



## Resolution of the Executive Committee, Toronto, Canada, 3-5 & 8 June 2018 “BREXIT and Trade Mark Use”

**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 that an existing European Union trade mark (EUTM) will give rise to an equivalent UK registration;

**Noting with concern** the proposal in the Draft Withdrawal Agreement that the equivalent UK registration “shall not be liable to revocation on the ground that the corresponding European Union trade mark had not been put into genuine use in the territory of the United Kingdom before the end of the transition period” as this does not provide proprietors of EUTMs with the same rights they currently have;

**Urges the UK and EU27 to agree that:**

- a) for a period of 5 years as from end of the transition period, any use made of the EUTM before that date, which would be considered as genuine use by the EUIPO, should also be considered as genuine use of the converted UK trade mark, even if such use would otherwise not have been deemed sufficient for maintaining a UK trade mark;
- b) any use of an EUTM made in the UK within the 5 years before the end of the transition period, should be taken favourably into consideration when deciding whether effective use in the EU of the EUTM has taken place.

*[End of document]*