

SCHEDULE 1

Regulation 17

Regulation (EC) No 110/2008 of the European Parliament and of the Council: new Articles 25 to 25c

“Article 25

Regulations: general

1. Any power to make regulations under this Regulation is exercisable by:
 - (a) the Secretary of State:
 - (i) in the case of regulations made under Article 27 concerning a subject matter that is outside of the devolved competence of the Scottish Ministers and the Welsh Ministers, in relation to Great Britain;
 - (ii) otherwise in relation to England;
 - (b) the Scottish Ministers in relation to Scotland:
 - (i) in the case of regulations made under Article 27 concerning a subject matter that is within the devolved competence of the Scottish Ministers;
 - (ii) in the case of regulations made under any other article of this Regulation;
 - (c) the Welsh Ministers in relation to Wales;
 - (i) in the case of regulations made under Article 27 concerning a subject matter that is within the devolved competence of the Welsh Ministers;
 - (ii) in the case of regulations made under any other article of this Regulation.
2. But the power to make regulations may be exercised by the Secretary of State for the whole or part of Great Britain in the case of regulations to which paragraph 3 applies if consent is given by:
 - (a) the Scottish Ministers to the extent that the for the regulations will apply in relation to Scotland;
 - (b) the Welsh Ministers to the extent that the regulations will apply in relation to Wales.
3. This paragraph applies to:
 - (a) regulations that may be made under Article 27 concerning a subject matter that is within the devolved competence of the Scottish Ministers, in relation to Scotland, and the devolved competence of the Welsh Ministers, in relation to Wales;
 - (b) regulations that may be made under any other article of this Regulation.
4. For the purposes of this Article:
 - (a) it is within the devolved competence of the Scottish Ministers to make any provision by regulations under Article 27 in relation to Scotland that would be within the legislative competence of the Scottish Parliament if it were included in an Act of the Parliament (see section 29 of the Scotland Act 1998(1));
 - (b) it is within the devolved competence of the Welsh Ministers to make any provision by regulations under Article 27 in relation to Wales that would be within the legislative

(1) 1998 c. 46; section 29 was amended by the Scotland Act 2012 (c. 11), section 9(2) and S.I. 2011/1043. It is prospectively amended, from a day to be appointed, by the European Union (Withdrawal) Act 2018 (c. 16), section 12(1).

competence of Senedd Cymru if it were included in an Act of Senedd Cymru (see section 108A of the Government of Wales Act 2006(2)),

- (c) in relation to regulations made under Article 27, ‘outside of devolved competence’ is to be construed, in relation to the Secretary of State, as meaning anything that is not within the devolved competence of the Scottish Ministers or Welsh Ministers by virtue of points (a) and (b) respectively.

Article 25a

Regulations: the Secretary of State

1. Regulations made by the Secretary of State under this Regulation are to be made by statutory instrument.
2. Except as specified in paragraph 3, a statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
3. A statutory instrument containing regulations made by the Secretary of State under Article 26 that amend Annex 2 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
4. Regulations made by the Secretary of State under this Regulation may:
 - (a) contain supplementary, incidental, consequential, transitional or saving provision (including provision amending or revoking an enactment);
 - (b) make different provision for different purposes.
5. In this Article, ‘enactment’ means:
 - (a) where Article 25(1)(a) applies:
 - (i) an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act to the extent that the enactment applies to England;
 - (ii) regulations made under retained direct principal EU legislation to the extent that they apply in England;
 - (iii) retained direct minor EU legislation to the extent that it applies to England;
 - (b) where Article 25(2) applies:
 - (i) an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act, except to the extent that the enactment extends to Northern Ireland;
 - (ii) regulations made under retained direct principal EU legislation, except to the extent that they extend to Northern Ireland;
 - (iii) retained direct minor EU legislation, except to the extent that it extends to Northern Ireland.

(2) 2006 c. 32; section 108A was substituted, for section 108 as originally enacted, by the Wales Act 2017 (c. 4), section 3(1) and amended by the Senedd and Elections (Wales) Act 2020 (anaw 1), Schedule 1, paragraph 2(1) and (19). It is prospectively amended, from a day to be appointed, by the European Union (Withdrawal) Act 2018 (c. 16), section 12(3).

Article 25b

Regulations: Scotland

1. For regulations made by the Scottish Ministers under this Regulation, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010⁽³⁾.

2. Subject to paragraph 3, regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

3. Regulations made by the Scottish Ministers under Article 26 that amend Annex 2 are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).

4. Regulations made by the Scottish Ministers under this Regulation may:

- (a) contain supplementary, incidental, consequential, transitional or saving provision (including provision amending or revoking an enactment) to the extent that such provision is within the devolved competence of the Scottish Ministers;
- (b) make different provision for different purposes.

5. In this Article, 'enactment' means:

- (a) an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act;
- (b) an enactment contained in an instrument made under an Act of the Scottish Parliament;
- (c) regulations made under retained direct principal EU legislation;
- (d) retained direct minor EU legislation.

6. For the purposes of paragraph 4(a), a provision is within the devolved competence of the Scottish Ministers if the amendment or revocation of the provision that would be within the legislative competence of the Scottish Parliament if was included in an Act of the Parliament (see section 29 of the Scotland Act 1998).

Article 25c

Regulations: Wales

1. Regulations made by the Welsh Ministers under this Regulation are to be made by statutory instrument.

2. Subject to paragraph 3, a statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of Senedd Cymru.

3. A statutory instrument containing regulations made by the Welsh Ministers under Article 26 that amend Annex 2 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.

4. Regulations made by the Welsh Ministers under this Regulation may:

- (a) contain supplementary, incidental, consequential, transitional or saving provision (including provision amending or revoking an enactment) to the extent that such provision is within the devolved competence of the Welsh Ministers;
- (b) make different provision for different purposes.

(3) 2010 asp 10.

5. In this Article, ‘enactment’ means:

- (a) an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act;
- (b) an enactment contained in an instrument made under a Measure or Act of Senedd Cymru;
- (c) regulations made under retained direct principal EU legislation;
- (d) retained direct minor EU legislation.

6. For the purposes of paragraph 4(a), a provision is within the devolved competence of the Welsh Ministers to the extent that it would be within the legislative competence of Senedd Cymru if it were included in an Act of Senedd Cymru (see section 108A of the Government of Wales Act 2006).”

SCHEDULE 2

Regulation 18

Regulation (EU) No 1151/2012 of the European Parliament and of the Council: new provisions

PART 1

Article 3: new definitions

“(9) ‘the EUWA’ means the European Union (Withdrawal) Act 2018;

(10) ‘EU Regulation 1151/2012’ means Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs as it had effect before IP completion day;

(11) ‘Regulation 1308/2013’ means Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products;

(12) ‘Regulation 664/2014’ means Commission Delegated Regulation (EU) No 664/2014 supplementing Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialities guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules;

(13) ‘the Quality Schemes Regulations’ means the Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018 as they extend to Great Britain;

(14) ‘an Article 52(4) approval notice’ means a notice published under Article 52(4) relating to a decision of the Secretary of State to approve an application to register a designation of origin or geographical indication;

(15) ‘the designated authority’ means:

- (a) unless point (b) or (c) applies, the person specified in regulation 3(2) of the Quality Schemes Regulations as the person responsible for carrying out the relevant function;
- (b) in a case where an official control has been delegated to a delegated body in accordance with Article 39, the delegated body to which the relevant function has been delegated;
- (c) in a case where an enforcement authority has been appointed under regulation 6(2) of the Quality Schemes Regulations to carry out the relevant function in respect of a specified area, the appointed enforcement authority in relation to that area;

(16) ‘domestic law’ means the means the law of England and Wales and Scotland;

(17) ‘enters into force’, in relation to a reference to an international agreement, includes, where the provisional application of that agreement is agreed between the parties before it enters into force, the provisional application of the agreement and ‘entry into force’ is to be construed accordingly;

(18) ‘established protected designation of origin’ means a designation of origin within the meaning of Article 5(1) to which Article 54(2) of the EU withdrawal agreement applies;

(19) ‘established protected geographical indication’ means a geographical indication within the meaning of Article 5(2) to which Article 54(2) of the EU withdrawal agreement applies;

(20) ‘established protected traditional speciality guaranteed’ means a traditional speciality guaranteed within the meaning of Article 18(1) to which Article 54(2) of the EU withdrawal agreement applies;

(21) ‘EUIA’ means an international agreement made between the European Union and a third country that provides for the protection of a designation of origin or geographical indication of the third country in the European Union;

(22) ‘FTT’ means the First-tier Tribunal;

(23) ‘Great Britain’s PDOs and PGIs Register’ means the register established and maintained by the Secretary of State under Article 11(1);

(24) ‘Great Britain’s TSGs Register’ means the register established and maintained by the Secretary of State under Article 22(1);

(25) ‘the original applicant’, in a case where an appeal has been made in respect of a decision made by the Secretary of State in relation to a designation of origin, geographical indication or traditional speciality guaranteed under Article 54, or following the submission of an application under Article 49 or 53, or a request submitted under Article 54, means the person who submitted the application or request;

(26) ‘the relevant period’ means the period beginning on IP completion day and expiring at the end of the day that falls nine months after the day on which IP completion day falls;

(27) ‘retained EU law’ has the meaning given in section 6(7) of the EUWA but does not include any legislation so far as it extends to Northern Ireland;

(28) ‘third country’ means any country, other than the United Kingdom, and, except in the definition of ‘EUIA’ in paragraph (21) and in Annex 1A, includes:

- (a) the Bailiwick of Guernsey;
- (b) the Bailiwick of Jersey;
- (c) the Isle of Man;

(29) ‘the TMA’ means the Trade Marks Act 1994;

(30) ‘the Types Table’ means the table in Part 3 of Annex 1A.”

PART 2

New Article 3a

“Article 3a

Definitions: types of designation of origin and geographical indication

In Article 14a and Annex 1A any reference to:

- (a) ‘a type 1 designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 1 of the Types Table;

- (b) ‘a type 2A designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 2 of the Types Table to which paragraph 1 or 2 of column 3 of that row applies;
- (c) ‘a type 2B designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 2 of the Types Table to which the provisions in column 4 of that row apply;
- (d) ‘a type 3A designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 3 of the Types Table to which paragraph 1 or 2 of column 3 of that row applies;
- (e) ‘a type 3B designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 3 of the Types Table to which the provisions in column 4 of that row apply;
- (f) ‘a type 4A designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 4 of the Types Table to which paragraph 1 or 2 of column 3 of that row applies;
- (g) ‘a type 4B designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 4 of the Types Table to which the provisions in column 4 of that row apply;
- (h) ‘a type 5A designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 5 of the Types Table to which paragraph 1 or 2 of column 3 of row 4 of that table applies;
- (i) ‘a type 5B designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 5 of the Types Table to which the provisions in column 4 of row 4 of that table apply;
- (j) ‘a type 6A designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 6 of the Types Table to which paragraph 1 or 2 of column 3 of row 4 of that table applies;
- (k) ‘a type 6B designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 6 of the Types Table to which the provisions in column 4 of row 4 of that table apply.’’

PART 3

New Articles 14a and 14b

“Article 14a

Transitional provisions: relations between trade marks, designations of origin and geographical indications

1. Unless paragraph 4 applies, an application to register a trade mark that was pending immediately before IP completion day or filed during the relevant period must be refused where, if the trade mark is registered, the use of the trade mark will contravene Article 13(1) in relation to a category A designation of origin or geographical indication.

2. Unless paragraph 4 applies, an application to register a trade mark that was pending immediately before IP completion day or filed during the relevant period must be refused where:

- (a) if the trade mark is registered, the use of the trade mark will contravene Article 13(1) in relation to a category B designation of origin or geographical indication, and
 - (b) after the application for the trade mark is accepted but before the trade mark is registered:
 - (i) in the case of a type 3B designation of origin or geographical indication:
 - (aa) the international agreement referred to in paragraph (c) of column 2 of row 3 of the Types Table enters into force, and
 - (bb) the entry into force of the international agreement is brought to the attention of the registrar before the trade mark is registered;
 - (ii) in the case of any other category B designation of origin or geographical indication:
 - (aa) the Secretary of State publishes an Article 52(4) approval notice relating to the designation of origin or geographical indication, and
 - (bb) the Article 52(4) approval notice is brought to the attention of the registrar before the trade mark is registered.
- 3.** Where an application for a declaration of invalidity is made under the TMA (as applied by Article 14b(1) and modified by Article 14b(2)) in relation to the registration of a trade mark, the registration of the trade mark must be declared to be invalid, unless paragraph 4 applies, if:
- (a) the application to register the trade mark was pending immediately before IP completion day or filed during the relevant period,
 - (b) the use of the trade mark contravenes, or will, if used, contravene, Article 13(1) in relation to a category B designation of origin or geographical indication, and
 - (c) in the case of a type 2B, 4B, 5B or 6B designation of origin or geographical indication, the Secretary of State publishes an Article 52(4) approval notice relating to the designation of origin or geographical indication on or after the day on which the trade mark application is accepted.
- 4.** This paragraph applies where a column 5 date applies in relation to a category A or B designation of origin or geographical indication and, taking account of any priority claimed in respect of an application to register the trade mark referred to in paragraph 1, 2 or 3(a) (as relevant) and on the basis of the information available to the registrar, it appears to the registrar that the date of filing of the trade mark application is earlier than the column 5 date that applies to the relevant designation of origin or geographical indication.
- 5.** As regards paragraphs 1 and 2, a column 5 date does not apply in relation to a type 3A, 4A or 5A designation of origin or geographical indication where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to the designation of origin or geographical indication provides that an application for a trade mark must be refused, regardless of when that application is filed, if the trade mark, if registered, will contravene a provision in the EUIA providing for the protection of the use of the designation of origin or geographical indication.
- 6.** As regards paragraph 3, a column 5 date does not apply in relation to a type 3B, 4B or 5B designation of origin or geographical indication where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to the designation of origin or geographical indication provides that the registration of a trade mark must be invalidated if, regardless of when the application that resulted in the registration of the trade mark is filed, the use of the trade mark contravenes a provision in the EUIA providing for the protection of the use of the designation of origin or geographical indication.

7. Where a designation of origin or geographical indication falls within the definition of more than one type of designation of origin or geographical indication in Article 3a, the column 5 date to be taken into account for the purpose of paragraph 4 is the earliest of the column 5 dates for the relevant types of designation of origin or geographical indication.

8. In a case of a category A or B designation of origin or geographical indication that is not on Great Britain's PDOs and PGIs Register at the time an assessment is carried out under paragraph 1, 2 or 3, the name of the designation of origin or geographical indication is to be treated, for the purpose of the assessment, as having a registered name in determining whether the use of the trade mark will contravene Article 13(1) in relation to that designation of origin or geographical indication.

9. A trade mark that could be used in the United Kingdom under Article 14(2) of EU Regulation 1151/2012 immediately before IP completion day may continue to be used in Great Britain on and after IP completion day:

- (a) notwithstanding that the use of the trade mark would contravene Article 13(1) of this Regulation in Great Britain in relation to a designation of origin or geographical indication registered by the Secretary of State under this Regulation;
- (b) provided that no grounds for the invalidation or revocation of the trade mark exist in, or under, the TMA.

10. Nothing in this Regulation prevents a trade mark that could be renewed in the United Kingdom pursuant to Article 14(2) of EU Regulation 1151/2012 immediately before IP completion day from being renewed after IP completion day:

- (a) notwithstanding that the use of the renewed trade mark would contravene Article 13(1) in Great Britain in relation to a designation of origin or geographical indication registered by the Secretary of State under this Regulation;
- (b) provided that no grounds for the invalidation or revocation of the trade mark exist in, or under, the TMA.

11. Where paragraph 9 or 10 applies to the use or renewal of a trade mark, this does not affect the use of:

- (a) a designation of origin or geographical indication entered on Great Britain's PDOs and PGIs Register by the Secretary of State under Article 11(2);
- (b) an established protected designation of origin or an established protected geographical indication entered on Great Britain's PDOs and PGIs Register pursuant to Article 16;
- (c) a designation of origin or geographical indication entered on Great Britain's PDOs and PGIs Register following a decision by the Secretary of State to approve an application to register the designation of origin or geographical indication following an application submitted under Article 49.

12. In this Article:

- (a) 'an application to register a trade mark' means an application to register a trade mark filed under the TMA;
- (b) 'a category A designation of origin or geographical indication' means a type 1, 2A, 3A, 4A, 5A or 6A designation of origin or geographical indication;
- (c) 'a category B designation of origin or geographical indication' means a type 2B, 3B, 4B, 5B or 6B designation of origin or geographical indication;
- (d) 'column 5 date', in relation to a designation of origin or geographical indication that is a category A or B designation of origin or geographical indication, means the date

described in column 5 of the Types Table in the row relating to the relevant type of designation of origin or geographical indication;

- (e) ‘date of filing’:
 - (i) in the case of an EUTM-based trade mark application, means the filing date referred to in paragraph 25(2)(a)(i) of Schedule 2A to the TMA for the existing EUTM application;
 - (ii) in the case of an ITM-based trade mark application, means:
 - (aa) in the case of an application for the registration of a trade mark to which paragraph 28 of Schedule 2B to the TMA applies, the date referred to in paragraph 28(2)(a) of that Schedule for the existing ITM application or existing request for EU extension (as the case may be);
 - (bb) in the case of an application for the registration of a trade mark to which paragraph 29 of Schedule 2B to the TMA applies, the date referred to in paragraph 29(2)(a) of that Schedule for the existing ITM application or existing request for EU extension (as the case may be);
 - (iii) in any other case, has the meaning given by section 33 of the TMA;
- (f) ‘EUTM-based trade mark application’ means an application to register a trade mark to which paragraph 25(1) of Schedule 2A to the TMA applies that is made within the period specified in paragraph 25(2) of that Schedule;
- (g) ‘existing EUTM application’ has the same meaning as in paragraph 24 of Schedule 2A to the TMA;
- (h) ‘existing ITM application’ has the same meaning as in paragraph 27(1)(a) of Schedule 2B to the TMA;
- (i) ‘existing request for EU extension’ has the same meaning as in paragraph 27(1)(b) of Schedule 2B to the TMA;
- (j) ‘ITM-based trade mark application’ means an application to register a trade mark to which paragraph 28(1) or 29(1) of Schedule 2B to the TMA applies that is made within the period specified in paragraph 28(1)(c) or 29(1)(c) (as the case may be) of that Schedule;
- (k) ‘the registrar’ has the meaning given by section 62 of the TMA.

13. Any reference in this Article to:

- (a) ‘priority claimed in respect of an application’:
 - (i) in the case of an EUTM-based trade mark application, means any priority claimed in respect of the existing EUTM application referred to in paragraph 25(2)(a)(ii) of Schedule 2A to the TMA;
 - (ii) in the case of an ITM-based trade mark application, means any priority claimed in respect of the existing ITM application or the existing request for EU extension referred to in paragraph 28(2)(b) or 29(2)(b) (as the case may be) of Schedule 2B to the TMA;
 - (iii) in any other case, means any priority claimed in respect of the application pursuant to section 35 of the TMA;
- (b) an application to register a trade mark that was ‘pending immediately before IP completion day’ is a reference to an application that was neither refused, nor resulted in the registration of the trade mark that is the subject of the application, before IP completion day;
- (c) a trade mark includes a reference to:

- (i) a collective mark as defined in section 49(1) of the TMA;
- (ii) a certification mark as defined in section 50(1) of the TMA.

Article 14b

Application and modification of trade mark provisions

1. For the purpose of Article 14a, the following provisions of the TMA apply, with the modifications, in the case of sections 47(3) and (5), 74(1), 76(1) and 77(1), specified in paragraph 2:

- (a) subsections (3) to (5) and (6) of section 47 (invalidation of trade marks) in relation to an application to invalidate a trade mark referred to in Article 14a(3);
- (b) section 72 (registration to be prima face evidence of validity);
- (c) section 73 (certificate of validity of contested application);
- (d) section 74 (registrar's appearance in proceedings involving the register of trade marks);
- (e) section 75 (definition of 'the court');
- (f) section 76 (appeals) except for subsection (5);
- (g) section 77(1) (persons appointed to hear and determine appeals).

2. The modifications are:

- (a) section 47 applies as if:
 - (i) in subsection (3), in the words before paragraph (a), after 'invalidity' there were inserted 'made under this section, as applied by Article 14b(1) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs,';
 - (ii) in subsection (5), for 'grounds of invalidity exist' there were substituted 'ground for invalidity specified in Article 14a(3) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council exists';
- (b) section 74(1) applies as if, for the words from 'for' to 'the registrar' there were substituted 'for a declaration of the invalidity of the registration of a trade mark, the registrar';
- (c) section 76(1) applies as if:
 - (i) in the first paragraph, for the words from 'under' to the end there were substituted 'made under Article 14a of Regulation (EU) No 1151/2012 of the European Parliament and of the Council';
 - (ii) the second paragraph were omitted;
- (d) section 77(1) applies as if, at the end there were inserted 'as applied by Article 14b(1) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council'.

3. In the case of the following proceedings, the rules made under section 68 or 69 of the TMA apply to those proceedings as they apply to proceedings involving an application of the type referred to in section 74(1)(b) of the TMA:

- (a) an application to invalidate a trade mark referred to in Article 14a(3);
- (b) an appeal to an appointed person from a decision of the registrar in relation to an application referred to in paragraph (a)."

PART 4

New Article 52a

“Article 52a

Applications pending on IP completion day

1. A pending application made under EU Regulation 1151/2012 before IP completion day is deemed to be an application made under Article 49(2) of this Regulation for which scrutiny under Article 50(1) of this Regulation has not been commenced.

2. Unless requested not to do so in writing by the applicant who submitted the application under EU Regulation 1151/2012, the Secretary of State must scrutinise a pending application under Article 50(1) of this Regulation.

3. But the Secretary of State may decide not to scrutinise a pending application under paragraph 2 in a case where the pending application is an application that has been sent to the European Commission for scrutiny under Article 50(1) of EU Regulation 1151/2012 before IP completion day.

4. The six month period specified in Article 50(1) starts from the day on which IP completion day falls.

5. Where a request of the type specified in paragraph 2 is made in relation to a pending application by an applicant referred to in that paragraph, the pending application is to be treated as having been withdrawn.

6. In this Article ‘pending application’ means an application submitted to the Secretary of State on or after 1st January 2019 or the Secretary of State or the Department for Environment, Food and Rural Affairs before that date:

(a) to register:

(i) a name of a geographical area in, or partly in, the United Kingdom as a designation of origin;

(ii) a name of a geographical area in, or partly in, the United Kingdom as a geographical indication;

(iii) a name as a traditional speciality guaranteed, and

(b) for which the European Commission has not adopted an implementing act under Article 52 of EU Regulation 1151/2012 before IP completion day.”

