

CITMA Brexit Registered Rights Working Group

Working document, as at 19th January 2017

Issue	Options	Montenegro	Tuvalu	
Intent to use in UK, for UK 'child' regns	'Deemed' intent to use			
	Formal declaration of intent to use at opt in (Tuvalu)	N/A		
	Initial 'presumed' intent to use, followed by formal declaration of intent to use	<ul style="list-style-type: none"> Short window post-Brexit 	<i>(Effectively turns Montenegro into Tuvalu)</i>	N/A
		<ul style="list-style-type: none"> At renewal, or on enforcement, amendment etc. if prior 		N/A
	<ul style="list-style-type: none"> At renewal, or on enforcement, amendment etc. if prior, with option to file declaration earlier 		N/A	
Non-use cancellation of UK 'child' regns	New 5 year grace period for UK 'child' registrations			
	New shorter (2 year?) grace period for UK 'child' registrations			
	Grace period runs from registration date of parent EUTM	UK use only		
		Pre-Brexit use elsewhere in EU, post-Brexit use UK only		
Seniority – UK seniority claims on EUTMs, where earlier UK regn has lapsed	All lapsed UK registrations (for which there's a valid seniority claim) revive. Creates 2+ registrations; EUTM child and revived UK			
	Reviving of lapsed UK registrations is optional			
	Import concept of seniority into UK system – EUTM child registrations retain UK seniority claim			
	No provision for seniority claims			
Pending EUTM applications	All pending EUTM applications re-examined by UKIPO (upon payment)			
	Pre-publication EUTM applications re-examined by UKIPO (upon payment). Published marks re-published in UK journal (no re-examination).			
	Cut-off pre-Brexit – no EUTM applications filed in e.g. 6 months prior to Brexit (and which are still pending upon Brexit) are transferred to UK register.	All EUTM applications re-examined by UKIPO (upon payment)		
		Pre-publication EUTM applications re-examined by UKIPO (upon payment). Published marks re-published in UK journal (no re-examination).		
	No provision for transfer of pending applications. Only EUTMs which are registered at			

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	Brexit are transferred to UK register.			
Language – errors in EUTM specs owing to machine translated from original language.	Practice amendment - deal with under existing correction of obvious errors provisions			
	UKIPO has option to correct/invite correction.			
	Option to confirm English spec/amend to accord with language of filing			
	No provision			
Address for service for UK 'child' regns (only relevant if ability to have EEA Address for service is dropped)	Nominate UK address for service at opt-in (Tuvalu)		N/A	
	Enter existing EEA address for service on UK register	Nominate UK address for service at renewal/enforcement/other issue		N/A
		Nominate UK address for service within window (e.g. 6 months) post-Brexit	<i>(Effectively turns Montenegro into Tuvalu)</i>	N/A
	Do not import non-UK address for service – correspondence sent directly to owner	Nominate UK address for service at renewal/enforcement/other issue		N/A
		Nominate UK address for service within window (e.g. 6 months) post-Brexit	<i>(Effectively turns Montenegro into Tuvalu)</i>	N/A
On-going proceedings (before EUIPO)	Option for parties to continue in EU and be bound by the result in UK (if both parties agree).			
	EU proceedings determine fate of UK child registration/application.			
	New proceedings in UK created automatically – same grounds/cause of action	'Priority date' from EU proceedings		
		No provision		
	New proceedings in UK created automatically – opportunity to revise grounds/cause of action	'Priority date' for corresponding grounds from EU proceedings		
		No provision		
	No new UK proceedings created automatically.	Option to retain 'priority date' of EU proceedings for corresponding UK proceedings (if filed within set period post-Brexit)		
No provision				