

EUIPO General Additional Guidance for Right Holders and Representatives in view of the end of the Brexit transition period on the terms of the UK withdrawal agreement

(10 September 2020)

I. GENERAL IMPACT ON EUTMRs AND RCDs

A. Scope of protection

1. Is the scope of protection of my EU trade mark affected?

As of the end of the transition period, EU trade marks will, in principle, no longer be protected in the UK (including Gibraltar, the Channel Islands and the Isle of Man, and dependent UK territories) as a matter of EU law (Art. 1(2) EU Trade Mark Regulation, Article 50(3) TEU, Recital 4 and Articles 126, 127 UK Withdrawal Agreement). The EU trade marks' territorial scope of protection will thus be limited to the territory of the remaining 27 EU Member States.

Continuity of protection in the UK of registered EU trade marks has to be automatically granted free of charge by the UK as of the end of the transition period, in form of an additional comparable UK trade mark (same sign, same goods and services, same filing/priority date, same UK seniority, Article 54 UK Withdrawal Agreement). Holders of a EU trade mark application with a date of filing prior to the end of the transition period have the right to keep that application's priority date where they apply for a comparable UK trade mark, provided that they file such application at UKIPO within nine months from the end of the transition period (Article 59 UK Withdrawal Agreement).

2. Are EU trade marks protected in the UK?

EU trade marks are protected in the EU and not in third countries (Art. 1(2) EU Trade Mark Regulation). As from the end of the transition period, EU trade marks registered prior to that date will cease to be protected in the UK as EU trade marks, and instead be protected as comparable, yet legally distinct, UK marks (Article 54 UK Withdrawal Agreement). Likewise, EU trade marks registered from the end of the transition period, are not protected in the UK, irrespective of whether they were filed before or after that date.

3. Is the (former) 'UK part' of an EU trade mark transformed into a UK trade mark?

EU law does not offer any legal basis which would allow for a prospective (that is before the end of the transition period) 'partial transformation' of an EU trade mark into a UK trade mark.

Continuity of protection in the UK of EU trade marks as from the end of the transition period, as an additional comparable UK trade mark (same sign, same goods and services, same filing/priority date, same UK seniority), is to be automatically provided free of charge by the UK (Article 54 UK Withdrawal Agreement). That comparable UK trade mark will however, in principle, be invalidated or revoked if the 'parent' EU trade mark from which it derives is invalidated or

revoked in the EU as consequence of a procedure which was ongoing on the last day of the transition period (Article 54(3) UK Withdrawal Agreement).

4. Can the (former) 'UK part' of an EU trade mark application be transformed into a UK trade mark application?

EU law does not offer any legal basis which would allow for a prospective (that is before the end of the transition period) 'partial transformation' of an EU trade mark application into a UK trade mark application.

Holders of a EU trade mark application with a date of filing prior to the end of the transition period have the right to keep that application's priority date where they apply for a comparable UK trade mark, provided that they file such application at UKIPO within nine months from the end of the transition period (Article 59 UK Withdrawal Agreement).

5. Is an EU trade mark court's pan-EU injunction effective in the UK after the end of the transition period?

Measures taken by a EU trade mark court as of the withdrawal date will apply only to the territory of EU Member States (Art. 131(2) EU Trade Mark Regulation). Such measures do not any longer have effect in the UK. However, measures taken by a EU trade mark court, or that become final, as of the end of the transition period, will be enforceable in the UK where these result from legal proceedings which were instituted before the end of the transition period (Article 67(1) and (2) UK Withdrawal Agreement).

6. Are UK courts competent in EU trade mark matters as of the withdrawal date?

As from the withdrawal date, UK courts are not any longer competent for taking measures with effect in the EU or as regards the validity of EU trade marks (Art. 123-126 EU Trade Mark Regulation). Disputes on the infringement and the validity of EU trade marks involving EU trade mark owners established in the UK have to be settled by EU trade mark courts (Art. 125 EU Trade Mark Regulation). However, measures taken by a UK court, or that become final, as of the end of the transition period, will be enforceable in the EU where these result from legal proceedings which were instituted before the end of the transition period (Article 67(1) and (2) UK Withdrawal Agreement).

7. Can an EU trade mark/EU trade mark application be converted into a UK trade mark application?

An EU trade mark/EU trade mark application can only be converted into a trade mark (application) of an EU Member State (Art. 139(1) EU Trade Mark Regulation). In consequence, EU trade marks registered, and EU trade mark applications filed, either before, on or after the withdrawal date can only be converted into UK trade mark applications, if the conversion request was made before the end of the transition period.

