

## **IMPLICATIONS OF A NO-DEAL BREXIT ON INTERNATIONAL APPLICATIONS AND REGISTRATIONS UNDER THE MADRID SYSTEM FILED OR HELD BY UNITED KINGDOM NATIONALS OR LEGAL ENTITIES AND ON SUBSEQUENT DESIGNATIONS OF THE UNITED KINGDOM RESULTING FROM CONVERSION.**

1. The International Bureau of the World Intellectual Property Organization (WIPO) is making available information on the implications of the United Kingdom (UK) leaving the European Union (EU) without an agreement (no-deal Brexit) on international applications and registrations under the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (the Protocol) in which the European Union Intellectual Property Office (EUIPO) is the Office of origin, filed or held by UK nationals or legal entities. This note also provides information on the implications of a no-deal Brexit on subsequent designations of the UK resulting from conversion filed with the EUIPO.

2. It is recalled that the International Bureau of WIPO has already published information on the implications of a no-deal Brexit on international applications and registrations designating the EU. That information is available at the following address:  
[https://www.wipo.int/export/sites/www/madrid/en/pdf/dis\\_uk\\_no\\_deal\\_brexit\\_explainer.pdf](https://www.wipo.int/export/sites/www/madrid/en/pdf/dis_uk_no_deal_brexit_explainer.pdf).

### **INTERNATIONAL REGISTRATIONS IN WHICH THE EUIPO IS THE OFFICE OF ORIGIN HELD BY UK NATIONALS OR LEGAL ENTITIES**

3. International registrations in which the EUIPO is the Office of origin, held by UK nationals or legal entities without entitlement through another State member of the EU, would not be affected in the event of a no-deal Brexit. This would be the case because, at the time the international application was filed through the EUIPO, as the Office of origin, the applicant met the entitlement requirements in respect of the EU.

4. In the event of a no-deal Brexit, holders of the international registrations referred to above in paragraph 3, would not see their rights affected in the designated Contracting Parties. Those holders would continue to have the right to file any request for recording, including a request for the recording of a subsequent designation, directly with the International Bureau of WIPO. While the UK could be designated in those international registrations, a designation of the EU would not be possible due to Article 3*bis* of the Protocol.

5. The EUIPO would also remain the Office of origin of those international registrations and, for example, would continue to be required to request their cancellation, in accordance with Article 6(4) of the Protocol, should the basic mark cease to have effect.

### **INTERNATIONAL APPLICATIONS FILED THROUGH THE EUIPO BY UK NATIONALS OR LEGAL ENTITIES**

6. International applications filed through the EUIPO, as the Office of origin, before the day on which the UK leaves the EU (exit day), by UK nationals or legal entities without entitlement through another State member of the EU, would not be affected in the event of a no-deal Brexit.

7. The EUIPO would certify and present the above-mentioned international applications to the International Bureau of WIPO, provided the applicant met the entitlement requirements in respect of the EU on the date of the international application and the particulars of the mark in this application corresponded to those in the basic mark, as required in Article 3 of the Protocol.

8. In such case, in the event of a no-deal Brexit, the EUIPO would remain the Office of origin of the international applications referred to above in paragraph 7 and of the resulting international registrations. For example, the EUIPO would continue to be required to remedy irregularities in those international applications, in accordance with Rules 11(3) and (4), 12 and 13 of the Common Regulations Under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement (the Common Regulations).

9. The EUIPO would also be required to request the cancellation of the resulting international registrations referred to above in paragraph 8, in accordance with Article 6(4) of the Protocol, should the basic mark cease to have effect.

10. As from exit day, UK nationals or legal entities without entitlement through another State member of the EU would no longer be able to file international applications through the EUIPO as the Office of origin.

11. It is recalled that, at present, UK nationals and legal entities can file international applications through the Intellectual Property Office of the United Kingdom (the UKIPO) as Office of origin, and will continue to be entitled to do so after exit day because the UK is a Contracting Party to the Protocol, independent from the EU.

#### SUBSEQUENT DESIGNATIONS OF THE UK RESULTING FROM CONVERSION

12. Under Rule 24(7) of the Common Regulations, where a designation of the EU has been withdrawn, refused or has ceased to have effect under the law of the EU, the holder may request the conversion of the designation of the EU into the designation of any of its member States. A subsequent designation under this Rule must be presented to the International Bureau of WIPO by the EUIPO.

13. Subsequent designations of the UK requested to the EUIPO under Rule 24(7) of the Common Regulations before exit day would not be affected by a no-deal Brexit. The EUIPO would present the subsequent designation to the International Bureau of WIPO, provided it met the requirements in that Rule. The International Bureau of WIPO would record the subsequent designation of the UK, notify the UKIPO and inform the EUIPO accordingly.

14. Subsequent designations of the UK under Rule 24(7) of the Common Regulations would no longer be possible after exit day in the event of a no-deal Brexit.

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