PART 5

New Title 5A

“TITLE 5A

APPEALS

Article 54a

Appeals: general

1. An appeal may be made to the FTT against a decision of the Secretary of State specified in column 1 of the table in Part 2 of Annex 1B.
2. Such an appeal may be made:
 - (a) in all cases, by a person specified in the corresponding entry in column 2 of the table in Part 2 of Annex 1B;
 - (b) in the case of a decision affecting an application submitted by the authorities of a third country, by the authorities of that third country.
3. In determining such an appeal the FTT:
 - (a) must consider the decision appealed against afresh, and
 - (b) may take into account evidence that was not available to the Secretary of State.
4. The FTT may:
 - (a) dismiss the appeal, or
 - (b) if it allows the appeal, exercise any power specified in the corresponding entry in the third column of the table in Part 2 of Annex 1B.
5. Where the FTT remits a matter to the Secretary of State for reconsideration and fresh decision:
 - (a) the Secretary of State, after making a fresh decision, must publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the original applicant, the appellant (if different) and the public of that fresh decision and the reasons for that decision;
 - (b) the provisions of this Title and Annex 1B apply to the fresh decision made by the Secretary of State.
6. An appeal made under paragraph 1 in relation to a decision of the Secretary of State specified in column 1 of the table in Part 2 of Annex 1B does not prevent an entry recorded on Great Britain’s PDOs or PGIs Register or Great Britain’s TSGs Register by the Secretary of State following that decision from having effect.
7. The entry referred to in paragraph 6 continues to have effect, despite the appeal, unless the appeal is allowed by the FTT and:
 - (a) in a case where the FTT quashes the Secretary of State’s decision and directs the Secretary of State to take specified action, that action has been taken;
 - (b) in a case where the FTT remits the matter to the Secretary of State for reconsideration and fresh decision, the relevant entry ceases to have effect as a result of consequent action taken in relation to the entry in the register following the fresh decision taken by the Secretary of State.

Article 54b

Secretary of State decision to consider a decision afresh and the effect of that decision on an appeal

1. The Secretary of State may consider a decision specified in column 1 of the table in Part 2 of Annex 1B (“the original decision”) afresh if evidence becomes available to the Secretary of State after making the original decision that was not available to the Secretary of State at the time of the original decision.
2. Paragraph 1 applies even though an appeal has been made to the FTT in respect of the original decision.
3. Where the Secretary of State decides to consider an original decision afresh in a case where an appeal has been made to the FTT in respect of that decision:
 - (a) the Secretary of State must notify the FTT of the Secretary of State’s decision to consider the original decision afresh and publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that decision;
 - (b) the appeal to the FTT is suspended until such time as the Secretary of State has made a fresh decision in relation to the matter;
 - (c) the Secretary of State must, following the making of the fresh decision, notify the FTT of that decision and publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant, (if different) and the public of that decision and the reasons for that decision.
4. If the Secretary of State makes the same decision again, the appeal to the FTT restarts.
5. If the Secretary of State makes a different decision, the appeal to the FTT ceases unless the FTT directs otherwise.”

PART 6

New Article 56

“Article 56

Regulations

1. Any power to make regulations conferred on the Secretary of State by this Regulation is exercisable by statutory instrument.
2. Such regulations may:
 - (a) contain supplementary, incidental, consequential, transitional or saving provision (including provision amending, repealing or revoking an enactment);
 - (b) make different provision for different purposes.
3. Except as specified in paragraph 4, a statutory instrument containing regulations under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
4. A statutory instrument containing regulations made under the second subparagraph of Article 2(1) or Article 18(5), 30(1) or 41(3) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

5. Before making any regulations under this Regulation, the Secretary of State must consult:
- (a) such bodies or persons as appear to the Secretary of State to be representative of the interests likely to be substantially affected by the regulations;
 - (b) such other bodies or persons as the Secretary of State may consider appropriate.
6. In this Article, ‘enactment’ means:
- (a) an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act, except so far as it extends to Northern Ireland;
 - (b) regulations made under retained direct principal EU legislation, except so far as they extend to Northern Ireland;
 - (c) retained direct minor EU legislation, except so far as it extends to Northern Ireland.”

PART 7

New Annexes 1A and 1B

“ANNEX 1A

TYPES OF DESIGNATION OF ORIGIN AND GEOGRAPHICAL INDICATION TO WHICH ARTICLE 14A APPLIES

PART 1

Interpretation

1. In the table in Part 3:
- (a) ‘an Article 52(4) notice’ means a notice published by the Secretary of State under Article 52(4);
 - (b) ‘the European Commission’s PDOs and PGIs Register’ means the register established and maintained by the European Commission pursuant to Article 11(1) of EU Regulation 1151/2012;
 - (c) ‘the paragraph 1 trade mark application’ means the application to register a trade mark referred to in Article 14a(1);
 - (d) ‘the relevant EUIA-based date’ means the date determined in accordance with Part 2;
 - (e) ‘the relevant pre-IP completion day legislation’ means:
 - (i) in the case of an application to register a designation of origin or geographical submitted to the European Commission under [Council Regulation \(EEC\) No 2081/92](#) on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽⁴⁾, Article 5 or 12a of that Regulation;
 - (ii) in the case of an application to register a designation of origin or geographical submitted to the European Commission under [Council Regulation \(EC\) No 510/2006](#) on the protection of geographical indications and designations of origin for agricultural products and foodstuffs, Article 5 of that Regulation;

(4) OJ No. L 208, 24.7.1992, p. 1, repealed by Council Regulation [\(EC\) No 510/2006](#) (OJ No. L 93, 31.3.2006, p. 12).

- (iii) in the case of an application to register a designation of origin or geographical submitted to the European Commission under EU Regulation 1151/2012, Article 49(2) or (5) of that Regulation;
- (f) ‘the relevant trade mark application’ means the application to register a trade mark referred to in Article 14a(2) or (3)(a), as relevant.

PART 2

The relevant EUIA-based date

2. In the table in Part 3, in a case where the relevant EUIA-based date applies, the relevant EUIA-based date means:

- (a) the date provided for in paragraph 3, or
- (b) where paragraph 3 does not apply, the date provided for in the relevant point of paragraph 4, or paragraph 5, as relevant to the designation of origin or geographical indication.

3. In a case where the EUIA referred to in paragraph (b) in column 2 of the Types Table relating to a designation of origin or geographical indication contained priority provisions that applied to the designation of origin or geographical indication, the relevant EUIA-based date is the priority date provided for in the EUIA that applied to that designation of origin or geographical indication.

4. In a case of a type 3A, 3B, 4A or 4B designation of origin or geographical indication to which paragraph 3 does not apply, the relevant EUIA-based date is:

- (a) in a case where the designation of origin or geographical indication was protected in the European Union immediately before IP completion day pursuant to an amendment made to the EUIA (without the need for further action to be taken under the EUIA), the date on which the amendment entered into force;
- (b) in a case where the designation of origin or geographical indication was protected in the European Union immediately before IP completion day pursuant to a provision in the EUIA that was provisionally applied before IP completion day (without the need for further action to be taken under the EUIA), the date on which the provision was provisionally applied;
- (c) in a case where the designation of origin or geographical indication was protected in the European Union immediately before IP completion day pursuant to an amendment made to the EUIA that was provisionally applied before IP completion day (without the need for further action to be taken under the EUIA), the date on which the amendment was provisionally applied;
- (d) in a case where the designation of origin or geographical indication was protected in the European Union immediately before IP completion day following the submission and processing of a request, or application, for protection or assessment (however described) under a provision in the EUIA providing for such requests, or applications, the date on which the request, or application, for protection or assessment was submitted under the EUIA;
- (e) in any other case, including a case where the designation of origin or geographical indication was protected in the European Union immediately before IP completion day pursuant to provisions in the EUIA that applied from the date that the EUIA entered into force (without the need for further action to be taken under the EUIA), the date on which the relevant EUIA entered into force.

5. In a case of a type 5A or 5B designation of origin or geographical indication to which paragraph 3 does not apply and for which a request, or an application, for protection or assessment (however described) was submitted before IP completion day under the EUIA, the relevant EUIA-based date is the date on which the request, or application, for protection or assessment was submitted under the EUIA.

6. Any reference in this Part to:

- (a) ‘the priority date’ means the date provided for in priority provisions in an EUIA as the date that must be taken into account when determining whether an application for a trade mark may be granted, including:
 - (i) a calendar date specified in the EUIA;
 - (ii) a date relating to the happening of a specified event;
- (b) ‘priority provisions’ means provisions in an EUIA that governed the relationship between trade marks and designations of origin and geographical indications that provided (however expressed):
 - (i) that, in the circumstances specified in the EUIA, an application for a trade mark must be refused if the application for the trade mark was filed after a date provided for in the EUIA,
 - (ii) that, in the circumstances specified in the EUIA, the registration of a trade mark must be invalidated if the application that resulted in the registration of that trade mark was filed after a date provided for in the EUIA, or
 - (iii) for both the refusal of applications for trade marks, and the invalidation of the registration of trade marks, as provided for in points (i) and (ii);
- (c) ‘without the need for further action to be taken under the EUIA’, in relation to a designation of origin or geographical indication protected in the European Union immediately before IP completion day pursuant to an EUIA, means that the provisions in the EUIA providing for the designation of origin or geographical indication to be protected in the European Union did not require:
 - (i) a request or application (however described) to be submitted by the contracting third country under the EUIA in relation to the protection of the designation of origin or geographical indication;
 - (ii) an assessment to be carried out under the EUIA in relation to the designation of origin or geographical indication.

PART 3

Types of designation of origin and geographical indication (the Types Table)

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No.</i>	<i>Description of the designation of origin or geographical indication</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
1.	An established protected designation of	Not applicable.	Not applicable.	The date on which the application that resulted in the

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No.</i>	<i>Description of the designation of origin or geographical indication</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
	origin established protected geographical indication.	or		first registration of the designation of origin or geographical indication was submitted to the European Commission under the relevant pre-IP completion day legislation.
2.	A designation of origin or geographical indication: (a) that relates to a geographical area in the United Kingdom, and (b) for which an application to register the designation of origin or geographical indication was submitted to the European Commission under Article 49(4) of EU Regulation 1151/2012 before IP completion day.	1. A designation of origin or geographical indication that is on Great Britain's PDOs and PGIs Register before the day on which the paragraph 1 trade mark application is accepted or refused and is entered on that register following the approval of an application to which Article 52a(1) (pending United Kingdom applications) applies. 2. A designation of origin or geographical indication: (a) that is not on Great Britain's PDOs and PGIs Register before the day on which the paragraph	A designation of origin or geographical indication to which Article 52a(1) applies: (a) that is not treated as having been withdrawn under Article 52a(5), and (b) for which an Article 52(4) notice relating to the application to register the designation of origin or geographical indication is not published before the relevant trade mark application is accepted.	The date on which the application to register the designation of origin or geographical indication referred to in point (b) of column 2 was submitted to the European Commission under Article 49(4) of EU Regulation 1151/2012.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No.</i>	<i>Description of the designation of origin or geographical indication</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
		1 trade mark application is accepted or refused, (b) to which Article 52a(1) applies, and (c) for which an Article 52(4) approval notice relating to the application to register the designation of origin or geographical indication is published before the day on which the paragraph 1 trade mark application is accepted or refused.		
3.	A designation of origin or geographical indication that: (a) relates to a geographical area in a third country, (b) was protected in the European Union immediately before IP completion day pursuant to an EUIA to which the European Union and the	1. A designation of origin or geographical indication that is on Great Britain's PDOs and PGIs Register before the day on which the paragraph 1 trade mark application is accepted or refused and is entered on that register pursuant to Article 11(2). 2. A designation of origin or	A designation of origin or geographical indication that is not on Great Britain's PDOs and PGIs Register when the relevant trade mark application is accepted but must be protected in Great Britain pursuant to an international agreement to which the United Kingdom and the third country are	The relevant EUIA-based date that applies to the designation of origin or geographical indication in relation to the EUIA referred to in point (b) of column 2.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No.</i>	<i>Description of the designation of origin or geographical indication</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
	third country were contracting parties, and (c) must be protected in Great Britain pursuant to an international agreement to which the United Kingdom and the third country are contracting parties that enters into force during the relevant period.	geographical indication that is not on Great Britain's PDOs and PGIs Register before the day on which the paragraph 1 trade mark application is accepted or refused but must be protected in Great Britain pursuant to an international agreement to which the United Kingdom and the third country are contracting parties that enters into force before the day on which the paragraph 1 trade mark application is accepted or refused.	contracting parties that enters into force on or after the day on which the relevant trade mark application is accepted.	
4.	A designation of origin or geographical indication that: (a) relates to a geographical area in a third country, and (b) was protected in the European Union immediately before IP completion day pursuant to an	1. A designation of origin or geographical indication that is on Great Britain's PDOs and PGIs Register before the day on which the paragraph 1 trade mark application is accepted or refused and is entered on that register following the approval of an application	A designation of origin or geographical indication: (a) that is not on Great Britain's PDOs and PGIs Register when the relevant trade mark application is accepted, and (b) for which an application to register the designation	The relevant EUIA-based date that applies to the designation of origin or geographical indication in relation to the EUIA referred to in point (b) of column 2.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 No. 1637

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No.</i>	<i>Description of the designation of origin or geographical indication</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
	EUIA to which the European Union and the third country were contracting parties.	to register the designation of origin or geographical indication submitted to the Secretary of State under Article 49 during the relevant period. 2. A designation of origin or geographical indication: (a) that is not on Great Britain's PDOs and PGIs Register before the day on which the paragraph 1 trade mark application is accepted or refused, (b) for which an application to register the designation of origin or geographical indication is submitted to the Secretary of State under Article 49 during the relevant period, and (c) for which an Article 52(4) approval notice relating to the application is	of origin or geographical indication is submitted to the Secretary of State under Article 49 during the relevant period and that application: (i) is not submitted before the relevant trade mark application is accepted, or (ii) is submitted before the relevant trade mark application is accepted but for which an Article 52(4) notice relating to the application to register the designation of origin or geographical indication is not published before the relevant trade mark application is accepted.	

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No.</i>	<i>Description of the designation of origin or geographical indication</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
		published before the day on which the paragraph 1 trade mark application is accepted or refused.		
5.	<p>A designation of origin or geographical indication:</p> <p>(a) that relates to a geographical area in a third country,</p> <p>(b) for which an assessment relating to the protection of the designation of origin or geographical indication was being carried out, or a request for protection, or an application for assessment for protection, was submitted, before IP completion day in respect of the designation of origin or geographical indication under an EUIA, and</p> <p>(c) for which no decision was made pursuant to the EUIA before IP completion</p>	See the entry in row 4 of this column.	See the entry in row 4 of this column.	The relevant EUIA-based date that applies to the designation of origin or geographical indication in relation to the EUIA referred to in point (b) of column 2.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No.</i>	<i>Description of the designation of origin or geographical indication</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
	day as to whether the designation of origin or geographical indication should be protected in the European Union.			
6.	<p>A designation of origin or geographical indication:</p> <p>(a) that relates to a geographical area in a third country, and</p> <p>(b) for which an application to register the designation of origin or geographical indication was submitted to the European Commission under Article 49(4) or (5) of EU Regulation 1151/2012 before IP completion day that was neither refused nor resulted in the registration of the designation of origin or geographical indication on the European Commission's PDOs and PGIs</p>	See the entry in row 4 of this column.	See the entry in row 4 of this column.	The date on which the application to register the designation of origin or geographical indication referred to in point (b) of column 2 was submitted to the European Commission under Article 49(4) or (5) of EU Regulation 1151/2012.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No.</i>	<i>Description of the designation of origin or geographical indication</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
	Register(5) before IP completion day.			

ANNEX 1B

APPEALS

PART 1

Interpretation

In the table in Part 2, ‘a valid notice of opposition’ means a notice of opposition that contains the declaration required by the second subparagraph of Article 51(1).

PART 2

Appellants and powers of the FTT on appeal

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Decision</i>	<i>Persons who may appeal against the decision</i>	<i>FTT powers</i>
Decision of the Secretary of State to approve an application submitted under Article 49 to register a designation of origin, geographical indication or traditional speciality guaranteed.	The persons are: (a) a person who lodges a valid notice of opposition in relation to the application under Article 51(1); (b) a person marketing a product that is, or may be, affected by the registration of the designation of origin, geographical indication or traditional speciality guaranteed.	Power to: (a) quash the decision and direct the Secretary of State to: (i) remove the entry for the protected designation of origin, protected geographical indication or traditional speciality guaranteed from the relevant register, and (ii) remove the copy of the product specification for

(5) The European Commission’s register relating to designations of origin and geographical indications for agricultural products and foodstuffs can be accessed electronically from <https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/geographical-indications-register/>. A hard copy of the register as it stood immediately before IP completion day is available for inspection free of charge at the offices of the Department for Environment, Food and Rural Affairs, Second Floor, Seacole Block, 2 Marsham Street, London SW1P 4DF.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Decision</i>	<i>Persons who may appeal against the decision</i>	<i>FTT powers</i>
Decision of the Secretary of State to reject an application submitted under Article 49 to register a designation of origin, geographical indication or traditional speciality guaranteed.	The persons are: (a) the person who submitted the application; (b) a person marketing a product that is, or may be, affected by the decision not to register the designation of origin, geographical indication or traditional speciality guaranteed.	the protected designation of origin, protected geographical indication or traditional speciality guaranteed attached to the relevant register, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision. Power to: (a) quash the decision and direct the Secretary of State to register the designation of origin, geographical indication or traditional speciality guaranteed by: (i) making an entry for the designation of origin, geographical indication or traditional speciality guaranteed in the relevant register, recording the data specified in Article 14(1) of Implementing Regulation (EU) 668/2014 in the relevant register, and (ii) attaching a copy of the product specification for the designation of origin, geographical indication or traditional speciality guaranteed to the register, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to approve an application submitted under Article 53 to amend a product specification for a protected designation of origin, protected geographical	The persons are: (a) a person who lodges a valid notice of opposition under Article 51(1) in relation to the application (as it applies to an application to amend a	Power to: (a) quash the decision and (as appropriate) direct the Secretary of State to:

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Decision</i>	<i>Persons who may appeal against the decision</i>	<i>FTT powers</i>
indication or traditional speciality guaranteed.	product specification by virtue of Article 53(2)); (b) a person marketing a product that is, or may be, affected by the amendment of the product specification.	(i) restore the data in the entry for the protected designation of origin, protected geographical indication or traditional speciality guaranteed in the relevant register; (ii) remove the copy of the amended product specification for the protected designation of origin, protected geographical indication or traditional speciality guaranteed attached to the relevant register and replace it with a copy of the product specification for the protected designation of origin, protected geographical indication or traditional speciality guaranteed that was attached to the relevant register immediately before the Secretary of State decided to approve the application, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to reject an application submitted under Article 53 to amend a product specification for a protected designation of origin, protected geographical indication or traditional speciality guaranteed.	The persons are: (a) the person who submitted the application; (b) a person marketing a product that is, or may be, affected by the decision not to amend the product specification.	Power to: (a) quash the decision and (as appropriate) direct the Secretary of State: (i) in the case of an amendment to the product specification that is not a temporary amendment: (aa) to make such change to the data in the entry for the protected designation of origin, protected geographical indication or traditional speciality guaranteed in the relevant register as the

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Decision</i>	<i>Persons who may appeal against the decision</i>	<i>FTT powers</i>
Decision of the Secretary of State under Article 54, on the Secretary of State's own initiative, to cancel the registration of a protected designation of origin, protected geographical indication or traditional speciality guaranteed.	The persons are: (a) a person who lodges a valid notice of opposition under Article 51(1) in relation to the proposed decision (as it applies to the cancellation of a protected designation of origin, protected geographical indication or traditional speciality guaranteed by virtue of Article 7(1) and (4) of Regulation 664/2014); (b) a person marketing a product that is, or may be, affected by the cancellation of the registration of the protected designation of	amendment to the product specification may entail, and (bb) to replace the copy of the product specification for the protected designation of origin, protected geographical indication or traditional speciality guaranteed attached to the relevant register with a copy of the amended product specification, or (ii) in the case of a temporary amendment to the product specification, to make an appropriate entry relating to the temporary amendment to the product specification for the protected designation of origin, protected geographical indication or traditional speciality guaranteed in the relevant register, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision. Power to: (a) quash the decision and direct the Secretary of State to: (i) restore the entry for the protected designation of origin, protected geographical indication or traditional speciality guaranteed in the relevant register, and (ii) reattach to the relevant register a copy of the product specification for the protected designation of origin, protected geographical indication or traditional speciality guaranteed that was attached

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Decision</i>	<i>Persons who may appeal against the decision</i>	<i>FTT powers</i>
Decision of the Secretary of State to approve a request submitted under Article 54 to cancel the registration of a protected designation of origin, protected geographical indication or traditional speciality guaranteed.	<p>The persons are:</p> <p>(a) a person who lodges a valid notice of opposition under Article 51(1) in relation to a request to cancel the registration of the protected designation of origin, protected geographical indication or traditional speciality guaranteed by virtue of Article 7(1) and (4) of Regulation 664/2014);</p> <p>(b) a person marketing a product that is, or may be, affected by the cancellation of the registration of the protected designation of origin, protected geographical indication or traditional speciality guaranteed.</p>	<p>to that register immediately before the Secretary of State decided to cancel the registration of the protected designation of origin, protected geographical indication or traditional speciality guaranteed, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p> <p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to:</p> <p>(i) restore the entry for the protected designation of origin, protected geographical indication or traditional speciality in the relevant register, and</p> <p>(ii) reattach to the relevant register a copy of the product specification for the protected designation of origin, protected geographical indication or traditional speciality guaranteed that was attached to that register immediately before the Secretary of State decided to cancel the registration of the protected designation of origin, protected geographical indication or traditional speciality guaranteed, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p>
Decision of the Secretary of State to reject a request submitted under Article 54	The persons are:	Power to:

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Decision</i>	<i>Persons who may appeal against the decision</i>	<i>FTT powers</i>
to cancel the registration of a protected designation of origin, protected geographical indication or traditional speciality guaranteed.	(a) the person who submitted the request; (b) a person marketing a product that is, or may be, affected by the decision not to cancel the registration of the protected designation of origin, protected geographical indication or traditional speciality guaranteed.	(a) quash the decision and direct the Secretary of State to: (i) remove the entry for the protected designation of origin, protected geographical indication or traditional speciality guaranteed from the relevant register, and (ii) remove the copy of the product specification for the protected designation of origin, protected geographical indication or traditional speciality guaranteed attached to the relevant register, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.”

SCHEDULE 3

Regulation 20

Regulation (EU) No 1308/2013 of the European Parliament and of the Council: new provisions

PART 1

New Article 93a

“Article 93a

Definitions: types of designation of origin and geographical indication

In Article 102a and Annex 9A any reference to:

- (a) ‘a type 1 designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 1 of the Types Table;
- (b) ‘a type 2A designation of origin’ means the designation of origin specified in column 2 of row 2 of the Types Table to which the provisions in column 3 of that row apply;
- (c) ‘a type 2B designation of origin’ means the designation of origin specified in column 2 of row 2 of the Types Table to which the provisions in column 4 of that row apply;
- (d) ‘a type 3A designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 3 of the Types Table to which paragraph 1 or 2 in column 3 of that row applies;

- (e) ‘a type 3B designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 3 of the Types Table to which the provisions in column 4 of that row apply;
- (f) ‘a type 4A designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 4 of the Types Table to which paragraph 1 or 2 of column 3 of that row applies;
- (g) ‘a type 4B designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 4 of the Types Table to which the provisions in column 4 of that row apply;
- (h) ‘a type 5A designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 5 of the Types Table to which paragraph 1 or 2 of column 3 of row 4 of that table applies;
- (i) ‘a type 5B designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 5 of the Types Table to which the provisions in column 4 of row 4 of that table apply;
- (j) ‘a type 6A designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 6 of the Types Table to which paragraph 1 or 2 in column 3 of row 4 of that table applies;
- (k) ‘a type 6B designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 6 of the Types Table to which the provisions in column 4 of row 4 of that table apply.’’

