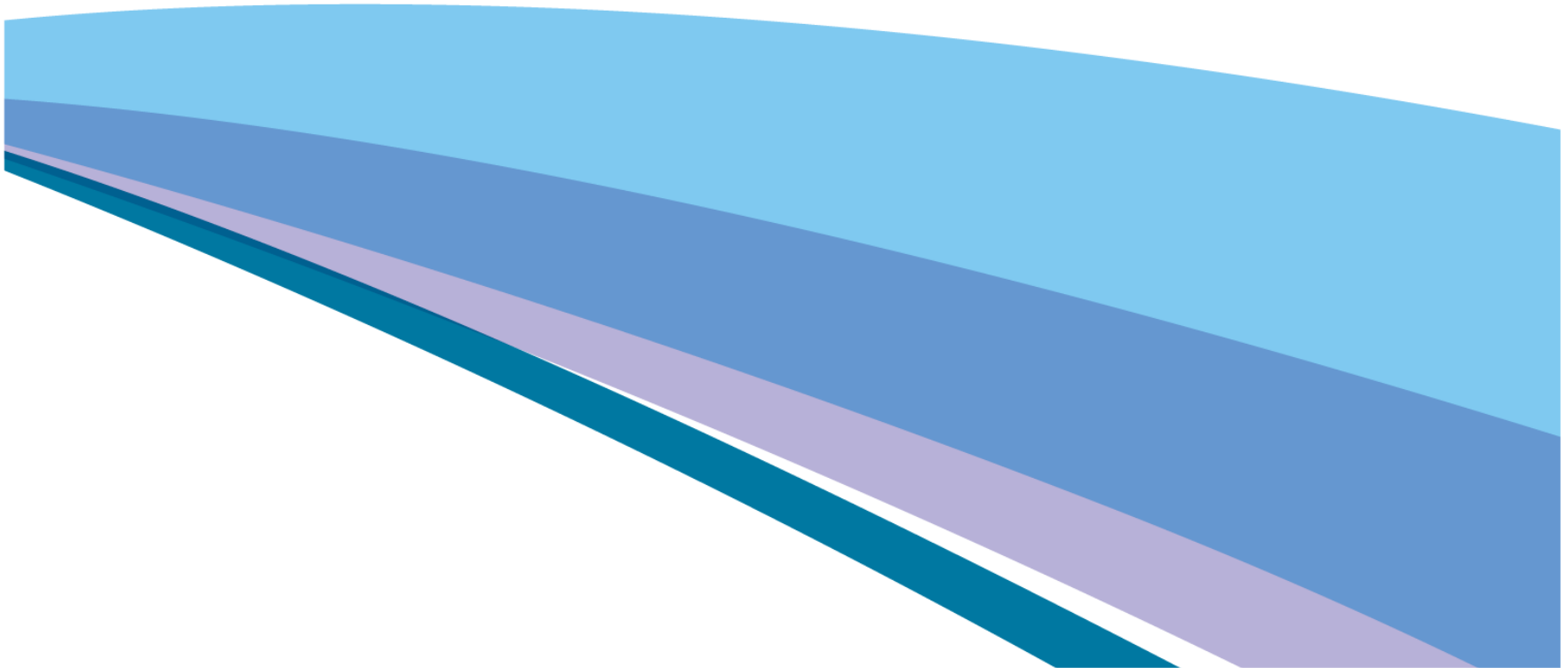




Intellectual  
Property  
Office

# Trade Marks and Designs – where next when the UK leaves the EU?

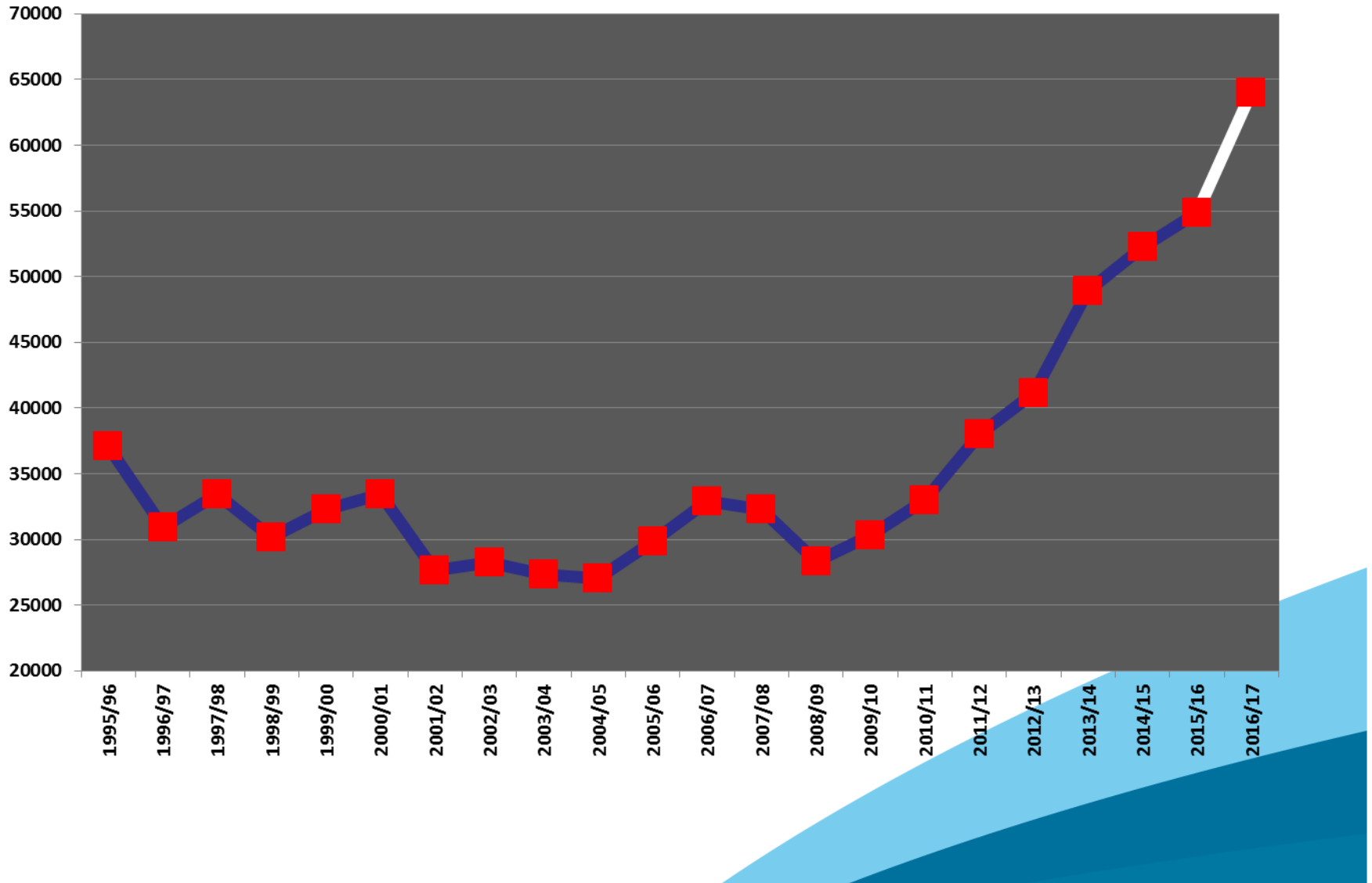


# Where next when the UK leaves the EU?

- What is happening to filing behaviour?
- What to do with existing rights?
- What might we expect to happen when we leave?
- What else are we looking at?
  - Legislative change – implementing the TM directive
  - Joining the Hague System
  - Rights of representation
  - Exhaustion
  - Free Trade Agreements



# Trade Mark input



# Demand

- Domestic trade mark applications – 64,818 – last year 54,489
- 5 days to examination
- Number of unrepresented applicants has fallen from 65% in 2015 to 58.9%
- % of domestic applications has fallen from 90.4% to 86.6%



