

---

# Kluwer Trademark Blog

## Brexit: accustomed to borders

Julius Stobbs (Stobbs IP) and Cameron Malone-Brown (Potter Clarkson LLP) · Tuesday, July 10th, 2018

In a recent [Notice to Stakeholders](#), the European Commission has highlighted a possible outcome for customs and enforcement, following the British exit from the EU. Whilst this is subject to transitional provisions and the withdrawal agreement at large, it serves to reiterate the cliff edge which may conceivably be presented to UK based brand owners in the wake of Brexit.

At present, a third party may request that the customs authorities of a single or multiple member state take action against activity which may infringe that third party's IP. If this request is accepted by the customs authority of the relevant member state, this decision to enforce the request will also be accepted in the other member states, as dictated by the request.

In the event that the UK leaves the EU without a provision to the contrary, the UK will no longer stand as a jurisdiction wherein such a request may be filed and then actioned in the remaining member states of the EU. In addition, decisions taken in the UK to enforce certain IP rights at customs will no longer bind the remaining EU27.

As such, the recommendation for the brand owner would appear to be that of pre-emptive action. If a UK based decision on a Union application has allowed certain IP rights to be enforced by EU based customs, the brand owner ought not assume that this protection will persist. Instead, a further application will need to be filed in one of the EU27.

Whilst this communication does not necessarily raise any new concerns, it certainly serves to highlight an additional area wherein the brand owner ought to be vigilant in light of Brexit. Whilst the UK's withdrawal agreement and transitional provisions will hopefully address many of these legal pitfalls, a clear stop gap in protection remains a possibility.

To make sure you do not miss out on regular updates from the Kluwer Trademark Blog, please [subscribe here](#).

## Kluwer IP Law

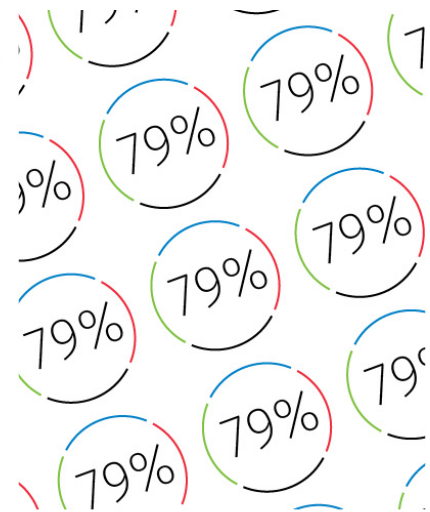
The **2022 Future Ready Lawyer survey** showed that 79% of lawyers think that the importance of legal technology will increase for next year. With Kluwer IP Law you can navigate the increasingly global practice of IP law with specialized, local and cross-border information and tools from every preferred location. Are you, as an IP professional, ready for the future?

Learn how **Kluwer IP Law** can support you.

79% of the lawyers think that the importance of legal technology will increase for next year.

**Drive change with Kluwer IP Law.**

The master resource for Intellectual Property rights and registration.



2022 SURVEY REPORT  
The Wolters Kluwer Future Ready Lawyer  
Leading change

Experience how the renewed **Manual IP** enables you to work more efficiently



[Learn more →](#)



This entry was posted on Tuesday, July 10th, 2018 at 7:18 am and is filed under [Brexit](#), [The EU is an economic and political association of certain European countries as a unit with internal free trade and common external tariffs.](#)“>[European Union](#), [United Kingdom](#)

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. You can leave a response, or [trackback](#) from your own site.