However, EU trade marks registered before the end of the transition period are to be protected automatically and free of charge by the UK, as from the end of the transition period, as an additional comparable UK trade mark (same sign, same goods and services, same filing/priority date, same UK seniority, Article 54 UK Withdrawal Agreement). That comparable UK trade mark will, in principle, be invalidated or revoked if its 'parent' EU trade mark from which it derives is

invalidated or revoked in the EU as consequence of a procedure which was ongoing on the last day of the transition period (Article 54(3) UK Withdrawal Agreement).

Holders of a EU trade mark application with a date of filing prior to the end of the transition period have the right to keep that application's priority date where they apply for a comparable UK trade mark, provided that they file such application at UKIPO within nine months from the end of the transition period (Article 59 UK Withdrawal Agreement).

B. Maintenance of Rights conferred to EU Trade Marks

8. Can use of the EU trade mark in the UK as of the end of the transition period maintain the rights conferred by the mark?

Use of the EU trade mark in the UK does – as from the end of the transition period – not qualify any more as use 'in the EU' (or for exports from the EU to third countries, Art. 18(1) EU Trade Mark Regulation). Use of the EU trade mark in the UK as of the end of the transition period does not count for the purpose of maintaining the rights conferred by the EU trade mark.

9. Can use of the EU trade mark in the UK before the end of the transition period maintain the rights conferred by the trade mark?

Use of the EU trade mark in the UK before the end of the transitional period constitutes, in principle, use 'in the EU' (or for exports from the EU to third countries, Art. 18(1) EU Trade Mark Regulation). Use of the EU trade mark in the UK before the end of the transitional period counts for the purpose of maintaining the rights conferred by the mark – provided that, and in so far as, it relates to the relevant period for which use has to be shown.

C. Language - English in the Proceedings before the EU Intellectual Property Office

10. Is English a language of the EU Intellectual Property Office?

English is one of the languages of the EU Intellectual Property Office pursuant to Art. 146(2) EU Trade Mark Regulation. The UK's effective withdrawal from the EU as from the end of the transition period does not affect this rule.

11. Can English be a language of EU Intellectual Property Office proceedings?

English being both one of the official languages of the EU (Art. 1 Reg. 1/58) as well as one of the languages of the EU Intellectual Property Office (Art. 146(2) EU Trade Mark Regulation), EU trade mark applications can be filed in that language, and English can also become language of proceedings before the EU Intellectual Property Office (Art. 146(1), (3) EU Trade Mark Regulation).

D. Priority and Seniority Claims

12. Can the priority of a UK mark be claimed for an EU trade mark as of the end of the transition period?

The priority (six months from the filing date) of a trade mark duly filed in any state of the Paris Convention and the WTO Agreement can be claimed for EU trade mark applications (Art. 34 EU Trade Mark Regulation). The priority of a UK mark can thus be claimed for an EU trade mark as from the end of the transitional period.

13. Can the seniority of a UK mark be claimed for a EU trade Mark/EU trade mark application as of the end of the transitional period?

No, claiming seniority of a national mark for a EU trade mark/EU trade mark application is only possible from a trade mark registered in a EU Member State (Art. 39(1) and 40(1) EU Trade Mark Regulation).

14. Can an EU trade mark's seniority of a UK mark be enforced in the UK as of the end of the transition period?

As from the end of the transition period, the EU trade mark will cease to be protected in the UK (Art. 1(2) EU Trade Mark Regulation) and the EU Trade Mark Regulation ceases to apply to the UK. Therefore, the effect of seniority in the event of surrender or expiry of the UK mark from which seniority has been claimed (Art. 39(3) EU Trade Mark Regulation) cannot be any longer claimed in the UK on the basis of the EU Trade Mark Regulation.

This can however be claimed, where applicable, on the basis of the comparable UK trade mark which has to be granted automatically and free of charge by the UK as from the end of the transition period (Article 54 UK Withdrawal Agreement).

E. Proceedings (ex parte / inter partes)

15. Can EU trade mark (applications) filed as of the end of the transition period be rejected or invalidated on absolute grounds applying on account of their possible meanings in English?

English is the (second) official language of two EU Member States (Ireland and Malta). In addition, English terms will often be familiar to a significant part of the relevant public in other EU Member States due to their widespread use in trade and advertising. An EU trade mark (application) filed as of the end of the transition period can be rejected or invalidated on absolute grounds of refusal applying on account of its meaning in English.