PART 2

New Articles 102a and 102b

“Article 102a

Transitional provisions: relationship with trade marks

1. Unless paragraph 4 applies, an application to register a trade mark that was pending immediately before IP completion day or filed during the relevant period must be refused where, if the trade mark is registered, the use of the trade mark will contravene Article 103(2) in relation to a category A designation of origin or geographical indication.

2. Unless paragraph 4 applies, an application to register a trade mark that was pending immediately before IP completion day or filed during the relevant period must be refused where:

- (a) if the trade mark is registered, the use of the trade mark will contravene Article 103(2) in relation to a category B designation of origin or geographical indication, and
- (b) after the application for the trade mark is accepted but before the trade mark is registered:
 - (i) in the case of a type 3B designation of origin or geographical indication:
 - (aa) the international agreement referred to in paragraph (c) of column 2 of row 3 of the Types Table enters into force, and
 - (bb) the entry into force of the international agreement is brought to the attention of the registrar before the trade mark is registered;
 - (ii) in the case of any other category B designation of origin or geographical indication:

- (aa) the Secretary of State publishes an Article 99 approval notice relating to the designation of origin or geographical indication, and
- (bb) the Article 99 approval notice is brought to the attention of the registrar before the trade mark is registered.

3. Where an application for a declaration of invalidity is made under the TMA (as applied by Article 102b(1) and modified by Article 102b(2)) in relation to the registration of a trade mark, the registration of the trade mark must be declared to be invalid, unless paragraph 4 applies, if:

- (a) the application to register the trade mark was pending immediately before IP completion day or filed during the relevant period,
- (b) the use of the trade mark contravenes, or will, if used, contravene, Article 103(2) in relation to a category B designation of origin or geographical indication, and
- (c) in the case of a type 2B, 4B, 5B or 6B designation of origin or geographical indication, the Secretary of State publishes an Article 99 approval notice relating to the designation of origin or geographical indication on or after the time at which the trade mark application is accepted.

4. This paragraph applies where a column 5 date applies in relation to a category A or B designation of origin or geographical indication and, taking account of any priority claimed in respect of an application to register a trade mark referred to in paragraph 1, 2 or 3(a) (as relevant) and on the basis of the information available to the registrar, it appears to the registrar that the date of filing of the trade mark application is earlier than the column 5 date that applies to the relevant designation of origin or geographical indication.

5. As regards paragraphs 1 and 2, a column 5 date does not apply in relation to a type 3A, 4A or 5A designation of origin or geographical indication where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to the designation of origin or geographical indication provides that an application for a trade mark must be refused, regardless of when that application is filed, if the trade mark, if registered, will contravene a provision in the EUIA providing for the protection of the use of the designation of origin or geographical indication.

6. As regards paragraph 3, a column 5 date does not apply in relation to a type 3B, 4B or 5B designation of origin or geographical indication where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to the designation of origin or geographical indication provides that the registration of a trade mark must be invalidated if, regardless of when the application that resulted in the registration of the trade mark is filed, the use of the trade mark contravenes a provision in the EUIA providing for the protection of the use of the designation of origin or geographical indication.

7. Where a designation of origin or geographical indication falls within the definition of more than one type of designation of origin or geographical indication in Article 93a, the column 5 date to be taken into account for the purpose of paragraph 4 is the earliest of the column 5 dates for the relevant types of designation of origin or geographical indication.

8. In a case of a category A or B designation of origin or geographical indication that is not on Great Britain's PDOs and PGIs Register at the time an assessment is carried out under paragraph 1, 2 or 3, the designation of origin or geographical indication is to be treated, for the purpose of the assessment, as being a protected designation of origin or protected geographical indication, as relevant, in determining whether the use of the trade mark will contravene Article 103(2) in relation to that designation of origin or geographical indication.

9. A trade mark that could be used in the United Kingdom under Article 102(2) of EU Regulation 1308/2013 immediately before IP completion day may continue to be used in Great Britain on and after IP completion day:

- (a) notwithstanding that the use of the trade mark would contravene Article 103(2) of Regulation (EU) No 1308/2013 in Great Britain in relation to a designation of origin or geographical indication registered by the Secretary of State under this Regulation;
- (b) provided that no grounds for the invalidation or revocation of the trade mark exist in, or under, the TMA.

10. Nothing in this Regulation prevents a trade mark that could be renewed in the United Kingdom pursuant to Article 102(2) of EU Regulation 1308/2013 immediately before IP completion day from being renewed after IP completion day:

- (a) notwithstanding that the use of the renewed trade mark would contravene Article 103(2) in Great Britain in relation to a designation of origin or geographical indication registered by the Secretary of State under this Regulation;
- (b) provided that no grounds for the invalidation or revocation of the trade mark exist in, or under, the TMA.

11. Where paragraph 9 or 10 applies to the use or renewal of a trade mark, this does not affect the use of:

- (a) a designation of origin or geographical indication entered on Great Britain's PDOs and PGIs Register following a decision by the Secretary of State to approve an application made under Article 95(1A) or Article 3 of Commission Implementing Regulation (EU) 2019/34 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;
- (b) a designation of origin or geographical indication entered on Great Britain's PDOs and PGIs Register by the Secretary of State following a decision of the Secretary of State to approve an application to which Article 97a applies;
- (c) a designation of origin or geographical indication entered on Great Britain's PDOs and PGIs Register by the Secretary of State pursuant to the second sentence of Article 104;
- (d) an established protected designation of origin or an established protected geographical indication entered on Great Britain's PDOs and PGIs Register by the Secretary of State pursuant to Article 107(1).

12. In this Article:

- (a) 'an application to register a trade mark' means an application to register a trade mark filed under the TMA;
- (b) 'a category A designation of origin or geographical indication' means a type 1, 2A, 3A, 4A, 5A or 6A designation of origin or geographical indication;
- (c) 'a category B designation of origin or geographical indication' means a type 2B, 3B, 4B, 5B or 6B designation of origin or geographical indication;
- (d) 'column 5 date', in relation to a designation of origin or geographical indication that is a category A or B designation of origin or geographical indication, means the date

specified, or provided for, in column 5 of the Types Table in the row relating to the relevant type of designation of origin or geographical indication;

- (e) ‘date of filing’:
 - (i) in the case of an EUTM-based trade mark application, means the filing date referred to in paragraph 25(2)(a)(i) of Schedule 2A to the TMA for the existing EUTM application;
 - (ii) in the case of an ITM-based trade mark application, means:
 - (aa) in the case of an application for the registration of a trade mark to which paragraph 28 of Schedule 2B to the TMA applies, the date referred to in paragraph 28(2)(a) of that Schedule for the existing ITM application or existing request for EU extension (as the case may be);
 - (bb) in the case of an application for the registration of a trade mark to which paragraph 29 of Schedule 2B to the TMA applies, the date referred to in paragraph 29(2)(a) of that Schedule for the existing ITM application or existing request for EU extension (as the case may be);
 - (iii) in any other case, has the meaning given by section 33 of the TMA;
- (f) ‘established protected designation of origin’ has the meaning given by Article 107(2)(a);
- (g) ‘established protected geographical indication’ has the meaning given by Article 107(2)(b);
- (h) ‘EUTM-based trade mark application’ means an application to register a trade mark to which paragraph 25(1) of Schedule 2A to the TMA applies that is made within the period specified in paragraph 25(2) of that Schedule;
- (i) ‘existing EUTM application’ has the same meaning as in paragraph 24 of Schedule 2A to the TMA;
- (j) ‘existing ITM application’ has the same meaning as in paragraph 27(1)(a) of Schedule 2B to the TMA;
- (k) ‘existing request for EU extension’ has the same meaning as in paragraph 27(1)(b) of Schedule 2B to the TMA;
- (l) ‘ITM-based trade mark application’ means an application to register a trade mark to which paragraph 28(1) or 29(1) of Schedule 2B to the TMA applies that is made within the period specified in paragraph 28(1)(c) or 29(1)(c) (as the case may be) of that Schedule;
- (m) ‘the registrar’ has the meaning given by section 62 of the TMA.

13. Any reference in this Article to:

- (a) ‘priority claimed in respect of an application’:
 - (i) in the case of an EUTM-based trade mark application, means any priority claimed in respect of the existing EUTM application referred to in paragraph 25(2)(a)(ii) of Schedule 2A to the TMA;
 - (ii) in the case of an ITM-based trade mark application, means any priority claimed in respect of the existing ITM application or the existing request for EU extension referred to in paragraph 28(2)(b) or 29(2)(b) (as the case may be) of Schedule 2B to the TMA;
 - (iii) in any other case, means any priority claimed in respect of the application pursuant to section 35 of the TMA;

- (b) an application to register a trade mark that was ‘pending immediately before IP completion day’ is a reference to an application that was neither refused, nor resulted in the registration of the trade mark that is the subject of the application, before IP completion day;
- (c) a trade mark includes a reference to:
 - (i) a collective mark as defined in section 49(1) of the TMA;
 - (ii) a certification mark as defined in section 50(1) of the TMA.

Article 102b

Application and modification of trade mark provisions

1. For the purpose of Article 102a, the following provisions of the TMA apply, with the modifications, in the case of sections 47(3) and (5), 74(1), 76(1) and 77(1), specified in paragraph 2:

- (a) subsections (3) to (5) and (6) of section 47 (invalidation of trade marks) in relation to an application to invalidate a trade mark referred to in Article 102a(3);
- (b) section 72 (registration to be prima face evidence of validity);
- (c) section 73 (certificate of validity of contested application);
- (d) section 74 (registrar’s appearance in proceedings involving the register of trade marks);
- (e) section 75 (definition of ‘the court’);
- (f) section 76 (appeals) except for subsection (5);
- (g) section 77(1) (persons appointed to hear and determine appeals).

2. The modifications are:

- (a) section 47 applies as if:
 - (i) in subsection (3), in the words before paragraph (a), after ‘invalidity’ there were inserted ‘made under this section, as applied by Article 102b(1) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products,’;
 - (ii) in subsection (5), for ‘grounds of invalidity exist’ there were substituted ‘ground for invalidity specified in Article 102a(3) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council exists’;
- (b) section 74(1) applies as if, for the words from ‘for’ to ‘the registrar’ there were substituted ‘for a declaration of the invalidity of the registration of a trade mark, the registrar’;
- (c) section 76(1) applies as if:
 - (i) in the first paragraph, for the words from ‘under’ to the end there were substituted ‘made under Article 102a(3) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council’;
 - (ii) the second paragraph were omitted;
- (d) section 77(1) applies as if, at the end there were inserted ‘as applied by Article 102b(1) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council’.

3. In the case of the following proceedings, the rules made under section 68 or 69 of the TMA apply to those proceedings as they apply to proceedings involving an application of the type referred to in section 74(1)(b) of the TMA:

- (a) an application to invalidate a trade mark referred to in Article 102a(3);
- (b) an appeal to an appointed person from a decision of the registrar in relation to an application referred to in paragraph (a).”

PART 3

New Annex 9A

“ANNEX 9A

TYPES OF DESIGNATION OF ORIGIN AND GEOGRAPHICAL INDICATION TO WHICH ARTICLE 102A APPLIES

PART 1

Interpretation

1. In the table in Part 3:

- (a) ‘Regulation 607/2009’ means [Commission Regulation \(EC\) No 607/2009](#) laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products;
- (b) ‘EU Regulation 2019/34’ means Commission Implementing Regulation (EU) 2019/34 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 as it had effect before IP completion day;
- (c) ‘an Article 99 notice’ means a notice published by the Secretary of State under Article 99(2) or (3);
- (d) ‘the European Commission’s PDOs and PGIs Register’ means the register established and maintained by the European Commission pursuant to Article 104 of EU Regulation 1308/2013⁽⁶⁾;
- (e) ‘the paragraph 1 trade mark application’ means the application to register a trade mark referred to in Article 102a(1);
- (f) ‘the relevant EUIA-based date’ means date determined in accordance with Part 2;
- (g) ‘the relevant pre-IP completion day legislation’ means:

(6) The European Commission’s register relating to designations of origin and geographical indications for wine can be accessed electronically from <https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/geographical-indications-register/>. A hard copy of the register as it stood immediately before IP completion day is available for inspection free of charge at the offices of the Department for Environment, Food and Rural Affairs, Second Floor, Seacole Block, 2 Marsham Street, London SW1P 4DF.

- (i) in the case of an application to register a designation of origin or geographical indication submitted to the European Commission under Regulation (EC) No 1234/2007, Article 118d or Article 118f(7) of that Regulation;
- (ii) in the case of an application to register a designation of origin or geographical indication submitted to the European Commission under Council Regulation (EC) No 479/2008 on the common organisation of the market in wine(7), Article 36(2) or Article 38(5) of that Regulation;
- (iii) in the case of an application to register a designation of origin or geographical indication submitted to the European Commission under Regulation 607/2009, paragraph 2, 3 or 4 of Article 10 of that Regulation;
- (iv) in the case of an application to register a designation of origin or geographical indication submitted to the European Commission under EU Regulation 1308/2013, Article 96(5) of that Regulation;
- (v) in the case of an application to register a designation of origin or geographical indication submitted to the European Commission under EU Regulation 2019/34, Article 3 or 4 of that Regulation;
- (h) ‘the relevant trade mark application’ means the application to register a trade mark referred to in Article 102a(2) or (3)(a), as relevant.

PART 2

The relevant EUIA-based date

2. In the table in Part 3, in a case where the relevant EUIA-based date applies, the relevant EUIA-based date means:

- (a) the date provided for in paragraph 3, or
- (b) where paragraph 3 does not apply, the date provided for in the relevant point of paragraph 4, or paragraph 5, as relevant to the designation of origin or geographical indication.

3. In a case where the EUIA referred to in paragraph (b) in column 2 of the Types Table relating to a designation of origin or geographical indication contained priority provisions that applied to the designation of origin or geographical indication, the relevant EUIA-based date is the priority date provided for in the EUIA that applied to that designation of origin or geographical indication.

4. In a case of a type 3A, 3B, 4A or 4B designation of origin or geographical indication to which paragraph 3 does not apply, the relevant EUIA-based date is:

- (a) in a case where the designation of origin or geographical indication was protected in the European Union immediately before IP completion day pursuant to an amendment made to the EUIA (without the need for further action to be taken under the EUIA), the date on which the amendment entered into force;
- (b) in a case where the designation of origin or geographical indication was protected in the European Union immediately before IP completion day pursuant to a provision in the EUIA that was provisionally applied before IP completion day (without the need for further action to be taken under the EUIA), the date on which the provision was provisionally applied;
- (c) in a case where the designation of origin or geographical indication was protected in the European Union immediately before IP completion day pursuant to an amendment made

(7) OJ No. L 148, 6.6.2008, p. 1, repealed by Council Regulation (EC) No 491/2009 (OJ No. L 154, 17.6.2009, p. 1).

to the EUIA that was provisionally applied before IP completion day (without the need for further action to be taken under the EUIA), the date on which the amendment was provisionally applied;

- (d) in a case where a designation of origin or geographical indication was protected in the European Union immediately before IP completion day following the submission and processing of a request, or application, for protection or assessment (however described) under a provision in the EUIA providing for such requests, or applications, the date on which the request, or application, for protection or assessment was submitted under the EUIA;
- (e) in any other case, including a case where the designation of origin or geographical indication was protected in the European Union immediately before IP completion day pursuant to provisions in the EUIA that applied from the date that the EUIA entered into force (without the need for further action to be taken under the EUIA), the date on which the relevant EUIA entered into force.

5. In a case of a type 5A or 5B designation of origin or geographical indication to which paragraph 3 does not apply and for which a request, or application, for protection or assessment (however described) was submitted before IP completion day under the EUIA, the relevant EUIA-based date is the date on which the request, or application, for protection or assessment was submitted under the EUIA.

6. Any reference in this Part to:

- (a) ‘the priority date’ means the date provided for in priority provisions in an EUIA as the date that must be taken into account when determining whether an application for a trade mark may be granted, including:
 - (i) a calendar date specified in the EUIA;
 - (ii) a date relating to the happening of a specified event;
- (b) ‘priority provisions’ means provisions in an EUIA that governed the relationship between trade marks and designations of origin and geographical indications that provided (however expressed):
 - (i) that, in the circumstances specified in the EUIA, an application for a trade mark must be refused if the application for the trade mark was filed after a date provided for in the EUIA,
 - (ii) that, in the circumstances specified in the EUIA, the registration of a trade mark must be invalidated if the application that resulted in the registration of that trade mark was filed after a date provided for in the EUIA, or
 - (iii) for both the refusal of applications for trade marks, and the invalidation of the registration of trade marks, as provided for in points (i) and (ii);
- (c) ‘without the need for further action to be taken under the EUIA’, in relation to a designation of origin or geographical indication protected in the European Union immediately before IP completion day pursuant to an EUIA, means that the provisions in the EUIA providing for the designation of origin or geographical indication to be protected in the European Union did not require:
 - (i) a request or application (however described) to be submitted by the contracting third country under the EUIA in relation to the protection of the designation of origin or geographical indication;
 - (ii) an assessment to be carried out under the EUIA in relation to the designation of origin or geographical indication.

PART 3

Types of designation of origin and geographical indication (the Types Table)

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No</i>	<i>The name of the designation of origin or a description of the type of designation of origin or geographical indication</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
1.	An established designation of origin or established geographical indication.	Not applicable.	Not applicable.	1. In the case of a designation of origin or geographical indication that was protected under Article 118s(1) or (5) of Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation), whichever is the later of: (a) the date on which the designation of origin or geographical indication application was first protected in the country in which the geographical

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 No. 1637

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No</i>	<i>The name of the designation of origin or a description of the type of designation of origin or geographical indication</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
				area covered by the designation of origin or geographical indication is situated, or (b) 1st January 1996. 2. In the case of a designation of origin or geographical indication that was not automatically protected under Article 118s of Regulation (EC) No 1234/2007, the date on which the application that resulted in the first registration of the designation of origin or geographical indication was submitted to the European Commission under the relevant pre-IP completion day legislation.
2.	Sussex.	The designation of origin is on Great Britain's PDOs and PGIs Register, having been	The designation of origin is not on Great Britain's PDOs and PGIs Register and an	27th July 2017.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No</i>	<i>The name of the designation of origin or a description of the type of designation of origin or geographical indication</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
		entered on that register following the approval of the application to which Article 97a applied, before the day on which the paragraph 1 trade mark application is accepted or refused.	Article 99 notice is not published in relation to the application to register the designation of origin to which Article 97a applies before the relevant trade mark application is accepted.	
3.	A designation of origin or geographical indication that: (a) relates to a geographical area in a third country, (b) was protected in the European Union immediately before IP completion day pursuant to an EUIA to which the European Union and the third country were contracting parties, and (c) must be protected in Great Britain pursuant to an international agreement to which the United	1. A designation of origin or geographical indication that is on Great Britain's PDOs and PGIs Register before the day on which the paragraph 1 trade mark application is accepted or refused and is entered on that register pursuant to the second sentence of Article 104. 2. A designation of origin or geographical indication that is not on Great Britain's PDOs and PGIs Register before the day on which the paragraph 1 trade	A designation of origin or geographical indication that is not on Great Britain's PDOs and PGIs Register when the relevant trade mark application is accepted but must be protected in Great Britain pursuant to an international agreement to which the United Kingdom and the third country are contracting parties that enters into force on or after the day on which the relevant trade mark application is accepted.	The relevant EUIA-based date that applies to the designation of origin or geographical indication in relation to the EUIA referred to in point (b) of column 2.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No</i>	<i>The name of the designation of origin or a description of the type of designation of origin or geographical indication</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
	Kingdom and the third country are contracting parties that enters into force during the relevant period.	mark application is accepted or refused but must be protected in Great Britain pursuant to an international agreement to which the United Kingdom and the third country are contracting parties that enters into force before the day on which the paragraph 1 trade mark application is accepted or refused.		
4.	A designation of origin or geographical indication that: (a) relates to a geographical area in a third country, and (b) was protected in the European Union immediately before IP completion day pursuant to an EUIA to which the European Union and the third country	1. A designation of origin or geographical indication that is on Great Britain's PDOs and PGIs Register before the day on which the paragraph 1 trade mark application is accepted or refused and is entered on that register following the approval of an application to register the designation of origin or geographical	A designation of origin or geographical indication: (a) that is not on Great Britain's PDOs and PGIs Register when the relevant trade mark application is accepted, and (b) for which an application to register the designation of origin or geographical indication is submitted to the	The relevant EUIA-based date that applies to the designation of origin or geographical indication in relation to the EUIA referred to in point (b) of column 2.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No</i>	<i>The name of the designation of origin or a description of the type of designation of origin or geographical indication</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
	were contracting parties.	<p>indication submitted to the Secretary of State under Article 95(1A), or Article 3 of Commission Implementing Regulation (EU) 2019/34, during the relevant period.</p> <p>2. A designation of origin or geographical indication:</p> <p>(a) that is not on Great Britain's PDOs and PGIs Register before the day on which the paragraph 1 trade mark application is accepted or refused,</p> <p>(b) for which an application to register the designation of origin or geographical indication is submitted to the Secretary of State under Article 95(1A), or Article 3 of Commission Implementing Regulation (EU)</p>	<p>Secretary of State under Article 3 of Commission Implementing Regulation (EU) 2019/34 during the relevant period and that application:</p> <p>(i) is not submitted before the relevant trade mark application is accepted, or</p> <p>(ii) is submitted before the relevant trade mark application is accepted but for which an Article 99 notice relating to the application to register the designation of origin or geographical indication is not published before the relevant trade mark application is accepted.</p>	

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No</i>	<i>The name of the designation of origin or a description of the type of designation of origin or geographical indication</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
		2019/34, during the relevant period, and		
		(c) for which an Article 99 approval notice relating to the application is published before the day on which paragraph 1 trade mark application is accepted or refused.		
5.	A designation of origin or geographical indication: (a) that relates to a geographical area in a third country, (b) for which an assessment relating to the protection of the designation of origin or geographical indication was being carried out, or a request for protection, or an application for assessment for protection, was submitted, before IP completion	See the entry in row 4 of this column.	See the entry in row 4 of this column.	The relevant EUIA-based date that applies to the designation of origin or geographical indication in relation to the EUIA referred to in point (b) of column 2.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No</i>	<i>The name of the designation of origin or a description of the type of designation of origin or geographical indication</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
	<p>day in respect of the designation of origin or geographical indication under an EUIA, and</p> <p>(c) for which no decision was made pursuant to the EUIA before IP completion day as to whether the designation of origin or geographical indication should be protected in the European Union.</p>			
6.	<p>A designation of origin or geographical indication:</p> <p>(a) that relates to a geographical area in a third country, and</p> <p>(b) for which an application to register the designation of origin or geographical indication was submitted to the European Commission under Article 3</p>	See the entry in row 4 of this column.	See the entry in row 4 of this column.	The date on which the application to register the designation of origin or geographical indication referred to in point (b) of column 2 was submitted to the European Commission under the relevant pre-IP completion day legislation.”

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No</i>	<i>The name of the designation of origin or a description of the type of designation of origin or geographical indication</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
	of Regulation 607/2009 ⁽⁸⁾ , or Article 3 of EU Regulation 2019/34 ⁽⁹⁾ , before IP completion day that was neither refused nor resulted in the registration of the designation of origin or geographical indication on the European Commission's PDOs and PGIs Register before IP completion day.			

