

UK TM Portfolio – Brexit Considerations

Issue / Query With effect from 1 January 2021	Existing UK marks at 31 Dec 2020	EUTMs registered by 31 Dec 2020	New UK (from old EUTMs) from 1 Jan 2021	Pending EUTMs at 31 Dec 2020	New UK TMs after 1 Jan 2021
What territory?	UK	EU 27 (not UK)	UK	EU 27 (not UK) Special 'Brexit priority' period to 30 Sept 2021 to re-file as new UK applications	UK
Which law applies?	UK trade mark laws	EU regulations	UK trade mark laws	EU regulations	UK trade mark laws
Do I need a UK address service for routine maintenance?*	No – pre-existing address for service can be used	N/A EEA address for service required at EUIPO (IR (EU)s can be renewed through WIPO)	No - pre-existing address for service can be used	N/A	Yes – UK address for service required for new UK applications
Do I need a UK address for service for new actions after 1 Jan 2021?*	Yes	N/A EEA address for service required at EUIPO	Depends. For new UKTMs from EUTMs – existing EEA address for service can remain for 3 years before a UK address for service is required. But UK laws apply. For new UKTMs from EU IRs, Yes, as for existing UK marks.	N/A	Yes - UK address for service required for new UK applications

*actions: means any action against or relating to the registration, such as revocation or invalidity proceedings. But does not include *routine maintenance*, such as renewals, recordal of licences, or requesting routine corrections.