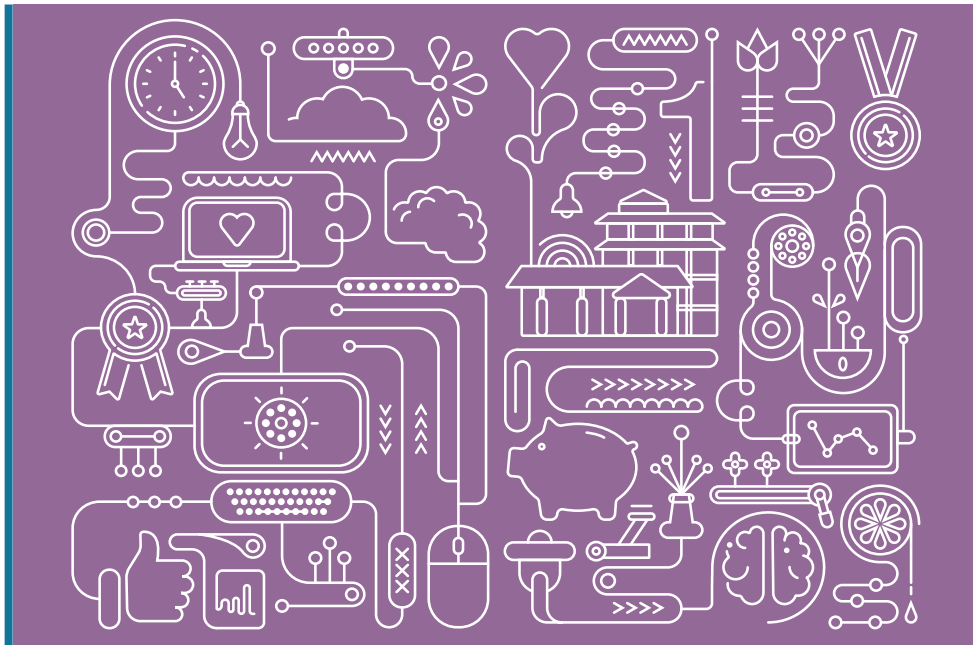




Intellectual
Property
Office

Protecting your intellectual property in the UK



IPO | Making life better through IP

Intellectual Property Office is an operating name of the Patent Office



About the office

The Intellectual Property Office helps businesses, innovators and entrepreneurs gain value from their ideas, turning inspiration into sustainable business success.

In addition to granting patents, registering trade marks and designs, the IPO helps businesses achieve their full potential by guiding them in using, managing, and protecting their intellectual property (IP).

Innovation and creativity are key features of a successful economy. With over 160 years experience and expertise, the IPO helps promote growth by offering a vibrant programme of activities, information and support to UK business.

Our tools to help you realise the potential in your IP can be found here <https://www.ipo.gov.uk/ip-support>





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What is IP?

Unlike the products they protect, IP assets cannot be seen or touched. So, it can be difficult for businesses to appreciate their true value. Like other forms of property, you can buy, sell and license IP. IP Rights can enable their owner to take action under civil law to try and stop others from replicating, using, importing, or selling their creation.

- The different types of intellectual property rights are:
- Patents protect new inventions and cover how products work, what they do, how they do it, what they are made of and how they are made.
- Trade marks protect brands. This could be for a business name, a product, or a service. The trade mark could be made up of words, logos, or a combination of both and can even be sound or action based.
- Design protects the overall visual appearance of a product.

Copyright protects literature, artistic works, photographs, music, dramatic works, software, databases, films, radio and television broadcasts, sound recordings and published editions.

Trade secrets might also be an important part of your business. The law of confidentiality protects trade secrets. To keep trade secrets protected, you must establish that the information is confidential, and ensure that anyone you tell about it signs a non-disclosure agreement (NDA). If they then tell anyone about it, this is a breach of confidence and you can take legal action against them.

You can download a template of an [NDA](#)¹ on our website.

1 <http://www.gov.uk/government/publications/non-disclosure-agreements>



Copyright

Copyright gives its owner the exclusive right to manage and control the use of their creative works. In the UK, copyright is an automatic right which comes into being as soon as a qualifying work is created. As a result, there is no formal registration or fee to pay.

As there is no official copyright register in the UK, it can be useful for copyright owners to take steps to prove that they are the creator of their works in case this is ever called into question. Ways to do this include retaining any rough drafts, plans or notes of works produced.

Alongside this, some people choose to mark their work with the copyright symbol © and an accompanying statement. Although this doesn't confer any additional legal protection in the UK, it can help to draw third parties' attention to the fact that copyright is in force and that they need to seek permission if they want to use the work.

For most types of work, copyright lasts for the life of the creator, plus 70 years from the end of the calendar year in which they died. However, this will vary depending on the type of work and when it was created. Copyright in foreign works lasts as long as copyright in UK works, or as long as copyright lasts in the country of origin of the work, whichever is less.

UK copyright law extends full, partial or no protection to foreign works and performances based on the country of origin of the work or performance. This is generally based on principles in the copyright treaties that the UK has joined. The UK also has trade agreements and reciprocal arrangements with various countries under which the UK protects copyright works and performances from those countries.



For further information you can view the [guidance²](#) on UK copyright protection for foreign works and nationals.

How copyright protects your work

Copyright prevents people from:

- copying your work
- distributing copies of it, whether free of charge or for sale
- renting or lending copies of your work
- performing, showing, or playing your work in public
- making an adaptation of your work
- putting it on the internet

License and sell your copyright

You can [license the use of your work³](#) if you own the copyright. You can also decide how your work is used.

You can [register your work with a licensing body⁴](#), for example a collecting society, who will agree licences with users for you and collect royalties for you.

2 <https://www.gov.uk/government/publications/uk-copyright-protection-for-foreign-works-and-nationals/uk-copyright-protection-for-foreign-works-and-nationals>

3 <https://www.gov.uk/license-sell-or-market-your-copyright-material>

4 <https://www.gov.uk/licensing-bodies-and-collecting-societies>



Sell or transfer your copyright

You'll need to write and sign a document (sometimes called an 'assignment') to show a sale or transfer has taken place.

Your copyright can be transferred by inheritance and will be valid as long as the work remains in copyright - [check how long protection lasts⁵](#).

Moral rights

You can keep or waive your 'moral rights', which include the right to:

- be identified as the author of your work
- object to how the work is presented, for example if you think it's 'derogatory' or damaging to you or your reputation
- object to changes made to your work

Performers' rights

You have rights in your performances separate to copyright if you're a performer.

For example, if you're an actor in a play you may have 'economic rights' in any recordings or broadcasts of their performance, even if the copyright is sold.

5 <https://www.gov.uk/copyright/how-long-copyright-lasts>

Stop people using your work

You're responsible for [defending your copyright material](#)⁶ against infringement.

Some people or organisations (such as libraries or schools) may be able to [use copyright work without permission](#)⁷. You should check whether someone's use of your work is permitted before trying to stop them.

If you think someone is using your work and they don't know you own the rights

People or organisations must apply for a licence if they want to use a work that's covered by copyright but don't know who the rights holder is.

Check the [licences register](#)⁸ to see if anyone has licensed your work or is in the process of applying for a licence. If your work is on the register you can:

- apply to have an application stopped
- claim the licence fee that's been paid (if a licence has already been issued)

If you have a dispute about licensing

Your collecting society can contact the [Copyright Tribunal](#)⁹ and ask them to decide on some disputes about licensing.