16. Is an EU trade mark/EU trade mark application filed as of the end of the transition period rejected or invalidated where an absolute ground of refusal or invalidity only exists in the UK?

Absolute grounds of refusal and invalidity of an EU trade mark need to exist with regard to (part of) the EU (Art. 7(2) EU Trade Mark Regulation) – not with respect to third countries such as the UK as of the end of the transition period. An EU trade mark/EU trade mark application filed as of

the end of the transition period is thus neither rejected nor invalidated where an absolute ground of refusal only exists in the UK.

17. Is distinctiveness acquired through use in the UK relevant for the registration of a EU trade mark application or the invalidation of a registered EU trade mark?

Distinctiveness acquired through use in the UK is not relevant for EU trade mark (applications) filed as of the end of the transition period. Acquired distinctiveness of a mark needs to be shown in the part of the EU affected by the EU trade mark application's lack of inherent distinctiveness (Art. 7(2),(3) EU Trade Mark Regulation).

18. Is the perception of the English-speaking public relevant for the finding of a relative ground of refusal (such as likelihood of confusion)?

English is the (second) official language of two EU Member States (Ireland and Malta). In addition, English terms will often be familiar to a significant part of the relevant public in other EU Member States due to their widespread use in trade and advertising. The perception of the English-speaking public can thus be relevant for the finding of a relative ground of refusal (such as likelihood of confusion).

However, the territory and public of the UK will no longer be relevant for the purposes of assessing a conflict between an earlier EU right and a later EUTM application.

19. Can earlier rights protected in the UK (registered UK trade marks or unregistered rights such as passing off) be invoked in proceedings before the EUIPO against an EU trade mark/EU trade mark application?

Earlier rights have to be protected in the EU, either by EU law or by the law of an EU Member State (Art. 8(2), (4), (6), 60(2) EU Trade Mark Regulation). As from the end of the transition period, earlier rights protected in the UK can thus not be invoked in proceedings before the EUIPO against EU trade marks or EU trade mark applications filed before, on or after the end of the transition period.

This extends to pending invalidity and opposition proceedings, which have been initiated before the end of the transition period: earlier rights must continue to produce their effects in the EU at the date on which a decision is taken by the EU Intellectual Property Office on the opposition or on the invalidity request on relative grounds.

As from the end of the transition period, any – pending or new – opposition or invalidity request based solely on a UK right will be dismissed.

20. Can an EU trade mark application be rejected, or a registered EU trade mark be invalidated, on the basis of an earlier EU trade mark where the relative ground of refusal or invalidity only exists in the UK?

Relative grounds of refusal need to exist in the EU (Art. 7(2) EU Trade Mark Regulation by analogy) at the date on which the EU Intellectual Property Office takes a decision on an opposition or an invalidity request based on relative grounds. As from the end of the transition period, relative

grounds of refusal existing only in the UK do not lead to a rejection of a EU Trade Mark application or an invalidation of a registered EU Trade Mark.

21. What happens with pending oppositions and invalidity requests based upon an earlier UK right?

Until the end of the transition period, EU law applies to and in the United Kingdom during the (entire) transition period, producing in that respect the same legal effects as within the EU and its Member States (Articles 126, 127(1) and (2) UK Withdrawal Agreement). Until that date, opposition, EUTM invalidity, and RCD invalidity proceedings based on UK rights will be processed as usual. As from the end of the transition period, any opposition or invalidity request based solely on a UK right will be dismissed.

22. Is use of the EU trade mark in the UK sufficient for being genuine use in the EU?

The general principles established by the case-law apply, subject to the fact that use of the EU trade mark in the UK qualifies as use 'in the EU' only as far as it relates to the (relevant) period before the end of the transition period (Art. 18(1) EU Trade Mark Regulation).

The significance of the use of an EU trade mark in the UK for the overall assessment of genuine use in the EU will progressively decrease – from potentially sufficient to entirely irrelevant – depending upon the extent to which it covers the period for which use has to be established in the case at hand.

23. What about reputation of the EU trade mark shown for the UK?

The EUTM must be reputed 'in the EU' at the moment of decision taking. Therefore, evidence relating to the UK can no longer sustain, or contribute to, the protection of an EUTM as from the end of the transition period, even if that evidence predates the latter date.

F. International Registrations

24. Can an UK national with no domicile or a real and effective industrial or commercial establishment in an EU Member State file an international application through the EUIPO as office of origin?

