

## SCHEDULE 10

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

### PART 3

New Annex 2

#### Commencement Information

**II** Sch. 10 Pt. 3 in force at 31.12.2020, see [reg. 1\(7\)](#)

“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> Decision	<i>Column 2</i> Persons who may appeal against the decision	<i>Column 3</i> FTT powers
Decision of the Secretary of State to approve an application submitted under Article 24 to register a geographical indication.	The persons are: (a) a person who submits a valid notice of opposition in relation to the application; (b) a person marketing a product that is, or may be, affected by the registration 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	The persons are:	Power to:

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submitted under Article 24 (a) the person who submitted (a) quash the decision and direct to register a geographical the application; the Secretary of State to register indication. (b) a person marketing a the geographical indication by: product that is, or may be, (i) making an entry for affected by the decision not the geographical indication in to register the geographical Great Britain's GIs Register, indication. and (ii) attaching a copy of the product specification for the geographical indication 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 31 to amend a product specification for a geographical indication. The persons are: Power to: (a) a person who submits a (a) quash the decision and valid notice of opposition in (as appropriate) direct the Secretary of State to: relation to the application under Article 27(1) (as it applies (i) restore the data in the entry for the geographical indication in Great Britain's GIs Register; of Article 31(9)); (ii) remove the copy of the (b) a person marketing a modified product specification product that is, or may be, for the geographical indication affected by the amendment of 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 (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 31 to amend a product specification for a geographical indication. The persons are: Power to: (a) the person who submitted (a) quash the decision and (as appropriate) direct the Secretary of State: (b) a person marketing a product that is, or may be, affected by the decision not to amend the product specification. (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 geographical indication in Great Britain's GIs Register as the amendment to the product specification may entail; (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; (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 (b) remit the matter to the Secretary of State for reconsideration and fresh decision.

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.

The persons are:

- (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));
- (b) a person marketing a product that is, or may be, affected by the cancellation of the geographical indication.

Power to:

(a) quash the decision and direct the Secretary of State to:

(i) restore the entry for the geographical indication in Great Britain's GIs Register, and

(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

(b) remit the matter to the Secretary of State for reconsideration and fresh decision.

Decision of the Secretary of State to approve a request submitted under Article 32 to cancel the registration of a geographical indication.

The persons are:

- (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));
- (b) a person marketing a product that is, or may be, affected by the cancellation of the geographical indication.

Power to:

(a) quash the decision and direct the Secretary of State to:

(i) restore the entry for the geographical indication in Great Britain's GIs Register, and

(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

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Decision of the Secretary of State to reject a request submitted under Article 32 to cancel the registration of a geographical indication.

The persons are:

- (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 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.”

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