SCHEDULE 4

Regulation 21

Regulation (EU) No 251/2014 of the European Parliament and of the Council: new provisions

PART 1

Article 2: new points (4) to (19)

“(4) ‘EU Regulation 251/2014’ means Regulation (EU) No 251/2014 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products⁽¹⁰⁾ as it had effect before IP completion day;

⁽⁸⁾ OJ No. L 193, 24.7.2009, p. 60; repealed by Commission Delegated Regulation (EU) 2019/33 (OJ No. L 9, 11.1.2019, p. 2). Last amended before its repeal by Commission Delegated Regulation (EU) 2018/273 (OJ No. L 58, 28.2.2018, p. 1).

⁽⁹⁾ OJ No. L 9, 11.1.2019, p. 46.

⁽¹⁰⁾ OJ No. L 84, 20.3.2014, p. 14.

(5) ‘an Article 16 approval notice’ means a notice published under the second paragraph of Article 16 relating to a decision of the Secretary of State to grant an application to protect a geographical indication;

(6) ‘constituent nation’ means England, Northern Ireland, Scotland or Wales;

(7) ‘country’, in relation to the United Kingdom, means the United Kingdom as a whole and does not mean an individual constituent nation forming part of the United Kingdom;

(8) ‘enters into force’, in relation to a reference to an international agreement, includes, where the provisional application of that agreement is agreed between the parties before it enters into force, the provisional application of the agreement and ‘entry into force’ is to be construed accordingly;

(9) ‘established protected geographical designation’ means a geographical indication within the meaning of Article 2(3) to which Article 54(2) of the EU withdrawal agreement applies;

(10) ‘EUIA’ means an international agreement made between the European Union and a third country that provides for the protection of a geographical indication of the third country in the European Union;

(11) ‘EUWA’ means the European Union (Withdrawal) Act 2018;

(12) ‘FTT’ means the First-tier Tribunal;

(13) ‘Great Britain’s GIs Register’ means the register established and maintained by the Secretary of State pursuant to Article 21;

(14) ‘the original applicant’, in a case where an appeal has been made in respect of a decision made by the Secretary of State in relation to a geographical indication under Article 25, or following the submission of an application under Article 11, 13a or 24, or a request submitted under Article 25, means the person who submitted the application or request;

(15) ‘the relevant period’ means the period beginning on IP completion day and expiring at the end of the day that falls nine months after the day on which IP completion day falls;

(16) ‘retained EU law’ has the meaning given in section 6(7) of the EUWA but does not include any legislation so far as it extends to Northern Ireland;

(17) ‘third country’ means any country, other than the United Kingdom, and, except in the definition of ‘EUIA’ in point (10) and in Annex 2A, includes:

(a) the Bailiwick of Guernsey;

(b) the Bailiwick of Jersey;

(c) the Isle of Man;

(18) ‘the TMA’ means the Trade Marks Act 1994;

(19) ‘the Types Table’ means the table in Part C of Annex 2A.”

PART 2

New Article 9a

“Article 9a

Definitions: types of geographical indication

In Article 19a and Annex 2A any reference to:

(a) ‘a type 1 geographical indication’ means a geographical indication listed in column 2 of row 1 of the Types Table;

- (b) ‘a type 2A geographical indication’ means a geographical indication of the type described in column 2 of row 2 of the Types Table to which paragraph 1 or 2 of column 3 of that row applies;
- (c) ‘a type 2B geographical indication’ means a geographical indication of the type described in column 2 of row 2 of the Types Table to which the provisions in column 4 of that row apply;
- (d) ‘a type 3A geographical indication’ means a geographical indication of the type described in column 2 of row 3 of the Types Table to which paragraph 1 or 2 in column 3 of row 2 of that table applies;
- (e) ‘a type 3B geographical indication’ means a geographical indication of the type described in column 2 of row 3 of the Types Table to which the provisions in column 4 of row 2 of that table apply.”

PART 3

New Articles 19a and 19b

“Article 19a

Transitional provisions: relationship with trade marks

1. Unless paragraph 4 applies, an application to register a trade mark that was pending immediately before IP completion day or filed during the relevant period must be refused where, if the trade mark is registered, the use of the trade mark will contravene Article 20(2) in relation to a category A geographical indication.

2. Unless paragraph 4 applies, an application to register a trade mark that was pending immediately before IP completion day or filed during the relevant period must be refused where:

- (a) if the trade mark is registered, the use of the trade mark will contravene Article 20(2) in relation to a category B geographical indication, and
- (b) after the application for the trade mark is accepted but before the trade mark is registered:
 - (i) in the case of a type 2B geographical indication:
 - (aa) the international agreement referred to in paragraph (c) of column 2 of row 2 of the Types Table enters into force, and
 - (bb) the entry into force of the international agreement is brought to the attention of the registrar before the trade mark is registered;
 - (ii) in the case of a type 3B geographical indication:
 - (aa) the Secretary of State publishes an Article 16 approval notice relating to the geographical indication, and
 - (bb) the Article 16 approval notice is brought to the attention of the registrar before the trade mark is registered.

3. Where an application for a declaration of invalidity is made under the TMA (as applied by Article 19b(1) and modified by Article 19b(2)) in relation to the registration of a trade mark, the registration of the trade mark must be declared to be invalid, unless paragraph 4 applies, if:

- (a) the application to register the trade mark was pending immediately before IP completion day or filed during the relevant period,

- (b) the use of the trade mark contravenes, or will, if used, contravene, Article 20(2) in relation to a category B geographical indication, and
- (c) in the case of a type 3B geographical indication, the Secretary of State publishes an Article 16 approval notice relating to the geographical indication on or after the day on which the trade mark application is accepted.

4. This paragraph applies where a column 5 date applies in relation to a category A or B geographical indication and, taking account of any priority claimed in respect of an application to register the trade mark referred to in paragraph 1, 2 or 3(a) (as relevant) and on the basis of the information available to the registrar, it appears to the registrar that the date of filing of the trade mark application is earlier than the column 5 date that applies to the relevant category A or B geographical indication.

5. As regards paragraphs 1 and 2, a column 5 date does not apply in relation to a type 2A or 3A geographical indication where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to the geographical indication provides that an application for a trade mark must be refused, regardless of when that application is filed, if the trade mark, if registered, will contravene a provision in the EUIA providing for the protection of the use of the geographical indication.

6. As regards paragraph 3, a column 5 date does not apply in relation to a type 2B or 3B geographical indication where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to the geographical indication provides that the registration of a trade mark must be invalidated if, regardless of when the application that resulted in the registration of the trade mark is filed, the use of the trade mark contravenes a provision in the EUIA providing for the protection of the use of the geographical indication.

7. In a case of a category A or B geographical indication that is not on Great Britain's GIs Register at the time an assessment is carried out under paragraph 1, 2 or 3, the geographical indication is to be treated, for the purpose of the assessment, as being a geographical indication protected under this Regulation in determining whether the use of the trade mark will contravene Article 20(2) in relation to that geographical indication.

8. A trade mark that could be used in the United Kingdom under Article 19(2) of EU Regulation 251/2014 immediately before IP completion day may continue to be used in Great Britain:

- (a) notwithstanding that the use of the trade mark would contravene Article 20(2) of this Regulation in relation to a geographical indication registered by the Secretary of State under this Regulation;
- (b) provided that no grounds for the invalidation or revocation of the trade mark exist in, or under, the TMA.

9. Nothing in this Regulation prevents a trade mark that could be renewed in the United Kingdom pursuant to Article 19(2) of EU Regulation 251/2014 immediately before IP completion day from being renewed after IP completion day:

- (a) notwithstanding that the use of the renewed trade mark would contravene Article 20(2) in Great Britain in relation to a geographical indication registered by the Secretary of State under this Regulation;
- (b) provided that no grounds for the invalidation or revocation of the trade mark exist in, or under, the TMA.

10. Where paragraph 8 or 9 applies to the use or renewal of a trade mark, this does not affect the use of a geographical indication entered on Great Britain's GIs Register by the Secretary of State:

- (a) following a decision by the Secretary of State to grant an application to register the geographical indication submitted under Article 11;
- (b) under the second paragraph of Article 16.

11. In this Article:

- (a) ‘an application to register a trade mark’ means an application to register a trade mark filed under the TMA;
- (b) ‘a category A geographical indication’ means a type 1, 2A or 3A geographical indication;
- (c) ‘a category B geographical indication’ means a type 2B or 3B geographical indication;
- (d) ‘column 5 date’, in relation to a geographical indication that is a category A or B geographical indication, means the date specified, or provided for, in column 5 of the Types Table in the row relating to the relevant type of geographical indication;
- (e) ‘date of filing’:
 - (i) in the case of an EUTM-based trade mark application, means the filing date referred to in paragraph 25(2)(a)(i) of Schedule 2A to the TMA for the existing EUTM application;
 - (ii) in the case of an ITM-based trade mark application, means:
 - (aa) in the case of an application for the registration of a trade mark to which paragraph 28 of Schedule 2B to the TMA applies, the date referred to in paragraph 28(2)(a) of that Schedule for the existing ITM application or existing request for EU extension (as the case may be);
 - (bb) in the case of an application for the registration of a trade mark to which paragraph 29 of Schedule 2B to the TMA applies, the date referred to in paragraph 29(2)(a) of that Schedule for the existing ITM application or existing request for EU extension (as the case may be);
 - (iii) in any other case, has the meaning given by section 33 of the TMA;
- (f) ‘EUTM-based trade mark application’ means an application to register a trade mark to which paragraph 25(1) of Schedule 2A to the TMA applies that is made within the period specified in paragraph 25(2) of that Schedule;
- (g) ‘existing EUTM application’ has the same meaning as in paragraph 24 of Schedule 2A to the TMA;
- (h) ‘existing ITM application’ has the same meaning as in paragraph 27(1)(a) of Schedule 2B to the TMA;
- (i) ‘existing request for EU extension’ has the same meaning as in paragraph 27(1)(b) of Schedule 2B to the TMA;
- (j) ‘ITM-based trade mark application’ means an application to register a trade mark to which paragraph 28(1) or 29(1) of Schedule 2B to the TMA applies that is made within the period specified in paragraph 28(1)(c) or 29(1)(c) (as the case may be) of that Schedule;
- (k) ‘the registrar’ has the meaning given by section 62 of the TMA.

12. Any reference in this Article to:

- (a) ‘priority claimed in respect of an application’:

- (i) in the case of an EUTM-based trade mark application, means any priority claimed in respect of the existing EUTM application referred to in paragraph 25(2)(a)(ii) of Schedule 2A to the TMA;
 - (ii) in the case of an ITM-based trade mark application, means any priority claimed in respect of the existing ITM application or the existing request for EU extension referred to in paragraph 28(2)(b) or 29(2)(b) (as the case may be) of Schedule 2B to the TMA;
 - (iii) in any other case, means any priority claimed in respect of the application pursuant to section 35 of the TMA;
- (b) an application to register a trade mark that was ‘pending immediately before IP completion day’ is a reference to an application that was neither refused, nor resulted in the registration of the trade mark that is the subject of the application, before IP completion day;
- (c) a trade mark includes a reference to:
- (i) a collective mark as defined in section 49(1) of the TMA;
 - (ii) a certification mark as defined in section 50(1) of the TMA.

Article 19b

Application and modification of trade mark provisions

1. For the purpose of Article 19a, the following provisions of the TMA apply, with the modifications, in the case of sections 47(3) and (5), 74(1), 76(1) and 77(1), specified in paragraph 2:

- (a) subsections (3) to (5) and (6) of section 47 (invalidation of trade marks) in relation to an application to invalidate a trade mark referred to in Article 19a(3);
- (b) section 72 (registration to be prima face evidence of validity);
- (c) section 73 (certificate of validity of contested application);
- (d) section 74 (registrar’s appearance in proceedings involving the register of trade marks);
- (e) section 75 (definition of ‘the court’);
- (f) section 76 (appeals) except for subsection (5);
- (g) section 77(1) (persons appointed to hear and determine appeals).

2. The modifications are:

- (a) section 47 applies as if:
 - (i) in subsection (3), in the words before paragraph (a), after ‘invalidity’ there were inserted ‘made under this section, as applied by Article 19b(1) of Regulation (EU) No 251/2014 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products,’;
 - (ii) in subsection (5), for ‘grounds of invalidity exist’ there were substituted ‘ground for invalidity specified in Article 19a(3) of Regulation (EU) No 251/2014 of the European Parliament and of the Council exists’;
- (b) section 74(1) applies as if, for the words from ‘for’ to ‘the registrar’ there were substituted ‘for a declaration of the invalidity of the registration of a trade mark, the registrar’;

- (c) section 76(1) applies as if:
 - (i) in the first paragraph, for the words from ‘under’ to the end there were substituted ‘made under Article 19a of Regulation (EU) No 251/2014 of the European Parliament and of the Council’;
 - (ii) the second paragraph were omitted;
- (d) section 77(1) applies as if, at the end there were inserted ‘as applied by Article 19b(1) of Regulation (EU) No 251/2014 of the European Parliament and of the Council’.

3. In the case of the following proceedings, the rules made under section 68 or 69 of the TMA apply to those proceedings as they apply to proceedings involving an application of the type referred to in section 74(1)(b) of the TMA:

- (a) an application to invalidate a trade mark referred to in Article 19a(3);
- (b) an appeal to an appointed person from a decision of the registrar in relation to an application referred to in paragraph (a).”

PART 4

Article 21: new paragraphs 2 to 10

“2. Where the Secretary of State publishes a decision notice giving notice of the Secretary of State’s decision to confer protection on a geographical indication, the Secretary of State must, as soon as possible after the notice period for the notice has expired:

- (a) record the following data in the register:
 - (i) the registered name (or names) of the product;
 - (ii) the date of protection;
 - (iii) an indication that the name is protected as a geographical indication;
 - (iv) an indication of the permitted country or countries of origin;
- (b) attach a copy of the product specification for the geographical indication to the register.

3. An entry for a geographical indication recorded in the register pursuant to paragraph 2(a) confers the protection provided for in Article 20 and that protection runs from immediately after:

- (a) the entry is recorded in the register, and
- (b) the product specification referred to in paragraph 2(b) has been attached to the register.

4. Where the Secretary of State publishes a decision notice giving notice of the Secretary of State’s decision to approve an amendment to a product specification for a geographical indication that is not minor and the amendment includes a change that affects the information recorded in the register for the geographical indication pursuant to paragraph 2, the Secretary of State must as soon as possible after the notice period for the decision notice has expired:

- (a) delete the original data, and record the new data, in the register, and
- (b) replace the copy of the product specification attached to the register with a copy of the approved amended product specification.

5. The new data recorded in the register pursuant to paragraph 4(a) and the provisions in the approved amended product specification attached to the register pursuant to paragraph 4(b) come into force immediately after:

- (a) the new data is recorded in the register, and
- (b) the copy of the amended product specification is attached to the register.

6. Where the Secretary of State publishes a decision notice giving notice of the Secretary of State's decision to approve an amendment to a product specification for a geographical indication that is not minor and the change in the product specification does not affect the information recorded in the register pursuant to paragraph 2, the Secretary of State must replace the copy of the product specification attached to the register with a copy of the approved amended product specification as soon as possible after the notice period for the decision notice has expired.

7. The approved amended product specification attached to the register pursuant to paragraph 6 comes into force immediately after it is attached to the register.

8. Where the Secretary of State publishes a decision notice giving notice of the Secretary of State's decision to approve a change in a product specification for a geographical indication that is minor, the Secretary of State must replace the copy of the product specification attached to the register with a copy of the approved amended product specification as soon as possible after the notice period for the notice has expired.

9. The approved amended product specification attached to the register pursuant to paragraph 8 comes into force immediately after it is attached to the register.

10. Where the Secretary of State publishes a decision notice giving notice of the Secretary of State's decision to cancel the protection of a geographical indication, the Secretary of State must delete the entry relating to the geographical indication in the register as soon as possible after the notice period for the cancellation decision notice has expired. The cancellation takes effect immediately after the entry is removed from the register.”

PART 5

New Articles 25a and 25b

“Article 25a

Appeals: general

1. An appeal may be made to the FTT against a decision of the Secretary of State specified in column 1 of the table in Annex 2B.
2. Such an appeal may be made:
 - (a) in all cases, by a person specified in the corresponding entry in column 2 of the table in Annex 2B;
 - (b) in the case of a decision affecting an application submitted by the authorities of a third country, by the authorities of that third country.
3. In determining such an appeal, the FTT:
 - (a) must consider the decision appealed against afresh;
 - (b) may take into account evidence that was not available to the Secretary of State.
4. The FTT may:
 - (a) dismiss the appeal, or
 - (b) if it allows the appeal, exercise any power specified in the corresponding entry in column 3 of the table in Annex 2B.

5. Where the FTT remits a matter to the Secretary of State for reconsideration and fresh decision:

- (a) the Secretary of State, after making a fresh decision, must publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that fresh decision and the reasons for that decision;
- (b) the provisions of this article, Article 25b and Annex 2B apply to the fresh decision made by the Secretary of State.

Article 25b

Secretary of State decision to consider a decision afresh and the effect of that decision on an appeal

1. The Secretary of State may, on the Secretary of State's own initiative, consider a decision specified in column 1 of the table in Annex 2B ('the original decision') afresh if evidence becomes available to the Secretary of State after making the original decision that was not available to the Secretary of State at the time of the original decision.

2. Paragraph 1 applies even though an appeal has been made to the FTT in respect of the original decision.

3. Where the Secretary of State decides to consider an original decision afresh in a case where an appeal has been made to the FTT in respect of that decision:

- (a) the Secretary of State must notify the FTT of the Secretary of State's decision to consider the original decision afresh and must publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that decision;
- (b) the appeal to the FTT is suspended until such time as the Secretary of State has made a fresh decision in relation to the matter;
- (c) the Secretary of State must, following the making of the fresh decision, notify the FTT of that decision and must publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that decision and the reasons for that decision.

4. If the Secretary of State makes the same decision again, the appeal to the FTT restarts.

5. If the Secretary of State makes a different decision, the appeal to the FTT ceases unless the FTT directs otherwise."

PART 6

New Article 33

"Article 33

Provisions relating to regulations

1. Any power to make regulations conferred on the Secretary of State by this Regulation is exercisable by statutory instrument.

2. Such regulations may:

- (a) contain supplementary, incidental, consequential, transitional or saving provision (including provision amending, repealing or revoking an enactment);
 - (b) make different provision for different purposes.
3. Except as specified in paragraph 4, a statutory instrument containing regulations under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
4. A statutory instrument containing regulations under Article 4(2), 28 or 32(2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
5. The Secretary of State may not make regulations under Article 4(2) or (3), the first subparagraph of Article 31(2) or Article 32(2) or (3) ('the relevant powers') without the consent of:
- (a) in relation to Scotland, the Scottish Ministers;
 - (b) in relation to Wales, the Welsh Ministers.
6. Where either of the parties mentioned in point (a) or (b) of paragraph 5 requests the Secretary of State to make regulations under any of the relevant powers, the Secretary of State must have regard to that request.
7. In this Article, 'enactment' means the following legislation whenever passed or made:
- (a) an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act, except to the extent that it extends to Northern Ireland;
 - (b) regulations made under retained direct principal EU legislation, except to the extent that they extend to Northern Ireland;
 - (c) retained direct minor EU legislation, except to the extent that it extends to Northern Ireland."

PART 7

Annex 1, point (5): new subparagraph

"In this point, 'relevant water quality legislation' means:

- (a) in relation to aromatised wine products marketed in England:
 - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007;
 - (ii) the Water Supply (Water Quality) Regulations 2016;
 - (iii) the Private Water Supplies (England) Regulations 2016;
- (b) in relation to aromatised wine products marketed in Scotland:
 - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007;
 - (ii) the Public Water Supplies (Scotland) Regulations 2014;
 - (iii) the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017;
- (c) in relation to aromatised wine products marketed in Wales:

- (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015;
- (ii) the Private Water Supplies (Wales) Regulations 2017;
- (iii) the Water Supply (Water Quality) Regulations 2018.”

PART 8

New Annexes 2A and 2B

“ANNEX 2A

TYPES OF GEOGRAPHICAL INDICATION TO WHICH ARTICLE 19A APPLIES

PART A

INTERPRETATION

1. In the table in Part C:
 - (a) ‘the paragraph 1 trade mark application’ means the application to register a trade mark referred to in Article 19a(1);
 - (b) ‘the relevant EUIA-based date’ means the date determined in accordance with Part B;
 - (c) ‘the relevant trade mark application’ means the application to register a trade mark referred to in Article 19a(2) or (3)(a).

PART B

THE RELEVANT EUIA-BASED DATE

2. In the table in Part C, in a case where the relevant EUIA-based date applies, the relevant EUIA-based date means:
 - (a) the date provided for in paragraph 3, or
 - (b) where paragraph 3 does not apply, the date provided for in the relevant point of paragraph 4, as relevant to the geographical indication.
3. In a case where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to a geographical indication contained priority provisions that applied to the geographical indication, the relevant EUIA-based date is the priority date provided for in the EUIA that applied to that geographical indication.
4. In a case of a type 2A, 2B, 3A or 3B geographical indication to which paragraph 3 does not apply, the relevant EUIA-based date is:
 - (a) in a case where the geographical indication was protected in the European Union immediately before IP completion day pursuant to an amendment made to the EUIA (without the need for further action to be taken under the EUIA), the date on which the amendment entered into force;
 - (b) in a case where the geographical indication was protected in the European Union immediately before IP completion day pursuant to a provision in the EUIA that was

- provisionally applied before IP completion day (without the need for further action to be taken under the EUIA), the date on which the provision was provisionally applied;
- (c) in a case where the geographical indication was protected in the European Union immediately before IP completion day pursuant to an amendment made to the EUIA that was provisionally applied before IP completion day (without the need for further action to be taken under the EUIA), the date on which the amendment was provisionally applied;
 - (d) in a case where the geographical indication was protected in the European Union immediately before IP completion day following the submission and processing of a request, or application, for protection or assessment (however described) under a provision in the EUIA providing for such requests, or applications, the date on which the request, or application, for protection or assessment was submitted under the EUIA;
 - (e) in any other case, including a case where the geographical indication was protected in the European Union immediately before IP completion day pursuant to provisions in the EUIA that applied from the date that the EUIA entered into force (without the need for further action to be taken under the EUIA), the date on which the relevant EUIA entered into force.
5. Any reference in this Part to:
- (a) ‘the priority date’ means the date provided for in priority provisions in an EUIA as the date that must be taken into account when determining whether an application for a trade mark may be granted, including:
 - (i) a calendar date specified in the EUIA;
 - (ii) a date relating to the happening of a specified event;
 - (b) ‘priority provisions’ means provisions in an EUIA that governed the relationship between trade marks and geographical indications and that provided (however expressed):
 - (i) that, in the circumstances specified in the EUIA, an application for a trade mark must be refused if the application for the trade mark was filed after a date provided for in the EUIA,
 - (ii) that, in the circumstances specified in the EUIA, the registration of a trade mark must be invalidated if the application that resulted in the registration of that trade mark was filed after a date provided for in the EUIA, or
 - (iii) for both the refusal of applications for trade marks, and the invalidation of the registration of trade marks, as provided for in points (i) and (ii);
 - (c) ‘without the need for further action to be taken under the EUIA’, in relation to a geographical indication protected in the European Union immediately before IP completion day pursuant to an EUIA, means that the provisions in the EUIA providing for the geographical indication to be protected in the European Union did not require:
 - (i) a request or application (however described) to be submitted by the contracting third country under the EUIA in relation to the protection of the geographical indication;
 - (ii) an assessment to be carried out under the EUIA in relation to the geographical indication.