No. To be entitled to file an international application based on an EUTM through the EUIPO, an applicant has to *either* be a national of an EU Member State, *or* have a domicile or a real and effective industrial or commercial establishment in an EU Member State. Therefore, a UK national who is domiciled or have a real and effective industrial or commercial establishment in the UK will not be entitled to file an international application through EUIPO as office of origin.

However, an UK national domiciled or have a real and effective industrial or commercial establishment in an EU Member State, or an EU national domiciled in the UK, will be entitled to file an international application with EUIPO as office of origin.

25. What will happen with an international registration of a trade mark designating the EU after the end of the transition period?

As from the end of the transition period, any international registration designating the EU (as designated country), will continue to be valid in the EU27 Member States. Where the protection for such international registration designating the EU was obtained in the EU before the end of the transition period, the UK shall ensure its continued protection in the UK (Article 56 UK Withdrawal Agreement).

G. EU Designs

26. Is the situation with respect to Community design different from that of EU Trade Marks?

In principle, no. The foregoing answers given with regard to EU Trade Marks apply either directly or mutadis mutandis to the Community Design Regulation (see Articles 54 and 56 UK Withdrawal Agreement).

In addition, an unregistered Community design which arose before the end of the transition period shall continue to be protected by the UK as an equivalent intellectual property right in the UK (Article 57 UK Withdrawal Agreement).

27. Do designs made available to the public in the UK as of the end of the transition period still matter for the assessment of an EU design's novelty and individual character?

Yes. The priority of a design for the purposes of assessing an EU design's novelty and individual character does not depend upon its disclosure in the EU (Art. 7 Community Design Regulation).

28. Can a design disclosed in the UK be protected as an unregistered Community design?

Yes, provided that the disclosure of the design in the UK occurred before the end of the transition period (Art. 11(1), 110(5) Community Design Regulation). However, its territorial scope of protection ceases to extend to the UK as from the end of the transition period (Art. 1(3) Community Design Regulation) and continued protection in the UK is to be granted by the UK as an equivalent intellectual property right (Article 57 UK Withdrawal Agreement).

II. APPLICANTS, OWNERS AND PARTIES TO THE PROCEEDINGS

H. Ownership & capacity to act

29. Can UK nationals and UK-based companies own an EU trade mark?

Yes. Any natural or legal person can be proprietor of a EU trade mark / file a EU trade mark application, irrespective of its nationality or establishment (Art. 5 EU Trade Mark Regulation). Nothing will change in this regard.

30. Can persons established in the UK (or their employees) file an application for an EU trade mark?

Yes. For the sole act of filing an application for registration of an EU trade mark no representation is needed (Art. 119(2) in fine EU Trade Mark Regulation). Persons established in the UK or their employees can thus file an application for an EU trade mark.

31. Which law regulates the ownership of EU trade marks owned by UK nationals and UK based companies?

In principle, it is the law of the EU Member State, in which, according to the Register, the proprietor has its seat or domicile on the relevant date or, in the absence of a seat or domicile, in which the proprietor has an establishment on the relevant date, that regulates the ownership of their EU trade marks (Art. 19(1) EU Trade Mark Regulation).

However, in the cases which are not provided for by Article 19(1) EU Trade Mark Regulation, it is the law of the Member State where the Office is situated (Spanish law) that applies (Art. 19(2) EU Trade Mark Regulation).

32. Do persons established in the UK need to be represented before the EU Intellectual Property Office?

Yes. Except for the act of filing an application for registration of a EU trade mark, persons without a domicile, a principal place of business, or an effective establishment in the EU need to be represented in the proceedings before the EU Intellectual Property Office (Art. 119(2) EU Trade Mark Regulation).

33. Can persons established in the UK be represented by an employee?

Except for the act of filing an application for registration of a EU Trade Mark, and without prejudice to the specific case mentioned in the second sentence of Art. 119(3) EU Trade Mark Regulation, persons without a domicile, a principal place of business, or an effective establishment in the EU cannot be represented by an employee that is established in the UK (Art. 119(3), (2) EU Trade Mark Regulation).

34. I am an owner of a EUTM or RCD and my UK representative is no longer entitled to act before the Office. I have no open proceedings. Do I need to designate a new valid representative?

No. As a matter of principle, in order to maintain your IP right in EUIPO's register, you do not need to designate a representative. The same applies to a request for the renewal of your EUTM or RCD.

35. I am an owner of a EUTM or RCD and my UK representative is no longer entitled to act before the Office to represent me. A procedure has been opened after the end of the transition period. Do I need to designate a new valid representative?