6 <https://www.gov.uk/defend-your-intellectual-property>

7 <https://www.gov.uk/using-somebody-elses-intellectual-property/copyright>

8 <https://www.orphanworkslicensing.service.gov.uk/view-register>

9 <http://www.ipo.gov.uk/ctribunal.htm>

Copyright Tribunal

copyright.tribunal@ipo.gov.uk

Telephone: 0207 034 2836

Fax: 0207 034 2826

Monday to Friday, 9am to 5pm

Help with copyright law

The IPO Information Centre offers general advice on copyright law.

IPO Information Centre

information@ipo.gov.uk

Telephone: 0300 300 2000

Monday to Friday, 9am to 5pm

[Find out about call charges¹⁰](#)

You can get [advice on particular legal issues¹¹](#) from an intellectual property (IP) professional.

If you'd like more guidance about an area of copyright law

You can also [ask IPO to publish guidance about an area of copyright law¹²](#).

They might publish a public 'copyright notice' if your question highlights a gap in the general copyright guidance.

10 <https://www.gov.uk/call-charges>

11 <https://www.gov.uk/defend-your-intellectual-property/get-help-and-advice>

12 <http://www.ipo.gov.uk/c-notice-submit.htm>

Trade Marks

You can register your trade mark to protect your brand, for example the name of your product or service.

When you register your trade mark, you'll be able to:

- take legal action against anyone who uses your brand without your permission, including counterfeiters
- put the ® symbol next to your brand - to show that it's yours and warn others against using it
- sell and license your brand

How to register a trade mark

1. [Check if your brand qualifies as a trade mark¹³](#).
2. [Apply to register your trade mark¹⁴](#).
3. Read the [guide to new applications¹⁵](#) before you start.
4. Respond to any [objections¹⁶](#).

The registration process takes about 4 months if no-one objects. A registered trade mark can last indefinitely if it is renewed every 10 years. You can renew a trade mark up to 6 months before its expiry date, or up to 6 months afterwards.

13 <https://www.gov.uk/how-to-register-a-trade-mark/what-you-can-and-cant-register>

14 <https://www.gov.uk/how-to-register-a-trade-mark/apply>

15 <https://www.gov.uk/guidance/trade-marks-manual/new-applications>

16 <https://www.gov.uk/how-to-register-a-trade-mark/after-you-apply>

What you can and cannot register

Your trade mark must be distinctive. It can include:

- words
- sounds
- logos
- colours
- a combination of any of these

Your trade mark cannot:

- be offensive, for example contain swear words or pornographic images
- describe the goods or services it will relate to, for example the word 'cotton' cannot be a trade mark for a cotton textile company
- be misleading, for example use the word 'organic' for goods that are not organic
- be a 3-dimensional shape associated with your trade mark, for example the shape of an egg for eggs
- be too common and non-distinctive, for example be a simple statement like 'we lead the way'
- look too similar to state symbols like flags or hallmarks, based on [World Intellectual Property Organization guidelines](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=52129)¹⁷

17 http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=52129

Check if your trade mark is already registered

Before you apply, you should [search the trade marks database](#)¹⁸ to check if anyone has already registered an identical or similar trade mark for the same or similar goods or services. You can ask the holder of an existing trade mark for a [‘letter of consent’](#)¹⁹ to give you permission to register yours.

You can use a [trade mark attorney](#)²⁰ to help you with searches and registrations.

Apply to register a trade mark

You’ll need:

- details of what you want to register, for example a word, illustration, or slogan
- the class you want to register in, for example food and drink services (class 43) or chemicals (class 1)

You cannot change your trade mark once you’ve applied, and the fees are non-refundable.

Once your application has been examined you will get feedback, called an ‘examination report’.

18 <https://www.gov.uk/search-for-trademark>

19 <https://www.gov.uk/guidance/options-following-an-objection-to-a-trade-mark-examination#letters-of-consent-from-earlier-rights-holders>

20 <http://www.itma.org.uk/members/>

Series applications

If you have similar versions of your trade mark, you can make a [series application](#)²¹ for up to 6 marks. All your marks should:

- look the same
- sound the same
- mean the same

Any differences must be minor.

How much it costs

You can use the ‘Right Start’ service if you want to check your application meets the rules for registration.

You pay £100 initially, plus £50 for each additional class. You’ll then get a report telling you if your application meets the rules.

If you want to continue, you must pay the full fee within 28 days of getting your report.

You can also choose to continue your application even if it does not meet the rules for registration.

²¹ <https://www.gov.uk/guidance/trade-mark-series-applications>



	Fee	Each additional class
Standard application (online)	£170	£50
Right Start application (online)	£200 (£100 up front plus £100 if you go ahead with your registration)	£50 (£25 up front plus £25 if you go ahead with your registration)

A series application for 3 or more marks costs an additional £50 per mark.



Other ways to apply

Fill in the [paper forms](#)²² and send to forms@ipo.gov.uk if you want to apply by email. It costs £200 for one class plus £50 for each additional class.

After you apply

1. You'll get feedback on your application (an 'examination report') then you have 2 months to [resolve any problems](#)²³.
2. If the examiner has no objections your application will be published in the [trade marks journal](#)²⁴ for 2 months, during which time anyone can oppose it.
3. Your trade mark will be registered once any objections are resolved - you'll get a certificate to confirm this.

If your application is opposed

The Intellectual Property Office will tell you if someone opposes your application.

You can either:

- withdraw your application
- talk to the person making the opposition
- defend your application

22 <https://www.gov.uk/government/publications/trade-mark-forms-and-fees>

23 <https://www.gov.uk/options-following-an-objection-to-a-trade-mark-examination>

24 <https://www.gov.uk/check-trade-marks-journal>

You cannot register your trade mark until the matter is settled and may have to pay legal costs if you want to challenge the opposing party.

Read guidance on [your options following an opposition](#)²⁵.

Research [previous trade mark decisions](#)²⁶ to help you with a dispute and prepare for a hearing.

Once your trade mark is registered

You must [report any changes](#)²⁷ to your name, address or email address.

You can [object to other people's trade marks](#)²⁸, for example, if you think they are identical or similar to yours.

You can [sell, market, license and mortgage your trade mark](#)²⁹.

Your trade mark will last 10 years - you can [renew it](#)³⁰ after that time.

25 <https://www.gov.uk/government/publications/trade-marks-earlier-rights/earlier-rights-fact-sheet--2#options-available-if-you-are-opposed>

26 <https://www.gov.uk/search-trade-mark-decisions>

27 <https://www.gov.uk/government/publications/change-of-owners-name-address-or-email>

28 <https://www.gov.uk/objecting-to-other-peoples-trade-marks>

29 <https://www.gov.uk/guidance/license-mortgage-transfer-merge-and-market-your-trade-mark>

30 <https://www.gov.uk/renew-your-trade-mark>

Protecting your Trade Mark abroad

Registering a trade mark in the UK only protects your brand in the UK. There are different processes for registering [EU and international trade marks](#)³¹.

The European Trade Mark (EUTM)

The EUTM is a regional mark which, if registered, is effective in countries which are members of the European Union. Applications are processed by the European Union Intellectual Property Office (EUIPO), based in Alicante, Spain. The application process is similar to the UK and both the UK and the EU classify trade marks in line with the Nice [classification](#)³², which is administered by WIPO. For more information and to apply for your mark, visit the trade marks section of the EUIPO website [here](#)³³.

Anyone can file an application for an EUTM, but applicants who do not have a home address or place of business within the European Economic Area (EEA) will need to appoint a representative. UK attorneys are no longer able to represent clients on new trade mark applications or new proceedings at the EUIPO. Further information on representation before the EUIPO can be found [here](#)³⁴.

