



Client Memorandum

June 24, 2016

Brexit and Intellectual Property Rights in the United Kingdom

As many of you know, the United Kingdom (UK) has voted to withdraw from the European Union (EU). You may wonder what impact this may have on your intellectual property in the UK.

Although we are in uncharted waters with this historic vote, a few answers are relatively clear. For example, the UK vote on June 23, 2016 is non-binding, and only the first step in a process that will likely lead to the withdrawal of the UK from the EU. Although there are some options for the next step, the indications are that the UK will follow the results of the popular vote, and is expected to begin the process for withdrawal; a process that will take at least two years. The resignation of UK Prime Minister David Cameron will likely delay the withdrawal process further.

Regarding patents in Europe, the European Patent Office is separate and apart from the EU, and the withdrawal of the UK from the EU should not affect the procedures or status of any patent applications pending before, or allowed by, the European Patent Office. Going forward therefore, one can continue filing patent applications to seek patent protection in the UK in much the same manner as before. One can still enter the UK based on a regional EP application or directly from a US national or international application.

EU Trade Marks and Community Registered Designs may be impacted if the UK ultimately does complete its withdrawal from the EU. We have communicated with our European associates, and understand that the purpose of the two-year period associated with the formal process of withdrawal is to negotiate and undertake agreements to deal with the myriad of legal issues that must accompany the withdrawal. These agreements should include accommodations associated with these trade marks and designs. In the near term our European associates do not expect any changes to existing rights or to new applications for trade marks or registered designs.

We will endeavor to keep you informed as new information becomes available.

This memorandum is not intended to provide legal advice, and no legal or business decision should be based on its content. Questions concerning issues addressed in this memorandum should be directed to your COJK attorney.