



European Communities Trade Mark Association

5 January 2017

## **ECTA SUBMISSION TO THE EUROPEAN UNION MEMBER STATES CONCERNING BREXIT AND IMPLICATIONS ON REGISTERED EU WIDE IP RIGHTS**

The Council of the European Community Trade Mark Association (ECTA), a non-governmental, politically neutral, private association, representing the interests of the European trade mark, designs and copyright community, one of whose main objectives is to promote improvements in the legal protection of those IP rights, having taken note of:

- A) The result of the Referendum in the UK on June 23<sup>rd</sup> 2016.
- B) The announcement made by the UK Government of its intention to notify to the European Council of its decision to withdraw from the European Union according to Article 50 of the Treaty of the European Union.
- C) The existence of intellectual property rights, governed by EU Regulations (EU Trade Marks, Community Designs, etc.) that give a unitary protection in all Member States of the European Union.

Wishes to inform the Member States of the European Union of the following:

1. That a cost-effective protection of IP rights, in particular trade marks, industrial designs and copyrights, is fundamental for a sustainable economic growth, jobs creation and for maintaining the welfare state in Europe.
2. Therefore, it is of utmost importance that the negotiations that would take place between the UK Government and the other EU Member States, end up with a satisfactory solution to preserve in the UK the existing IP rights granted at EU level in the case the UK exits the European Union.
3. That the solution found to maintain such IP rights in the UK should not be burdensome for the owners of such IP rights.
4. That the agreements reached by the UK Government and the other EU Member States, must ensure that no legal uncertainty is created for IP owners.
5. That ECTA is open to collaborate and help with its expertise, both the UK Government and the other EU Member States to find a well balanced and satisfactory solution to these legal matters.

If you have any questions, please don't hesitate to let us know.

# ECTA

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ECTA, which was formed in 1980, is an organisation concerned primarily with trade marks and designs. ECTA has approximately 1,500 members, coming from all the Member States of the EU, with associate Members from more than 50 other countries throughout the world. ECTA brings together those practicing in the field of IP, in particular, trade marks, designs, geographical indications, copyright and related matters. These professionals are lawyers, trade mark and patent attorneys, in-house lawyers concerned with IP matters, and other specialists in these fields. ECTA does not have any direct or indirect links to, and is not funded by, any section of the tobacco industry.

The extensive work carried out by the Association, following the above guidelines, combined with the high degree of professionalism and recognised technical capabilities of its members, has established ECTA at the highest level and has allowed the Association to achieve the status of a recognised expert spokesman on all questions related to the protection and use of trade marks, designs and domain names in and throughout the European Union, and for example, in the following areas:

- Harmonization of the national laws of the EU member countries;
- [European Union Trade Mark Regulation and Directive](#);
- Community Design Regulation and Directive;
- Organisation and practice of the EUIPO.

In addition to having close links with the European Commission and the European Union Intellectual Property Office (EUIPO), ECTA is recognised by WIPO as a non-Government Organisation (NGO).

ECTA does also take into consideration all questions arising from the new framework affecting trade marks, including the globalization of markets, the explosion of the Internet and the changes in the world economy.