31 <https://www.gov.uk/government/publications/protecting-your-uk-intellectual-property-abroad/protecting-your-trade-mark-abroad>

32 <https://www.wipo.int/classifications/nice/en/>

33 <https://euipo.europa.eu/ohimportal/en/trade-marks>

34 <https://euipo.europa.eu/ohimportal/en/faq-representation-before-the-office>

Madrid Protocol – International Trade Marks

There is no such thing as a worldwide trade mark, but there is a system that allows you to extend the protection of an existing application. This is the Madrid Protocol which is administered by WIPO in Geneva. This allows you to extend the protection of your trade mark to other signatory countries of the Madrid Protocol.

Use this [form³⁵](#) if you are filing through the UK Office.

You will find more information [here³⁶](#) on filing trade marks internationally.

Unregistered trade marks

You may be able to stop someone using a similar trade mark to yours on their goods and services (known as ‘passing off’), even if you have not registered it.

You’ll usually need to get legal advice from a [trade mark attorney³⁷](#).

It’s harder to prove passing off than it is to defend a registered trade mark. To be successful you’ll need to show that:

- the mark is yours
- you’ve built up goodwill in the UK associated with the mark
- you’ve been harmed in some way by the other person’s use of the mark

35 <https://www.gov.uk/government/publications/application-to-register-an-international-trade-mark>

36 <https://www.wipo.int/madrid/en/>

37 <http://www.itma.org.uk/members/>

Designs

Registered Design

You can register the 2D and/or 3D appearance of the whole or part of a product you've designed, to stop people using it without your agreement.

The appearance of your design may include the:

- Appearance
- Shape
- Colour
- Decoration

Registering your design:

- Gives you the right to prevent others from using it for up to 25 years - you have to [renew your registered design](#)³⁸ every 5 years.
- Makes taking legal action against infringement and intentional copying more straightforward.

Once registered you can display your registration number on your design and [license, sell or mortgage your design](#)³⁹.

38 <https://www.gov.uk/renew-registered-design>

39 <https://www.gov.uk/license-mortgage-sell-change-ownership-and-market-your-design>



What you can and cannot register

To register your design, it must:

- be new and have individual character⁴⁰
- not be contrary to social morals (for example feature offensive images or words), or against public policy
- be your own [intellectual property](#)⁴¹
- not make use of protected emblems or flags (for example images or names of the British Royal family, including Royal crowns and the Olympic symbols and names)
- not be an invention or how a product works - you'll need a [patent](#)⁴² instead
- not be solely dictated by its technical function, for example the prongs of a plug which fit into a standard socket.

40 a design has individual character if the overall impression it produces on an informed user differs from the overall impression produced on the user by any earlier, publicly available design

41 <https://www.gov.uk/intellectual-property-an-overview>

42 <https://www.gov.uk/patent-your-invention>

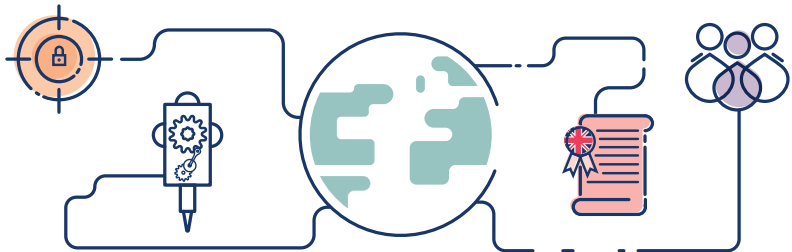


Search the registers

Search all of the following design registers to check if your design is registered:

- [UK-registered designs⁴³](#) (search by design number or proprietor name; use the EUIPO link for an image search)
- [EU Intellectual Property Office⁴⁴](#) (EUIPO)
- [World Intellectual Property Organisation⁴⁵](#) (WIPO)

You can, for a small fee of £24, ask the IPO to [carry out a search of registered UK designs⁴⁶](#).



43 <https://www.gov.uk/search-registered-design>

44 <https://www.tmdn.org/tmdsview-web/welcome>

45 <http://www.wipo.int/designs/en/#services>

46 <https://www.gov.uk/government/publications/request-for-a-search-of-the-uk-designs-register>



Prepare your representations

Your representations should:

- show the design as it appears to the eye, using photographs, line drawings, computer-aided design (CAD) or rendered CAD
- show the design against a plain background, with no details hidden by shadows or reflections
- not contain text, measurements, or other technical information
- not include anything that is not part of the design, for example another object or your hand
- be the same type, not a mixture (for example, all line drawings or all photographs)
- include the complete pattern and enough to show how the pattern repeats, if you want to register a surface pattern

Include up to 12 representations if you're applying online, with one view per file. Apply by post if you need to show more than 12 representations.

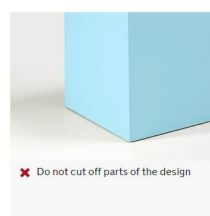
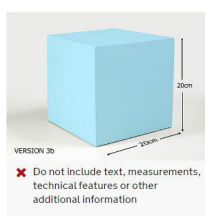
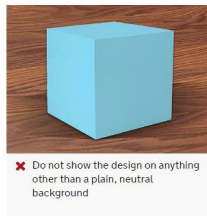
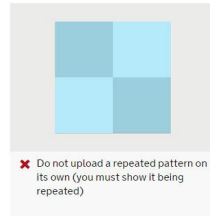
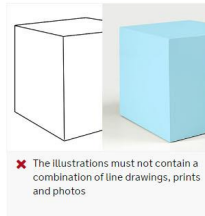
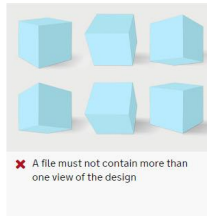
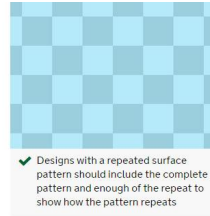
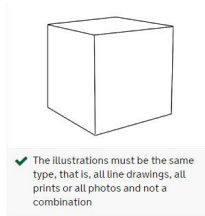
If you're applying by post, your representations should be on plain A4 paper.

If your application is shown in colour, or contains tonal contrast, the Intellectual Property Office will assume that those elements are intended to form part of your design (unless you've [added a disclaimer](#)⁴⁷).

47 <https://www.gov.uk/guidance/designs-examination-practice/part-c-formalities>



Colour included in these diagrams is used for illustrative purposes only.





If you're registering a design for only part of a product shown in a representation

You can either show or explain:

- which parts of a product shown in a representation you want to protect - this is called a 'limitation'
- the parts of a product shown in a representation you do not want to protect - this is called a 'disclaimer'

You can do this by 'greying out' or circling parts of the representation. For more information and to see examples of 'disclaimers' or 'limitations', see [Chapter 12: Disclaimers⁴⁸](#).



48 <https://www.gov.uk/guidance/designs-examination-practice/part-c-formalities>



Apply

Apply online

You can [register your design online](#)⁴⁹. It's cheaper than applying by post.

Number of designs	Fee
One	£50
Up to 10	£70
Up to 20	£90
Up to 30	£110
Up to 40	£130
Up to 50	£150

You cannot claim back VAT as the fee is [out of scope](#).

⁴⁹ <https://www.gov.uk/apply-register-design>

Apply by email

Your application should include the following documents:

- a completed [application form](#)⁵⁰ - read the guidance notes before applying
- your prepared [representations](#)⁵¹

[Send your form to forms@ipo.gov.uk](mailto:forms@ipo.gov.uk)

Number of designs	Fee
One	£60
Each additional design	£40

You cannot claim back VAT as the fee is [out of scope](#)⁵².