Yes, you must appoint a representative for all proceedings before the Office except for the filing of the application if you do not have your place of business, real and effective establishment or

domicile in the European Economic Area (that is the 27 Member States of the EU, Norway, Iceland, and Liechtenstein). For any opposition, revocation, invalidity or register procedure initiated as from the end of the transition period, the Office will invite you to appoint a representative where such need will actually occur.

36. I am an owner of a EUTM or RCD and my UK representative is no longer entitled to represent me. I have a procedure pending. Do I need to designate a new valid representative?

No, you do not need to designate a new representative for a pending opposition, revocation, invalidity or register procedure, which has been initiated before the end of the transition period, provided that your representative was, at the end of the transition period, duly appointed to represent you in the pending opposition, revocation, invalidity or register procedure concerned. In such case, the Office will not invite you to designate a new representative and the procedure concerned will continue with the duly appointed UK representative on file.

37. I am an owner of a EUTM or RCD and my UK representative is no longer entitled to represent me. I have a procedure pending. Do I need to designate a new valid representative for the appeal proceedings?

No, as the appeal is an additional stage of a given opposition, revocation, invalidity or register procedure, you do not need to designate a new representative where the opposition, revocation, invalidity or register procedure concerned by the appeal has been initiated before the end of the transition period. In such case, the Office will not invite you to designate a new representative, if your representative was, at the end of the transition period, duly appointed to represent you in that pending opposition, revocation, invalidity or register procedure concerned. In such case, the procedure concerned will continue with the duly appointed UK representative on file.

38. I have filed a EUTM or RCD application and my UK representative is no longer entitled to represent me. Do I need to designate a new valid representative for the registration procedure?

No, you do not need to appoint a new representative if your application to register the EUTM or RCD has been filed before the end of the transition period and your representative was at the end of the transition period duly appointed to represent you in that registration procedure. In such case, the Office will not invite you to designate a new representative and the procedure concerned will continue with the duly appointed UK representative on file.

39. I have filed a EUTM application and my UK representative is no longer entitled to represent me. My application has been opposed. Do I need to designate a new valid representative for the opposition?

No, you do not need to appoint a new representative for the opposition if your application to register the EUTM has been filed before the end of the transition period and your representative was at the end of the transition period duly appointed to represent you in that registration procedure. In such case, the Office will not invite you to designate a new representative and the procedure will continue with the duly appointed UK representative on file.

40. Can I renew my EUTM or RCD without a representative?

Yes, any natural or legal person – including those having their domicile or principal place of business outside the EEA – can request the renewal and pay the corresponding fee of a EUTM or RCD itself without a need to be duly represented.

However, as from the end of the transition period, any national or legal person having their domicile or principal place of business in the UK will need to be duly represented by an EEA representative for any other request or procedure before the EUIPO related to its EUTM or RCD IP right concerned.

I. Impact on User Area & EUTM/RCD files

41. I am a UK national or a UK-based company. What will change for me in the EUIPO's online tools?

In eSearch plus, UK representatives designated in your EUTM/RCD files will be deleted. Where applicable, a UK representative will be mentioned as being “in transition” in respect of ongoing procedures. In other tools no change will occur, subject to the limitations mentioned in FAQ No. 30.

42. I am a UK national or a UK-based company. Will my User Area be affected?

If you already have an owner ID number created before the Office, you do not need to modify your account in the User Area. Your account will be considered as a user in third countries, with the limitations mentioned in FAQ No. 30.

43. I am a UK national or a UK-based company. How will the Office communicate with me?

As from the end of the transition period, applicants or owners based in the UK will be considered as third country users.

Where the UK-based applicant or owner has appointed a valid professional representative, the Office will send notifications solely to the representative according to the means of communication selected by this representative pursuant to Article 60 EUTMDR.

Where the UK-based applicant or owner has not appointed a valid representative, the Office will send notifications to the recipient by electronic means or post (depending on the contact information available).

If currently you are an eComm user, you will continue to be able to use this functionality of the User Area, subject to the limitations mentioned in FAQ No. 30.

We strongly recommend you to consult the Guidelines Part A – General rules – Section 1 - [Means of Communication, Time Limits](#).

III. REPRESENTATIVES

J. Representation & capacity to act

44. Do persons established in the UK need to be represented before the EU Intellectual Property Office?

Yes. Except for the act of filing an application for registration of a EU trade mark, persons without a domicile, a principal place of business, or an effective establishment in the EU need to be represented in the proceedings before the EU Intellectual Property Office (Art. 119(2) EU Trade Mark Regulation).

