

## Brexit: Historical Overview and Resources

### I. INTA Resources

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INTA is advocating that both the European Union (EU) and the United Kingdom (UK) support, promote, and safeguard the following core principles for brand owners and right holders during the negotiations as well as when Brexit becomes effective:

- Minimum disruption of trade
- Minimum costs
- Maximum retention of rights
- Maximum transparency and legal clarity
- A transitional period in order to adapt to the new rules

#### Positions:

- [INTA's Brexit Fact Sheet](#)
- [INTA's Brexit Brands Tool Kit](#)
- [INTA Brexit position paper](#)
- [INTA letter on exhaustion of rights](#)
- [INTA comments on international registration](#)
- [INTA's input to the UK public consultation on the new proposed UK GI Scheme](#)
- [INTA paper on enforcement](#)
- [INTA paper on .eu domain names](#)
- [INTA's position on the UK's Draft Trade marks \(Amendment etc.\) \(EU Exit\) Regulation 2018](#)

#### Articles:

- [United Kingdom Enters Transition Period After 'Brexit Day'](#) (January 2020)
- [The United Kingdom Is Due to Leave the European Union: UK Regulations, the EU Position, and Key Actions to Consider; Brexit and UK Regulations; Brexit and the EU Position; Brexit: Actions to Consider](#) (November 2019)
- [Brexit: Important Guidance from the European Union Intellectual Property Office in Case of a No-Deal](#) (April 2019)
- [Brexit: What to Consider in Case of a No Deal on March 29](#) (February 2019)
- [What Brexit Means for Trademark Licensing](#) (March 2017)
- [UKIPO Hosts Discussion on Impact of 'Brexit' on UK IP Rights](#) (October 2016)
- [How the Brexit Vote Will Affect Brand Owners: A Q&A Guide](#) (July 2016)

## II. EU and UK Positions on IP

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The EU and UK have finally succeeded in agreeing on a [draft deal on the withdrawal agreement](#) as well as a [‘Instrument relating to the agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community’](#) covering the “divorce” phase. Faced with three refusals from the UK Parliament to adopt this agreement, both parties managed to agree on a [revised Withdrawal agreement](#) reached on October 17, 2019 specifically targeted to provide guarantees on the ‘backstop’ while preserving the substance of the IP Chapter. This revised agreement in principle between the EU and UK negotiators was formally adopted by the UK Government and the EU, respectively, paving the way for Brexit to become official on January 31, 2020 and thereby opening the “transition period” until December 31, 2020.

Both parties also agreed on a [political declaration on the setting out the framework for the future relationship between the European Union and the United Kingdom](#), as well as a [joint statement supplementing the political declaration setting out the framework for the future relationship between the European Union and the United Kingdom of great Britain and Northern Ireland](#), covering the “future relationship” phase. Such declaration was also modified on October 17, 2019 to become the [Revised Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom](#). While the IP provisions remain the same, the main change in the Political Declaration relates to the future EU-UK economic relationship where the current UK government has opted for a model based on a Free Trade Agreement (FTA).

As Brexit became official on January 31, 2020, the EU Commission first published, in March 2020, its [draft legal text](#) on the “future relationship” agreement, which includes a dedicated Title IX on IP (pp. 140-163), including a chapter on enforcement. Then, the UK Government followed in May with its own [draft working text for a comprehensive free trade agreement between the United Kingdom and the European Union](#), which includes a dedicated Chapter 24 on IP, as well as [draft annexes to the draft working text for a comprehensive free trade agreement between the United Kingdom and the European Union](#).

### 1. EU Position on IP

- [EUIPO’s Brexit-related guidance to rights holders and representatives](#)
- IP in general:
  - [Position paper on intellectual property](#)
  - [Revised notice to stakeholders on the withdrawal of the UK and EU rules in the field of enforcement of IPRs](#)
- Trademarks & designs: [Notice to holders of and applicants for European Union trade marks pursuant to Regulation \(EU\) 2017/1001 on the European Union trade mark and to](#)

holders of and applicants for Community designs pursuant to Regulation (EC) no 6/2002 on Community designs

- Customs: Notice to stakeholders on the withdrawal of the UK and EU rules in the field of customs and indirect taxation
- .eu domain names: EURiD's Brexit notice on .eu extension

## 2. UK Position on IP

- IP in general:
  - 'IP and the Facts'
  - "Guidance" Videos
- Trademarks:
  - United Kingdom's Draft Trade marks (Amendment etc.) (EU Exit) Regulation 2018
  - 'TM and designs if there is no deal'
  - Changes to trade mark law in the event of no deal from the European Union
- Designs:
  - Designs and International Trade Marks (Amendment etc.) (EU Exit) Regulations 2019 (Draft)
  - 'TM and designs if there is no deal'.
  - Customs: Customs (Enforcement of Intellectual Property Rights) (Amendment) (EU Exit) Regulations 2019 (Draft) (February 2019)
- Exhaustion:
  - The Intellectual Property (Exhaustion of Rights) (EU Exit) Regulations 2019
  - The UK Intellectual Property Office (UKIPO)'s feasibility study on the exhaustion regime following the day of Brexit
  - UKIPO Exhaustion's online resources
- Civil Jurisdictions & judgments:
  - The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (Draft) (February 2019)
- GIs:
  - The Food and Drink, Veterinary Medicines and Residues (Amendment etc.) (EU Exit) Regulations 2019 (Draft) (February 2019)
- International Registration:
  - UKIPO's guidance on international registration after Brexit

### III. What Is at Stake?

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On June 23, 2016, the UK Government held a referendum in the UK for the electorate to decide whether the UK should leave or remain in the EU. The decision to leave won over the decision to stay by 52 percent to 48 percent. On March 29, 2017, the UK Government triggered Article 50 of the Treaty of the Functioning of the European Union (TFEU), starting formal negotiations for the UK to leave the EU. After securing the withdrawal agreement governing the “divorce” phase, paving the way for Brexit to become official on January 31, 2020 and thereby opening the ‘transition period’ until December 31, 2020, if it is not extended by June 30. In parallel, the EU and the UK are negotiating since March 2020 the second phase, i.e. the “future relationship.”

Beyond being unprecedented (it will be the first time that a Member State will have left the EU), the process of the UK leaving the EU—commonly known as “Brexit”—is complex at all levels. While the length of the process and outcome of the EU-UK negotiations, notably on the second phase (the “future relationship”), still remain unclear, the consequences of Brexit will be far-reaching and will impact the UK, the EU, and their global trading partners in many and possibly unforeseen ways. Companies across all industries and of all sizes, based in or trading with the UK will be affected in a variety of ways, including in areas related to IP and corporate brand protection.