Defer your registration

You might want to defer registering your design, for example if you need more time to develop and market your product before it becomes public.

You can ask that your design is not registered for up to 12 months when you apply.

You must register a deferred design within 12 months of applying or your application will be deemed to be abandoned and you'll have to [reapply](#)⁵³, including paying the fee again.

50 <https://www.gov.uk/government/publications/application-to-register-one-or-more-designs>

51 <https://www.gov.uk/register-a-design/prepare-your-illustrations>

52 <https://www.gov.uk/vat-businesses/when-not-to-charge-vat>

53 <https://www.gov.uk/register-a-design/apply>

When you're ready to register your design

Send a [deferred design registration form](#)⁵⁴ for each design to request registration. You can email it to forms@ipo.gov.uk.

Your design will be registered from the date you first filed your application.

The fee to register a deferred design is £40.

You will not get the full protection of being registered until your application is registered and published.

After you've applied

The Intellectual Property Office will examine your application.

If there are no objections and you have not asked to defer your registration, your design will be registered immediately.

If there are any objections, you have 2 months to respond.

You can [request a hearing](#)⁵⁵ if you disagree with the decision about your design.

Once your design is registered it will be published on the IPO website and contained within a searchable database.

Unregistered designs

There are also unregistered rights, that protect your designs and stop others from using them without your permission.

You get protection automatically if you meet the qualifying requirements - you do not have to apply or pay a fee.

54 <https://www.gov.uk/government/publications/application-to-register-a-design-which-registration-was-deferred>

55 <https://www.gov.uk/designs-disputes-resolution-hearings>



How long you're protected for

There are different types of unregistered design in the UK. What is protected and for how long you're protected for depends on the type of design.

UK unregistered design right (“design right”)

This protects the shape and configuration (how the parts are arranged) of 3-dimensional objects is automatically protected in the UK for whichever ends first of:

- 10 years after it was first sold
- 15 years after it was created

You must allow other people to use your design if they ask during the final 5 years of protection.

Supplementary unregistered design (SUD)

The 2-dimensional and/or 3-dimensional appearance of a product is protected in the UK for 3 years from the date you make your design public in the UK.

The appearance of a product includes its:

- shape
- colours
- texture
- materials
- ornamentation



Continuing unregistered design

If you made your design public in the UK or the EU before 1 January 2021 it will be protected as a continuing unregistered design (CUD). This protects the same aspects of a product as a SUD in the UK up to a maximum of 3 years from when it was first disclosed.

Features and Benefits of Design Protection		
Registered Design	Design Right (UK Unregistered Design Right)	Supplementary Unregistered Design (SUD)
Application to be made to IPO	Automatic right (Subject to qualifying criteria.)	Automatic right (established by first disclosure in the UK)
Lasts for up to 25 years	Lasts 10 years from first sold or 15 years after it was created	Lasts 3 years
Onus on other party to prove they have not infringed your rights	Onus on you to prove infringement	Onus on you to prove infringement
You obtain a grant certificate from IPO evidencing your rights	You have to show evidence of your rights	You have to show evidence of your rights (and they are subject to interpretation by the UK courts)
Rights are exclusive to you and licenses would need to be authorised by you	License of Right automatically granted to other parties in the last 5 years.	You have the right to prevent unauthorised copying of the design and you can grant licenses.
Published in our Designs Journal and on our Register	Not stored in any register	Not stored in any register
2D and 3D protection	3D protection only	2D and 3D protection
Criminal sanctions may apply against some forms of infringement, i.e. where a design has been intentionally copied.	No criminal sanctions	No criminal sanctions



Prove your unregistered design is protected

You'll need proof of when you created a design if you want to prove your right.

Your proof could be getting signed and dated copies of your design drawings or photos certified and kept by a [solicitor or intellectual property attorney](#)⁵⁶.

There are other ways to prove your right. You'll usually need to get professional legal advice.

56 <https://www.gov.uk/guidance/seeking-intellectual-property-advice>



Letting others use your design

You can [allow other people to use your design](#)⁵⁷ by selling or giving them licence of right.

If you have a dispute over a design

The Intellectual Property Office (IPO) can help with some [design disputes](#)⁵⁸.

You can pay an intellectual property professional to help you

Protecting your designs through WIPO

You can also apply to protect a design in the UK and other countries by applying directly to WIPO, using the Hague System for the International Filing of Industrial Designs.

The cost to apply depends on which and how many countries you want your design to be protected in.

For further details on International Design protection please go to visit the [WIPO website](#)⁵⁹.

If you need any help with fees, please contact WIPO: -

Tel. +41 (0) 22 338 7575

Fax. +41 (0) 22 740 1429

Contact Hague

- Opening hours: 09:00 - 18:00 (CET)

57 <https://www.gov.uk/government/publications/vary-licence-of-right-terms-by-design-right-or-copyright-owner>

58 <https://www.gov.uk/guidance/designs-disputes-resolution-hearings>

59 <http://www.wipo.int/hague/en/>



Patents

What you can patent

You can use a patent to protect your invention. It gives you the right to take legal action against anyone who makes, uses, sells or imports it without your permission.

To be granted a patent, your invention must be all of the following:

- something that can be made or used
- new
- inventive - not just a simple modification to something that already exists

Patents are expensive and difficult to get. Before you apply, [check if a patent is right for your business⁶⁰](#).

What you cannot patent

You cannot patent certain types of invention, including:

- literary, dramatic, musical, or artistic works
- a way of doing business, playing a game, or thinking
- a method of medical treatment or diagnosis
- a discovery, scientific theory, or mathematical method
- the way information is presented
- some computer programs or mobile apps
- 'essentially biological' processes like crossing-breeding plants, and plant or animal varieties

⁶⁰ <https://www.gov.uk/patent-your-invention/before-you-apply>



Before you apply

Patents are the most difficult form of protection to get. Check if a patent is right for your business before you apply for one.

You should only apply for a patent if:

- your invention is new - check for similar ones by [searching published patents](#)⁶¹, the internet and trade publications
- you have the time and money for the application process

The [application process](#)⁶² is:

- complicated - only 1 in 20 applicants get a patent without professional help
- expensive - with professional help, applications typically cost £4,000
- long - it usually takes 5 years

If you get a patent, you'll also have to pay to [renew](#)⁶³ it each year and the costs of legal action if you need to [defend](#)⁶⁴ it.

61 <https://www.gov.uk/search-for-patent>

62 <https://www.gov.uk/patent-your-invention/decide-to-apply>

63 <https://www.gov.uk/renew-patent>

64 <https://www.gov.uk/defend-your-intellectual-property>

Other ways to protect your intellectual property

[Other types of protection](#)⁶⁵ might be more appropriate for your business. For example, you can use:

- [trade marks](#)⁶⁶ - if you can create a brand and be first to market
- [design rights](#)⁶⁷ - if how your product looks (rather than how it works) is important and innovative
- [non-disclosure agreements](#)⁶⁸ to keep it secret before launch - this can provide enough protection if your product is likely to sell for only a short time

65 <https://www.gov.uk/intellectual-property-an-overview/protect-your-intellectual-property>

66 <https://www.gov.uk/how-to-register-a-trade-mark>

67 <https://www.gov.uk/design-right>

68 <https://www.gov.uk/government/publications/non-disclosure-agreements>

Getting help

You can get a professional to help you decide whether a patent is right for your business.