PART C

TYPES OF GEOGRAPHICAL INDICATION (THE TYPES TABLE)

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No.</i>	<i>The name, or a description, of the geographical indication</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
1.	<p>The following geographical indications:</p> <p>(a) Nürnberger Glühwein;</p> <p>(b) Samoborski bermet;</p> <p>(c) Thüringer Glühwein;</p> <p>(d) Vermut di Torino/Vermouth di Torino;</p> <p>(e) Vino Naranja del Condado de Huelva.</p>	Not applicable.	Not applicable.	<p>1. In the case of the following geographical indications, 17th December 1991:</p> <p>(a) Nürnberger Glühwein;</p> <p>(b) Vermut di Torino/Vermouth di Torino.</p> <p>2. In the case of Thüringer Glühwein, 2nd November 1996.</p> <p>3. In the case of Samoborski bermet, 1st July 2013.</p> <p>4. In the case of Vino Naranja del Condado de Huelva, 20th March 2014.</p>
2.	<p>A geographical indication that:</p> <p>(a) relates to a geographical area in a third country,</p> <p>(b) was protected in the European Union immediately before IP completion day</p>	<p>1. A geographical indication that is on Great Britain's GIs Register before the day on which the paragraph 1 trade mark application is accepted or refused and is entered on that</p>	<p>A geographical indication that is not on Great Britain's GIs Register when the relevant trade mark application is accepted but must be protected in Great Britain pursuant to an international agreement to</p>	<p>The relevant EUIA-based date that applies to the geographical indication in relation to the EUIA referred to in point (b) of column 2.</p>

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No.</i>	<i>The name, or a description, of the geographical indication</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
	pursuant to an EUIA to which the European Union and the third country were contracting parties, and (c) must be protected in Great Britain pursuant to an international agreement to which the United Kingdom and the third country are contracting parties.	register pursuant to Article 21(11). 2. A geographical indication that is not on Great Britain's GIs Register before the day on which the paragraph 1 trade mark application is accepted or refused but must be protected in Great Britain pursuant to an international agreement to which the United Kingdom and the third country are contracting parties that enters into force before the day on which the paragraph 1 trade mark application is accepted or refused.	which the United Kingdom and the third country are contracting parties that enters into force on or after the day on which the relevant trade mark application is accepted.	
3.	A geographical indication that: (a) relates to a geographical area in a third country, and (b) was protected in the European Union immediately before IP completion day	1. A geographical indication that is on Great Britain's GIs Register before the day on which the paragraph 1 trade mark application is accepted or refused and is entered on that register following the approval of an application	A geographical indication: (a) that is not on Great Britain's GIs Register when the relevant trade mark application is accepted, and (b) for which an application to protect the	The relevant EUIA-based date that applies to the geographical indication in relation to the EUIA referred to in point (b) of column 2.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No.</i>	<i>The name, or a description, of the geographical indication</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
	pursuant to an EUIA to which the European Union and the third country were contracting parties.	to protect the geographical indication submitted to the Secretary of State under Article 11 during the relevant period. 2. A geographical indication: (a) that is not on Great Britain's GIs Register before the day on which the paragraph 1 trade mark application is accepted or refused, (b) for which an application to protect the geographical indication is submitted to the Secretary of State under Article 11 during the relevant period, and (c) for which an Article 16 approval notice relating to the application is published before the day on which the paragraph 1 trade mark application is	geographical indication is submitted to the Secretary of State under Article 11 during the relevant period and that application: (i) is not submitted before the relevant trade mark application is accepted, or (ii) is submitted before the relevant trade mark application is accepted but for which a notice relating to the application to protect the geographical indication is not published by the Secretary of State under the second paragraph of Article 16 before the relevant trade mark application is accepted.	

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No.</i>	<i>The name, or a description, of the geographical indication</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
		accepted or refused.		

ANNEX 2B

APPEALS

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Decision</i>	<i>Persons who may appeal against the decision</i>	<i>FTT powers</i>
Decision of the Secretary of State to approve an application submitted under Article 11 or 13a to protect a geographical indication.	The persons are: (a) a person who lodges a duly substantiated statement of objection in relation to the application under Article 15; (b) a person marketing a product that is, or may be, affected by the protection of the geographical indication.	Power to: (a) quash the decision and direct the Secretary of State to: (i) remove the entry for the geographical indication from Great Britain's GIs Register, and (ii) remove the copy of the product specification for the geographical indication attached to Great Britain's GIs Register, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to reject an application submitted under Article 11 or 13a to protect a geographical indication.	The persons are: (a) the person who submitted the application; (b) a person marketing a product that is, or may be, affected by the decision not to protect the geographical indication.	Power to: (a) quash the decision and direct the Secretary of State to protect the geographical indication by: (i) making an entry for the geographical indication in Great Britain's GI Register, recording the data specified in

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Decision</i>	<i>Persons who may appeal against the decision</i>	<i>FTT powers</i>
Decision of the Secretary of State to approve an application submitted under Article 24 to amend a product specification for a geographical indication.	The persons are: (a) a person who lodges a duly substantiated statement of objection in relation to the application under Article 15 (as it applies to an application to amend a product specification by virtue of Article 24(2)); (b) a person marketing a product that is, or may be, affected by the amendment of the product specification.	Article 21(2) in the register, and (ii) attaching a copy of the product specification for the geographical indication to Great Britain’s GI Register, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision. Power to: (a) quash the decision and direct the Secretary of State to: (i) restore the data in the entry for the geographical indication in Great Britain’s GI Register (if appropriate); (ii) remove the copy of the amended product specification for the geographical indication attached to Great Britain’s GI Register and replace it with a copy of the product specification for the geographical indication that was attached to the register immediately before the Secretary of State decided to approve the application, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to reject an application submitted under Article 24 to amend a product specification for a geographical indication.	The persons are: (a) the person who submitted the application; (b) a person marketing a product that is, or may be, affected by the decision	Power to: (a) quash the decision and (as appropriate) direct the Secretary of State to: (i) make such change to the data in the entry for the geographical indication in

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Decision</i>	<i>Persons who may appeal against the decision</i>	<i>FTT powers</i>
Decision of the Secretary of State under Article 25, on the Secretary of State's own initiative, to cancel the protection of a geographical indication.	<p>The persons are:</p> <p>(a) a person who lodges a duly substantiated statement of objection in relation to the proposed decision to cancel the geographical indication under Article 15 (as it applies to the cancellation of a geographical indication by virtue of the second paragraph of Article 25);</p> <p>(b) a person marketing a product that is, or may be, affected by the cancellation of the protection of the geographical indication.</p>	<p>Great Britain's GI Register as the amendment to the product specification may entail;</p> <p>(ii) replace the copy of the product specification attached to Great Britain's GIs Register with a copy of the amended product specification, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p> <p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to:</p> <p>(i) restore the entry for the geographical indication in Great Britain's GIs Register, and</p> <p>(ii) reattach to Great Britain's GIs Register a copy of the product specification for the geographical indication that was attached to that register immediately before the Secretary of State decided to cancel the protection of the geographical indication, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p>
Decision of the Secretary of State to approve a request submitted under Article 25 to cancel the protection of a geographical indication.	<p>The persons are:</p> <p>(a) a person who lodges a duly substantiated statement of objection under Article 15 in relation to the request (as it applies to a request to cancel the protection of a geographical indication by</p>	<p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to:</p> <p>(i) restore the entry for the geographical indication in Great Britain's GIs Register, and</p>

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Decision</i>	<i>Persons who may appeal against the decision</i>	<i>FTT powers</i>
Decision of the Secretary of State to reject a request submitted under Article 25 to cancel the protection of a geographical indication.	<p>virtue of the second paragraph of Article 25);</p> <p>(b) a person marketing a product that is, or may be, affected by the cancellation of the protection of the geographical indication.</p> <p>The persons are:</p> <p>(a) the person who submitted the request;</p> <p>(b) a person marketing a product that is, or may be, affected by the decision not to cancel the protection of the geographical indication.</p>	<p>(ii) reattach to Great Britain’s GIs Register a copy of the product specification for the geographical indication that was attached to that register immediately before the Secretary of State decided to cancel the protection of the geographical indication, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p> <p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to:</p> <p>(i) remove the entry for the geographical indication from Great Britain’s GIs Register, and</p> <p>(ii) remove the copy of the product specification for the geographical indication attached to Great Britain’s GIs Register, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.”</p>

SCHEDULE 5

Regulation 22

Commission Delegated Regulation (EU) No 664/2014: new provisions

PART 1

Article 6: new paragraphs 4 to 4o

“4. This paragraph and paragraphs 4a to 4o apply to UK temporary amendments.

A UK temporary amendment is a temporary amendment made to a product specification for a protected designation of origin, protected geographical indication or traditional speciality guaranteed to take account of difficulties that would otherwise arise in connection with the production of a product in the United Kingdom in compliance with the product specification:

- (a) because of the imposition of an obligatory sanitary or phytosanitary measure in the United Kingdom (or any part of the United Kingdom) by, or linked to a natural disaster formally recognised by, the Secretary of State or by;
 - (i) the Environment Agency in a case where, and to the extent that, a relevant geographical area in England is affected;
 - (ii) the Department of Agriculture, Environment and Rural Affairs, or the Department of Health, in a case where, and to the extent that, a relevant geographical area in Northern Ireland is affected;
 - (iii) the Scottish Ministers, Food Standards Scotland or the Scottish Environment Protection Agency, in a case where, and to the extent that, a relevant geographical area in Scotland is affected;
 - (iv) the Welsh Ministers, or the Natural Resources Body for Wales, in a case where, and to the extent that, a relevant geographical area in Wales is affected;
 - (v) the Food Standards Agency in a case where, and to the extent that, a relevant geographical area in England, Northern Ireland or Wales is affected, or
- (b) for reasons linked to adverse weather conditions in the United Kingdom, or any part of the United Kingdom, formally recognised by the Met Office of the Department for Business, Energy and Industrial Strategy.

4a. A UK temporary amendment application must be made to the Secretary of State.

4b. The procedure laid down in Articles 49 to 52 of Regulation (EU) No 1151/2012 does not apply to a UK temporary amendment application.

4c. A UK temporary amendment application may be made by a group having a legitimate interest in the relevant protected designation of origin, protected geographical indication or traditional speciality guaranteed.

4d. If a UK temporary amendment application is not made by the original (protection) applicant, the Secretary of State must give the original (protection) applicant the opportunity to make comments on the UK temporary amendment application if that applicant still exists.

4e. A UK temporary amendment application must:

- (a) describe the amendment applied for,
- (b) be accompanied by a copy of the product specification annotated in a way to show the proposed temporary amendment,
- (c) compare for each amendment—
 - (i) the original product specification against the proposed amended product specification, and
 - (ii) where relevant, the original single document against the proposed amended single document,
- (d) provide a summary of the reasons why an amendment is required, explaining how the circumstances specified in point (a) or (b) of the second subparagraph of paragraph 4 affect the production of a product for which the protected designation of origin, protected geographical indication or traditional speciality guaranteed may be used,
- (e) be accompanied, as the case may be, by:

- (i) evidence of the sanitary or phytosanitary measure or a reference to that measure that will enable the Secretary of State to identify the measure, and easily obtain a copy of it,
 - (ii) a copy of a document issued by the relevant authority recognising the natural disaster or a reference to that document that will enable the Secretary of State to identify the document and easily obtain a copy of it, or
 - (iii) a copy of a document issued by the Met Office of the Department for Business, Energy and Industrial Strategy recognising the adverse weather conditions or a reference to that document that will enable the Secretary of State to identify the document and easily obtain a copy of it,
- (f) provide an estimate, where this is possible, of the period during which it is anticipated that the UK temporary amendment will need to apply, and
- (g) contain all amendments to the product specification, and, where relevant, to the single document, for which approval is sought.

4f. A UK temporary amendment application that does not comply with paragraph 4e is not admissible.

4g. The Secretary of State must inform an applicant if a UK temporary amendment application is inadmissible as soon as reasonably practicable after receiving the application.

4h. The Secretary of State may approve a UK temporary amendment application if the Secretary of State considers that a temporary amendment to the relevant product specification is appropriate.

4i. Where a UK temporary amendment application is approved, the Secretary of State must specify the period for which the UK temporary amendment is to apply.

4j. That period may be specified by reference to a set period of time or may be specified by reference to a period expiring on the happening of an event specified in the decision.

4k. The Secretary of State, in deciding a period during which an approved UK temporary amendment is to apply, must take into account the conditions prevailing at the time the decision to approve the application is taken and, where possible, the period for which the Secretary of State anticipates that those conditions will continue.

4l. The Secretary of State may extend the period during which a UK temporary amendment is to apply on one or more occasions if the Secretary of State considers it is appropriate to do so having regard to the conditions prevailing at the time that decision is made.

4m. After making a decision in relation to a UK temporary amendment application, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State from time to time:

- (a) a notice:
 - (i) informing the applicant, the original applicant (if different) and the public of the decision made in relation to the application and the reasons for that decision, and
 - (ii) providing information about the right to appeal under Article 54a of Regulation (EU) No 1151/2012 and the period within which an appeal may be made, and
- (b) where the application is approved, details of the temporary amendment made to the product specification and the period during which those temporary amendments apply.

4n. Where a UK temporary amendment application is approved and the period during which the temporary amendment is to apply is extended, the Secretary of State must, on each occasion that the period is extended, publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the applicant, the original applicant (if different) and the public of the extension of the period.







4o. In this Article, ‘a UK temporary amendment application’ means an application for a UK temporary amendment.”

PART 2

New Annex

“ANNEX

Quality schemes symbols

<i>Quality symbols</i>	<i>scheme</i>	<i>(1) Protected designation of origin</i>	<i>(2) Protected geographical indication</i>	<i>(3) Traditional speciality guaranteed</i>
Part A				
Coloured				
Part B				
Black and white				

SCHEDULE 6

Regulation 23

Commission Implementing Regulation (EU) No 668/2014: new provisions

PART 1

Article 14: new paragraphs 3 to 3n and 4 to 6

“3. Where the Secretary of State publishes a decision notice relating to a decision of the Secretary of State to approve an amendment to a product specification for a designation of origin, geographical indication or traditional speciality guaranteed that is not minor and the amendment includes a change that affects the information recorded in the relevant register pursuant to paragraph 1 or 2, as relevant, the Secretary of State must, as soon as possible after the notice period relating to the decision notice has expired:

- (a) delete the original data and record the new data in the relevant register;
- (b) replace the copy of the product specification attached to the relevant register with a copy of the approved updated product specification.

3a. The new data recorded in the relevant register pursuant to paragraph 3(a) and the provisions in the approved updated product specification attached to the relevant register pursuant to paragraph 3(b) take effect immediately after:

- (a) the new data relating to the designation of origin, geographical indication or traditional speciality guaranteed is recorded in the relevant register, and
- (b) the copy of the approved updated product specification for the designation of origin, geographical indication or traditional speciality guaranteed is attached to the relevant register.

3b. Where the Secretary of State publishes a decision notice relating to a decision of the Secretary of State to approve an amendment to a product specification for a designation of origin, geographical indication or traditional speciality guaranteed that is not minor and the amendment does not include a change that affects the information recorded in the relevant register pursuant to paragraph 1 or 2, as relevant, the Secretary of State must replace the copy of the product specification attached to the relevant register with a copy of the approved updated product specification as soon as possible after the notice period for the decision notice has expired.

3c. The provisions in the approved updated product specification attached to the register pursuant to paragraph 3b take effect immediately after the approved updated product specification is attached to the relevant register.

3d. Where the Secretary of State publishes a notice under the fifth subparagraph of Article 6(2) of Delegated Regulation (EU) No 664/2014 approving a change in the product specification for a designation of origin, geographical indication or traditional speciality guaranteed that is minor, the Secretary of State must replace the copy of the product specification attached to the relevant register with a copy of the approved updated product specification as soon as possible after the notice period for the notice has expired.

3e. The provisions in the approved updated product specification attached to the register pursuant to paragraph 3d take effect immediately after the approved updated product specification is attached to the relevant register.

3f. Where the Secretary of State publishes a notice under Article 6(4m) of Delegated Regulation (EU) No 664/2014 relating to a UK temporary amendment to a product specification for a designation of origin, geographical indication or traditional speciality guaranteed, the Secretary of State must record an entry in the relevant register relating to the UK temporary amendment as soon as possible after that notice is published.

3g. Based on the information given in the notice published under Article 6(4m) of Delegated Regulation (EU) No 664/2014, the data contained in the entry referred to in paragraph 3f must include the period during which the UK temporary amendment is to apply.

3h. Based on the information given in a notice published under Article 6(4n) of Delegated Regulation (EU) No 664/2014, the period stated in the relevant register pursuant to paragraph 3g as the period during which the UK temporary amendment is to apply must be changed where the period is extended under Article 6(4l) of that Regulation.

3i. The UK temporary amendment referred to in paragraph 3f takes effect immediately after the entry referred to in that paragraph (as read with paragraph 3g) is recorded in the register. From that time, the product specification attached to the relevant register, as read with the UK temporary amendment, applies during the period specified in the relevant register as the period during which the temporary amendment is to apply.

3j. The Secretary of State must remove an entry in Great Britain's PDOs and PGIs Register or Great Britain's TSG Register relating to a UK temporary amendment as soon as possible

after the period specified in the relevant register pursuant to paragraph 3g (as read with paragraph 3h) has expired.

3k. Where the Secretary of State publishes a notice relating to a temporary amendment to a product specification for a designation of origin, geographical indication or traditional speciality guaranteed concerning a product originating in a third country under Article 6(3b) of Delegated Regulation (EU) No 664/2014 ('a third country temporary amendment'), the Secretary of State must record an entry in the relevant register relating to the third country temporary amendment as soon as possible after publishing that notice.

3l. Based on the information given in the notice published under Article 6(3b) of Delegated Regulation (EU) No 664/2014, the data contained in the entry referred to in paragraph 3k must include the period during which the third country temporary amendment is to apply.

3m. The third country temporary amendment referred to in paragraph 3k takes effect immediately after the entry referred to in paragraph 3k is recorded in the relevant register. From that time, the product specification attached to the register, as read with the third country temporary amendment, applies during the period specified in the register pursuant to paragraph 3l.

3n. The Secretary of State must remove an entry in Great Britain's PDOs and PGIs Register or Great Britain's TSG Register relating to a third country temporary amendment as soon as possible after the period specified in the relevant register pursuant to paragraph 3l has expired.

4. Where the Secretary of State publishes a decision notice relating to a decision of the Secretary of State to cancel a protected designation of origin, protected geographical indication or traditional speciality guaranteed, the Secretary of State must delete the entry relating to the designation of origin, geographical indication or traditional speciality guaranteed in the relevant register as soon as possible after the notice period has expired. The cancellation takes effect immediately after the entry in the relevant register is deleted from the register.

5. In this Article:

(a) 'decision notice':

(i) in paragraph 3 and 3b means a notice published under Article 52(4) of Regulation (EU) No 1151/2012 as it applies to an application for an amendment to a product specification that is not minor by virtue of the first subparagraph of Article 53(2) of Regulation (EU) No 1151/2012;

(ii) in paragraph 4 means a notice published under Article 52(4) of Regulation (EU) No 1151/2012 as it applies to cancellations by virtue of Article 7(1) of Delegated Regulation (EU) No 664/2014;

(b) 'Great Britain's TSGs Register' means the register established and maintained by the Secretary of State under Article 22(1) of Regulation (EU) No 1151/2012;

(c) in relation to a notice referred to in this Article, 'notice period' means the period of 20 days from the day on which the relevant notice is published by the Secretary of State, beginning with the day on which the notice is published.

6. In this Article a reference to 'the information recorded in the relevant register pursuant to paragraph 1 or 2' means the information recorded in Great Britain's PDOs and PGIs Register pursuant to paragraph 1 or Great Britain's TSG Register pursuant to paragraph 2, as relevant, or, where that information has been amended, that information as amended from time to time."

PART 2

New Articles 14a and 14b

“Article 14a

Register: established protected designations of origin and established protected geographical indications

1. The Secretary of State must include the relevant data for each established protected designation of origin and established protected geographical indication in Great Britain’s PDOs and PGIs Register.

2. The Secretary of State must include the relevant data referred to in paragraph 1 in Great Britain’s PDOs and PGIs Register at the time the register is established by the Secretary of State under Article 11 of Regulation (EU) No 1151/2012 or as soon as possible after the register has been established by the Secretary of State.

3. The Secretary of State must use the Secretary of State’s best endeavours in relation to each established protected designation of origin and established protected geographical indication to obtain a copy of the EU product specification for the corresponding EU designation of origin or corresponding EU geographical indication, and attach that document to Great Britain’s PDOs and PGIs Register.

4. Where the EU product specification for a corresponding EU designation of origin or corresponding EU geographical indication is in a foreign language the Secretary of State must attach an English language translation of that product specification to the register instead of the foreign language version of the product specification.

5. The Secretary of State must attach the product specification referred to in paragraph 3 (as read with paragraph 4) to Great Britain’s PDOs and PGIs Register at the time when the register is established by the Secretary of State under Article 11 of Regulation (EU) No 1151/2012 or as soon as possible after the register has been established by the Secretary of State.

6. The EU product specification attached to Great Britain’s PDOs and PGIs Register pursuant to paragraph 3 (as read with paragraph 4) must be treated as the product specification for the relevant established protected designation of origin or established protected geographical indication for the purposes of the relevant legislation relating to the GB agri-food scheme.

7. Paragraph 6 does not prevent a product specification attached to Great Britain’s PDOs and PGIs Register pursuant to paragraph 3 (as read with paragraph 4) and treated as a product specification for an established protected designation of origin or established protected geographical indication by virtue of paragraph 6 from being amended under Article 53 of Regulation (EU) No 1151/2012.

8. Where paragraph 9 applies, the Secretary of State may, in relation to an established protected designation of origin or established protected geographical indication, attach a copy of an EU single document for the corresponding EU designation of origin or corresponding EU geographical indication to the register.

9. This paragraph applies if, in relation to an established protected designation of origin or established protected geographical indication, the Secretary of State is unable to obtain a copy of the EU product specification for the corresponding EU designation of origin or corresponding EU geographical indication within three years beginning with the day after the day on which IP completion day falls.

10. Where the Secretary of State decides to attach an EU single document for a corresponding EU designation of origin or corresponding EU geographical indication to Great Britain's PDOs and PGIs Register under paragraph 8 and that EU single document is in a foreign language, the Secretary of State must attach an English language translation of that single document to the register instead of the foreign language version of that document.

11. The copy of the EU single document attached to the register pursuant to paragraph 8 (as read with paragraph 10) is to be treated as the product specification for the relevant established protected designation of origin or established protected geographical indication for the purposes of the relevant legislation relating to the GB agri-food scheme.

12. Paragraph 11 does not prevent a single document attached to Great Britain's PDOs and PGIs Register pursuant to paragraph 8 (as read with paragraph 10) and treated as a product specification for an established protected designation of origin or established protected geographical indication by virtue of paragraph 11 from being amended under Article 53 of Regulation (EU) No 1151/2012.

13. In this Article:

- (a) 'the corresponding EU designation of origin', in relation to an established protected designation of origin, means the designation of origin that was protected in the European Union under EU Regulation 1151/2012 immediately before IP completion day that corresponds to the established protected designation of origin;
- (b) 'the corresponding EU geographical indication' in relation to an established protected geographical indication means the geographical indication that was protected in the European Union under EU Regulation 1151/2012 immediately before IP completion day that corresponds to the established protected geographical indication;
- (c) 'established protected designation of origin' has the meaning given in Article 3(18) of Regulation (EU) No 1151/2012;
- (d) 'established protected geographical indication' has the meaning given in Article 3(19) of Regulation (EU) No 1151/2012;
- (e) 'the relevant data', in relation to an established protected designation of origin or established protected geographical indication, means the data specified in Article 14(1)(a), (b), (d) and (e) of EU Regulation 668/2014 that was recorded in the European Union's PDOs and PGIs Register immediately before IP completion day for the corresponding EU designation of origin or corresponding EU geographical indication;
- (f) 'the relevant legislation relating to the GB agri-food scheme' means:
 - (i) Regulation (EU) No 1151/2012,
 - (ii) Delegated Regulation (EU) No 664/2014, and
 - (iii) this Regulation.

