

Commission Implementing Regulation (EU) 2019/34 of 17 October 2018 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks

### CHAPTER III **U.K.**

#### TRADITIONAL TERMS

##### SECTION 2 **U.K.**

##### *Objection procedure*

##### Article 22 **U.K.**

#### Submission of an objection

1 A [<sup>F1</sup>third country] or any natural or legal person having a legitimate interest may submit an objection to the application for protection of a traditional term within two months of the date [<sup>F2</sup>on which the Secretary of State publishes the application under] Article 28(3) of Delegated Regulation (EU) 2019/33.

2 An objection shall be communicated to the [<sup>F3</sup>Secretary of State] in accordance with Article 30(3).

#### Textual Amendments

- F1** Words in Art. 22(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **27(24)(a)(i)**
- F2** Words in Art. 22(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **27(24)(a)(ii)**
- F3** Words in Art. 22(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **27(24)(b)**

##### Article 23 **U.K.**

#### Documents supporting an objection

1 A duly substantiated objection shall contain details of the facts, evidence and comments submitted in support of the objection, accompanied by the relevant supporting documents.

*Changes to legislation:* There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/34, SECTION 2. (See end of Document for details)

2 If the objection is based on the existence of an earlier trade mark of reputation and renown, the objection shall be accompanied by:

- a proof of the filing or the registration of the earlier trade mark or proof of its use; and
- b proof of its reputation and renown.

The information and evidence to be produced in support of the use of an earlier trade mark shall comprise particulars of the location, duration, extent and nature of the use made of the earlier trade mark, and of its reputation and renown.

3 If the details of the prior right(s) claimed, ground(s), facts, evidence or comments, or the supporting documents, referred to in paragraphs 1 and 2, have not been produced at the date of submission of the objection or if details or documents are missing, the [F<sup>4</sup>Secretary of State] shall inform the authority or person that lodged the objection accordingly and shall invite them to remedy the deficiencies noted within a period of two months. If the deficiencies are not remedied before the time limit expires, the [F<sup>4</sup>Secretary of State] shall reject the objection as inadmissible. The decision to reject the objection as inadmissible shall be notified to the authority or person that lodged the objection and to F<sup>5</sup>... the third-country authorities or the representative professional organisation F<sup>6</sup>....

#### Textual Amendments

- F4 Words in Art. 23(3) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), 27(25)(a)
- F5 Words in Art. 23(3) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), 27(25)(b)
- F6 Words in Art. 23(3) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), 27(25)(c)

### Article 24 U.K.

#### Submission of observations by the parties

1 Where the [F<sup>7</sup>Secretary of State] communicates an objection which is not rejected in accordance with Article 23(3) to the applicant that submitted the application for protection, the applicant shall file observations within a period of two months from the issuance date of such communication.

2 Where so requested by the [F<sup>8</sup>Secretary of State] in the course of [F<sup>9</sup>the Secretary of State's] scrutiny of an objection, the parties shall provide comments on the communications received from the other parties, if appropriate, within a period of two months from the issuance date of such request.

#### Textual Amendments

- F7 Words in Art. 24(1) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), 27(26)(a)
- F8 Words in Art. 24(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), 27(26)(b)(i)
- F9 Words in Art. 24(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), 27(26)(b)(ii)

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/34, SECTION 2.