



Department for
Business, Energy
& Industrial Strategy

EU EXIT Business Readiness Forum: Summary of Questions & Answers

21 February 2019

Delivering the deal negotiated with the EU is the government's top priority. However, a responsible government must prepare for every eventuality, including a no deal scenario.

This document is a summary of the question and answer discussion on Intellectual Property and Workforce & People that took place during the EU Exit Business Readiness Forum on 21 February 2019.

The purpose of the forum was to provide information to trade and representative bodies, and other business intermediaries in order that their members and businesses in their networks may prepare.

For further information please visit euexit.campaign.gov.uk

Intellectual Property

Question: If an EU company holds an existing trade mark registered in the EU, will this trade mark still apply in the UK after exit if there is no deal?

Answer: No, as the UK would no longer be part of the EU, EU unitary rights like the EU trade mark would be valid in the EU 27 but not the UK. However, all existing EU trade marks held by any business/person will be converted into new, equivalent UK rights on exit if there is no deal.

Question: Where rights will continue after exit, will these rights extend to situations where those rights are sold or transferred to another party?

Answer: Yes, all rights issued before exit day will be cloned effectively and will continue to have protection in the UK, even if sold or transferred.

Question: When should we expect a decision on whether the UPC will be ratified by Germany?

Answer: Germany remain actively involved in the preparatory bodies of the UPC; their ratification is currently delayed by a complaint before their constitutional court. All parties to the agreement establishing the UPC are awaiting the outcome of the case.

Question: When will there be a decision about whether the UK will participate in the UPC?

Answer: The UK has ratified the UPC Agreement and we have expressed our desire to explore continued participation in July's future relationship white paper. However, the UK cannot make a

unilateral decision, and future participation will be a matter that requires discussion with the participating UPC states.

Question: Anyone with a .eu address will no longer have the right to that website in the event of no deal (unless registered in the EU). If a business has registered a .eu address and then produced trade marked branding based on that web address, how would the loss of the address impact their trade mark?

Answer: Domain names and trade marks are separate rights. Existence of a domain name will not automatically entitle you to use that name as a trade mark and vice versa. If a trade mark has been successfully registered in the UK before exit then it will continue to be protected in the event of a no-deal exit through either a domestic UK trade mark, or a new comparable right if the mark in question is a European Union Trade Mark (EUTM).

Question: For an unregistered design right disclosed in the EU after EU exit, will this be protected in the UK in a no deal scenario?

Answer: No. An unregistered design right will need to be first disclosed in the UK to be protected in the UK in a no deal scenario. The Designs and International Trade Marks (Amendment etc.) (EU Exit) Regulations 2019 contain provisions to allow us to negotiate reciprocal arrangements on disclosure with third countries (which may be the EU, individual countries within the EU, or wider) but this will be subject to future agreement.

EU Settlement Scheme & European Temporary Leave to Remain

Question: To have a year classed as being resident in the UK, how long does a person need to have been resident in that year?

Answer: To have a year count as residence in the UK, an applicant needs to have six months of residence in that year.

Question: Do Irish citizens need to apply to the EU Settlement Scheme?

Answer: No, Irish citizens do not need to apply as they are covered by Common Travel Area (CTA) arrangements but can do so if they wish.

Question: Have you considered the needs of EU citizens during the development of the EU Settlement Scheme?

Answer: We have developed the EU Settlement Scheme with the end user at the heart of the process. The Home Office has held monthly standing groups with representatives of EU citizens, including consuls of the EU27, EFTA nations and the European Commission.

Employers have also been a key stakeholder. Most EU citizens in the UK are employed and employers are viewed as a trusted source of information.

Question: When will the fee be removed?

Answer: The fee will be removed by the full launch of the EU Settlement Scheme on 30 March 2019. All those who have paid a fee will be refunded.

Question: Will European Temporary Leave to Remain allow people to bring dependents to the UK?

Answer: Yes. EEA and Swiss dependents will be able to apply in their own right. EEA and Swiss citizens may also be accompanied or joined by close family members (spouse, partner, dependent child under 18) who are third country nationals.

Question: For European Temporary Leave to Remain, some university courses are longer than 36 months, what is the advice for those who need to stay longer to complete a course?

Answer: If EEA or Swiss citizens want to stay in the UK for longer than 36 months, for example to complete a four year course, they will need to apply and qualify for an immigration status under the main study routes of the UK's new skills-based immigration system, which will begin from January 2021. As set out in the White Paper, under the future skills-based immigration system, we will continue to welcome and encourage international students and place no limit on their numbers.

Alternatively, after exit EEA and Swiss citizens will instead be able to apply under Tier 4 of the Points Based System for a student visa to cover the full length of their course.

Question: What right to work checks do employers need to do?

Answer: Until 2021, there is no change to right to work checks that employers need to undertake. In a deal or no deal scenario, EU citizens will continue to be able to come to the UK using a passport or national ID card.

In a no deal scenario, employers are not expected to differentiate between those who arrive before, or after, 29 March 2019. We will not require employers or landlords to carry out retrospective checks on existing EEA and Swiss workers at the end of the transition period when the new skills-based immigration system is introduced.

When the transition period ends, any new employees or tenants will be required to undergo the checks in place under the new skills-based immigration system.

Individuals who have obtained status from the Home Office EU Settlement Scheme or the European temporary leave to remain scheme, will be able to use the new on-line status checking service to evidence their entitlement to live and work in this country.

Future Skills-Based Immigration System

Question: How do we feed in our views on the future skills-based immigration system?

Answer: The future skills-based immigration system white paper committed the Home Office to a 12-month comprehensive engagement programme with private, public and voluntary stakeholders.