How will Brexit affect registration and protection of trademarks, designs, geographical indications, and other IP rights currently harmonized under EU legislation? In particular, what will be the impact of Brexit on the EU Trade Mark? And its impact on the UK’s participation and influence in the EU Intellectual Property Office (EUIPO) or EUROPOL? What will the effects be on the UK legal profession? How will companies be able to enforce their UK IP rights (IPRs) in the EU and enforce their EU IPRs in the UK after Brexit? How will Brexit impact IP protection in the EU Customs Union? What about injunctions, pending litigations, or how it will impact fighting counterfeiting?

#### **IV. What Is Next?**

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Starting on January 31, 2020 at 11 AM GMT, the transition period will run until December 31, 2020—though the parties can agree to extend it.

On the other hand, the EU and the UK have now started negotiations on the substance of the second phase, the “future relationship”, on the basis of the [negotiating directives](#) adopted by the EU27 Council which constitute a mandate to the EU Commission for the negotiations, and the UK government’s [paper on the future relationship with the EU](#), respectively. Due to the COVID-19 situation, the round of negotiations are, for the time being, taking place via visio-conference. Parties will have to agree by June 30, whether or not to ask for the extension of the transition period beyond December 31, 2020. The ratification and adoption process will depend on the nature of the “future relationship.”

#### IV. Key Dates

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##### 2020

- On August 17-21, the EU and the UK held their sixth official round of negotiations on the “future relationship” in London. See the [press statement](#) (only in French) by EU negotiator Michel Barnier after the round.
- On August 17, the EU Commission’s Directorate-General on Taxation and Customs (DG TAXUD) published the update to its [notice to stakeholders on the withdrawal of the UK and EU rules in the field of customs and indirect taxation](#).
- On July 20-23, the EU and the UK held their sixth official round of negotiations on the “future relationship” in London. See the [press statement](#) by EU negotiator Michel Barnier after the round, where he acknowledges that “*we have had useful discussions on some issues in goods and services (...) [but] we are still far away*”. He notably stressed that on the level-playing field and fisheries “*no substantial progress*” were made, which in turn implies that “*the UK makes a trade agreement at this point unlikely*”. A new round is foreseen mid-August.
- On June 29-July 2, the EU and the UK held their fifth (restricted) official round of negotiations on the “future relationship” via visio-conference. See the [press statement](#) by EU negotiator Michel Barnier after the round, where he acknowledges that “*serious divergences remain*.” He announced the next round of negotiations will take place in the week of 20 July.
- On June 15, UK Prime Minister Boris Johnson [met](#) the President of the European Council Charles Michel, the President of the European Commission, Ursula von der Leyen, and the President of the European Parliament, David Sassoli, by videoconference for an EU-UK High-Level Meeting. “*The Parties noted the UK’s decision not to request any extension to the transition period. The transition period will therefore end on 31 December 2020, in line with the provisions of the Withdrawal Agreement. (...) The Parties agreed nevertheless that new momentum was required. They supported the plans agreed by Chief Negotiators to intensify the talks in July and to create the most conducive conditions for concluding and ratifying a deal before the end of 2020.*”
- On June 1-5, the EU and the UK held their fourth official round of negotiations on the “future relationship” via visio-conference. See the [press statement](#) by EU negotiator Michel Barnier after the round. No request was made to ask for an extension of the transition period. Mr. Barnier announced the second meeting of the Joint Committee on June 12. The High Level Meeting agreed to in the Political Declaration to take stock of these negotiations and the next rounds – the first of which would probably take place towards the end of June or early July – have yet to be scheduled.

- On May 19, the UK Government published its own draft texts for the “future relationship”, i.e.: [a draft working text for a comprehensive free trade agreement between the United Kingdom and the European Union](#), which includes a dedicated Chapter 24 on IP, as well as [draft annexes to the draft working text for a comprehensive free trade agreement between the United Kingdom and the European Union](#).
- On May 11-15, the EU and the UK held their third official round of negotiations on the “future relationship” via visio-conference. See the [press statement](#) by EU negotiator Michel Barnier after the round.
- On April 20-24, the EU and the UK held their second official round of negotiations on the “future relationship” via visio-conference. See the [press statement](#) by EU negotiator Michel Barnier after the round.
- On April 15, EU Brexit negotiator Michel Barnier and his U.K. counterpart David Frost discussed via visio-conference the organization of the upcoming negotiating rounds. Both sides stress the post-Brexit process is continuing despite the coronavirus.
- On March 30, the EU and UK held their first [Joint Committee meeting](#) on the implementation and application of the Withdrawal Agreement, by means of teleconference.
- On March 18, the EU Commission published its [draft legal text](#) on the “future relationship” agreement, which includes a dedicated Title IX on IP (pp. 140-163), including a chapter on enforcement.
  - **Nature:** A broad agreement, covering all aspects and issues, in the same fashion as the one for EU-Canada.
  - **IPR covered:** Trademarks, designs, GI, copyright, patents, trade secrets, plant variety. It also notably includes a chapter on enforcement.
  - **Three dedicated annexes on GIs** including a GI list, opposition procedure and domestic legislation
  - **Exhaustion:** national or regional: *“Each Party shall provide for a regime of national or regional exhaustion of intellectual property rights.”*
  - **International registration:** Each party needs to ensure that the Hague and Madrid agreements are available for both their territory.
- On March 2-5, the first round of negotiations between the European Union and the United Kingdom took place in Brussels, Belgium. The agenda covered Trade in goods; Trade in services and investment and other issues; Level playing field for open and fair competition; Transport; Energy and civil nuclear cooperation; Fisheries; Mobility and social security coordination; Law enforcement and judicial cooperation in criminal

matters; Thematic cooperation; Participation in Union programmes; Horizontal arrangements and governance. The meetings were followed by a press conference and a [statement](#).

- On February 27, the UK Government published a [paper on the future relationship with the EU](#), stressing the UK's approach to negotiations. The paper includes a chapter 23 dedicated to Intellectual Property (2 provisions): one on IP in general calling for the "future relationship" agreement to include "*an Intellectual Property (IP) chapter that secures mutual assurances to provide high standards of protection for IP rights, including registered IP rights such as patents, trademarks or designs, or unregistered rights such as copyright, trade secrets or unregistered designs*" and one on GIs which remains very general.
- February 25: The EU27 Council today adopted a [decision](#) authorizing the opening of negotiations for a new partnership with the UK, and formally nominating the Commission as EU negotiator. The Council also adopted [negotiating directives](#) which constitute a mandate to the Commission for the negotiations.
- On February 3, both the EU and the UK published their draft negotiating Directives yesterday (February 3). For the EU, it was a [recommendation for a EU27 Council's decision](#), which included a specific section 7 on IP, which includes 4 provisions (47 to 50). For the UK, it was a [statement](#) by the UK Prime Minister Boris Johnson which does not address IP expressly.
- January 31, 11AM GMT: Official Brexit Day and start of the Transition period
- On January 29, the European Parliament, in plenary session in Strasbourg, adopted on the withdrawal agreement by 621 votes to 49 (with 13 abstentions).
- On January 29, the UK Government published its guidance on [IP and the transition period](#).
- On January 24, EU Commission President Ursula von der Leyen and Council President Charles Michel signed the agreement on behalf of the EU and UK Prime Minister Boris Johnson signed on behalf of the UK, concluding the ratification process from the UK's side.
- On January 23, the European Parliament's Constitutional Affairs Committee [voted](#) in favor of the withdrawal agreement in a 23-3 vote.
- On January 23, the Withdrawal agreement adopted by the UK Parliament received the [royal assent](#), allowing the Queen to give formal approval to a British exit.



