



## Resolution of the Executive Committee, Toronto, Canada, 3-5 & 8 June 2018 “BREXIT and transition of EU registered rights and applications therefor”

**FICPI**, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee held in Toronto, Canada from 3 to 5 and 8 June 2018, passed the following Resolution:

**Observing** the uncertainty created for users of European Union IP systems created by the United Kingdom’s forthcoming exit from the European Union;

**Further observing** that considerable progress has been made in negotiations between the United Kingdom (UK) and the remaining countries of the European Union (EU27) regarding the treatment of Intellectual Property Rights as described in Title IV of the Draft Withdrawal Agreement;

**Noting** the proposal in the Draft Withdrawal Agreement which provides that holders of existing EU Trade Marks, Registered Community Designs and Community Plant Variety Rights will become holders of equivalent UK registered rights with no additional formality or cost, and the extension of this proposal to Madrid and Hague Registrations covering the EU;

**Further noting with concern** that the proposed arrangements for pending applications for EU Trade Marks, Registered Community Designs and Community Plant Variety Rights would require a new application to be filed for the UK within a defined priority period if protection is desired in the UK;

**Recognising** that this proposed approach will cause applicants additional costs not expected when making the original filing for the EU Trade Mark, Registered Community Design and Community Plant Variety Right and place a huge burden on the UKIPO and UK Plant Variety Rights Office;

**Urges the UK and EU27:**

- a) to adopt the regime for the transition of EU Trade Marks, Registered Community Designs and Community Plant Variety Rights to equivalent UK registered rights currently proposed in the Draft Withdrawal Agreement;
- b) to agree that pending applications for EU Trade Marks, Registered Community Designs and Community Plant Variety Rights will be automatically transitioned after they are eventually granted by the EUIPO or Community Plant Variety Office to equivalent UK registered rights (at least for a defined period); and
- c) to agree with the Madrid and Hague Registries that International Registrations, and applications for these, covering the EU will be treated in the same way as direct EU registrations, and applications for these.

*[End of document]*