14. In this Article any reference to:

- (a) the EU product specification for a corresponding EU designation of origin or corresponding EU geographical indication is to be read as a reference to the product specification for the corresponding EU designation of origin or corresponding EU geographical indication as that product specification stood immediately before IP completion day;
- (b) the EU single document for a corresponding EU designation of origin or corresponding EU geographical indication is to be read as a reference to the single document for the corresponding EU designation of origin or corresponding

EU geographical indication as that single document stood immediately before IP completion day.

Article 14b

Register: established protected traditional specialities guaranteed

1. The Secretary of State must include the relevant data for each established protected traditional speciality guaranteed in the register established by the Secretary of State pursuant to Article 22 of Regulation (EU) No 1151/2012 at the time when the register is established by the Secretary of State pursuant to that Article or as soon as possible after the register has been established by the Secretary of State.

2. In this Article:

- (a) ‘the corresponding EU traditional speciality guaranteed’, in relation to an established protected traditional speciality guaranteed, means the traditional speciality guaranteed that was protected in the European Union under EU Regulation 1151/2012 immediately before IP completion day that corresponds to the established protected traditional speciality guaranteed;
- (b) ‘established protected traditional speciality guaranteed’ has the meaning given in Article 3(20) of Regulation (EU) No 1151/2012;
- (c) ‘the relevant data’, in relation to an established protected traditional speciality guaranteed, means the data specified in Article 14(2)(a) and (b) and (d) to (f) of EU Regulation 668/2014 that was recorded in the European Union’s TSGs Register immediately before IP completion day for the corresponding EU traditional speciality guaranteed;
- (d) ‘the European Commission’s TSGs Register’ means the register maintained by the European Commission pursuant to Article 22 of EU Regulation 1151/2012.”

SCHEDULE 7

Regulation 24

Commission Delegated Regulation (EU) 2018/273: new provisions

PART 1

Annex 6, Part 2, Section A: new template for the wine export certificate referred to in Article 12(1)(b)

<p>GREAT BRITAIN</p> <p>WINE EXPORT CERTIFICATE</p> <p>For wines exported from Great Britain to ...</p> <p>This is a multi-purpose certificate, established in accordance with Article 12 of Delegated Regulation (EU) 2018/273 (as incorporated into the law of Great Britain by the European Union (Withdrawal) Act 2018), as amended, for use as:</p> <p style="text-align: center;"><u>Certificate of Origin, Certificate of Health and Certificate of Authenticity</u></p>	
<p>2. Consignor:</p> <p>2a. Identification:</p>	<p>A. Exporter:</p> <p>Aa. Identification:</p>

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 No. 1637

3. Place of dispatch:	A1. Premises:	
5. Identity of means of transport (nature):	6. Reference:	
B. Importer:		Ba. Place of delivery:
17p. Description:	17df. Quantity (Litres):	Details:
<p>17l. Certification:</p> <p><i>I, undersigned, responsible for these products for export, certify the following information:</i></p> <ul style="list-style-type: none"> <i>– the products listed above were produced and bottled in Great Britain/in</i> <i>– all the products comply with the provisions governing the production and release of products for direct human consumption under the law in Great Britain;</i> <i>– the products were produced by normal and approved methods of production and not specifically for the purpose of export and the products are authentic and are fit for human consumption in Great Britain;</i> <i>– the products listed above were produced and bottled in compliance with the law in the Great Britain as wines with:</i> <p><input type="checkbox"/> <i>protected designation of origin (PDO) or protected geographical indication (PGI) registered in Great Britain’s PDOs and PGIs Register for wine established and maintained in Great Britain in accordance with Article 104 of Regulation (EU) No 1308/2013 (as incorporated into the law of Great Britain by the European Union (Withdrawal) Act 2018), as amended, (‘Regulation (EU) No 1308/2013’);</i></p> <p><input type="checkbox"/> <i>indication of the vintage year in accordance with the rules provided for in Article 120 of Regulation (EU) No 1308/2013;</i></p> <p><input type="checkbox"/> <i>indication of the wine grape variety(ies) (‘varietal wines’) in accordance with the rules provided for in Articles 81 and 120 of Regulation (EU) No 1308/2013.</i></p> <p>Complementary certification (optional)</p>		

<p>10. The control authorities confirm that the consignor of the wine products described in this certificate is registered by and attached to with the obligation that all wine products must be registered and subject to supervision and inspection by the competent authorities.</p>	
<p>18. Signature: Date:</p> <p>Name and title:</p>	<p>18a. Unique administrative reference assigned by the competent authorities:</p> <p>(Article 11(4) of Delegated Regulation (EU) 2018/273) ARC</p>
<p>The consignor or representative certifying the above information (Article 12(2) of Delegated Regulation (EU) 2018/273):</p>	

PART 2

Annex 7: new Parts 1 and 2

“PART 1

Specimen of the VI-1 document referred to in Article 22

1. Exporter (name and address)	THIRD COUNTRY OF ISSUE: VI 1 Serial No DOCUMENT FOR THE IMPORT OF WINE, GRAPE JUICE OR GRAPE MUST INTO GREAT BRITAIN
2. Consignee (name and address)	3. Customs stamp (for official use only)
4. Means of transport and transport details	5. Place of unloading (if different from 2)

6. Description of the imported product	7. Quantity in l/hl/kg ⁽¹⁾
	8. Number of containers
<p>9. CERTIFICATE</p> <p>The product described above ⁽²⁾ <input type="checkbox"/> is/ <input type="checkbox"/> is not intended for direct human consumption, complies with the definitions or categories of grapevine products that apply in Great Britain and has been produced using oenological practices ⁽²⁾ <input type="checkbox"/> recommended and published by the OIV/<input type="checkbox"/> authorised for use in Great Britain.</p> <p>Full name and address of the competent body: _____ Place and date: _____</p> <p>Stamp: _____ Signature, name and title of the official: _____</p>	
<p>10. ANALYSIS REPORT (describing the analytical characteristics of the product described above)</p> <p>FOR GRAPE MUST AND GRAPE JUICE</p> <p>— Density: _____</p> <p>FOR WINE AND GRAPE MUST STILL IN FERMENTATION</p> <p>— Total alcoholic strength: _____ — Actual alcoholic strength: _____</p> <p>FOR ALL PRODUCTS</p> <p>— Total dry extract: _____ — Total sulphur dioxide: _____</p> <p>— Total acidity: _____ — Volatile acidity: _____ — Citric acidity: _____</p> <p>Full name and address of the designated body or department (laboratory)</p> <p style="text-align: center;">75</p>	

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 No. 1637*

Stamp:	Place and date:
	Signature, name and title of official:

⁽¹⁾ Delete as appropriate.

⁽²⁾ Put an 'X' in the appropriate box.

Attribution (entry into free circulation and issue of extracts)

Quantity	11. No and date of the customs document of release into free circulation and of the extract	12. Full name and address of consignee (extract)	13. Stamp of the competent authority
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
14. Other remarks			

PART 2

Specimen of the VI-2 document referred to in Article 22

GREAT BRITAIN	
1. Consignor (name and address)	VI 2 Serial No EXTRACT OF A DOCUMENT FOR THE IMPORT OF WINE, GRAPE JUICE OR GRAPE MUST INTO GREAT BRITAIN
2. Consignee (name and address)	
3. Extract VI 1 document No Issued by (name of third country): On:	4. Extract of VI 2 extract No Stamped by (full name and address of the customs office within Great Britain): On:
5. Description of the imported product	6. Quantity in l/hl/kg ⁽¹⁾
	7. Number of containers
<p>8. CONSIGNOR'S DECLARATION⁽²⁾ The VI 1 document referred to in box 3 <input type="checkbox"/> /The extract referred to in box 4 <input type="checkbox"/> was completed in respect of the product described above and comprises: <input type="checkbox"/> a CERTIFICATE to the effect that the product described above <input type="checkbox"/> is/<input type="checkbox"/> is not intended for direct human consumption, complies with the definitions or categories of grapevine products that apply in Great Britain and has been produced using oenological practices ⁽²⁾ <input type="checkbox"/> recommended and published by the OIV/ <input type="checkbox"/> authorised for use in Great Britain. <input type="checkbox"/> an ANALYSIS REPORT showing that the product has the following analytical characteristics:</p> <p>FOR GRAPE MUST AND GRAPE JUICE — Density:</p>	

FOR WINE AND GRAPE MUST STILL IN FERMENTATION		
— Total alcoholic strength:		— Actual alcoholic strength:
FOR ALL PRODUCTS		
— Total dry extract:		— Total sulphur dioxide:
— Total acidity:	— Volatile acidity:	— Citric acidity:
<input type="checkbox"/> an ENDORSEMENT ⁽²⁾ from the competent authority certifying that:		
— the wine covered by this document is certified as having been produced in the wine-growing region and was given the geographical indication shown in box 5 in accordance with the provisions of the country of origin.		
— the alcohol added to this wine is certified as being wine alcohol.		
Signature:		
9. CUSTOMS		
Declaration certified as true Place and date:	Stamp:	Full name and address of the customs office concerned:
Signature:		

⁽¹⁾ Delete as appropriate.

⁽²⁾ Put an 'X' in the appropriate box.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 No. 1637*

Attribution (entry into free circulation and issue of extracts)

Quantity	10. No and date of the customs document of release into free circulation and of the extract	11. Full name and address of consignee (extract)	12. Stamp of the competent authority
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
13. Other remarks			

SCHEDULE 8

Regulation 26

Commission Delegated Regulation (EU) 2019/33: new provisions

PART 1

New Articles 1a and 1b

“Article 1a

Definitions

In this Regulation:

- (a) ‘the 1990 Act’ means the Food Safety Act 1990;
- (b) ‘the EUWA’ means the European Union (Withdrawal) Act 2018;
- (c) ‘Regulation 607/2009’ means [Commission Regulation \(EC\) No 607/2009](#) laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products;
- (d) ‘EU Regulation 2019/33’ means Commission Delegated Regulation (EU) 2019/33 supplementing 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, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation as it had effect before IP completion day;
- (e) ‘the appropriate authority’ means:
 - (i) in relation to England, the Secretary of State;
 - (ii) in relation to Scotland, the Scottish Ministers;
 - (iii) in relation to Wales, the Welsh Ministers;
- (f) ‘an Article 115(2) approval notice’ means a notice published under the second subparagraph of Article 115(2) of Regulation (EU) No 1308/2013 relating to a decision of the Secretary of State to approve an application to protect a traditional term;
- (g) ‘constituent nation’ means England, Northern Ireland, Scotland or Wales as the case may be;
- (h) ‘country’, in relation to the United Kingdom, means the United Kingdom as a whole and does not mean an individual constituent nation forming part of the United Kingdom;
- (i) ‘enters into force’, in relation to a reference to an international agreement, includes, where the provisional application of that agreement is agreed between the parties before it enters into force, the provisional application of the agreement and ‘entry into force’ is to be construed accordingly;
- (j) ‘established protected traditional terms’ means traditional terms within the meaning of Article 112 of Regulation (EU) No 1308/2013 to which Article 54(2) of the EU withdrawal agreement applies;
- (k) ‘EUIA’ means an international agreement made between the European Union and a third country that provides for the protection of a traditional term used in the third country in the European Union;
- (l) ‘FTT’ means the First-tier Tribunal;

- (m) ‘Great Britain’s Traditional Terms Register’ mean the register referred to in Article 25 of Implementing Regulation (EU) 2019/34;
- (n) ‘the original applicant’, in a case where an appeal has been made in respect of a decision made by the Secretary of State in relation to a traditional term following the submission of an application under Article 21 of Implementing Regulation (EU) 2019/34 or Article 34 of this Regulation, or a request made under Article 35 of this Regulation, means the person who submitted the application or request;
- (o) ‘the original (protection) applicant’, in relation to a traditional term protected under Article 113 of Regulation (EU) No 1308/2013 following the approval of an application submitted to the Secretary of State under Article 21 of Implementing Regulation (EU) 2019/34, means the person who submitted that application;
- (p) ‘the relevant period’ means the period beginning on IP completion day and expiring at the end of the day that falls nine months after the day on which IP completion day falls;
- (q) ‘third country’ means a country, other than the United Kingdom, and, except in the definition of ‘EUIA’ in point (k) of this Article and in Annex A1, includes:
 - (i) the Bailiwick of Guernsey;
 - (ii) the Bailiwick of Jersey;
 - (iii) the Isle of Man;
- (r) ‘third country standard amendment’ has the meaning given by Article 14(2c);
- (s) ‘third country temporary amendment’ has the meaning given by Article 14(2d);
- (t) ‘the TMA’ means the Trade Marks Act 1994;
- (u) ‘the Types Table’ means the table in Part C of Annex A1;
- (v) ‘UK standard amendment’ has the meaning given by Article 14(2a);
- (w) ‘UK temporary amendment’ has the meaning given by Article 14(2b).

Article 1b

Definitions: types of traditional term

In Article 32a and Annex A1 any reference to:

- (a) ‘a type 1 traditional term’ means a traditional term of a type described in column 2 of row 1 of the Types Table;
- (b) ‘a type 2A traditional term’ means a traditional term of the type described in column 2 of row 2 of the Types Table to which paragraph 1 or 2 in column 3 of that row applies;
- (c) ‘a type 2B traditional term’ means a traditional term of the type described in column 2 of row 2 of the Types Table to which the provisions in column 4 of that row apply;
- (d) ‘a type 3A traditional term’ means a traditional term of the type described in column 2 of row 3 of the Types Table to which paragraph 1 or 2 in column 3 of that row applies;
- (e) ‘a type 3B traditional term’ means a traditional term of the type described in column 2 of row 3 of the Types Table to which the provisions in column 4 of that row apply;
- (f) ‘a type 4A traditional term’ means a traditional term of the type described in column 2 of row 4 of the Types Table to which paragraph 1 or 2 in column 3 of row 3 of that table applies;
- (g) ‘a type 4B traditional term’ means a traditional term of the type described in column 2 of row 4 of the Types Table to which the provisions in column 4 of row 3 of that table apply;

- (h) ‘a type 5A traditional term’ means a traditional term of the type described in column 2 of row 5 of the Types Table to which paragraph 1 or 2 in column 3 of row 3 of that table applies;
- (i) ‘a type 5B traditional term’ means a traditional term of the type described in column 2 of row 5 of the Types Table to which the provisions in column 4 of row 3 of that table apply.”

PART 2

Article 18: new paragraphs 1 to 1n

“**1.** Paragraphs 1a to 1n apply to an application for a UK temporary amendment to a product specification for a protected designation of origin or protected geographical indication (‘a UK temporary amendment application’).

1a. A UK temporary amendment application must be made to the Secretary of State.

1b. The procedures laid down in Articles 94 and 97 to 99 of Regulation (EU) No 1308/2013 do not apply to a UK temporary amendment application.

1c. A UK temporary amendment application may be made by a group of producers having a legitimate interest in the relevant protected designation of origin or protected geographical indication unless the application to register the designation of origin or geographical indication was made by a single applicant, in which case the temporary amendment application may be made by that person.

1d. If a UK temporary amendment application is not made by the original (protection) applicant, the Secretary of State must give the original (protection) applicant the opportunity to make comments on the application if that applicant still exists.

1e. A UK temporary amendment application must:

- (a) describe the amendment applied for,
- (b) be accompanied by a copy of the product specification and, where relevant, the single document, showing the proposed temporary amendment,
- (c) compare for each amendment:
 - (i) the original product specification against the proposed modified product specification, and
 - (ii) where relevant, the original single document against the proposed modified single document,
- (d) provide an explanation of why the temporary amendment is needed, and
- (e) provide an estimate, where this is possible, of how long it is anticipated that the temporary amendment will be needed for.

1f. A UK temporary amendment application that does not comply with paragraph 1e is inadmissible.

1g. Where a UK temporary amendment application is inadmissible, the Secretary of State must inform the applicant that the application is inadmissible as soon as reasonably practicable after receiving the application.

1h. The Secretary of State may approve a UK temporary amendment application if the Secretary of State considers that a temporary amendment to the product specification is appropriate.

1i. Where a UK temporary amendment application is approved, the Secretary of State must specify the period during which the temporary amendment is to apply.

1j. The period during which an approved temporary amendment is to apply may be specified by reference to a set period of time or may be specified by reference to the happening of a specified event.

1k. The Secretary of State, in deciding the period for which an approved temporary amendment is to apply, must take into account the conditions prevailing at the time the decision to approve the application is taken and, where possible, the period for which the Secretary of State anticipates that those conditions will continue.

1l. The Secretary of State may, on an application by a group of producers or single applicant who made a UK temporary amendment application under paragraph 1a, as read with paragraph 1c, extend the period during which a relevant approved temporary amendment is to apply on one or more occasions if the Secretary of State considers that it is appropriate to do so having regard to the conditions prevailing at the time that decision is made.

1m. After making a decision on a UK temporary amendment application, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State from time to time:

- (a) a notice:
 - (i) informing the applicant, the original (protection) applicant (if different) and the public of the decision made in relation to the application and the reasons for that decision, and
 - (ii) providing information about the right to appeal under Article 39a against the decision and the period within which an appeal may be made, and
- (b) where the application is approved, details of the approved temporary amendment and the period during which that temporary amendment is to apply.

1n. Where a UK temporary amendment application is approved and the period during which the temporary amendment is to apply is extended, the Secretary of State must, on each occasion the period is extended, publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the applicant, the original (protection) applicant (if different) and the public that the period has been extended and the reasons for that decision and specifying the extended period during which the temporary amendment is to apply.”

PART 3

New Articles 32a and 32b

“Article 32a

Transitional provision: relationship with trade marks

1. Unless paragraph 4 applies, an application to register a trade mark that was pending immediately before IP completion day or filed during the relevant period must be refused where, if the trade mark is registered, the use of the trade mark will not respect the definition in Article 112 of Regulation (EU) No 1308/2013 and the conditions of use in Article 113 of that Regulation in relation to a category A traditional term.

2. Unless paragraph 4 applies, an application to register a trade mark that was pending immediately before IP completion day or filed during the relevant period must be refused where:

- (a) if the trade mark is registered, the use of the trade mark will not respect the definition in Article 112 of Regulation (EU) No 1308/2013 and conditions of use in Article 113 of that Regulation in relation to a category B traditional term, and
 - (b) after the application for the trade mark is accepted but before the trade mark is registered:
 - (i) in the case of a type 2B traditional term:
 - (aa) the international agreement referred to in paragraph (c) of column 2 of row 2 of the Types Table enters into force, and
 - (bb) the entry into force of the international agreement is brought to the attention of the registrar before the trade mark is registered;
 - (ii) in the case of any other category B traditional term:
 - (aa) the Secretary of State publishes an Article 115(2) approval notice relating to the traditional term, and
 - (bb) the Article 115(2) approval notice is brought to the attention of the registrar before the trade mark is registered.
- 3.** Where an application for a declaration of invalidity is made under the TMA (as applied by Article 32b(1) and modified by Article 32b(2)) in relation to the registration of a trade mark, the registration of the trade mark must be declared to be invalid, unless paragraph 4 applies, if:
- (a) the application to register the trade mark was pending immediately before IP completion day or filed during the relevant period,
 - (b) the use of the trade mark does not, or will not, if used, respect the definition in Article 112 of Regulation (EU) No 1308/2013 and conditions of use in Article 113 of that Regulation in relation to a category B traditional term, and
 - (c) in the case of a type 3B, 4B or 5B traditional term, the Secretary of State publishes an Article 115(2) approval notice relating to the traditional term on or after the day on which the trade mark application is accepted.
- 4.** This paragraph applies where a column 5 date applies in relation to a category A or B traditional term and, taking account of any priority claimed in respect of an application to register the trade mark referred to in paragraph 1, 2 or 3(a) (as relevant) and on the basis of the information available to the registrar, it appears to the registrar that the date of filing of the trade mark application is earlier than the column 5 date that applies to the relevant traditional term.
- 5.** As regards paragraphs 1 and 2, a column 5 date does not apply in relation to a type 2A, 3A or 4A traditional term where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to the traditional term provides that an application for a trade mark must be refused, regardless of when that application is filed, if the trade mark, if registered, will contravene a provision in the EUIA providing for the protection of the use of the traditional term.
- 6.** As regards paragraph 3, a column 5 date does not apply in relation to a type 2B, 3B or 4B traditional term where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to the traditional term provides that the registration of a trade mark must be invalidated if, regardless of when the application that resulted in the registration of the trade mark is filed, the use of the trade mark contravenes a provision in the EUIA providing for the protection of the use of the traditional term.
- 7.** Where a traditional term falls within the definition of more than one type of traditional term in Article 1b, the column 5 date to be taken into account for the purpose of paragraph 4 is the earliest of the column 5 dates for the relevant types of traditional term.

8. In a case of a category A or B traditional term that is not on Great Britain's Traditional Terms Register at the time an assessment is carried out under paragraph 1, 2 or 3, the traditional term is to be treated, for the purpose of the assessment, as being a protected traditional term in determining whether the use of the trade mark will contravene Article 113 in relation to that traditional term.

9. A trade mark that could be used under Article 32(3) of EU Regulation 2019/33 in the United Kingdom immediately before IP completion day may continue to be used in Great Britain on and after IP completion day:

- (a) notwithstanding that the use of the trade mark would not respect the definition in Article 112 of Regulation (EU) No 1308/2013 and conditions of use in Article 113 of that Regulation in relation to a traditional term registered by the Secretary of State under this Regulation;
- (b) provided that no grounds for the invalidation or revocation of the trade mark exist in, or under, the TMA.

10. Nothing in this Regulation prevents a trade mark that could be renewed in the United Kingdom pursuant to Article 32(3) of EU Regulation 2019/33 immediately before IP completion day from being renewed after IP completion day:

- (a) notwithstanding that the use of the renewed trade mark would not respect the definition in Article 112 of Regulation (EU) No 1308/2013 and conditions of use in Article 113 of that Regulation in relation to a traditional term registered by the Secretary of State under this Regulation;
- (b) provided that no grounds for the invalidation or revocation of the trade mark exist in, or under, the TMA.

11. Where paragraph 9 or 10 applies to the use or renewal of a trade mark, this does not affect the use of:

- (a) an established protected traditional term entered on Great Britain's Traditional Terms Register pursuant to Article 39;
- (b) a traditional term entered on Great Britain's Traditional Terms Register by the Secretary of State following a decision by the Secretary of State to approve an application to protect the traditional term submitted under Article 21 of Implementing Regulation (EU) 2019/34;
- (c) a traditional term entered on Great Britain's Traditional Terms Register by the Secretary of State under Article 25(3) of Implementing Regulation (EU) 2019/34.