You may be able to get free advice by:

- speaking to a [patent attorney](#)⁶⁹ or other professional advisor - many offer basic advice for free
- attending an [intellectual property \(IP\) clinic](#)⁷⁰
- going to the [British Library Business and IP Centre](#)⁷¹ in London

This advice will be confidential.

Do not talk to other people without a [non-disclosure agreement](#)⁷², or you may not be able to patent your invention. You can get help with this from a [patent attorney](#)⁷³ or [solicitor](#)⁷⁴.

69 <http://www.cipa.org.uk/find-a-patent-attorney/>

70 <https://www.gov.uk/government/publications/uk-patlib-network/uk-patlib-contact-information>

71 <http://www.bl.uk/bipc>

72 <https://www.gov.uk/government/publications/non-disclosure-agreements>

73 <http://www.cipa.org.uk/find-a-patent-attorney/>

74 <https://www.gov.uk/find-a-legal-adviser>



If you decide to apply

When you've [checked that a patent is right for your business⁷⁵](#), you should [find a patent attorney⁷⁶](#) or advisor. They will:

- help you prepare your application correctly - you cannot add in additional information later
- give you the best chance of being granted a patent
- try to make your patent as commercially valuable as possible

You may be approached by companies offering to promote your invention for a fee. Get independent legal or financial advice before you agree to anything.

75 <https://www.gov.uk/patent-your-invention/before-you-apply>

76 <http://www.cipa.org.uk/find-a-patent-attorney/>



Applying for a patent

If you work with a patent attorney or advisor, they'll help you through the application process. Applications typically cost £4,000 and the process usually takes 5 years. There are 8 steps if you apply for patent protection in the UK through the Intellectual Property Office (IPO).

1. [Search for similar patents](#)⁷⁷ to make sure your invention is new.
2. [Prepare your patent application](#)⁷⁸.
3. [File your patent application](#)⁷⁹ and [request a search](#)⁸⁰ from IPO.
4. Receive your search report (usually within 6 months) and decide whether you want to continue with your application.
5. Your application will be published 18 months after you file it.
6. Ask for a '[substantive examination](#)'⁸¹ within 6 months of publication.
7. Respond to comments from IPO's 'substantive examination'. The examination may take place several years after you file your application.
8. Your application will be [granted or refused](#)⁸².

77 <https://www.gov.uk/search-for-patent>

78 <https://www.gov.uk/patent-your-invention/prepare-your-application>

79 <https://www.gov.uk/patent-your-invention/apply-for-a-patent>

80 <https://www.gov.uk/patent-your-invention/request-your-search-and-examination>

81 <https://www.gov.uk/patent-your-invention/request-your-search-and-examination>

82 <https://www.gov.uk/patent-your-invention/after-you-apply>



You can commercially benefit from your patent once it has been granted, for example license, sell or mortgage your patent.

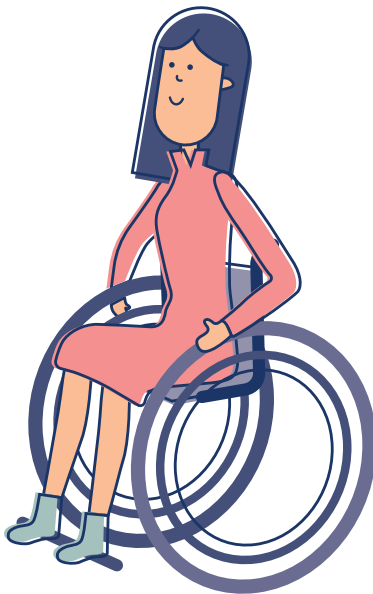
Do not make your invention public before you apply. You may not be able to patent it if you do.

Other ways to get a UK patent

You can also file a UK patent application through the:

[European Patent Office \(EPO\)](http://www.epo.org/)⁸³

[World Intellectual Property Organization \(WIPO\)](http://www.wipo.int/portal/en/index.html)⁸⁴



83 <http://www.epo.org/>

84 <http://www.wipo.int/portal/en/index.html>



Prepare your application

If you work with a [patent attorney](#)⁸⁵ or advisor, they'll help you through the application process.

A patent application is made up of 4 parts that need to meet specific criteria.

You must include:

- a description of your invention that allows others to see how it works and how it could be made
- legal statements that set out the technical features of your invention that are to be protected (known as 'claims')
- a summary of all the important technical aspects of your invention (known as the 'abstract')

You should also include any drawings you need to illustrate your description.

The [fees](#)⁸⁶ are higher if your description has more than 35 pages or you include more than 25 claims.

Read the [patent application fact sheets](#)⁸⁷ for instructions on how to produce each part of your application.

You have to submit your description and any drawings with your application form.

You can [file your claims and abstract once your patent is pending](#)⁸⁸, but it's best if you submit all the parts together.

85 <http://www.cipa.org.uk/find-a-patent-attorney/>

86 <https://www.gov.uk/patent-your-invention/apply-for-a-patent>

87 <https://www.gov.uk/government/publications/patent-fact-sheets>

88 <https://www.gov.uk/file-documents-pending-patent>

Academic papers

You can send academic papers as part of your patent application, to help describe your invention.

You still need to send a description, drawings, and claims.

‘Statement of inventorship’

You need to complete a statement of inventorship if:

- you’re not the inventor
- there’s more than one inventor and they’re not listed as applicants
- you’re applying on behalf of a company

The statement provides the Intellectual Property Office (IPO) with more information about who the inventor is and why you have the right to apply for the patent.

Submit your ‘statement of inventorship’ online when you [apply for a patent⁸⁹](#), or do it later by [filing documents for a pending UK patent⁹⁰](#).

Alternatively, download the [‘statement of inventorship’ form⁹¹](#) and send it with your application.

89 <https://www.gov.uk/patent-your-invention/apply-for-a-patent>

90 <https://www.gov.uk/file-documents-pending-patent>

91 <https://www.gov.uk/government/publications/statement-of-inventorship-and-of-right-to-grant-of-a-patent>

Apply for a patent

If you work with a [patent attorney](#)⁹² or advisor, they'll help you through the application process.

You can file a UK patent application with the Intellectual Property Office (IPO). Read the [patent application fact sheets](#)⁹³ for instructions on how to produce each part of your application.

You can apply either:

- [online](#)⁹⁴
- [by post](#)⁹⁵

You can request and pay for your search and examination at this point or [later in the process](#)⁹⁶.

92 <http://www.cipa.org.uk/find-a-patent-attorney/>

93 <https://www.gov.uk/government/publications/patent-fact-sheets>

94 https://www.gov.uk/apply-for-a-patent?utm_source=apply%20patent%20online&utm_medium=internal-link&utm_campaign=apply%20patent

95 https://www.gov.uk/apply-for-a-patent#other-ways-to-apply?utm_source=apply%20patent%20post&utm_medium=internal-link&utm_campaign=apply%20patent

96 <https://www.gov.uk/patent-your-invention/after-you-apply>

Fees

Stage	Apply online	Apply by post
Application (if you pay when you apply)	£60	£90
Application (if you pay later)	£75	£112.50
Search	£150 (plus £20 for each claim over 25 claims)	£180 (plus £20 for each claim over 25 claims)
Substantive examination	£100 (plus £10 for each page of description over 35 pages)	£130 (plus £10 for each page of description over 35 pages)

If you get a patent, you'll also have to [pay to renew⁹⁷](#) it to keep it in force.

97 <https://www.gov.uk/renew-patent>

Get your patent granted more quickly

You can get your application processed more quickly if you file your [search and examination requests](#)⁹⁸ at the same time as you apply.