# Overseas top five filers

- USA up from 1221 to 2456
- China up from 741 to 1421
- Australia down from 363 to 269
- Ireland up from 233 to 265
- Hong Kong up from 222 to 250

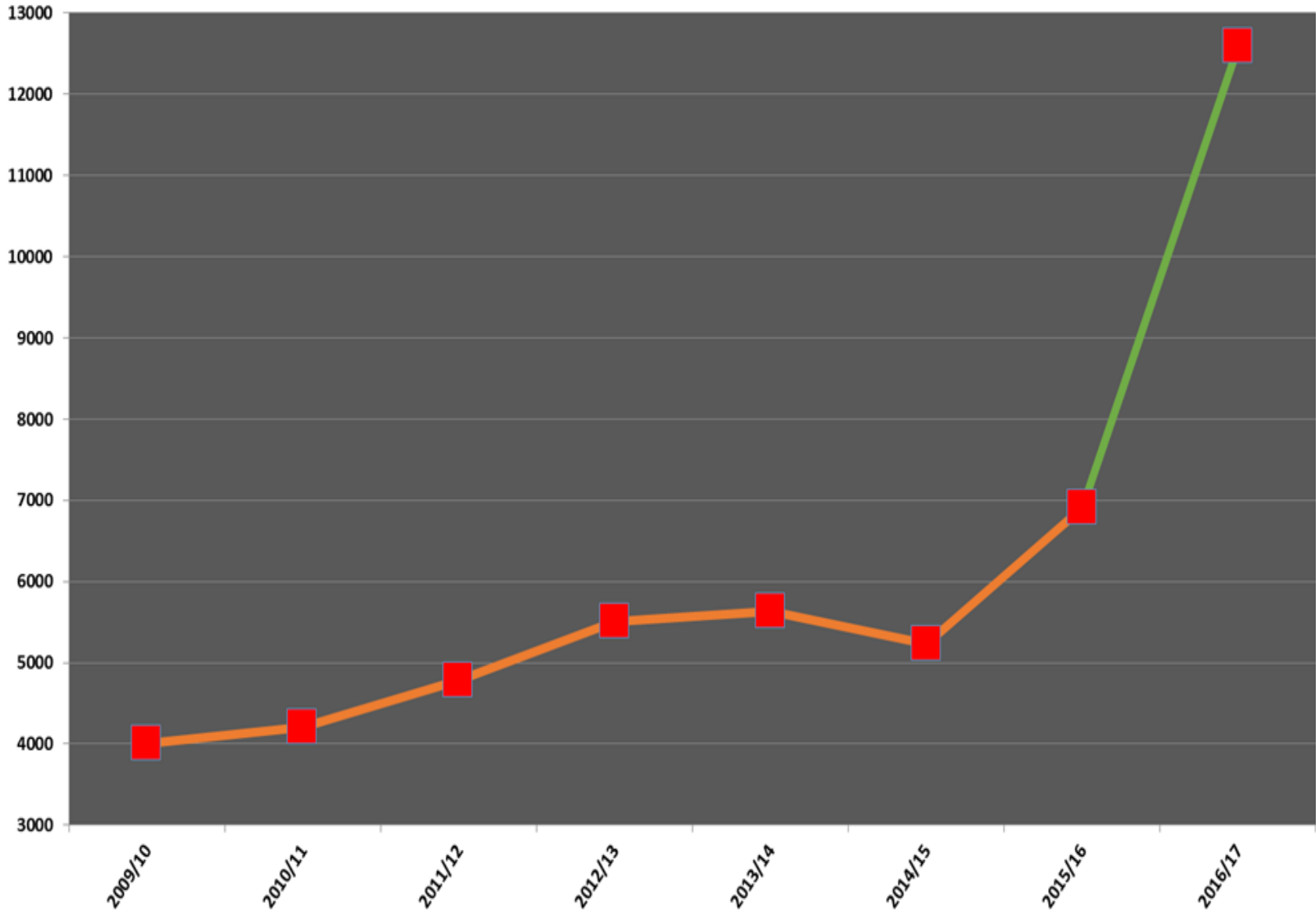


# Processing

- Absolute ground objection rate is 10%
- Relative ground notification rate is 26%
- Refusal rate 3.7%
- 96% of acceptable trade marks were published for opposition within 90 days of filing