12. In this Article:

- (a) 'an application to register a trade mark' means an application to register a trade mark filed under the TMA;
- (b) 'a category A traditional term' means a type 1, 2A, 3A, 4A or 5A traditional term;
- (c) 'a category B traditional term' means a type 2B, 3B, 4B or 5B traditional term;
- (d) 'column 5 date', in relation to a traditional term that is a category A or B traditional term, means the date specified, or provided for, in column 5 of the Types Table in the row relating to the relevant type of traditional term;
- (e) 'date of filing':
 - (i) in the case of an EUTM-based trade mark application, means the filing date referred to in paragraph 25(2)(a)(i) of Schedule 2A to the TMA for the existing EUTM application;
 - (ii) in the case of an ITM-based trade mark application, means:

- (aa) in the case of an application for the registration of a trade mark to which paragraph 28 of Schedule 2B to the TMA applies, the date referred to in paragraph 28(2)(a) of that Schedule for the existing ITM application or existing request for EU extension (as the case may be);
 - (bb) in the case of an application for the registration of a trade mark to which paragraph 29 of Schedule 2B to the TMA applies, the date referred to in paragraph 29(2)(a) of that Schedule for the existing ITM application or existing request for EU extension (as the case may be);
 - (iii) in any other case, has the meaning given by section 33 of the TMA;
 - (f) ‘EUTM-based trade mark application’ means an application to register a trade mark to which paragraph 25(1) of Schedule 2A to the TMA applies that is made within the period specified in paragraph 25(2) of that Schedule;
 - (g) ‘existing EUTM application’ has the same meaning as in paragraph 24 of Schedule 2A to the TMA;
 - (h) ‘existing ITM application’ has the same meaning as in paragraph 27(1)(a) of Schedule 2B to the TMA;
 - (i) ‘existing request for EU extension’ has the same meaning as in paragraph 27(1)(b) of Schedule 2B to the TMA;
 - (j) ‘ITM-based trade mark application’ means an application to register a trade mark to which paragraph 28(1) or 29(1) of Schedule 2B to the TMA applies that is made within the period specified in paragraph 28(1)(c) or 29(1)(c) (as the case may be) of that Schedule;
 - (k) ‘the registrar’ has the meaning given by section 62 of the TMA.
- 13.** Any reference in this Article to:
- (a) ‘priority claimed in respect of an application’:
 - (i) in the case of an EUTM-based trade mark application, means any priority claimed in respect of the existing EUTM application referred to in paragraph 25(2)(a)(ii) of Schedule 2A to the TMA;
 - (ii) in the case of an ITM-based trade mark application, means any priority claimed in respect of the existing ITM application or the existing request for EU extension referred to in paragraph 28(2)(b) or 29(2)(b) (as the case may be) of Schedule 2B to the TMA;
 - (iii) in any other case, means any priority claimed in respect of the application pursuant to section 35 of the TMA;
 - (b) an application to register a trade mark that was ‘pending immediately before IP completion day’ is a reference to an application that was neither refused, nor resulted in the registration of the trade mark that is the subject of the application, before IP completion day;
 - (c) a trade mark includes a reference to:
 - (i) a collective mark as defined in section 49(1) of the TMA;
 - (ii) a certification mark as defined in section 50(1) of the TMA.

Article 32b

Application and modification of trade mark provisions

1. For the purpose of Article 32a, the following provisions of the TMA apply, with the modifications, in the case of sections 47(3) and (5), 74(1), 76(1) and 77(1), specified in paragraph 2:

- (a) subsections (3) to (5) and (6) of section 47 (invalidation of trade marks) in relation to an application to invalidate a trade mark referred to in Article 32a(3);
- (b) section 72 (registration to be prima face evidence of validity);
- (c) section 73 (certificate of validity of contested application);
- (d) section 74 (registrar's appearance in proceedings involving the register of trade marks);
- (e) section 75 (definition of 'the court');
- (f) section 76 (appeals) except for subsection (5);
- (g) section 77(1) (persons appointed to hear and determine appeals).

2. The modifications are:

- (a) section 47 applies as if:
 - (i) in subsection (3), in the words before paragraph (a), after 'invalidity' there were inserted 'made under this section, as applied by Article 32b(1) of Commission Delegated Regulation (EU) 2019/33 supplementing 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, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation,';
 - (ii) in subsection (5), for 'grounds of invalidity' there were substituted 'ground for invalidity specified in Article 32a(3) of Commission Delegated Regulation (EU) 2019/33 exists';
- (b) section 74(1) applies as if, for the words from 'for' to 'the registrar' there were substituted 'for a declaration of the invalidity of the registration of a trade mark, the registrar';
- (c) section 76(1) applies as if:
 - (i) in the first paragraph, for the words from 'under' to the end there were substituted 'made under Article 32a(3) of Commission Delegated Regulation (EU) 2019/33';
 - (ii) the second paragraph were omitted;
- (d) section 77(1) applies as if, at the end there were inserted 'as applied by Article 32b(1) of Commission Delegated Regulation (EU) 2019/33'.

3. In the case of the following proceedings, the rules made under section 68 or 69 of the TMA apply to those proceedings as they apply to proceedings involving an application of the type referred to in section 74(1)(b) of the TMA:

- (a) an application to invalidate a trade mark referred to in Article 32a(3);
- (b) an appeal to an appointed person from a decision of the registrar in relation to an application referred to in paragraph (a)."

PART 4

Chapter 3: new Section 6

“SECTION 6

Appeals

Article 39a

Appeals: general

1. An appeal may be made to the FTT against a decision of the Secretary of State specified in column 1 of the table in Annex A2.
2. Such an appeal may be made:
 - (a) in all cases, by a person or third country authority specified in the corresponding entry in column 2 of the table in Annex A2;
 - (b) in the case of a decision affecting an application submitted by the authorities of a third country, by the authorities of that third country.
3. In determining such an appeal the FTT:
 - (a) must consider the decision appealed against afresh;
 - (b) may take into account evidence that was not available to the Secretary of State.
4. The FTT may:
 - (a) dismiss the appeal, or
 - (b) if it allows the appeal, exercise any power specified in the corresponding entry in column 3 of the table in Annex A2.
5. Where the FTT remits a matter to the Secretary of State for reconsideration and fresh decision:
 - (a) the Secretary of State, after making a fresh decision, must publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the original applicant, the appellant (if different) and the public of that fresh decision and the reasons for that decision;
 - (b) the provisions of this Section and Annex A2 apply to the fresh decision made by the Secretary of State.
6. An appeal made under paragraph 1 in relation to a decision of the Secretary of State specified in column 1 of the table in Annex A2 does not prevent an entry recorded on Great Britain’s Traditional Terms Register by the Secretary of State following that decision from having effect.
7. The entry referred to in paragraph 6 continues to have effect, despite the appeal, unless the appeal is allowed by the FTT and:
 - (a) in a case where the FTT quashes the Secretary of State’s decision and directs the Secretary of State to take specified action, that action has been taken;
 - (b) in a case where the FTT remits the matter to the Secretary of State for reconsideration and fresh decision, the relevant entry ceases to have effect as a result of consequent action taken in relation to the entry in the register following the fresh decision taken by the Secretary of State.

Article 39b

Secretary of State decision to consider a decision afresh and the effect of that decision on appeal

1. The Secretary of State may consider a decision specified in column 1 of the table in Annex A2 (“the original decision”) afresh if evidence becomes available to the Secretary of State after making the original decision that was not available to the Secretary of State at the time the original decision was made.
2. Paragraph 1 applies even though an appeal has been made in respect of the original decision.
3. Where the Secretary of State decides to consider an original decision afresh in a case where an appeal has been made to the FTT in respect of that decision:
 - (a) the Secretary of State must notify the FTT of the Secretary of State’s decision to consider the original decision afresh and publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that decision;
 - (b) the appeal to the FTT is suspended until such time as the Secretary of State has made a fresh decision in relation to the matter;
 - (c) the Secretary of State must, following the making of the fresh decision, notify the FTT of that decision and publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that decision and the reasons for that decision.
4. If the Secretary of State makes the same decision again, the appeal to the FTT restarts.
5. If the Secretary of State makes a different decision, the appeal to the FTT ceases unless the FTT directs otherwise.”

PART 5

New Article 61

“Article 61

Transitional measures

1. Without prejudice to Article 41 of the EU withdrawal agreement, products to which paragraphs 2 and 3 apply may be marketed until stocks are exhausted.
2. This paragraph applies to grapevine products that:
 - (a) were labelled in the United Kingdom but not placed on the market in the United Kingdom or a member State before 14th January 2019,
 - (b) do not comply with the requirements in force under this Regulation, and
 - (c) comply with the requirements of Regulation 607/2009 as those requirements had effect immediately before Regulation 607/2009 was repealed by EU Regulation 2019/33.
3. This paragraph applies to grapevine products that:
 - (a) were labelled in the United Kingdom but not placed on the market in the United Kingdom or a member State before IP completion day,
 - (b) do not comply with the requirements in force under this Regulation, and

- (c) comply with the requirements of EU Regulation 2019/33 as it had effect immediately before IP completion day.
- 4. Products to which paragraph 5 applies may be marketed:
 - (a) before the relevant day, and
 - (b) in relation to stocks of such products in existence immediately before the relevant day, on and after the relevant day until stocks are exhausted.
- 5. This paragraph applies to grapevine products that:
 - (a) were labelled without being placed on the market, in the United Kingdom on or after IP completion day and before the relevant day,
 - (b) do not comply with the requirements in force under this Regulation, and
 - (c) comply with the requirements of EU Regulation 2019/33 as it had effect immediately before IP completion day.
- 6. In this Article:
 - (a) ‘making available on the market’ has the meaning given in Article 40(a) of the EU withdrawal agreement;
 - (b) ‘placed on the market’ means the first making available on the market of a grapevine product;
 - (c) ‘the relevant day’ means the day that falls 21 months after the day on which IP completion day falls.”

PART 6

New Annexes A1 and A2

“ANNEX A1

Types of traditional term to which Article 32a applies

PART A

Interpretation

1. In the table in Part C:
 - (a) ‘EU Regulation 2019/34’ means Commission Implementing Regulation (EU) 2019/34 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 as it had effect before IP completion day;
 - (b) ‘the European Commission’s Traditional Terms Register’ means the register maintained by the European Commission under Article 25 of EU Regulation 2019/34;
 - (c) ‘grapevine product’ means a product referred to in point 1, 3 to 6, 8, 9, 11, 15 or 16 of Part 2 of Annex 7 to Regulation (EC) No 1308/2013;

- (d) ‘the paragraph 1 trade mark application’ means the application to register a trade mark referred to in Article 32a(1);
- (e) ‘the relevant EUIA-based date’ means the date determined in accordance with Part B;
- (f) ‘the relevant pre-IP completion day legislation’ means:
 - (i) in the case of an application to register a traditional term submitted to the European Commission under Regulation 607/2009, Article 29 of that Regulation;
 - (ii) in the case of an application to register a traditional term submitted to the European Commission under EU Regulation 2019/34, Article 21 of that Regulation;
- (g) ‘the relevant trade mark application’ means the application to register a trade mark referred to in Article 32a(2) or (3)(a), as relevant.

PART B

The relevant EUIA-based date

2. In the table in Part C, in a case where the relevant EUIA-based date applies, the relevant EUIA-based date means:

- (a) the date provided for in paragraph 3, or
- (b) where paragraph 3 does not apply, the date provided for in the relevant point of paragraph 4, or paragraph 5, as relevant to the traditional term.

3. In a case where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to a traditional term contained priority provisions that applied to the traditional term, the relevant EUIA-based date is the priority date provided for in the EUIA that applied to that traditional term.

4. In a case of a type 2A, 2B, 3A or 3B traditional term to which paragraph 3 does not apply, the relevant EUIA-based date is:

- (a) in a case where the traditional term was protected in the European Union immediately before IP completion day pursuant to an amendment made to the EUIA (without the need for further action to be taken under the EUIA), the date on which the amendment entered into force;
- (b) in a case where the traditional term was protected in the European Union immediately before IP completion day pursuant to a provision in the EUIA that was provisionally applied before IP completion day (without the need for further action to be taken under the EUIA), the date on which the provision was provisionally applied;
- (c) in a case where the traditional term was protected in the European Union immediately before IP completion day pursuant to an amendment made to the EUIA that was provisionally applied before IP completion day (without the need for further action to be taken under the EUIA), the date on which the amendment was provisionally applied;
- (d) in a case where the traditional term was protected in the European Union immediately before IP completion day following the submission and processing of a request, or application, for protection or assessment (however described) under a provision in the EUIA providing for such requests, or applications, the date on which the request, or application, for protection or assessment was submitted under the EUIA;
- (e) in any other case, including a case where the traditional term was protected in the European Union immediately before IP completion day pursuant to provisions in the EUIA that applied from the date that the EUIA entered into force (without the need for further action to be taken under the EUIA), the date on which the relevant EUIA entered into force.

5. In a case of a type 4A or 4B traditional term to which paragraph 3 does not apply and for which a request, or application, for protection or assessment (however described) was submitted before IP completion day in accordance with provisions in the EUIA, the relevant EUIA-based date is the date on which the request, or application, for protection or assessment was submitted in accordance with the EUIA.

6. Any reference in this Part to:

- (a) ‘the priority date’ means the date provided for in priority provisions in an EUIA as the date that must be taken into account when determining whether an application for a trade mark may be granted, including:
- (i) a calendar date specified in the EUIA;
 - (ii) a date relating to the happening of a specified event;
- (b) ‘priority provisions’ means provisions in an EUIA that governed the relationship between trade marks and traditional terms that provided (however expressed):
- (i) that, in the circumstances specified in the EUIA, an application for a trade mark must be refused if the application for the trade mark was filed after a date provided for in the EUIA,
 - (ii) that, in the circumstances specified in the EUIA, the registration of a trade mark must be invalidated if the application that resulted in the registration of that trade mark was filed after a date provided for in the EUIA, or
 - (iii) for both the refusal of applications for trade marks, and the invalidation of the registration of trade marks, as provided for in points (i) and (ii);
- (c) ‘without the need for further action to be taken under the EUIA’, in relation to a traditional term protected in the European Union immediately before IP completion day pursuant to an EUIA, means that the provisions in the EUIA providing for the traditional term to be protected in the European Union did not require:
- (i) a request or application (however described) to be submitted by the contracting third country under the EUIA in relation to the protection of the traditional term;
 - (ii) an assessment to be carried out under the EUIA in relation to the traditional term.

PART C

Types of traditional term (the Types Table)

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No.</i>	<i>Description of the traditional term</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
1.	Established protected traditional terms.	Not applicable.	Not applicable.	1. In relation to a traditional term listed in Annex 3 to Commission Regulation (EC) No 753/2002 laying down certain rules for applying Council

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 No. 1637*

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No.</i>	<i>Description of the traditional term</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
				<p>Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products⁽¹¹⁾ when that Regulation was published in the Official Journal of the European Union, 4th May 2002.</p> <p>2. In relation to a traditional term added to Annex 3 to Regulation (EC) No 753/2002 after 4th May 2002, the date on which the addition of the traditional term to that Annex first applies.</p> <p>3. In any other case, the date on which the application that resulted in the first registration of the traditional term was submitted to the European Commission under the relevant pre-IP completion day legislation.</p>

⁽¹¹⁾ OJ No. L 118, 4.5.2002, p. 1, repealed by Commission Regulation (EC) No 607/2009 (OJ No. L 193, 24.7.2009, p. 60). Last amended before its repeal by Commission Regulation (EC) No 1471/2007 (OJ No. L 329, 14.12.2007, p. 9).

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No.</i>	<i>Description of the traditional term</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
2.	<p>A traditional term that:</p> <p>(a) is used in relation to a grapevine product produced in a third country,</p> <p>(b) was protected in the European Union immediately before IP completion day pursuant to an EUIA to which the European Union and the third country were contracting parties, and</p> <p>(c) must be protected in Great Britain pursuant to an international agreement to which the United Kingdom and the third country are contracting parties that enters into force during the relevant period.</p>	<p>1. A traditional term that is in Great Britain's Traditional Terms Register before the day on which the paragraph 1 trade mark application is accepted or refused and is entered in that register pursuant to Article 39.</p> <p>2. A traditional term that is not in Great Britain's Traditional Terms Register before the day on which the paragraph 1 trade mark application is accepted or refused but must be protected in Great Britain pursuant to an international agreement to which the United Kingdom and the third country are contracting parties that enters into force before the day on which the paragraph 1 trade mark application is accepted or refused.</p>	<p>A traditional term that is not in Great Britain's Traditional Terms Register when the relevant trade mark application is accepted but must be protected in Great Britain pursuant to an international agreement to which the United Kingdom and the third country are contracting parties that enters into force on or after the day on which the relevant trade mark application is accepted.</p>	<p>The relevant EUIA-based date that applies to the traditional term in relation to the EUIA referred to in point (b) of column 2.</p>
3.	<p>A traditional term that:</p>	<p>1. A traditional term that is in Great Britain's Traditional Terms</p>	<p>A traditional term:</p>	<p>The relevant EUIA-based date that applies to the traditional term in</p>

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No.</i>	<i>Description of the traditional term</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
	(a) is used in relation to a grapevine product produced in a third country, and (b) was protected in the European Union immediately before IP completion day pursuant to an EUIA to which the European Union and the third country were contracting parties.	Register before the day on which the paragraph 1 trade mark application is accepted or refused and is entered in that register following the approval of an application to register the traditional term submitted to the Secretary of State under Article 21 of Implementing Regulation (EU) 2019/34 during the relevant period. 2. A traditional term: (a) that is not in Great Britain’s Traditional Terms Register before the day on which the paragraph 1 trade mark application is accepted or refused, (b) for which an application to register the traditional term is submitted to the Secretary of State under Article 21 of Implementing Regulation (EU) 2019/34 during the relevant period, and	(a) that is not in Great Britain’s Traditional Terms Register when the relevant trade mark application is accepted, and (b) for which an application to register the traditional term is submitted to the Secretary of State under Article 21 of Implementing Regulation (EU) 2019/34 during the relevant period and that application: (i) is not submitted before the relevant trade mark application is accepted, or (ii) is submitted before the relevant trade mark application is accepted but for which a notice published by the Secretary of State under the second subparagraph of Article 115(2) of Regulation (EU) No 1308/2013 relating to the application to register the traditional term is not published before the relevant trade	relation to the EUIA referred to in point (b) of column 2.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No.</i>	<i>Description of the traditional term</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
		(c) for which an Article 115(2) approval notice relating to the application is published before the day on which the paragraph 1 trade mark application is accepted or refused.	mark application is accepted.	
4.	<p>A traditional term:</p> <p>(a) that is used in relation to a grapevine product produced in a third country,</p> <p>(b) for which an assessment relating to the protection of the traditional term was being carried out, or a request for protection, or an application for assessment for protection, was submitted, before IP completion day in respect of the traditional term under an EUIA, and</p> <p>(c) for which no decision was made pursuant to the EUIA before IP completion day as to whether the traditional term should be</p>	See the entry in row 3 of this column.	See the entry in row 3 of this column.	The relevant EUIA-based date that applies to the traditional term in relation to the EUIA referred to in point (b) of column 2.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Row No.</i>	<i>Description of the traditional term</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
5.	<p>protected in the European Union.</p> <p>A traditional term:</p> <p>(a) that is used in relation to a grapevine product produced in a third country, and</p> <p>(b) for which an application to register the traditional term was submitted to the European Commission under Article 29 of Regulation 607/2009, or Article 21 of EU Regulation 2019/34, before IP completion day that was neither refused nor resulted in traditional term being added to the European Commission's Traditional Terms Register before IP completion day.</p>	See the entry in row 3 of this column.	See the entry in row 3 of this column.	The date on which the application referred to in point (b) of column 2 was submitted to the European Commission under the relevant pre-IP completion day legislation.

ANNEX A2

Appeals

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Decision	Persons and third country authorities who may appeal against the decision	FTT powers
Decision of the Secretary of State to approve an application submitted under Article 21 of Implementing Regulation (EU) 2019/34 to protect a traditional term.	<p>The persons are:</p> <p>(a) a person who submits a duly substantiated objection to the application under Article 22 of Implementing Regulation (EU) 2019/34;</p> <p>(b) a person marketing a product that is, or may be, affected by the protection of the traditional term.</p>	<p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to remove the entry for the traditional term from Great Britain’s Traditional Terms Register, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p>
Decision of the Secretary of State to reject an application submitted under Article 21 of Implementing Regulation (EU) 2019/34 to protect a traditional term.	<p>The persons are:</p> <p>(a) the person who submitted the application;</p> <p>(b) a person marketing a product that is, or may be, affected by the decision not to protect the traditional term.</p>	<p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to register the traditional term by making an entry for the traditional term in Great Britain’s Traditional Terms Register, recording the data specified in Article 25(1) of Implementing Regulation (EU) 2019/34 in that register, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p>
Decision of the Secretary of State to approve a request submitted under Article 34 to modify a traditional term.	<p>The persons are:</p> <p>(a) a person who submits an objection to the modification of the traditional term under Article 22 of Implementing Regulation (EU) 2019/34 (as it applies to a request to modify a traditional term by virtue of the first paragraph of Article 27 of Implementing Regulation (EU) 2019/34);</p>	<p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to restore the data in the entry for the traditional term in Great Britain’s Traditional Terms Register, or</p> <p>(b) remit the matter to the Secretary of State for</p>

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Decision	Persons and third country authorities who may appeal against the decision	FTT powers
	(b) a person marketing a product that is, or may be, affected by the modification of the traditional term.	reconsideration and fresh decision.
Decision of the Secretary of State to reject a request submitted under Article 34 to modify a traditional term.	<p>The persons are:</p> <p>(a) the person who submitted the request;</p> <p>(b) a person marketing a product that is, or may be, affected by the decision not to modify the traditional term.</p>	<p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to make such change to the data in the entry for the traditional term in Great Britain’s Traditional Terms Register as the modification of the traditional terms entails, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p>
Decision of the Secretary of State to approve a request submitted under Article 35 to cancel the protection of a traditional term.	<p>The persons are:</p> <p>(a) a third country authority which, or the applicant (within the meaning of Article 29(1) of Implementing Regulation (EU) 2019/34) who, submits observations to the Secretary of State in relation to the cancellation request having been invited to do so by the Secretary of State under the first subparagraph of Article 29(1) of Implementing Regulation (EU) 2019/34;</p> <p>(b) a person who submits an objection in relation to the request in accordance with the objection in Section 2 of Chapter III (as it applies in relation to a request to cancel the protection of a traditional term by virtue of the second paragraph of Article 35);</p> <p>(c) a person marketing a product that is, or may be,</p>	<p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to restore the entry for the traditional term in Great Britain’s Traditional Terms Register, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p>

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Decision	Persons and third country authorities who may appeal against the decision	FTT powers
	affected by the cancellation of the protection of the traditional term.	
Decision of the Secretary of State to reject a request submitted under Article 35 to cancel the protection of a traditional term.	The persons are: (a) the person who submitted the request; (b) a third country authority which, or the applicant (within the meaning of Article 29(1) of Implementing Regulation (EU) 2019/34) who, submits observations to the Secretary of State in relation to the cancellation request having been invited to do so by the Secretary of State under the first subparagraph of Article 29(1) of Implementing Regulation (EU) 2019/34; (c) a person marketing a product that is, or may be, affected by the continued protection of the traditional term.	Power to: (a) quash the decision and direct the Secretary of State to remove the entry for the traditional term from Great Britain's Traditional Terms Register, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision."