This costs the same as applying separately and means they'll be processed at the same time.

You may also be able to get a 'fast grant' if, for example:

- your invention has some sort of environmental benefit (green channel)
- you've been granted a patent for your invention at another patent office (Patent Prosecution Highway)

Read the [patents fast grant guidance](#)⁹⁹ on our website.

Request your search and examination

If you work with a [patent attorney](#)¹⁰⁰ or advisor, they'll help you through the application process.

As part of the application process, you must pay for a patent search and a 'substantive examination'.

You can request the search either when you apply or later in the process.

You must request your search within 12 months of your filing or priority date.

You must request your examination within 6 months of publication.

98 <https://www.gov.uk/patent-your-invention/request-your-search-and-examination>

99 <https://www.gov.uk/government/publications/patents-fast-grant>

100 <http://www.cipa.org.uk/find-a-patent-attorney/>



Patent search

The Intellectual Property Office (IPO) carries out a search to check whether your invention is new and inventive.

You have to request and pay for your search within 12 months of your filing date or [priority date](#)¹⁰¹.

You'll be sent the results and told if any part of your application is not right.

Read the [search report factsheet](#)¹⁰².

Search reports can take up to 6 months.

Publication

Your application will be published 18 months from your filing or priority date, provided it's complete and passes the search.

The open part of your application, which includes your address, will be publicly available in the:

- [online patents journal](#)¹⁰³ on the IPO website
- IPO records

101 <https://www.gov.uk/patent-your-invention/after-you-apply>

102 <http://www.ipo.gov.uk/factsearch.pdf>

103 <https://www.gov.uk/check-the-patents-journal>



‘Substantive examination’

The examination checks whether your invention is new and inventive enough. It also checks that your description and claims match and are good enough to patent.

The examination will show if your application meets the legal requirements. You’ll be told what you need to do if it does not.

You must request an examination of your patent application within 6 months of publication.

Examinations can take place several years after you file your application.





How to apply

You can apply online or by post for both the search and examination.

Apply online

You can request your search and examination either:

- with your [initial application](#)¹⁰⁴
- [later in the process](#)¹⁰⁵

You must request your search within 12 months of your filing or priority date and examination within 6 months of publication.

Apply by post

Download the forms:

- [search request form](#)¹⁰⁶
- [examination request form](#)¹⁰⁷

Fill in and post the forms. The address is on the forms.

104 <https://www.gov.uk/apply-for-a-patent>

105 <https://www.gov.uk/patent-your-invention/after-you-apply>

106 <https://www.gov.uk/government/publications/request-for-search>

107 <https://www.gov.uk/government/publications/request-for-a-substantive-examination>



After you apply

If you work with a [patent attorney](#)¹⁰⁸ or advisor, they'll help you through the application process.

You'll be sent a receipt with your application number and filing date (the date your application is received).

You'll be told what to do next and when.

After you've applied you can mark your invention as 'patent pending' or 'patent applied for'. You can either add the patent number and say that you applied for it in the UK or use a web address instead if the patent number is online.

If you use a web address, make sure the patent number and the product it relates to are clearly displayed on your website.

If your patent is granted:

- your application will be published in its final form
- you'll be sent a certificate

You'll be responsible for [renewing](#)¹⁰⁹ and [defending](#)¹¹⁰ your patent.

108 <http://www.cipa.org.uk/find-a-patent-attorney/>

109 <https://www.gov.uk/renew-patent>

110 <https://www.gov.uk/defend-your-intellectual-property>



File more documents once your patent is pending

You may need to [file more forms and documents](#)¹¹¹ once you have a patent pending (for example a form to request a search, or a document with your claims).

You must send your claims, abstract, application fee and search fee within 12 months of your filing date.

If your application includes a 'priority date' from an earlier application

You must send your claims, abstract, application fee and search fee within whichever of the following is later:

- 12 months of the date when you filed your previous application (the priority date)
- 2 months of your current filing date

¹¹¹ <https://www.gov.uk/file-documents-pending-patent>



Withdraw your application

You can withdraw your application for any reason, for example to stop it becoming public.

To stop your invention entering the public domain you must withdraw your application before it's published.

You can ask for a withdrawal up to the day before the deadline given in your search report.

Withdraw by email

Email withdraw@ipo.gov.uk with your patent application number in the subject line.

Clearly state that you want to withdraw in the body of the email.

State why you have the authority to withdraw the application, for example that you're the applicant or their agent.

Withdraw by post

You can also withdraw by post - mark your request as urgent if there's less than 3 weeks until publication.

Intellectual Property Office

Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ
United Kingdom



Make a new application with a priority date

You can withdraw your application and reapply if you want to change it for any reason, for example if you've developed your invention since you first applied or have new information.

You can use the filing date of your earlier application (known as the priority date) if your new application is made within 12 months.

Terminated applications

Your application will be terminated if you do not submit the right documents, forms and payment when asked to.

You may be able to reopen your application if you apply within 12 months of termination.

You need to be able to show:

- why you failed to meet the requirements
- that the failure was not intentional
- when you became able to meet the requirements

It costs £150 to apply - this is not refundable.



Reopen your application

Download the [reinstatement request form](#)¹¹².

Send the form, your fee, and any supporting evidence to IPO.

If your request is granted, you must meet the requirements within 2 months.

You can ask for an [ex parte hearing](#)¹¹³ if you're turned down, where you can put your case to a senior official.

International patents

A patent only protects your invention in the country where the patent is registered.

For protection overseas, you can:

- file a single application under the [Patent Cooperation Treaty \(PCT\)](#)¹¹⁴ for protection in more than 140 countries
- file a single application with the [European Patent Office \(EPO\)](#)¹¹⁵ for protection in more than 30 countries in Europe
- apply separately to the [patent office of each country](#)¹¹⁶ where you want a patent

Read the [guidance on filing a patent abroad](#)¹¹⁷ for basic information on filing for international protection.

112 <https://www.gov.uk/government/publications/request-to-reinstate-a-patent-application>

113 <https://www.gov.uk/government/publications/ex-parte-hearing-procedures>

114 <http://www.wipo.int/pct/en/>

115 <http://www.epo.org/applying.html>

116 <http://www.wipo.int/directory/en/urls.jsp>

117 <https://www.gov.uk/government/publications/protecting-your-uk-intellectual-property-abroad>



Areas for Help

Infringement and disputes

It's your responsibility to defend your intellectual property and to take action if someone's used it without permission (known as 'infringement'). The Intellectual Property Office does not get involved with infringement.

Examples of IP infringement include when someone:

- uses, sells, or imports your patented product or process
- uses all or some of your work under copyright without your permission
- makes, offers, or sells your registered design for commercial gain
- uses a trade mark that's identical or similar to one you've registered



Patent attorneys and trade mark attorneys

Patent attorneys and registered trade mark attorneys are legally qualified and regulated advisors. They can provide all the specialist services necessary to get the best out of your IP. It is possible to handle your IP without any legal representative. However, you would be exposed to many potential pitfalls and complicated difficulties. IP law is complex and requires considerable knowledge and skill to negotiate well. Where your valuable business assets are at stake it is not worth taking such risks.

Advice from a patent attorney/registered trade mark attorney is given in confidence (subject to legal privilege). These attorneys are regulated by an independent regulatory body, [Intellectual Property Regulation Board \(IPREG\)](#)¹¹⁸.