- On January 22, the UK Parliament's House of Commons rejected the five amendments made by the UK Parliament's House of Lords, thereby putting a final adoption to the Withdrawal Agreement.
- On January 20, the UK Parliament's House of Lords approved the Withdrawal agreement but with five amendments.
- On January 9, the UK Parliament's House of Commons adopted [the revised Withdrawal agreement](#) ("the divorce") secured by UK Prime Minister Boris Johnson and the EU on October 17.

## 2019

- On October 29, the EU formally granted an extension of the Brexit date to January 31, 2020. The UK Parliament also voted in favor of UK Prime Minister Boris Johnson's proposal to hold UK elections on December 12.
- In a vote on October 22, the UK Parliament denied UK Prime Minister Boris Johnson's fast-track debate and vote on the [revised Withdrawal agreement](#). Moreover, UK MPs has obliged Mr. Johnson to send a letter the EU requesting a three-month extension (until January 31, 2020), despite his statement that the UK will leave the EU on October 31, deal or no deal.
- On October 17, during an EU Summit in Brussels, the UK and the EU managed to agree on a [revised Withdrawal agreement](#) specifically targeted to provide guarantees on the 'backstop'. They also agreed on a [Revised Political Declaration](#) setting out the framework for the "future relationship" between the EU and the UK. The main change in the Political Declaration relates to the future EU-UK economic relationship where the current UK government has opted for a model based on a Free Trade Agreement (FTA).
- On October 14, the UKIPO published an update to its [online resources](#), including a video, stressing that "the UK will continue to recognize the EEA [European Economic area] regional exhaustion regime from exit day for a temporary period.", adding that "the government is currently considering all options for the choice of regime, if the UK does not remain within the EEA following Brexit."
- On October 10, the UKIPO published ["guidance" videos](#) on trademarks and designs.
- On July 23, the Tory Party members (representing less than 1 percent of the UK electorate) elected Boris Johnson to succeed Theresa May as the new UK Prime Minister. Mr. Johnson stressed that he would "get Brexit done by 31 October" with a "new spirit of can-do", though offering no detailed plan to achieve this. He put forward the alternative: either a re-negotiated Withdrawal agreement with the EU– notably on the backstop at the Irish border– or a "no-deal" exit by October 31.

- On July 16, the newly elected President of the EU Commission, Ursula Von der Leyen stressed, in her [“political guidelines for the next European Commission 2019-2024,”](#) that she wants *“an ambitious and strategic partnership with the United Kingdom”* while specifying that *“the Withdrawal Agreement negotiated with the United Kingdom is the best and only deal possible for an orderly withdrawal. Should more time be required, I will support a further extension if good reasons are provided.”*
- On June 17, the UK Intellectual Property Office (UKIPO) published its [feasibility study on the exhaustion regime following the day of Brexit](#), in order to provide information to the UK government to make its decision. Unfortunately, while looking at several methodological approaches, the study finds that *“the data available on the extent and scale of parallel trade is limited.”* Moreover, the study does not include an analysis of the different exhaustion regimes and therefore does not issue policy recommendations nor advocate for one specific regime.
- On June 7, UK Prime Minister Theresa May presented her resignation, paving the way for an internal Tory party contest to elect a new UK Prime Minister.
- During an extraordinary Summit, on April 10, the 27 EU Heads of state and government [decided](#) to provide for a flexible further extension, i.e. *“as long as necessary and, in any event, no longer than 31 October 2019.”* Their [conclusions](#) notably imply that:
  - In case the deal is not ratified by May 12, the UK “must” hold European elections. If it fails to abide by such obligation, “the withdrawal will take place on 1 June 2019”;
  - There will “no opening of the Withdrawal Agreement” thereby de facto putting an end to any future renegotiation of the substance of the deal;
  - This extension “cannot be used to start negotiations on the “future relationship” but the EU leaves the door open “if the position of the United Kingdom were to evolve” without further specifying what this evolution entails;
  - Progress on this issue will be “reviewed” during the EU Summit scheduled for June 20-21.
- On April 5, in a [letter to European Council President Donald Tusk](#), U.K. Prime Minister Theresa May requested an extension from the EU an extension of Brexit until June 30. While stressing said it was not in the interests of either the UK or the EU that her country takes part in the European Parliament election scheduled for May 23 to 26, she would undertake preparations for the poll as a “contingency.”
- On April 3, the UK Parliament (‘Commons’) voted, with a majority of just one vote, a bill obliging UK Prime Minister Theresa May to ask the EU for an extension of Brexit beyond April 12. The bill is due to be considered by the Lords on April 4 and will need its adoption to become law.

- On April 1, the UK Parliament held another series of votes on a possible way forward (maintaining the UK in the European Customs Union, new referendum, maintain the UK in the single market, stopping Brexit) with, again, no majority reached on any option.
- On March 29, UK Prime Minister Theresa May, who offered her resignation if the deal was adopted, failed to get Parliament approval on the deal for a third time.
- On March 27, the UK Parliament held a series of votes on a possible way forward. These votes on the eight possible alternative scenarios (including a new referendum, the UK remaining in the Customs Union, etc.) with no alternative option reaching a majority.
- On March 21, the EU27 held a Summit in the presence of UK Prime Minister Theresa May where they adopted [conclusions](#) where they approved the joint instruments on the Withdrawal Agreement and the political declaration adopted on March 11. They most notably agreed to an extension of Article 50 until 22 May 2019, thereby delaying Brexit initially scheduled for March 29. Nonetheless, such extension will be granted on the condition that “*the Withdrawal Agreement is approved by the House of Commons next week.*” If the Withdrawal Agreement is not approved, the European Council agrees to an extension until April 12, 2019 and “*expects the United Kingdom to indicate a way forward before this date for consideration by the European Council.*”
- The UK Parliament held a series of three votes on Brexit from March 12 to 14. On March 12, the UK MPs rejected the “divorce” agreement by a substantial majority of 391 votes to 242, though by a thinner margin than during the first vote on the deal in January (432 to 202). On March 13, the UK MPs voted with a very narrow majority (312 to 308) to reject a “no-deal” Brexit under any circumstances. That vote, however, is not binding; that is, under current law, the UK could still leave without a deal on March 29. Finally, on March 14, the UK Parliament voted with a strong majority (413 votes to 202 votes), to ask for an extension of article 50, thereby delaying Brexit beyond March 29.
- On March 11, in Strasbourg, the EU and the UK agreed on an [Instrument relating to the agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community](#) (i.e., on the “divorce”). This instrument provides “*a clear and unambiguous statement by both parties to the Withdrawal Agreement of what they agreed in a number of provisions of the Withdrawal Agreement*”, “*a document of reference that will have to be made use of if any issue arises in the implementation of the Withdrawal Agreement*” and has “*legal force and a binding character*”. It notably provides clarification on the ‘backstop’ scheme with regards Northern Ireland. The EU and UK also adopted a [joint statement supplementing the political declaration setting out the framework for the future relationship between the European Union and the United Kingdom of great Britain and Northern Ireland](#) (i.e. on the “future relationship”). The statement reiterates the “*shared ambition to have the future relationship in place by the end of the transition period*” and