PART 7

Annex 1: new Part A

"PART A

Terms referred to in Article 41(1)

Terms concerning sulphites/sulfites:

'sulphites' or 'sulfites'

'sulphur dioxide' or 'sulfur dioxide'

Terms concerning eggs and egg-based products:

'egg'

'egg protein'

'egg product'

‘egg lysozyme’

‘egg albumin’

Terms concerning milk and milk-based products:

‘milk’

‘milk products’

‘milk casein’ or ‘milk protein’”

PART 8

New Annexes 2 and 3

“ANNEX 2

Words referred to in point (b) of the second subparagraph of Article 46(3)

Words authorised instead of ‘producer’: ‘processor’ or ‘winemaker’

Words authorised instead of ‘produced by’: ‘processed by’ or ‘made by’

ANNEX 3

Indication of the sugar content

PART A

List of terms referred to in Article 47(1), to be used for sparkling wine, aerated sparkling wine, quality sparkling wine or quality aromatic sparkling wine

<i>Terms</i>	<i>Conditions of use</i>
extra dry	If its sugar content is between 12 and 17 grams per litre.
dry	If its sugar content is between 17 and 32 grams per litre.
medium dry	If its sugar content is between 32 and 50 grams per litre.
mild, sweet	If its sugar content is greater than 50 grams per litre.

PART B

List of terms referred to in Article 52(1), to be used for products other than those listed in Part A

<i>Terms</i>	<i>Conditions of use</i>
dry	If its sugar content does not exceed: — 4 grams per litre, or — 9 grams per litre, provided that the total acidity expressed as grams of tartaric acid per litre is not more than 2 grams below the residual sugar content.
medium dry	If its sugar content exceeds the maximum permitted but does not exceed: — 12 grams per litre, or — 18 grams per litre, provided that the total acidity expressed as grams of tartaric acid per litre is not more than 10 grams below the residual sugar content.
medium, medium sweet	If its sugar content exceeds the maximum permitted but does not exceed 45 grams per litre.
sweet	If its sugar content is at least 45 grams per litre.”

SCHEDULE 9

Regulation 27

Commission Implementing Regulation (EU) 2019/34: new provisions

PART 1

New Article 1a

“Article 1a

Definitions

In this Regulation:

- (a) ‘EU Regulation 1308/2013’ means Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products as it had effect immediately before IP completion day;
- (b) ‘EU Regulation 2017/625’ means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products as it had effect immediately before IP completion day;

- (c) ‘EU Regulation 2019/34’ means Commission Implementing Regulation (EU) 2019/34 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 as it had effect immediately before IP completion day;
- (d) ‘Regulation 2017/625’ means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products;
- (e) ‘constituent nation’ means England, Northern Ireland, Scotland or Wales;
- (f) ‘control body’ has the same meaning as in EU Regulation 2019/34 and is to be interpreted taking into account the repeal and replacement of Regulation (EC) No 882/2004 by EU Regulation 2017/625;
- (g) ‘competent authority’, ‘the national competent authorities’ and ‘the responsible competent authorities’ each mean:
 - (i) in relation to England and Wales, the competent authority specified in regulation 4(1) of the Wine Regulations 2011 as that regulation extends to Great Britain;
 - (ii) in relation to Scotland, the competent authority specified in regulation 4(1) of the Wine Regulations 2011, as read with paragraph (3) of that regulation, as that regulation extends to Great Britain;
- (h) ‘country’, in relation to the United Kingdom, means the United Kingdom as a whole and does not mean an individual constituent nation forming part of the United Kingdom;
- (i) ‘Great Britain’s Traditional Terms Register’ means the register referred to in Article 25(1);
- (j) ‘notice period’, in relation to a notice referred to in this Regulation, means the period of 20 days from the day on which the relevant notice is published, beginning with the day on which the notice is published;
- (k) ‘third country’ means a country, other than the United Kingdom, and includes:
 - (i) the Bailiwick of Guernsey;
 - (ii) the Bailiwick of Jersey;
 - (iii) the Isle of Man;
- (l) ‘third country standard amendment’ has the meaning given by Article 14(2c) of Delegated Regulation (EU) 2019/33;
- (m) ‘third country temporary amendment’ has the meaning given by Article 14(2d) of Delegated Regulation (EU) 2019/33;
- (n) ‘UK standard amendment’ has the meaning given by Article 14(2a) of Delegated Regulation (EU) 2019/33;
- (o) ‘UK temporary amendment’ has the meaning given by Article 14(2b) of Delegated Regulation (EU) 2019/33.”

PART 2

Article 12: new paragraphs 2 to 2l

“2. Where the Secretary of State publishes a notice to which paragraph 2d applies relating to an amendment to a product specification for a designation of origin or geographical indication that entails a change to the information recorded in the register, the Secretary of State must as soon as possible after the expiry of the notice period for the notice:

- (a) record the new data for the designation of origin or geographical indication, as relevant, in the register, and
- (b) attach a copy of the modified consolidated product specification and, where relevant, a copy of the modified single document, for the designation of origin or geographical indication, as relevant, to the register.

2a. The new data recorded in the register pursuant to paragraph 2(a), and the modified consolidated product specification attached to the register pursuant to paragraph 2(b), take effect immediately after:

- (a) the new data has been recorded in the register, and
- (b) the copy of the modified consolidated product specification is attached to the register.

2b. Where the Secretary of State publishes a notice to which paragraph 2d applies relating to an amendment to a product specification for a designation of origin or geographical indication that does not entail a change to the information recorded in the register, the Secretary of State must attach a copy of the modified consolidated product specification and, where relevant, a copy of the modified single document, for the designation of origin or geographical indication to the register as soon as possible after the notice period for the notice has expired.

2c. The modified consolidated product specification attached to the register pursuant to paragraph 2b takes effect immediately after the copy of it is attached to the register.

2d. This paragraph applies to:

- (a) a notice relating to the approval of a non-standard amendment to a product specification for a designation of origin or geographical indication published under Article 99(3) of Regulation (EU) No 1308/2013 (as it applies to an application for a non-standard amendment by virtue of Article 15(1) of Delegated Regulation (EU) 2019/33);
- (b) a notice relating to the approval of a UK standard amendment to a product specification for a designation of origin or geographical indication published under the Article 17(2a) of Delegated Regulation (EU) 2019/33;
- (c) a notice making an approved third country standard amendment to a product specification for a designation of origin or geographical indication public published under Article 17(5) or (6) of Delegated Regulation (EU) 2019/33.

2e. Where the Secretary of State publishes a notice under Article 18(1m) of Delegated Regulation (EU) 2019/33 relating to the approval of a UK temporary amendment to a product specification for a designation of origin or geographical indication, the Secretary of State must record an entry in the register relating to the UK temporary amendment in the register as soon as possible after publishing that notice.

2f. Based on the information given in a notice published under Article 18(1m) of Delegated Regulation (EU) 2019/33, the data recorded in an entry referred to in paragraph 2e must include the period during which the UK temporary amendment is to apply.

2g. Based on the information given in a notice published under Article 18(1n) of Delegated Regulation (EU) 2019/33, the period stated in the register as the period during which the UK temporary amendment is to apply must be changed where the period is extended under Article 18(1l) of that Regulation and a notice relating to that extension of that period is published under Article 18(1n) of that Regulation.

2h. A UK temporary amendment referred to in paragraph 2e takes effect immediately after the entry referred to in that paragraph (as read with paragraphs 2f) is recorded in the register. The product specification attached to the register applies, as read with the UK temporary amendment, during the period specified in the register as the period during which the UK temporary amendment is to apply.

2i. Where the Secretary of State publishes a notice making a third country temporary amendment to a product specification for a designation of origin or geographical indication public under Article 18(5) of Delegated Regulation (EU) 2019/33, the Secretary of State must record an entry in the register relating to the third country temporary amendment as soon as possible after publishing that notice.

2j. Based on the information given in a notice published under Article 18(5) of Delegated Regulation (EU) 2019/33, the information contained in the entry referred to in paragraph 2i must include the period during which the third country temporary amendment is to apply.

2k. A third country temporary amendment referred to in paragraph 2i takes effect immediately after the entry referred to in that paragraph (as read with paragraph 2j) is recorded in the register. The product specification attached to the register applies, as read with the third country temporary amendment, during the period specified in the register pursuant to paragraph 2j.

2l. The Secretary of State must remove an entry in the register relating to a UK temporary amendment or a third country temporary amendment as soon as possible after the period specified in the register as the period during which the amendment is to apply has expired.”

PART 3

New Article 12a

“Article 12a

Register: established protected designations of origin and established protected geographical indications

1. The Secretary of State must include the relevant data for each established protected designation of origin and established protected geographical indication in Great Britain’s PDOs and PGIs Register.

2. The Secretary of State must include the relevant data referred to in paragraph 1 in Great Britain’s PDOs and PGIs Register at the time the register is established by the Secretary of State or as soon as possible after the register has been established by the Secretary of State.

3. The Secretary of State must use the Secretary of State’s best endeavours in relation to each established protected designation of origin and established protected geographical indication to obtain a copy of the EU product specification for the corresponding EU designation of origin or corresponding EU geographical indication, and attach that document to Great Britain’s PDOs and PGIs Register.

4. Where the EU product specification for a corresponding EU designation of origin or corresponding EU geographical indication is in a foreign language the Secretary of State must attach an English language translation of that product specification to the register instead of the foreign language version of that document.

5. The Secretary of State must attach the product specification referred to in paragraph 3 (as read with paragraph 4) to Great Britain's PDOs and PGIs Register at the time when the register is established by the Secretary of State or as soon as possible after the register has been established by the Secretary of State.

6. The EU product specification attached to Great Britain's PDOs and PGIs Register pursuant to paragraph 3 (as read with paragraph 4) must be treated as the product specification for the relevant established protected designation of origin or established protected geographical indication for the purposes of the relevant legislation relating to the GB wine scheme.

7. Paragraph 6 does not prevent a product specification attached to Great Britain's PDOs and PGIs Register pursuant to paragraph 3 (as read with paragraph 4) and treated as a product specification for an established protected designation of origin or established protected geographical indication by virtue of paragraph 6 from being amended or replaced following an application made under Article 106 of Regulation (EU) No 1308/2013.

8. Where paragraph 9 applies, the Secretary of State may, in relation to an established protected designation of origin or established protected geographical indication, attach a copy of an EU single document for the corresponding EU designation of origin or corresponding EU geographical indication to the register.

9. This paragraph applies if, in relation to an established protected designation of origin or established protected geographical indication, the Secretary of State is unable to obtain a copy of the EU product specification for the corresponding EU designation of origin or corresponding EU geographical indication within a period of three years beginning with the day after the day on which IP completion day falls.

10. Where the Secretary of State decides to attach an EU single document for a corresponding EU designation of origin or corresponding EU geographical indication to Great Britain's PDOs and PGIs Register under paragraph 8 and that EU single document is in a foreign language, the Secretary of State must attach an English language translation of that single document to the register instead of the foreign language version of that document.

11. The copy of the EU single document attached to the register pursuant to paragraph 8 (as read with paragraph 10) is to be treated as the product specification for the relevant established protected designation of origin or established protected geographical indication for the purposes of the relevant legislation relating to the GB wine scheme.

12. Paragraph 11 does not prevent a single document attached to Great Britain's PDOs and PGIs Register pursuant to paragraph 8 (as read with paragraph 10) and treated as a product specification for an established protected designation of origin or established protected geographical indication by virtue of paragraph 11 from being amended or replaced following an application made under Article 106 of Regulation (EU) No 1308/2013.

13. In this Article:

- (a) 'the corresponding EU designation of origin', in relation to an established protected designation of origin, means the designation of origin that was protected in the European Union under EU Regulation 1308/2013 immediately before IP completion day that corresponds to the established protected designation of origin;
- (b) 'the corresponding EU geographical indication', in relation to an established protected geographical indication, means the geographical indication that was

protected in the European Union under EU Regulation 1308/2013 immediately before IP completion day that corresponds to the established protected geographical indication;

- (c) ‘established protected designation of origin’ has the meaning given by Article 107(2)(a) of Regulation (EU) No 1308/2013;
- (d) ‘established protected geographical indication’ has the meaning given by Article 107(2)(b) of Regulation (EU) No 1308/2013;
- (e) ‘the European Commission’s PDOs and PGIs Register’ means the register established by the Commission under Article 104 of EU Regulation 1308/2013;
- (f) ‘Great Britain’s PDOs and PGIs Register’ means the register established by the Secretary of State under Article 104 of Regulation (EU) No 1308/2013;
- (g) ‘the legislation relating to the GB wine scheme’ means:
 - (i) the provisions in Section 2 of Title 2 of Part 2 of Regulation (EU) No 1308/2013,
 - (ii) Delegated Regulation (EU) 2019/33, and
 - (iii) this Regulation;
- (h) ‘the relevant data’, in relation to an established protected designation of origin or established protected geographical indication, means the data specified in Article 12(1)(a), (c) and (d) of EU Regulation 2019/34 that is recorded in the European Commission’s PDOs and PGIs Register for the corresponding EU designation of origin or corresponding EU geographical indication immediately before IP completion day.

14. In this Article any reference to:

- (a) the EU product specification relating to a corresponding EU designation of origin or a corresponding EU geographical indication is to be read as a reference to the product specification for the corresponding EU designation of origin or corresponding EU geographical indication as that product specification stood immediately before IP completion day;
- (b) the EU single document relating to a corresponding EU designation of origin or a corresponding EU geographical indication is to be read as a reference to the single document for the corresponding EU designation of origin or corresponding EU geographical indication as that single document stood immediately before IP completion day.”

PART 4

New Article 25a

“Article 25a

Register: established protected traditional terms

1. The Secretary of State must include the relevant data for each established protected traditional term in Great Britain’s Traditional Terms Register when the register is established by the Secretary of State or, if that is not possible, as soon as possible after the register is established.

2. In this Article:

- (a) ‘the corresponding EU traditional term’, in relation to an established protected traditional term, means the traditional term that was protected in the European Union under EU Regulation 1308/2013 immediately before IP completion day that corresponds to the established protected traditional term;
- (b) ‘an established protected traditional term’ has the meaning given by Article 1a(j) of Delegated Regulation (EU) 2019/33;
- (c) ‘Great Britain’s Traditional Terms Register’ has the meaning given by Article 1a(m) of Delegated Regulation (EU) 2019/33;
- (d) ‘the European Commission’s Traditional Terms Register’ means the register maintained by the European Commission under Article 25 of EU Regulation 2019/34;
- (e) ‘the relevant data’, in relation to an established protected traditional term, means the data specified in Article 25(1)(a) to (g) of EU Regulation 2019/34 that is in the European Commission’s Traditional Terms Register for the corresponding EU traditional term immediately before IP completion day.”

SCHEDULE 10

Regulation 28

Regulation (EU) 2019/787 of the European Parliament and of the Council: new provisions

PART 1

Article 3: new points (8) to (15)

“(8) ‘EU Regulation 110/2008’ means Regulation [\(EC\) No 110/2008](#) of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks as it had effect before IP completion day;

(9) ‘EU Regulation 2019/787’ means Regulation (EU) 2019/787 of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages as it had effect before IP completion day;

(10) ‘established geographical indication’ means a geographical indication within the meaning of Article 3(4) to which Article 54(2) of the EU withdrawal agreement applies;

(11) ‘EUWA’ means the European Union (Withdrawal) Act 2018;

(12) ‘FTT’ means the First-tier Tribunal;

(13) ‘Great Britain’s GIs Register’ means the register established and maintained by the Secretary of State under Article 33(1);

(14) in Articles 43 and 43a, ‘the original applicant’, in a case where an appeal has been made in respect of a decision made by the Secretary of State in relation to a geographical indication under Article 34, or following the submission of an application under Article 24 or 31, or a request submitted under Article 34, means the person who submitted the application or request;

(15) ‘third country’ means a country, other than the United Kingdom, and includes:

- (a) the Bailiwick of Guernsey;
- (b) the Bailiwick of Jersey;
- (c) the Isle of Man.”

PART 2

New Chapter 4

“CHAPTER 4

GEOGRAPHICAL INDICATIONS: APPEALS

Article 43

Appeals

1. An appeal may be made to the FTT against a decision of the Secretary of State specified in column 1 of the table in Part 2 of Annex 2.
2. Such an appeal may be made:
 - (a) in all cases, by a person specified in the corresponding entry in column 2 of the table in Part 2 of Annex 2;
 - (b) in the case of a decision affecting an application submitted by the authorities of a third country, by the authorities of that third country.
3. In determining such an appeal the FTT:
 - (a) must consider the decision appealed against afresh;
 - (b) may take into account evidence that was not available to the Secretary of State.
4. The FTT may:
 - (a) dismiss the appeal, or
 - (b) if it allows the appeal, exercise any power specified in the corresponding entry in column 3 of the table in Part 2 of Annex 2.
5. Where the FTT remits a matter to the Secretary of State for reconsideration and fresh decision:
 - (a) the Secretary of State, after making a fresh decision, must publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the original applicant, the appellant (if different) and the public of that fresh decision and the reasons for that decision;
 - (b) the provisions of this Chapter and Annex 2 apply to the fresh decision made by the Secretary of State.
6. An appeal made under paragraph 1 in relation to a decision of the Secretary of State specified in column 1 of the table in Part 2 of Annex 2 does not prevent an entry recorded on Great Britain's GIs Register by the Secretary of State following that decision from having effect.
7. The entry referred to in paragraph 6 continues to have effect, despite the appeal, unless the appeal is allowed by the FTT and:
 - (a) in a case where the FTT quashes the Secretary of State's decision and directs the Secretary of State to take specified action, that action has been taken;
 - (b) in a case where the FTT remits the matter to the Secretary of State for reconsideration and fresh decision, the relevant entry ceases to have effect as a result of consequent action taken in relation to the entry in the register following the fresh decision taken by the Secretary of State.

Article 43a

Secretary of State decision to consider a decision afresh and the effect of that decision on an appeal

1. The Secretary of State may consider a decision specified in column 1 of the table in Part 2 of Annex 2 ('the original decision') afresh if evidence becomes available to the Secretary of State after making the original decision that was not available to the Secretary of State at the time of the original decision.
2. Paragraph 1 applies even though an appeal has been made in respect of the original decision.
3. Where the Secretary of State decides to consider an original decision afresh in a case where an appeal has been made to the FTT in respect of that decision:
 - (a) the Secretary of State must notify the FTT of the Secretary of State's decision to consider the original decision afresh and publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that decision;
 - (b) the appeal to the FTT is suspended until such time as the Secretary of State has made a fresh decision in relation to the matter;
 - (c) the Secretary of State must, following the making of the fresh decision, notify the FTT of that decision and publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that decision and the reasons for that decision.
4. If the Secretary of State makes the same decision again, the appeal to the FTT restarts.
5. If the Secretary of State makes a different decision, the appeal to the FTT ceases unless the FTT directs otherwise."

PART 3

New Annex 2

"ANNEX 2

APPEALS

PART 1

Interpretation

In the table in Part 2, 'a valid notice of opposition' means a notice of opposition that contains the declaration required by the second subparagraph of Article 27(1).

PART 2

Appellants and powers of the FTT on appeal

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Decision	Persons who may appeal against the decision	FTT powers
Decision of the Secretary of State to approve an application submitted under Article 24 to register a geographical indication.	<p>The persons are:</p> <p>(a) a person who submits a valid notice of opposition in relation to the application;</p> <p>(b) a person marketing a product that is, or may be, affected by the registration of the geographical indication.</p>	<p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to:</p> <p>(i) remove the entry for the geographical indication from Great Britain’s GIs Register, and</p> <p>(ii) remove the copy of the product specification for the geographical indication attached to Great Britain’s GIs Register, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p>
Decision of the Secretary of State to reject an application submitted under Article 24 to register a geographical indication.	<p>The persons are:</p> <p>(a) the person who submitted the application;</p> <p>(b) a person marketing a product that is, or may be, affected by the decision not to register the geographical indication.</p>	<p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to register the geographical indication by:</p> <p>(i) making an entry for the geographical indication in Great Britain’s GIs Register, and</p> <p>(ii) attaching a copy of the product specification for the geographical indication to the register, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p>
Decision of the Secretary of State to approve an application	The persons are:	Power to:

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Decision	Persons who may appeal against the decision	FTT powers
submitted under Article 31 to amend a product specification for a geographical indication.	<p>(a) a person who submits a valid notice of opposition in relation to the application under Article 27(1) (as it applies to an application to amend a product specification by virtue of Article 31(9));</p> <p>(b) a person marketing a product that is, or may be, affected by the amendment of the product specification.</p>	<p>(a) quash the decision and (as appropriate) direct the Secretary of State to:</p> <p>(i) restore the data in the entry for the geographical indication in Great Britain’s GIs Register;</p> <p>(ii) remove the copy of the modified product specification for the geographical indication attached to Great Britain’s GIs Register and replace it with a copy of the product specification that was attached to Great Britain’s GIs Register immediately before the Secretary of State decided to approve the application, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p>
Decision of the Secretary of State to reject an application submitted under Article 31 to amend a product specification for a geographical indication.	<p>The persons are:</p> <p>(a) the person who submitted the application;</p> <p>(b) a person marketing a product that is, or may be, affected by the decision not to amend the product specification.</p>	<p>Power to:</p> <p>(a) quash the decision and (as appropriate) direct the Secretary of State:</p> <p>(i) in the case of an amendment to the product specification that is not a temporary amendment:</p> <p>(aa) to make such change to the data in the entry for the geographical indication in Great Britain’s GIs Register as the amendment to the product specification may entail;</p> <p>(bb) to replace the copy of the product specification for the geographical indication attached to Great Britain’s GIs Register with a copy of the modified product specification;</p>

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Decision	Persons who may appeal against the decision	FTT powers
Decision of the Secretary of State under Article 32, on the Secretary of State's own initiative, to cancel the registration of a geographical indication.	<p>The persons are:</p> <p>(a) a person who submits a valid notice of opposition under Article 27(1) in relation to the proposed decision (as it applies to a decision to cancel the registration of a geographical indication by virtue of the second subparagraph of Article 32(1));</p> <p>(b) a person marketing a product that is, or may be, affected by the cancellation of the geographical indication.</p>	<p>(ii) in the case of a temporary amendment to the product specification, to make an appropriate entry relating to the temporary amendment to the product specification for the geographical indication in Great Britain's GIs Register, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p> <p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to:</p> <p>(i) restore the entry for the geographical indication in Great Britain's GIs Register, and</p> <p>(ii) reattach to Great Britain's GIs Register a copy of the product specification for the geographical indication that was attached to the register immediately before the Secretary of State decided to cancel the registration of the geographical indication, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p>
Decision of the Secretary of State to approve a request submitted under Article 32 to cancel the registration of a geographical indication.	<p>The persons are:</p> <p>(a) a person who submits a valid notice of opposition under Article 27(1) in relation to the request (as it applies to a request to cancel a geographical indication by virtue of the second subparagraph of Article 32(1));</p>	<p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to:</p> <p>(i) restore the entry for the geographical indication in Great Britain's GIs Register, and</p>

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Decision	Persons who may appeal against the decision	FTT powers
Decision of the Secretary of State to reject a request submitted under Article 32 to cancel the registration of a geographical indication.	<p>The persons are:</p> <p>(a) the person who submitted the request;</p> <p>(b) a person marketing a product that is, or may be, affected by the decision not to cancel the geographical indication.</p>	<p>(ii) reattach to Great Britain’s GIs Register a copy of the product specification for the geographical indication that was attached to the register immediately before the Secretary of State decided to cancel the registration of the geographical indication, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p> <p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to;</p> <p>(i) remove the entry for the geographical indication from Great Britain’s GIs Register, and</p> <p>(ii) remove the copy of the product specification for the geographical indication attached to Great Britain’s GIs Register, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.”</p>