

Jumping aboard the Brexit bandwagon



Many companies and individuals have sought to take advantage of the UK's vote to leave the EU by filing trademark applications containing the term 'Brexit', as **Vikrant Rana** and **Bijit Das** of SS Rana reveal.

On June 23, 2016, the UK electorate voted in favour of an exit from the EU. Immediately after this, lawyers all over the world started considering how the UK's departure may affect trademark law practice and intellectual property law more generally. In the wake of the uncertainty caused by the referendum result, everyone was so concerned about the potential effect it might have on their existing businesses that they failed to notice that people were also building their businesses around it.

This has happened since time immemorial. There is a new term that the public absolutely loves, and people try to monopolise the term in their respective businesses by filing trademark applications for it. Political portmanteaus have always been a favourite among media and the masses alike, and the recent upsurge in usage of the word 'Brexit' in the wake of Britain's vote to split with the EU has given prominent attention to the word. This has gone

Table 1: 'Brexit' trademark applications since June 24, 2016

Trademark	Application date	Owner	Application no.	Nice classification/ product	Country
Brexit	June 24, 2016	Boston Beer Corporation	87083390	33	US
Brexit	June 24, 2016	Vivek Jayaram	87082669	25	US
Brexit	June 24, 2016	Quicksilver Scientific	878082770	5	US
Brexit Tea	June 24, 2016	Leisure Fun & Toys	DE302016218370	30, 4, 21	Germany
English Brexit Tea	June 25, 2016	Leisure Fun & Toys	DE 302016218401	30	Germany
Brexit	June 27, 2016	Krol, August	DE302016218564	25, 8, 28	Germany
Brexit	June 27, 2016	Geoteknik	1779508	30	Australia
Brexit	June 27, 2016	Molisana Imports	1788699	29, 30, 32, 33	Canada
Brexit	June 28, 2016	Golles	15585649	33	Europe
Brexit	June 30, 2016	Technosocks	0119851765878	25	Mexico
Brexit Law	June 30, 2016	Allen & Overy	15602691	16, 35, 36, 41, 45	Europe
Brexit	July 8, 2016	Brexit drinks	15623631	5, 32, 34	Europe

Data accurate as of July 8, 2016

Table 2: New companies incorporated with the 'Brexit' name

Company name (PLCs)	Director's name	Director's nationality	Date of incorporation	Country/jurisdiction	Status
Brexit	Mark Andrew Kingsley-Williams	British	September 29, 2015	UK	Active
Brexit Group	John Hitchcock	British	June 9, 2016	UK	Active
Brexit Radio	John Burrows	British	June 16, 2016	UK	Active
Brexit Consulting	Peter Andrew Kelly	British	June 24, 2016	UK	Active
Blame it On Brexit	Peter Karran	British	June 25, 2016	UK	Active
The Brexit Consultancy	Ranulph Peter Hume Harvey-Kelly	British	June 26, 2016	UK	Active
Brexit Communications	Graham Dougal Young	British	June 26, 2016	UK	Active
Brexit Consultants	Yui Ven Yoong	British	June 27, 2016	UK	Active
Brexit Drinks	Mariusz Majchrzak	Polish	June 27, 2016	UK	Active
Brexit Europe	James Kristian Middleton	British	June 27, 2016	UK	Active
Brexit Investments	Sophie Louise Gettings	British	June 27, 2016	UK	Active
Brexit Holdings	Austin John Mockridge	British	June 27, 2016	UK	Active
Brexit Communications	Ivan James Fanshawe Royle	British	June 29, 2016	UK	Active
Brexit Free Enterprise	David John Eyres	British	June 30, 2016	UK	Active
Brexit	N/A	Irish	July 4, 2016	Ireland	Normal
Sia 'Brexit' *	N/A	Latvian	July 6, 2016	Latvia	
Brexit Ventures	David Michael Tallboys	British	July 7, 2016	UK	Active
Brexit Websites	Lewis Jones	British	July 8, 2016	UK	Active
Brexit Alliance	John Burrows	British	July 11, 2016	UK	Active
Brexit Auctions	Malcolm Charles Harrison	British	July 14, 2016	UK	Active

Data accurate as of July 14, 2016
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to the extent of encouraging entrepreneurs to trademark the word 'Brexit' in respect of various goods and services such as movies, tea, beer and even biscuits.

Table 1 lists some applications filed since June 24, 2016.

It is a settled rule that trademark rights do not exist in a word by itself. However, rights exist in a word as it applies to particular products or services. Given that, the use of the word 'Brexit' is not attempting to exclude others from the dialogue around the UK's way out or products and services directed toward Britain's leaving of the EU.

Similarly, many companies have been incorporated with the term in various countries, but mostly in the UK. A non-exhaustive list of such applications is given in Table 2.

The activity, however, does not stop here. While trademark applications and company incorporation is certainly a time-consuming process, which requires navigating through the entire administrative process, domain name registration is something which is

comparatively simpler. It just requires payment of the prescribed fee and hence, it gives more scope for opportunistic filings. We see that many domain names were registered even before the Brexit debate reached its current political conclusion and even before the word came into vogue.

Table 3 is a list of domain names involving the word 'Brexit' that were registered before the vote for the referendum was announced (2013) and then carried out.

The focused attention offered by the popular media on the political divorce between the UK and EU might bring a lot of uncertainty in the stock market, but that definitely does not stop people jumping on the Brexit bandwagon in terms of trademark filing. ■

Table 3: 'Brexit' domain names

Domain name	Country	Date of filing
brexitbrides.com	US	September 21, 2010
isurvivedbrexit.com	US	September 21, 2010
impactofbrexitonstartups.com	US	September 21, 2010
brexitimmigration.com	US	May 5, 2014
brexitexportadvice.com	US	May 14, 2014
blameitontbrexit.com	US	November 13, 2015

Source: www.ultra tools.com – whois IP search



Vikrant Rana is managing partner of SS Rana & Co. For almost two decades, he has been providing practical legal advice to many Fortune 500 companies and some of the world's most esteemed corporations on protecting, enforcing and monetising their proprietary rights in India and the world. He can be contacted at: vikrant@ssrana.com



Bijit Das is an associate advocate at SS Rana. He studied at the National Law University, Odisha. He focuses on IP, innovation and information policy, especially issues such as digital freedoms and open access. Das regularly submits articles for the firm's weekly newsletter *IP Connect*. He can be contacted at: corporate@ssrana.com