that “*immediately following the United Kingdom’s withdrawal, they will take the steps necessary to begin formal negotiations*”. Moreover, they stressed their “*firm commitment to work at speed on a subsequent agreement that establishes by 31 December 2020 alternative arrangements such that the backstop solution in the Protocol on Ireland/Northern Ireland will not need to be applied*”. Finally, the UK adopted an unilateral ‘[Declaration by Her Majesty’s Government of the United Kingdom of Great Britain and Northern Ireland concerning the Northern Ireland Protocol](#)’, stressing the UK’s right to apply to an arbitration panel to exit the backstop if no agreement on the “future relationship” with the EU can be reached. [European Commission’s President Jean-Claude Juncker](#) and [UK Prime Minister Theresa May](#) both made a press statement following these adoption.

- On March 8, the European Union Intellectual Property Office (EUIPO) published additional Brexit-related guidance to rights holders and representatives in its online “[information hub on Brexit](#).” They are not binding legislation and simply state the practice of the EUIPO in the event of a “no-deal” Brexit.
- On March 1, the UK Government published its document on [Changes to trade mark law in the event of no deal from the European Union](#), i.e., what to expect in terms of trademarks in a no deal scenario. It is the actual “guidance” and explanation of [The Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019](#).
- On February 26, UK Prime Minister Theresa May made a statement to the UK Parliament’s House of Commons laying out the future series of three votes on Brexit: 1) A meaningful vote on the draft withdrawal agreement with new reassurances negotiated with the EU on March 12; 2) If that first vote fails to pass, on March 13, she will then put forward a motion asking the UK Parliament to vote on leaving the EU without a deal; 3) if that last motion is defeated, she will then, on March 14, propose a final motion to the vote, i.e., whether the government should “*seek a short, limited extension to article 50*” which could then be negotiated with the EU. If such extension is adopted, the UK Government would legislate to change the exit date.
- In mid-February, the UK Government published its [Food and Drink, Veterinary Medicines and Residues \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(Draft\)](#) which relates notably to GIs.
- On February 13 and 14 respectively, the UK Government published its final instrument on Trademark, i.e. [United Kingdom’s Draft Trade marks \(Amendment etc.\) \(EU Exit\) Regulation 2019](#) with no substantial changes from the previous draft as well as its instrument on exhaustion of rights, i.e., [the Intellectual Property \(Exhaustion of Rights\) \(EU Exit\) Regulations 2019](#).
- On February 1, the UK Government published its [Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(Draft\)](#) which creates a

“supplementary unregistered design right”, and gives automatic parallel UK rights to holders of: unregistered Community designs (“continuing unregistered Community designs”); Community and international registered designs and international trade marks. They also published a [Customs \(Enforcement of Intellectual Property Rights\) \(Amendment\) \(EU Exit\) Regulations 2019 \(Draft\)](#) which addresses procedures for requesting customs authorities to stop the transit of infringing goods.

- On January 31, the UK government published its [Customs \(Enforcement of Intellectual Property Rights\) \(Amendment\) \(EU Exit\) Regulations 2019 \(Draft\)](#).
- On January 29, the UK Parliament debated UK Prime Minister Theresa May’s alternative plan and voted against a proposal to delay Brexit while voting in favor of Ms. May re-opening the negotiations with the EU on the “backstop.”
- On January 24, EURid (the registry manager of the .eu country code top-level domains upon appointment of the European Commission in 2003) published an [update of its Brexit notice on .eu extension](#). The notice develops two scenarios: 1) .eu domain names that have GB/GI as the registrant country code; and 2) .eu domain names that have GB/GI as the registrant country code.
- On January 21, UK Prime Minister Theresa May presented her alternative plan for Brexit to the UK Parliament.
- On January 18, the European Commission published an update of its [notice to stakeholders on the Withdrawal of the United Kingdom and EU rules in the field of civil justice and private international law](#), to prepare for the possibility of a ‘no deal’ scenario. It provides notably, for pending proceedings “*on the withdrawal date*”, “*involving a defendant domiciled in the United Kingdom, and pending with a court of the EU-27 Member States on the withdrawal date, the EU rules for international jurisdiction continue to apply.*” For proceedings “*initiated as of the withdrawal date,*” *For proceedings involving a United Kingdom domiciled defendant initiated on or after the withdrawal date in the EU-27 Member States, (...) International jurisdiction will thus be governed by the national rules of the Member -State in which a court has been seized. In some instances, international conventions, such as the conventions developed by the Hague Conference on Private International Law apply, provided that both the EU/EU Member States and the United Kingdom are parties to the convention.*
- On January 17, the UK government published its update of the webpage [TM and designs if there is no deal](#). The following main points are proposed for TM and designs:
  - Existing TM & registered designs:
    - The principle defended by the UK Government is “continued protection” for existing trademarks and registered designs.

- Ongoing legal disputes involving EU trademarks or registered Community designs before the UK courts : no provision – more information to follow
    - Pending applications: Need to refile
  - Unregistered designs: The principle defended by the UK government is “continued protection” for existing unregistered designs, first disclosed in EU27 member states and already protected by an unregistered Community design right at the point that the UK exits the EU.
  - Correspondence addresses and confidentiality for UK trademarks and designs: No immediate change.
- On January 16, the UK government went on to publish an update to its [IP and the Facts webpage](#) with the following notable points:
  - There appears that not much has changed on TM (the UK “*aims to ensure continuity of protection and avoid the loss of those rights*” + UK retains access to Madrid system) nor designs (same on continuity for registered designs + UK retains access to the Hague system; for unregistered designs, continuity of protection + “*where the UK does not have existing domestic legislation to protect certain types of rights, it will establish new schemes, which will preserve the full scope of the unregistered Community design right in the UK*”).
  - Right of representation: the UK is advocating in favor. An agreement is secured with the EU to guarantee it for pending cases at the time of Brexit. For the future post Brexit, it will depend on the negotiations on the “future relationship”.
  - A section on enforcement: Recognizing the importance of enforcement and tackling IP infringements, the paragraph is however vague – to say the least – as to what the UK will do post-Brexit. The approach (as much as possible “*frictionless for legitimate trade*”) that the UK will propose “*may*” involve sharing information and research on IPR enforcement, working closely with the EU Observatory on the infringement of IPRs.
  - A section on Exhaustion of IP rights: Currently aligned with the EEA regional exhaustion, the UK does not hint as to what system he will advocate next (only that exhaustion will be part of the negotiations on the “future relationship”) and remains broad in the paragraph.
- On January 15, the UK Parliament, in a 432-202 vote, overwhelmingly defeated the Brexit deal supported by UK Prime Minister May. Ms. May has now only six days -until January 21- to propose an alternate plan.