Details on the professions and how to find a local attorney can be found on the following websites:

- [The Chartered Institute of Trade Mark Attorneys \(CITMA\)](#)¹¹⁹
- [The Chartered Institute of Patent Attorneys \(CIPA\)](#)¹²⁰
- [Institute of Professional Representatives before the European Patent Office \(EPI\)](#)¹²¹
- [Search for Professional Representatives before the European Union Intellectual Property Office \(EUIPO\) that governs European Union Trade Marks and Registered Designs](#)¹²²

118 <http://ipreg.org.uk/>

119 <https://www.citma.org.uk/home>

120 <http://www.cipa.org.uk/>

121 <http://www.patentepi.com/>

122 <https://oami.europa.eu/eSearch/#advanced/representatives>

Solicitors

IP is a specialist area and you need to be sure that any solicitors you use are knowledgeable and skilled in IP. Your usual solicitor is unlikely to have such skills.

IP solicitors specialise in transactions which involve IP. This includes:

- licensing and the buying and selling of businesses
- IP dispute resolution and litigation

They don't apply for patents or other forms of intellectual property, although some do apply for registered trade marks. Some solicitors are additionally qualified as a Trade Mark Attorney.

Solicitors are regulated under the Legal Services Act. The Solicitors Regulation Authority (SRA) regulates solicitors in England and Wales. It also regulates registered European and foreign lawyers. They are the independent regulatory body of the Law Society of England and Wales.

- [Law Society](http://www.lawsociety.org.uk/)¹²³ - can provide details of suitable solicitors in your area

¹²³ <http://www.lawsociety.org.uk/>

IP barristers

IP barristers give specialist advice in IP matters and conduct cases in courts. The more experienced members of this group are generally able to provide a certain amount of business advice around IP too, although it is not normally their speciality.

Introduction to an IP barrister will normally be through a solicitor, a patent attorney, a trade mark attorney or an accountant.

- [Bar Council](#)¹²⁴ - can provide details of barristers licensed for public access

124 <http://www.barcouncil.org.uk/using-a-barrister/>

Intellectual property after EU Exit

Following the UK's departure from the EU, a transition period came into effect that ended on 31 January 2020. Changes were subsequently introduced to UK intellectual property law. [This information is correct as of November 2021 and it is advised that you check the \[IPO website\]\(#\)¹²⁵ for the most up to date information.](#)

The following is a summary of the key changes.

UK Address for Service (AfS)

[An address for service \(AfS\)](#)¹²⁶ is an address you use to correspond with the IPO and also for the purposes of proceedings under IP legislation.

Since 1 January 2021, only an address for service in the UK (which for these purposes includes the Isle of Man), Gibraltar or the Channel Islands is accepted for new applications and new requests to start contentious proceedings before the IPO.

These changes apply across all the registered IP rights (patents, trade marks and designs).

125 <https://www.gov.uk/government/news/intellectual-property-and-the-transition-period>

126 <https://www.gov.uk/guidance/address-for-service-for-intellectual-property-rights>

Changes to IP rights

Trade marks

Comparable UK trade mark and Design rights were created at the end of the transition period under the terms of the Withdrawal Agreement.

On 1 January 2021, The IPO created a comparable UK trade mark for every registered EU trade mark (EUTM). Each of these UK rights:

- are recorded on the UK trade mark register
- have the same legal status as if you had applied for and registered it under UK law
- keep the original EUTM filing date
- keep the original priority or UK seniority dates
- are a fully independent UK trade mark that can be challenged, assigned, licensed, or renewed separately from the original EUTM

For information on renewals, opt out process and numbering as well as more detail on subjects covered in this section please refer to our business guidance

- [EU trade mark protection and comparable UK trade marks from 1 January 2021](https://www.gov.uk/guidance/eu-trademark-protection-and-comparable-uk-trademarks-from-1-january-2021)¹²⁷
- [Creation of the re-registered international design](https://www.gov.uk/guidance/international-eu-protected-designs-after-brex-it#creation-of-the-re-registered-international-design)¹²⁸

127 <https://www.gov.uk/guidance/eu-trademark-protection-and-comparable-uk-trademarks>

128 <https://www.gov.uk/guidance/international-eu-protected-designs-after-brex-it#creation-of-the-re-registered-international-design>

Please see section below on [Geographical Indications](#)¹²⁹ for details on this IP right and the relationship with trade marks.

Designs

On 1 January 2021, under the terms of the Withdrawal Agreement the IPO created a re-registered design for every Registered Community design (RCD). Each of these rights:

- are recorded on the UK designs register
- have the same legal status as if you had applied for and registered it under UK law
- have kept the original RCD filing date
- have kept the original priority date
- are a fully independent UK design that can be challenged, assigned, licensed, or renewed separately from the original RCD

Our digital and paper forms have been amended to include a new section for claiming the earlier filing date of the corresponding RCD application.

For information on renewals, opt out process and numbering as well as more detail on subjects covered in this section please refer to our [business guidance](#)¹³⁰.

129 <https://www.gov.uk/government/news/intellectual-property-after-1-january-2021#refGeographical-Indications>

130 <https://www.gov.uk/guidance/changes-to-eu-and-international-designs-and-trade-mark-protection-after-the-transition-period>

International trade marks and designs

On 1 January 2021, under the terms of the Withdrawal Agreement the IPO created a re-registered design for every registered International design (EU), and a comparable UK trade mark for every registered international trade mark which designated the EU.

For information on renewals, opt out process and numbering please refer to UK IPO [trade mark business guidance](#)¹³¹ and [designs business guidance](#)¹³².

Unregistered Designs

Unregistered Community designs that arose before the end of the transition period will continue to be protected in the UK for the remainder of their three-year term as continuing unregistered designs (CUDs).

From 1 January 2021, a supplementary unregistered design (SUD) became available in UK law.

The SUD is established by first disclosure in the UK. First disclosure in the EU will not establish a SUD right. It could destroy the novelty of the design should you later seek to establish UK unregistered rights.

Similarly, first disclosure in the UK may not establish a CUD and could destroy the novelty in that design, should you later seek to claim EU unregistered rights. However, you should check guidance from the EU Intellectual Property Office on this.

131 <https://www.gov.uk/guidance/changes-to-international-trade-mark-registrations-after-the-transition-period>

132 <https://www.gov.uk/guidance/international-eu-protected-designs-after-1-january-2021>

Business will need to consider carefully where to disclose their products to ensure they have adequate protection in their most important market.

More information is available in our [business guidance](#)¹³³.

Patents

You can apply for a European patent through us or direct to the European Patent Office (EPO) to protect your patent in more than 30 countries in Europe, using the (non-EU) European Patent Convention (EPC).

As the EPO is not an EU agency, leaving the EU does not affect the current European patent system. Existing European patents covering the UK are also unaffected.

European patent attorneys based in the UK continue to be able to represent applicants before the EPO. See the notice on the EPO website [news story](#)¹³⁴ for further information.

Supplementary Protection Certificates (SPCs)

SPCs are granted as national rather than EU-wide rights.

It was not necessary for the UK and the EU to agree the creation of a comparable right to ensure continued protection of existing SPCs in the UK at the end of the transition period.

The Withdrawal Agreement ensures that SPC applications which are pending at the end of the transition period will be examined under the current framework.

133 <https://www.gov.uk/guidance/changes-to-unregistered-designs-after-the-transition-period>

134 <https://www.epo.org/law-practice/legal-texts/official-journal/information-epo/archive/20200129.html>

Any SPC which is granted based on those applications will provide the same protection as existing SPCs.

You will continue to apply for an SPC by submitting an application to the Intellectual Property Office.

