.	Guarantee that the mark is protected in UK once accepted for registration	The UKIPO would retain the right to refuse an entry onto the UK registers as would conduct an examination on each application Additional costs to rights holders and risk that some rights holders may not act within time limit. Likely to take a long time

Owners of EUTMs and RCDs would have the option to convert IP rights into UK protected rights.	Guarantee that the mark is registered in the UK	Additional costs to rights holders and risk that some rights holders may not act within time limit. Practical difficulty in implementation given large number and likely to take a long time.
Owners of EUTMs and RCDs would have the option to create corresponding UK registrations when renewing the EUTM/RCD.	Rights would be automatically registered in the UK without examination	Additional costs to rights holders and risk that some rights holders may not act within time limit.

Key:

EUTM = European trade mark

RCD = Registered Community Design