## 2018

- During a European summit in Brussels on December 13, the EU27 and the UK released [conclusions](#) on Brexit that stress that the backstop to prevent a hard border with Ireland —the main bone of contention—is only “temporary” and “an insurance policy”.

- On December 11, UK Prime Minister Theresa May won a “defiance” vote in her own party (200 in favor, 117 against).
- During a Summit on November 25, the EU27 approved the draft agreement on the “divorce” (a simple majority was required) as well as a [political declaration on the setting out the framework for the future relationship between the European Union and the United Kingdom](#). The latter is a political document – not a legally binding one – for which the unanimity of the EU27 was required. This document provides the basic frame for the “future relationship”, i.e., an “*ambitious, broad, deep and flexible partnership*”, whose nature – customs union? Free-Trade Agreement? Other? - has yet to be determined. This partnership should cover “*trade and economic cooperation, law enforcement and criminal justice, foreign policy, security and defense and wider areas of cooperation.*” The declaration nonetheless leaves the door open for “*areas of cooperation beyond those described in this political declaration.*” It includes a point VII on intellectual property (paragraphs 44-47) which notably stress that the parties should provide for IP protection and enforcement “*beyond the standards of [TRIPS and WIPO] convention where relevant*” as well as the “*freedom to establish their own regimes for the exhaustion of intellectual property rights.*” Finally, the parties agreed to “*establish a mechanism for cooperation and exchange of information on intellectual property issues of mutual interest, such as respective approaches and processes regarding trademarks, designs and patents.*”
- On November 14, the EU and UK succeeded in agreeing on a [draft deal on the withdrawal agreement](#) (the “divorce” phase). The European Commission has also published a Q&A on what’s in it [here](#), and an Ireland and Northern Ireland-specific one [here](#). Most of Title IV (article 54 to 61) which covers “intellectual property” was already agreed in principle. Trademarks, designs, databases and even plant variety rights were addressed and agreed in principle. The main principle put forward then remains, i.e., “*continued protection in the United Kingdom of registered or granted rights.*” Also, the draft agreement kept its regional exhaustion principle whereas “*intellectual property rights which were exhausted both in the Union and in the United Kingdom before the end of the transition period under the conditions provided for by Union law shall remain exhausted both in the Union and in the United Kingdom.*” The outstanding issues – Geographical Indications (GIs), registration procedure and pending applications for supplementary protection certificates in the UK – are now agreed. For GIs, the UK will be granting automatic rights to EU GIs “*as from the end of the transition period*”, until a “future relationship” is established, though the UK will still have to pass a legislative act to enshrine GI protection into UK law. Registration will be carried out “*free of charges*” and IPRs will “*not be required to introduce an application or to undertake any particular administrative procedure*”, nor to “*have a correspondence address in the United Kingdom in the 3 years following the end of the transition period.*”
- On September 24, the UK Government published Guidance Notes related to IPRs in case of a “No Deal” Brexit. These cover [trademarks and designs](#), [geographical indications](#), [copyrights](#), [exhaustion of rights](#), and [patents](#).

- On June 4, the EU Commission issued a [revised notice to stakeholders on the withdrawal of the UK and EU rules in the field of enforcement of IPRs](#) to help stakeholders and provide guidance on the enforcement of IPRs with regards Brexit.
- On July 23, the UK Government updated its [‘IP and BREXIT: The facts’](#) page, including, for the first time, statements about its intentions regarding continued protection of rights (specifically in case of a “no-deal” scenario).
- On July 19, the European Commission adopted a [Communication](#) (a non-legislative document) outlining the ongoing work on the preparation for all outcomes of the UK’s withdrawal from the EU. Indeed, Stakeholders, as well as national and EU authorities, need to prepare for two possible main scenarios: 1) If the Withdrawal Agreement is ratified before March 30, 2019, EU law will cease to apply to and in the UK on January 1, 2021, i.e. ,after a transition period of 21 months; 2) If the Withdrawal Agreement is not ratified before March 30, 2019, there will be no transition period and EU law will cease to apply to and in the UK as of March 30, 2019. This is referred to as the “no deal” or “cliff-edge” scenario.
- On July 12, the UK government has published its long-awaited [Brexit white paper](#) which details its set of proposals regarding the UK’s “future relationship” with the EU. It notably stresses that the new relationship with the EU should be “broader in scope than any other that exists between the EU and a third country.” The UK is aiming for a free trade area for goods, giving frictionless border access. This would “protect the uniquely integrated supply chains and ‘just in time’ processes” with no “costly customs declarations.”. This would “enable products to only undergo one set of approvals and authorisations in either market, before being sold in both.” There would be separate arrangements for services, giving the UK freedom “to chart its own path in the areas that matter most for its economy.”
- “Brexit” Minister David Davis submitted his resignation on July 9 – as he believes the current status leaves the UK “in a weak position” with regards negotiations. He was then followed by Foreign Secretary Boris Johnson. Dominic Raab (former Minister for Housing and Planning) becomes the new “Brexit” Minister while Jeremy Hunt (former Secretary for State for Health and Social Care) becomes the new Foreign Secretary.
- On June 28-29, EU27 heads of States and governments said they were expecting Ms. May to come up with a concrete set of proposals on what she expects from the Brexit agreement on several issues (“future relationship”, border with Ireland, notably). As President of the Council of the EU Donald Tusk stressed, “There is a great deal of work ahead, and the most difficult tasks are still unresolved. If we want to reach a deal in October we need quick progress. This is the last call to lay the cards on the table.”



