

# Kluwer Trademark Blog

## The Impact of Brexit on the UK IPO

Julius Stobbs, Blake Robinson (Stobbs IP) · Monday, July 26th, 2021

The Brexit transition period has come and gone, and we are now almost 8 months into our post-EU life. One thing we can all agree on is that the way we work and the processes we use have been hit fairly hard. It will come as no surprise that the governmental bodies dealing with the fallout of Brexit have also been hit hard, the UKIPO being no exception. We will have all become aware of the delays the UKIPO have experienced in the past 8 months, due to the impact of Brexit (as well as some other circumstances).

It is easy to think that the transition from EU to no EU would be fairly straightforward for the UKIPO – how hard can it be to convert some rights? Well, this is of course not the only consideration, and even if it was, an estimated 2,000,000 rights across trade marks and designs is a considerable number. However, when you consider this alongside the other problems the UKIPO had to deal with, it becomes an even more mammoth task. Below are just a few things that we as practitioners may not have considered:

- Renewal of EU comparable rights
- How filing dates would work
- The interplay with WIPO in relation to IRs
- Changes to IT systems
- Server space and capabilities to deal with the huge influx of new matters
- Numbering formatting
- New data fields (such as seniority)
- Creation of new forms and the amendment of old forms

This list, and many more issues have been dealt with, and for many it has been continuous work to correct and adapt as we have had practical experience of life post-EU. This is on top of the various more substantive, non-system/process, changes that have also been a large task.

All these issues being dealt with, on top of an impact on the workforce caused by other worldwide

events, has resulted in a noticeable delay in processing at the UKIPO, which up to this point has been one of the quicker IPOs in the world. However, despite the delays, they are still processing most ongoing matters within expected timelines (with upward of 90% of matters being dealt with on time), and compared to some other government bodies, it is clear they have adapted to the changes caused by Brexit, and other world events, very well.

It is not only the 2,000,000 or so rights that they have had to create since the transition period, although that alone would have been impressive. With the UK now being separate to the EU, there is unsurprisingly an influx of new UK filings, where before they would have been included in EU filings. As such, the number of new UK filings we are seeing has gone through the roof, especially among Chinese applicants (who would in the past have only filed an EUTM). Several UK firms have already filed over 1,000 UK trade marks this year to date, an amount that has never been achieved in a single year before (let alone half a year). This is the same upward trend we had been seeing throughout 2020, and it is unlikely that we will see the numbers dropping off any time soon.

It is likely we will have to get used to the UKIPO being slightly slower from a processing point of view. The caseload they are dealing with will not go back to the pre-Brexit levels, if the figures we are seeing currently continue, and this will undoubtedly cause some degree of delay.

Overall, whilst there are still many things that need further clarity, the transition to a fully independent IP system has been about as smooth as one could hope.

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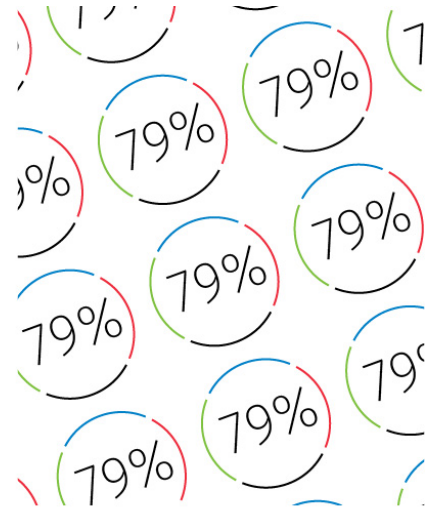
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