

## CITMA Brexit Registered Rights Working Group - RCDs

Working document, as at 27<sup>th</sup> January 2017

Issue	Options	Montenegro	Tuvalu	
<b>Granted RCDs</b>	All RCDs granted by the cut-off point will be converted into equivalent UKRDs, with the same deemed filing date, priority date and renewal dates as the original RCDs. The cut-off point could be Brexit itself or pre-Brexit.			
<b>Pending RCD applications</b>	All RCD applications filed before the cut-off point (Brexit itself or pre-Brexit) but still pending at the cut-off point, can if and when granted, be converted into equivalent UKRDs. This conversion could either be automatic or upon request by owner. (NOTE: this procedure will not be widely utilised. RCDs are typically granted very quickly following the application due to there being no substantive examination/opposition period. RCDs are almost always granted within days if all formal requirements have been satisfied.)			
	No provision for transfer of pending applications. Only RCDs which are registered at Brexit are transferred to the UK Register. Those pending at Brexit would remain as RCDs only. Separate UK applications would be required to obtain UK protection (NB potential novelty issues).			
<b>Description</b>	When RCDs are converted into equivalent UKRDs, any description filed with the RCD (which as a matter Community design law does not affect the scope of protection afforded to the RCD) shall likewise not affect the scope of protection afforded to the converted UKRD			
<b>Address for service for UK 'child' registrations (only relevant if ability to have EU Address for service is dropped)</b>	Nominate UK address for service at opt-in (Tuvalu)		N/A	
	Enter existing EU address for service on UK register	If EU address for service does not satisfy UK requirements, nominate UK address for service at renewal/enforcement/other issue		N/A
		If EU address for service does not satisfy UK requirements, nominate UK address for service within window (e.g. 6 months) post-Brexit	<i>(Effectively turns Montenegro into Tuvalu)</i>	N/A
	Do not import non-UK address for service – correspondence sent directly to owner	Nominate UK address for service at renewal/enforcement/other issue		N/A
	Nominate UK address for service within window (e.g. 6 months) post-Brexit	<i>(Effectively turns Montenegro into Tuvalu)</i>	N/A	

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<b>On-going proceedings</b> (before EUIPO or courts)	<ul style="list-style-type: none"><li>• Option for parties to continue in EU and be bound by the result in UK (if both parties agree).</li><li>• New proceedings in UK – same grounds/cause of action</li><li>• New proceedings in UK – opportunity to revise grounds/cause of action</li></ul>	Under discussion. Very difficult to balance fairness and procedural economy.
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