- The UK Parliament adopted the EU Withdrawal Act on June 26. This Act enables EU law to be transferred into UK law in order to ensure a smooth Brexit. While several MPs pushed for Parliament to have a final say -a “meaningful vote”- on the Brexit agreement, their amendment was ultimately defeated.
- The negotiations on the second phase - the “future relationship” – opened officially on April 16-18 and are ongoing – with little progress to show for ever since, despite several rounds.
- On March 22-23, the EU27 Council formally adopted the negotiating [guidelines](#) for the second phase – the “future relationship” – of the Brexit negotiations. The EU aims at a Free Trade Agreement (FTA) with the UK, which would include “other areas of interest to the Union, for example (...) protection of intellectual property rights, including geographical indications.” Moreover, the EU stresses that “personal data protection should be governed by Union rules on adequacy with a view to ensuring a level of protection essentially equivalent to that of the Union.”
- On March 13, the UK deposited its instrument of ratification to join the Geneva Act of the Hague Agreement on the International Registration of Industrial Designs. While it will come into effect on June 13, 2018, it will ensure, once Brexit occurs, that UK applicants can continue to use the system and allowing non-UK applicants to designate both the EU and the UK in one parallel application.
- On February 7, the EU Commission published its [position paper on the Brexit transition period](#). While IP is not mentioned the draft text specifies that the CJEU will have jurisdiction over UK during the transition period.
- On February 21, the UK published its own [draft text](#) on the transition period (application of EU law in UK territory) once Brexit occurs. IP is not part of the list of provisions in Annex I for which Union law would not apply even during the transition period. The end of the transition period in the text remains December 31, 2020 as proposed by the EU.
- On March 1, the European Commission published its [draft Withdrawal Agreement](#) between the EU and the UK. This draft translates into legal terms the [Joint Report from the negotiators of the European Union and the United Kingdom Government](#) on the progress achieved during phase 1 of the negotiations, published on 8 December 2017. Intellectual property is included in a Title IV (article 50 to 57) which covers IPRs, TM, design, exhaustion of rights notably. The main principle put forward by the Commission in this IP title is “*continued protection in the United Kingdom of registered or granted rights.*” This draft will serve as a basis for the negotiations for the EU and will have to be addressed by the UK negotiators in order to agree on a final common text.

- On March 8, a [leaked draft of the EU negotiating guidelines](#) for the second phase of the Brexit negotiations (to be adopted during the EU27 Summit on March 22-23) was circulated. The EU aims, for its “future relationship” with the UK, at a regular FTA with the UK once it is out. This FTA would include notably: Zero-tariffs trade in goods; *“appropriate customs cooperation, preserving the regulatory and jurisdictional autonomy of the parties and the integrity of the EU Customs Union”*; *“other areas of interest to the Union, for example (...) protection of intellectual property rights, including geographical indications.”* On data protection, the EU stresses that *“personal data protection should be governed by Union rules on adequacy with a view to ensuring a level of protection essentially equivalent to that of the Union.”*
- On January 30, EU Commission’s Directorate-General For Taxation and Customs (DG TAXUD) issued a [notice to stakeholders on the withdrawal of the UK and EU rules in the field of customs and indirect taxation](#). This four-page notice does not mention IP but stresses that *“subject to any transitional arrangement that may be contained in a possible withdrawal agreement, as of the withdrawal date, the EU rules in the field of customs (...) no longer apply to the United Kingdom.”*
- On January 29, the EU27 General Affairs Council (all Member-States except the UK) adopted their [directives setting out the arrangements for its withdrawal from the European Union](#). These directives, to be followed by the EU lead negotiator Michel Barnier during the negotiations, indicates notably that *“in line with the European Council guidelines of 15 December 2017 and with the negotiating directives annexed to the Council Decision of 22 May 2017 as supplemented by these negotiating directives, it is necessary to complete the work on all withdrawal issues, including those not yet addressed in the first phase. These include –without being confined to –issues such as (...) **intellectual property rights**, (...) customs-related matters needed for an orderly withdrawal from the Union, protection of personal data and use of information obtained or processed before the withdrawal date”*. Moreover, the EU27 Council stresses that the transition period *“should not last beyond 31 December 2020.”*
- On January 28, the European Commission and EUIPO published their [Notice to holders of and applicants for European Union trade marks pursuant to Regulation \(EU\) 2017/1001 on the European Union trade mark and to holders of and applicants for Community designs pursuant to Regulation \(EC\) no 6/2002 on Community designs](#) to provide guidance to stakeholders on trademarks and designs with regards to Brexit.
- On January 9, UK Prime Minister Theresa May announced a—relatively limited- [reshuffle](#) of her UK government. While most senior figures remain in post (Boris Johnson as Foreign Secretary or David Davis as Secretary of State for Exiting the European Union), a major change was the “IP portfolio” then held by Jo Johnson (then Minister of State for Universities, Science, Research and Innovation) moving to Sam Gyimah, Minister of State for Higher Education.

## 2017

- On December 14-15, the EU27 Heads of States and government (without the UK) held a meeting where they adopted [guidelines](#) agreeing that “*sufficient progress*” has been achieved in the first phase of the Brexit negotiations (i.e., the “priority issues”: UK citizens living in the EU and EU citizens living in the UK, the “bill” to be paid by the UK to the EU and the border with Ireland, notably, thereby opening the way to the second phase of the negotiations ( EU-UK “future relationship”) which should include all outstanding issues (including IP which had not been negotiated yet).
- On December 14, the EU Commission published a [Notice](#), countersigned by EUIPO, to holders of and applicants for European Union trade marks and Registered Community Designs in the context of the notification of the intention of the UK to withdraw from the EU, submitted on March 29, 2017.
- On December 8, the EU and the UK reached a compromise to move onto the second phase of negotiations (on the EU-UK “future relationship”). The compromise, enshrined in a [Joint Report from the Negotiators of the European Union and the United Kingdom Government](#), is to be adopted by the EU27 heads of States and government during the 14-15 December EU27 Summit.
- The main issue of contention now is the timing of moving up to the next phase of negotiations (i.e., on the new relationship between the EU and the UK). While the mandate stipulates that “*sufficient progress*” on the “exit” phase is needed to move on to the other (initially foreseen for October), the EU Commission clearly stated that there was no “*sufficient progress*” after the last round (a position shared by the EU Parliament in its non-binding [resolution](#) adopted on October 3), thereby postponing negotiations on the new relationship to December at best.
- On October 9-12, the fifth round of Brexit negotiations between the EU and the UK took place in Brussels. The discussions once again focused on citizens’ rights, the financial settlement, and the border with Ireland with “*no great steps forward (...) reached*”. The closing joint press conference can be found [here](#).
- On October 9, the UK published its [position paper on the future UK trade policy](#), which merely mentions that it wishes to promote “*strong IP protection*” in future bilateral trade deals.
- On September 25-28, the fourth round of Brexit negotiations between the EU and the UK took place in Brussels. The discussions focused on citizens’ rights, the financial

settlement, and the border with Ireland. The parties published an updated [Joint technical note on EU-UK position on citizens' rights](#). The closing joint press conference can be found [here](#).