Changes affecting SPCs due to the Northern Ireland Protocol

Due to regulatory changes for marketing authorisations there are some changes to the SPC application process which will come into effect from 1 January.

You will need to check whether your marketing authorisation is valid for the whole of the UK, or just Northern Ireland or Great Britain.

An application for an SPC must still be filed with the IPO within six months of your first authorisation.

Please check the [business guidance](#)¹³⁵ to ensure you are submitting the correct forms and accompanying documentation.

Parallel trade between the UK and the EEA

The IP rights in goods placed on the UK market by, or with the consent of the right holder after the transition period may no longer be considered exhausted in the EEA.

This means that businesses parallel exporting these IP-protected goods from the UK to the EEA might need the right holder's consent.

The IP rights in goods placed on the EEA market by, or with the consent of the right holder after the transition period will continue to be considered exhausted in the UK.

135 <https://www.gov.uk/guidance/supplementary-protection-certificates-from-1-january-2021>



This means that parallel imports into the UK from the EEA will be unaffected.

Now that the UK has left the EU, the UK government has the regulatory freedom to decide on how it wishes to manage future parallel trade into the UK. The government will conduct a consultation in early 2021 on this issue. The consultation will help to determine what the most appropriate IP exhaustion regime for the UK would be, and this “regime” will underpin the UK’s system of parallel trade. If there is to be a change to the UK’s current system, the consultation will also determine how and when any change should be implemented.”

Actions for parallel exporters of IP-protected goods to the EEA

Check whether you currently export legitimate, IP-protected goods to the EEA. These could be goods branded with a trade mark that have already been placed on the UK market.

The rights holder’s permission to export those goods may not currently be required.

You may need to contact the rights holder to get permission to continue exporting these goods after 1 January 2021.

The IP rights holder may not provide permission for their IP-protected goods to be parallel exported to the EEA.

You may need to review your business arrangements, business model or supply chain based on the outcome of the discussion with the IP rights holder.



Actions for IP rights holders

Businesses that own IP rights (trade marks, patents, designs, or copyright) may wish to seek legal advice if their IP-protected goods are parallel exported from the UK to the EEA.

You will need to consider if you want to allow parallel exports of your IP-protected goods from the UK to the EEA after 1 January 2021.

More information is available in our [business guidance](#)¹³⁶.

Copyright

Most UK copyright works (such as books, films, and music) will still be protected in the EU and the UK. This is because of the UK's continued participation in the international treaties on copyright.

For the same reason, EU copyright works will continue to be protected in the UK. This applies to works made before and after 1 January 2021.

However, certain cross-border copyright arrangements that are unique to EU member states no longer apply to the UK.

These include cross-border portability of online content services, copyright clearance for satellite broadcasts, reciprocal protection for database rights and the orphan works exception.

The effect of this change on UK copyright works and related services may vary and will depend on domestic legislation in each EU state as well as private contractual relationships.

More information is available in our [business guidance](#)¹³⁷.

136 <https://www.gov.uk/guidance/exhaustion-of-ip-rights-and-parallel-trade-after-the-transition-period>

137 <https://www.gov.uk/guidance/changes-to-copyright-law-after-the-transition-period>

Geographical Indications

A Geographical Indication (GI) is a designation given to products that have a specific geographical origin or are made using traditional methods. They possess qualities or a reputation due to that origin, such as Scotch Whisky or Stilton cheese. A GI is not owned by a business or individual (unlike a trade mark) and anyone can use a registered GI provided that they are verified to do so and follow the product's specification.

The Department for Environment, Food and Rural Affairs (Defra) are responsible for registration and protection of GIs in the UK for agricultural products, which include food, wine and spirits. Further information on the UK GI schemes that launched on 1 January 2021 can be found in [Defra's website¹³⁸](#).

All products that were protected in the EU on 31 December 2020 following successful applications to the EU GI schemes are protected under both the UK and EU GI schemes.

The IPO work closely with Defra due to the interaction between GIs and trade marks. Details of how the UK trade mark system interacts with GI protection can be found [here¹³⁹](#).

138 <https://www.gov.uk/guidance/protected-geographical-food-and-drink-names-uk-gi-schemes>

139 <https://www.gov.uk/guidance/trade-marks-and-geographical-indications>

Protecting intellectual property rights at the UK border

The way in which businesses protect their IP rights at the UK border has changed since the Transition Period ended on 31 December 2020. All UK protection within the EU has now ceased to be recognised.

This means that:

- businesses that want to protect their IP rights in the EU and in the UK will need to hold two Applications for Action (AFA) - one in the EU and one in the UK
- businesses that made an application to the UK for IP rights protection in EU countries will need to check the [EU EUROPA website](#)¹⁴⁰ for guidance on protecting IP rights in one or more EU member states
- if a business made an application in another EU country for IP protection in the UK before the end of the transition period, they need to make a new UK AFA application to continue to protect their IP rights at the UK border
- HMRC have introduced a new application process to protect IP rights at the UK's borders. Businesses will need to complete the new [UK AFA form](#)¹⁴¹ which is available on GOV.UK

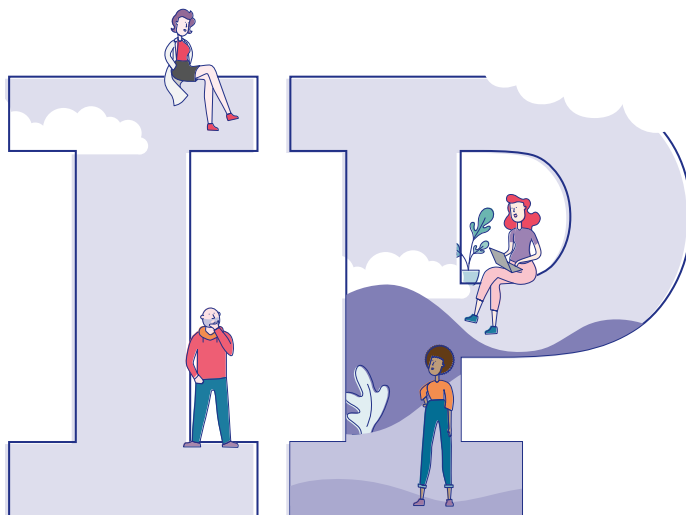
140 https://europa.eu/youreurope/business/running-business/intellectual-property/infringement/index_en.htm

141 <https://www.gov.uk/guidance/apply-for-action-to-protect-your-intellectual-property-rights#before-you-apply>



- the UK government will recognise existing applications for IP protection in the UK where an application was made in the UK and handled by HM Revenue & Customs (HMRC) Intellectual Property Approvals. These applications are stored on a UK register. Businesses can continue to seek enforcement in the UK until their AFA expires.

For more information about the changes please refer to our business guidance [Application for Action](#)¹⁴².



142 <https://www.gov.uk/guidance/apply-for-action-to-protect-your-intellectual-property-rights>





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You can contact one of our IP advisors who can answer your questions
Call them on **0300 300 2000***, or email them at: information@ipo.gov.uk

*Calls to 0300 numbers are charged at your network provider's standard national rate.
Office hours are 09:00 to 17:00 Monday to Friday, excluding Bank Holidays.







Concept House
Cardiff Road
Newport
NP10 8QQ

Tel: 0300 300 2000

Email: information@ipo.gov.uk

Web: www.gov.uk/ipo

Facebook: [TheIPO.UK](https://www.facebook.com/TheIPO.UK)

Twitter: [@The_IPO](https://twitter.com/The_IPO)

YouTube: [ipogovuk](https://www.youtube.com/ipo.gov.uk)

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