

Hague Agreement Concerning the International Registration of Industrial Designs

United Kingdom: Implications of the End of the Transition Period for International Applications and Registrations under the Hague System

1. The Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community provides for a transition period which started on February 1, 2020, the date on which the United Kingdom left the European Union, and will end on December 31, 2020 (refer to Information Notice No. 2/2020).
2. The Government of the United Kingdom has informed the International Bureau of the World Intellectual Property Organization (WIPO) of the steps it will take to deliver continued protection in the United Kingdom to industrial designs in international registrations that have been protected in the European Union before the end of the transition period and to preserve the rights of applicants and holders of pending international applications or international registrations, designating the European Union, at the end of the transition period.
3. From January 1, 2021, the designation of the European Union in international applications and international registrations will no longer have effect in respect of the United Kingdom.
4. However, if the international registration has been protected in the European Union before the end of the transition period, the United Kingdom will automatically create an equivalent national design right (so-called “re-registered international design”) at the end of the transition period. The Intellectual Property Office of the United Kingdom (hereinafter referred to as “the UK IPO”) will record such re-registered international designs in its Register, without any procedure required from the holder of an international registration. From January 1, 2021, holders have to manage these re-registered international designs directly with the UK IPO, and not through the International Bureau of WIPO.
5. Applicants whose international applications designate the European Union and are pending at the end of the transition period as well as holders whose international registrations designating the European Union have not been the subject of a statement of grant of protection issued by the European Union Intellectual Property Office (EUIPO) with a date prior to January 1, 2021, will be able to file an application with the UK IPO within nine months from the end of the transition period, retaining the filing date of the international application and the international registration date, respectively.
6. For further details, please, refer to the guidance issued by the Government of the United Kingdom, which is available at the following address:
<https://www.gov.uk/guidance/international-eu-protected-designs-after-brexit>.

7. Finally, it should be noted that the end of the transition period will not negatively affect the rights of applicants to file an international application or of holders of existing international registrations who are nationals of or domiciled in the United Kingdom, have a habitual residence or a real and effective industrial or commercial establishment in this country, since the United Kingdom is a Contracting Party to the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (1999 Act). However, after the end of the transition period, those having entitlement solely through the United Kingdom will no longer be able to claim entitlement through the European Union in an international application or, as the new owner, in a request for the recording of a change in ownership. Instead, they should claim entitlement through the United Kingdom.

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