- On September 22, UK Prime Minister Theresa May gave her third important speech on Brexit in Florence (Italy), stressing that the UK wants a transition period (“around two years”) aimed at bridging the gap between leaving the EU in March 2019 and beginning the new trading relationship. On the financial settlement, she confirmed that *“the UK will honor commitments it has made during the period of our membership,” without mentioning a number.* The speech can be found [here](#).
- On September 6, the European Commission publishes its [position paper on intellectual property](#). The document notably recognizes that *“the holder of any intellectual property right having unitary character within the Union and granted before the withdrawal date should, after that date, be recognized as the holder of an enforceable intellectual property right in relation to the United Kingdom territory, comparable to the right provided by Union law – if need be on the basis of specific domestic legislation to be introduced.”* It then sets the principles regarding applications for IPRs with unitary character; applications for supplementary protection certificates or for an extension of their duration; legal protection of databases; and exhaustion of rights.
- On August 28-31, the third round of Brexit negotiations between the EU and the UK took place in Brussels. The discussions focused on citizens’ rights, the financial settlement, the border with Ireland, the overall governance of the withdrawal agreement and other separation issues (Euratom, goods placed on the market, on-going Union procedures, judicial cooperation in civil and criminal matters). The parties published an updated [Joint technical note on EU-UK position on citizens' rights](#). The closing joint press conference can be found [here](#).
- On July 17-20, the second round of Brexit negotiations between the EU and the UK took place in Brussels. The aim of this four-day round, which took place in Brussels, was to present the respective positions). Following the round, the parties published a [Joint technical note on EU-UK position on citizens' rights](#). The closing joint press conference can be found [here](#).
- On June 19-20, EU Chief Negotiator Michel Barnier and UK Secretary of State for Exiting the European Union David Davis launched the first round of Brexit negotiations. This two-day event took place in Brussels. Apart from the structure of the negotiations and forthcoming issues, the opening of negotiations focused on issues related to citizens' rights, the financial settlement, the Northern Irish border and other separation issues. The closing joint press conference can be found [here](#).

- On April 18, UK Prime Minister Theresa May [called](#) for an early General Election, to be held on June 8.
- On April 19, the UK House of Commons [agreed](#) to a motion to hold the early General Election.
- On March 29, UK Prime Minister Theresa May officially triggered Article 50 with a letter to Donald Tusk, President of the European Council, notifying him about the UK's intention to leave the EU. To read the full letter, please click [here](#).
- On February 1, the House of Commons voted to advance the bill that would give Prime Minister Theresa May the authority to invoke Article 50 of the TFEU—the formal process of leaving the EU.
- On January 17, UK Prime Minister Theresa May laid out her vision in a landmark speech. While she said that “*Brexit means Brexit*,” there is a lot of debate about what that will mean in practice, especially concerning the two key issues of how British firms will do business in the EU and what limitations will be placed on the rights of EU nationals to live and work in the UK. More of her negotiating hopes can be found [in her key speech on Brexit](#).

## 2016

- On August 2, the UKIPO published a guide entitled “IP and Brexit: the Facts,” available [here](#).
- On June 23, a referendum was held in the UK to decide whether the UK should leave or remain in the EU. The decision to leave won by 52 percent to 48 percent.

## V. INTA In Action

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### 2020

- On June 3, INTA Brexit Task Force Co-Chair Michael Hawkins (Noerr, Spain) and member Deborah Brincat (Dennemeyer, France) hosted a Brexit corporate update for prospective members, covering all IP issues related to Brexit
- On April 27, INTA together with UK representatives associations of the ‘IP stable group’ received a [written answer](#) from UK IP Minister Amanda Solloway MP to their previous [letter](#) laying down their respective priorities for the “future relationship” phase. Ms. Solloway highlights notably, on enforcement, that *“on the issue of not making UK undertakings more difficult or costly, the Government intends to maintain the UK’s strong protection and enforcement regime. This includes ensuring that the UK system provides for effective, proportionate and accessible enforcement of IP rights. The UK has always been focused on ensuring that justice is accessible for creators and rights holders of all sizes. We will continue to focus on this as the UK framework develops after the transition period. Cooperation on enforcement of IP rights is essential to tackle the global problem of counterfeiting. The Government plans to maintain close links and collaboration on enforcement of IP rights with international partners to address the multiple and growing challenges posed by IP infringement. Should there be any substantive policy changes, we will of course consider the input of all stakeholders on this important issue as we would during normal policy development.”*
- On April 12, INTA co-signed together with UK representatives associations of the ‘IP stable group’ a [letter](#) laying down their respective priorities for the “future relationship” phase, notably, for INTA, enforcement and the fight against counterfeiting as well as the exhaustion regime of IPRs.
- On March 23, INTA published “[Brexit Fact Sheet for Practitioners](#) (for INTA Members only),” to provide all the basic information about the implications of Brexit for brand owners and intellectual property professionals during the Transition Period—February 1, 2020 to December 31, 2020—as well as after the Transition Period expires. It also provides some useful housekeeping tips and areas to consider obtaining legal advice, and highlights issues to look out for where the full or final details are not yet known.
- On March 2, members of the Brexit Task Force had a video-call with the UK Intellectual Property Office on the exhaustion regime in the context of Brexit.
- On January 13, Toe Su Aung (Elipse, UK) attended a meeting with the UK IP Minister Chris Skidmore on Brexit in London, UK.

## 2019

- On September 30, INTA's Brexit Task Force held a conference call with Helen James (Senior Policy Officer, Exhaustion, UK IP Office) and her team on the exhaustion of IPRs' regime after Brexit
- On July 3, INTA Past President Toe Su Aung (Elipse Global, UK) attended, on behalf of INTA, a roundtable in London with other users associations organized by the UK Minister in charge of IP, Chris Skidmore MP. Discussion touched upon Brexit (representation of rights, exhaustion and enforcement) as well as IP and trade, IP and innovation.
- On May 7, INTA held, together with UK based associations, a meeting in London with the UK Ministry of Justice, Civil Judicial Cooperation – EU Exit / Europe Division, International and Rights Directorate. The meeting allowed an exchange on issues pertaining to pending litigations in UK courts, the EU Court of Justice and EUIPO at the time of Brexit.
- On March 29, INTA led a coordination meeting in London with other users' associations, namely the Chartered Institute of Patent Attorneys (CIPA), the Chartered Institute of Trade Mark Attorneys (CITMA), the IP BAR Association, IP Federation, The Law Society, Intellectual Property Lawyers Association (IPLA), and the British Brands Group. Discussions focused on three scenarios: status quo, "no deal" Brexit, and the adoption of the Withdrawal Agreement. Exhaustion, pending proceedings, and the [EUIPO guidance](#) on Brexit were key topics discussed
- On February 25, in London, INTA held an event on 'Enforcement issues with regards Brexit' in the presence of representatives of the UKIPO, Her Majesty's Revenues and Customs (HMRC) and the Department to Exit the European Union (DexEU). Discussions focused on border measures, law enforcement collaboration, UK relationship with the Observatory post Brexit, exhaustion of rights and recognition of judgments post Brexit. INTA representatives included members of the Brexit Cross-Committee Task Force, UK brand owners and members of the Anticounterfeiting committee.
- On January 24, INTA representatives met with the EU Commission's Art. 50 Task Force (the EU negotiating body) in Brussels to discuss enforcement and .eu domain names issues with regards Brexit.