Designs Input - FY (Projection to end 2016/17)



# Benefits realised

Application  
volume

132%

Staff numbers unchanged



E-Filing  
Take-up

95%

Customer  
Satisfaction **80 - 91%**  
Month averages



Errors  
Eliminated

88%

to examine  
& register

~~12 days~~

Now 3



to make  
public

~~35 days~~

Now 3

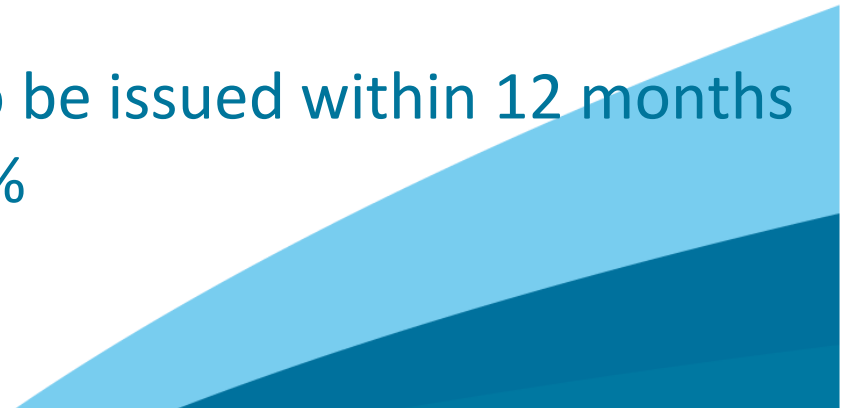
# Design fee reductions

- Online - single application now £50 - not £60
- Multiple application £70 up to ten – not £420
- £20 for every 10 thereafter – not £400
- So:
  - 14 designs now £90 – not £580
  - 40 designs now £130 – not £1620
- Renewal fees also down



# Tribunals

- Opposition rate stable at 4.3%
- 2296 oppositions up from 2146
- 157 invalidities down from 184
- 248 revocations up from 165
- 1115 defences up from 998
- Target – 85% of decisions to be issued within 12 months of defence being filed – 87%



# Legal Profession – options for existing rights

- EUIPO+UK – UK remains a member of the EUIPO
- Montenegro - existing EUTM registrations automatically entered onto the UK register as UK trade marks
- Tuvalu – existing EUTM entered onto the UK register on request
- Jersey – UK unilaterally deems EUTM registrations to be valid in the UK
- Ireland – owners of EUTM would have the option of creating a corresponding UK tm on renewal



# What about EU Community unregistered design

- What do to about existing rights – can they be protected for their term and protected in both the UK and the EU?
- Could the UK create a similar right to mirror the CUD?
- Does the disclosure have to be in the EU to create an CUD?
- Could there be reciprocal protection for any new UK UDR and CUD?



# What might we expect to happen when we leave?

- What will happen to domestic and international demand?
- Can we get better at forecasting?
- Recent study by UWE found that:
  - Most growth in demand is from domestic companies
  - Filings by individuals have also begun to contribute to growth in recent years
  - A rise in first time applicants accounts for more of the growth, rather than increased filings per owner or follow-up applications
  - We should expect 90,000 applications by 2020!!
- The study was undertaken before the referendum



# So what might we expect?

- Historic mix was roughly 50:50 domestic and international
- 130,000 applications?
- Proportionately more oppositions
- More revocations
- More assignments, renewals etc



# What else are we looking at?

- Consult on implementation of the EU trade mark reform package – later this year
- Prepare to join the Hague – IT changes and laying the necessary SIs before parliament
- Continuous improvement now looking at:
  - Daily publication
  - Electronic certificates
  - E-filing of oppositions
  - E-filing of MM2



# What else are we looking at?

- Rights of Representation
- Exhaustion of rights
- Free Trade Agreements

