

## STATUTORY INSTRUMENTS

# 2019 No. 204

## The Plant Breeders' Rights (Amendment etc.) (EU Exit) Regulations 2019

### PART 3

#### Existing EU rights

##### Duration of existing EU rights

- [<sup>F1</sup>4.—(1) Subject to paragraph (3), an existing EU right has effect for a period—
- (a) beginning with IP completion day, and
  - (b) ending at the end of the last day of the remaining period.
- (2) In paragraph (1)(b), the “remaining period” is the period beginning with IP completion day and ending with—
- (a) in the case of an existing EU right which is the subject of an administrative or judicial procedure for cancellation under Article 21 of the Council Regulation that has not been finally decided immediately before IP completion day, and in respect of which, on or after IP completion day, a final decision is made to cancel the right in the EU, the day on which that right is cancelled in the EU;
  - (b) in the case of any other existing EU rights (other than those to which paragraph (3) applies), the day on which the term of that right would otherwise have expired under Article 19(1) of the Council Regulation (unless terminated under section 22 of the 1997 Act).
- (3) An existing EU right is to be treated as if it is declared null and void in the United Kingdom under section 21 of the 1997 Act where the conditions in paragraph (4) apply.
- (4) The conditions are that an existing EU right—
- (a) is the subject of an administrative or judicial procedure for nullity under Article 20 of the Council Regulation that has not been finally determined immediately before IP completion day; and
  - (b) on or after IP completion day, is declared null and void in the EU.
- (5) Where paragraph 3 applies, the declaration that is to be treated as made in the United Kingdom is to be treated as having effect from the date of the declaration in the EU.]

##### Textual Amendments

- F1** Reg. 4 substituted (31.12.2020 immediately before IP completion day) by [The Plant Breeders Rights \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/769\)](#), regs. 1(2)(b), **2(4)**

##### Commencement Information

- I1** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#))

**Changes to legislation:**

There are currently no known outstanding effects for the The Plant Breeders' Rights (Amendment etc.) (EU Exit) Regulations 2019, Section 4.