

SCHEDULE 2

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

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(1), 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;
 - (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.

(1) OJ No. L 208, 24.7.1992, p. 1, repealed by Council Regulation [\(EC\) No 510/2006](#) (OJ No. L 93, 31.3.2006, p. 12).

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 row 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 origin or established protected geographical indication.	Not applicable.	Not applicable.	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

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<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>
				Commission under the relevant pre-IP completion day legislation.
2.	<p>A designation of origin or geographical indication:</p> <p>(a) that relates to a geographical area in the United Kingdom, 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) of EU Regulation 1151/2012 before IP completion day.</p>	<p>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.</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>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</p> <p>(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.</p>	<p>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.</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 designation of origin or geographical indication</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
		(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.	<p>A designation of origin or 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 pursuant to an EUIA to which the European Union and the third country were contracting parties, and</p>	<p>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).</p> <p>2. A designation of origin or geographical indication that is not on Great Britain's PDOs and PGIs Register</p>	<p>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</p>	<p>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.</p>

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<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>
	(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.	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.	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 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 indication	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 Secretary	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>
	were contracting parties.	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 published before the day on which the paragraph 1 trade mark application is	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.	

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<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>
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 day as to whether the designation of origin or geographical indication should</p>	<p>accepted or refused.</p> <p>See the entry in row 4 of this column.</p>	<p>See the entry in row 4 of this column.</p>	<p>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.</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 designation of origin or geographical indication</i>	<i>Type A provisions</i>	<i>Type B provisions</i>	<i>The column 5 date</i>
	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 Register⁽²⁾ before</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.

(2) 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.

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<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>
	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 the protected designation of origin, protected geographical indication or traditional speciality guaranteed attached to the relevant register, or

<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>
<p>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.</p>	<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 designation of origin, geographical indication or traditional speciality guaranteed.</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 register the designation of origin, geographical indication or traditional speciality guaranteed by:</p> <p>(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</p> <p>(ii) attaching a copy of the product specification for the designation of origin, geographical indication or traditional speciality guaranteed to the register, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p>
<p>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 indication or traditional speciality guaranteed.</p>	<p>The persons are:</p> <p>(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 product specification by virtue of Article 53(2));</p> <p>(b) a person marketing a product that is, or may be,</p>	<p>Power to:</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 protected designation of origin, protected geographical indication or traditional speciality guaranteed in the relevant register;</p>

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<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 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.	(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. 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 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

<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.	<p>The persons are:</p> <p>(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);</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>speciality guaranteed attached to the relevant register with a copy of the amended product specification, or</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 protected designation of origin, protected geographical indication or traditional speciality guaranteed in the relevant 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 protected designation of origin, protected geographical indication or traditional speciality guaranteed 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>

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<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>
<p>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>	<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>(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>
<p>Decision of the Secretary of State to reject a request submitted under Article 54 to cancel the registration of a protected designation of origin, protected geographical indication or traditional speciality guaranteed.</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 registration of the protected designation of origin, protected geographical</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 protected designation of origin, protected geographical indication or traditional speciality guaranteed from the relevant 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>
	indication or traditional speciality guaranteed.	(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.”