45. Can legal practitioners that are UK nationals be representatives in the proceedings before the EU Intellectual Property Office?

A UK national who (i) is a legal practitioner qualified in one of the Member States of the European Economic Area (EEA) and (ii) is established in the EEA, and (iii) is entitled to act as representative in trade mark matters in that EEA Member State, can represent a party to the proceedings before the EU Intellectual Property Office (Art. 120(1)(a) EU Trade Mark Regulation). Where these three cumulative conditions are not fulfilled, a UK national qualifying as a legal practitioner cannot represent a party to proceedings before the EU Intellectual Property Office.

46. Can UK nationals other than legal practitioners represent a party to the proceedings before the EU Intellectual Property Office as 'professional representatives'?

Nationality of an EEA Member State is a necessary condition for representing parties before the EU Intellectual Property Office as professional representative (Art. 120(1)(b), (2)(a) EU Trade Mark Regulation). In consequence, UK nationals lose the capacity to represent parties before the EU Intellectual Property Office as from end of the transition period.

47. Can UK representatives who do not fulfil the nationality and/or establishment criteria of Article 120 EUTMR continue to represent parties in pending procedures?

Yes, provided that (i) the pending procedure concerned has been initiated before the end of the transition period (ongoing procedure), (ii) the representative was, at the end of the transition period, appointed for that ongoing procedure and (iii) the representative continues to represent the same party.

You will find further details on the impact of the UK's effective withdrawal from the EU on UK representatives under Sections VI and VII of the [Communication N° 2/2020 of the Executive Director of the Office](#)

48. I am a UK representative and have filed for my client a EUTM application before the end of the transition period. The application has been published without any objection but has been opposed. Am I entitled to represent my client in the opposition?

Yes. Where the UK representative on file at the end of the transition period had been duly appointed to represent a party for an ongoing procedure, that UK representative

can continue to represent that party in that procedure. This applies irrespective of whether or not that UK representative has already performed concrete procedural acts in that ongoing procedure.

K. Impact on User Area & EUTM/RCD files

49. I am a UK representative. I have no ongoing proceedings before the Office. What will be the changes in the EUIPO's online tools?

In your User Area, you will no longer be able to manage the EUTMs/RCDs files of your portfolio and your representative ID will be invalidated. In the EWS portal, you will not be able to file any submissions as a representative and you will no longer appear in the database of representatives in eSearch. In other tools, no change will occur except for the limitation mentioned in FAQ No. 30.

50. I am a UK representative. I have no ongoing proceedings before the Office. Will my User Area be affected?

Yes. As from the end of the transition period, your User Area will not be operational any longer.

We recommend that you make a local copy of your communications and any other data you find relevant. The data on published EUTMs and RCDs will continue to be available in eSearch plus and also can be downloaded using "EUIPO download", accessible to all users.

51. I am a UK representative. I have ongoing proceedings before the Office. What will be the changes in the EUIPO's online tools?

In eSearch plus, you will be mentioned as being "in transition" in respect of ongoing procedures.

52. I am a UK representative. I have ongoing proceedings before the Office. Will my User Area be affected?

Yes. As from the end of the transition period, your User Area will be operational only for the ongoing procedures.

53. I am a UK representative. I do not have ongoing proceedings before the Office. How will the Office communicate with my clients?

As from the of the end of the transition period, applicants or owners based in the UK will be considered as third country users.

Where the UK-based applicant or owner has not appointed a valid representative, the Office will send notifications to the recipient by electronic means or post (depending on the contact information available). If the UK-based applicant or owner is currently an eComm user, that recipient will continue to be able to use this functionality of the User Area, subject to the limitations mentioned in FAQ No. 30.

Where the UK-based applicant or owner has appointed a valid (non UK) professional representative, the Office will send notifications solely to the representative according to the means of communication selected by this representative.

We strongly recommend you to consult the Guidelines Part A – General rules – Section 1 - [Means of Communication, Time Limits](#).

54. I am a UK representative. I do have ongoing proceedings before the Office. How will the Office communicate with my clients?

For matters regarding the ongoing procedure, the Office will continue to send notifications solely to you, according to the means of communication selected by you (see FAQ 43 above). This applies exclusively to notifications concerning that ongoing procedure.

55. I am a UK professional representative. Where can I find more info?

See Sections VI and VII of the [Communication N° 2/2020 of the Executive Director of the Office](#)