- On January 4, INTA sent to the UKIPO a detailed set of [questions and recommendations on the United Kingdom’s Draft Trade marks \(Amendment etc.\) \(EU Exit\) Regulation 2018](#).

## 2018

- On December 20, INTA sent to the UKIPO and the EU Commission two papers on the enforcement of [IP rights](#) and the [.eu domain names](#) with a set of specific recommendations to take into account in the Brexit negotiations
- On October 31, INTA provided comments to the UK Department for Environment, Food and Rural Affairs on the [new proposed UK GI Scheme](#).
- On July 27, INTA sent to the World Intellectual Property Organization (WIPO), the UK Intellectual Property Office and the European Commission its [comments on Article 52 of the Draft Agreement on the Withdrawal](#) of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community as published by the European Commission on March 19, 2018. This document relates to the continued protection in the United Kingdom, after the transition period contemplated in the draft agreement, of international registrations of marks and designs protected in the European Union before the end of the said transition period, under the Madrid Protocol and the Geneva Act of the Hague Agreement.
- In July, INTA sent a [letter on the exhaustion of rights](#) after Brexit to the UKIPO, calling for the adoption of a national (UK only) exhaustion regime, or if membership in the EEA continues, a regional exhaustion regime, provided that certain criteria are met.
- On June 14, Toe Su Aung (Elipse global, UK, Member of the Brexit Cross-committee Task Force) attended a meeting organized by the UKIPO the primary purpose of which was to discuss whether data relating to license records, security interests and insolvency proceedings recorded against EUTMs and community designs at EUIPO should be ported over post-Brexit.
- On March 29, INTA led a coordination meeting in London with other users’ associations, namely the Chartered Institute of Patent Attorneys (CIPA), the Chartered Institute of Trade Mark Attorneys (CITMA), the IP BAR Association, IP Federation, The Law Society, Intellectual Property Lawyers Association (IPLA), and the British Brands Group. Discussions focused on focused on three scenarios: status quo, “no deal” Brexit, and the adoption of the Withdrawal Agreement. Exhaustion, pending proceedings, and the [EUIPO guidance](#) on Brexit were key topics discussed.



- On March 29, INTA was invited, together with a few selected associations, by the UK Minister of State for Universities, Science, Research and Innovation, in charge of IP, Sam Gyimah MP, to exchange on the status of IP in the Brexit negotiations. INTA was represented by Philippa McLeod (Rolls-Royce plc, UK, Member of INTA Board of Directors, and co-leader of INTA Brexit Taskforce). This meeting provided the opportunity for INTA to reiterate its main point: IP-related issues should be treated as “technical” issues by the negotiators in order to be resolved relatively easily, pragmatically and quickly. Failure to address IP issues in a timely and appropriate manner could trigger adverse effects for businesses, small and medium-sized enterprises, and consumers operating in or with the UK.
- On March 21, Giles Corbally (Bomhard IP, Spain, Legislation & Regulation Committee-Europe and Central Asia Subcommittee, Liaison to INTA Brexit Task Force) and INTA Europe Office Chief Representative Officer H el ene Nicora attended, together with other user associations, the ‘EU Exit Update’ organized by the UKIPO to discuss the latest draft withdrawal agreement.
- On February 26–28, a high-level delegation, composed of INTA CEO Etienne Sanz de Acedo; Board of Directors Member Philippa McLeod (Rolls-Royce plc, UK); Mireille Valvason (Novartis, Switzerland); Jeremy Newman (Rouse, UK, Chair of INTA’s Anticounterfeiting Committee); and INTA Chief Representative Officer – Europe H el ene Nicora, to meet with UK authorities in London. The delegation met with the UK Intellectual Property Office (UKIPO), the City of London Police Intellectual Property Crime Unit, Justice Arnold, the Chartered Institute for Trade Marks Attorneys, and the Chartered Institute for Patent Attorneys. INTA’s delegation promoted its Brexit position paper, adopted by the Board in November 2017, and insisted that most IP-related issues, since they were neither controversial nor political, could be relatively easily and quickly resolved. However, failure to address them in a timely and appropriate manner could trigger adverse effects for businesses and SMEs operating in or with the UK.

## 2017

- On November 17, INTA’s Board of Directors approved a [position paper](#) drafted by the Brexit Cross-Committee Task Force, which forms the basis of INTA’s advocacy efforts. The position paper outlines core general principles and specific recommendations related to IP for both the UK and the EU-27 regarding the negotiations concerning the exit of the UK from the EU. It is publicly available [here](#).

- In March, recognizing the need to further advocate for strong IP protection and harmonization as the process of Brexit negotiations unfolds, INTA formed a Brexit Cross-Committee Taskforce to make recommendations on issues of particular concern to INTA. The Brexit Cross-Committee Taskforce consists of volunteers from the Legislation and Regulation Committee/Europe and Central Asia Subcommittee, Trademark Office Practices Committee/European National TM Offices Subcommittee, Trademark Office Practices Committee/EUIPO Subcommittee, Trademark Office Practices Committee/Madrid System Subcommittee, Anticounterfeiting Committee/EU Subcommittee, Parallel Imports Committee, Designs Committee, and Geographical Indications Committee.
- In March, INTA published the [Brexit Brands Toolkit: Preparing Brand Owners for Brexit](#). Drafted by INTA's Brexit Rapid Response Group, this document serves as a guide for companies on key Brexit issues and on determining the allocation of sufficient resources to prepare a company's brands for Brexit.
- On March 1, "[What Brexit Means for Trademark Licensing](#)" was published in the *INTA Bulletin*.

## 2016

- On October 15, "[UKIPO Hosts Discussion on Impact of 'Brexit' on UK IP Rights](#)" was published in the *INTA Bulletin*.
- In October, INTA CEO Etienne Sanz de Acedo met with corporate representatives in London to exchange their concerns about Brexit. The event was organized by INTA members Elipe Limited and Mathys & Squire LLP.
- On July 11, INTA posted the webcast "[BREXIT AND BRANDS: Navigating a New World](#)."
- On July 1, "[How the Brexit Vote Will Affect Brand Owners: A Q&A Guide](#)" was published in the *INTA Bulletin*.
- In July, INTA set up the Rapid Response Group which is composed of Anna Carboni (Redd Solicitors LLP), Michael Hawkins (Noerr Alicante IP, S.L.), Sheila Henderson (Richemont), Keith Howick (Carpmaels & Ransford), Sarah Lambeth (BP plc), Jeremy Newman (Rouse) and Zorita Pop (Reckitt Benckiser plc).



- On June 24, in a [media statement](#), INTA CEO Etienne Sanz de Acedo announced the formation of a Brexit Rapid Response Group to advise INTA following the UK referendum on EU membership.

*Posted June 2020*