

SCHEDULE 3 **U.K.**

Regulation 20

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

**PART 1** **U.K.**

New Article 93a

**Commencement Information**

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

*“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 U.K.

### New Articles 102a and 102b

#### Commencement Information

**I2** Sch. 3 Pt. 2 in force at 31.12.2020, see reg. 1(7)

#### “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 [<sup>F1</sup>or the bridging arrangements referred to in that column are made], and

- (bb) the entry into force of the international agreement [<sup>F2</sup>or the making of the bridging arrangements] 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:

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020, SCHEDULE 3. (See end of Document for details)

- (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 [<sup>F3</sup>Article 102c(1) or] 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:

- <sup>F4</sup>(a) .....
- (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:

**Changes to legislation:** There are currently no known outstanding effects for the *The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020, SCHEDULE 3.* (See end of Document for details)

- (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)."

#### Textual Amendments

- F1** Words in Sch. 3 Pt. 2 inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(8)(a)(i)(aa)**
- F2** Words in Sch. 3 Pt. 2 inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(8)(a)(i)(bb)**

- F3** Words in Sch. 3 Pt. 2 inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(8)(a)(ii)**
- F4** Words in Sch. 3 Pt. 2 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(8)(a)(iii)**

## PART 3 **U.K.**

### New Annex 9A

#### Commencement Information

- I3** Sch. 3 Pt. 3 in force at 31.12.2020, see reg. 1(7)

#### “ANNEX 9A **U.K.**

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

## PART 1 **U.K.**

### 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 <sup>M1</sup>;
  - (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:

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020, SCHEDULE 3. (See end of Document for details)

- (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 <sup>M2</sup>, 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 U.K.

### 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 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.

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020, SCHEDULE 3. (See end of Document for details)

## PART 3 U.K.

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

<i>Column 1</i> <i>Row No</i>	<i>Column 2</i> <i>The name of the designation of origin or a description of the type of designation of origin or geographical indication</i>	<i>Column 3</i> <i>Type A provisions</i>	<i>Column 4</i> <i>Type B provisions</i>	<i>Column 5</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 <a href="#">1234/2007</a> 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 area covered by the designation of

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- 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 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.
- The designation of origin is not on Great Britain's PDOs and PGIs Register and an 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.
- 27th July 2017.
3. A designation of origin or geographical indication that:
1. A designation of origin or geographical indication that
- [<sup>F8</sup>A designation of origin or geographical indication that
- The relevant EUIA-based date that applies to the designation



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 completion day pursuant to an EUIA to which the European Union and the third country were contracting parties.
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 submitted to the Secretary of State under Article 95(1A), or Article 3 of Commission Implementing Regulation (EU) 2019/34 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 not published before the relevant trade mark application is accepted.
- 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 of State under Article 3 of Commission Implementing Regulation (EU) 2019/34 during the relevant period: (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 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.
- 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.

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020, SCHEDULE 3. (See end of Document for details)

origin or geographical indication is submitted to the Secretary of State under Article 95(1A), or Article 3 of Commission Implementing Regulation (EU) 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 day in respect of the designation of origin or geographical indication 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.

indication under an EUIA, and (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.

6. A designation of origin or geographical indication: (a) that relates to a geographical area in a third country, and (b) for which an application to register the designation of origin or geographical indication was submitted to the European Commission under Article 3 of Regulation 607/2009<sup>M3</sup>, or Article 3 of EU Regulation 2019/34<sup>M4</sup>, 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.
- 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.”

**Changes to legislation:** There are currently no known outstanding effects for the *The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020, SCHEDULE 3.* (See end of Document for details)

### Textual Amendments

- F5** Words in Sch. 3 Pt. 3 substituted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(8)(b)(i)**
- F6** Words in Sch. 3 Pt. 3 inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(8)(b)(ii)(aa)**
- F7** Words in Sch. 3 Pt. 3 substituted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(8)(b)(ii)(bb)**
- F8** Words in Sch. 3 Pt. 3 substituted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(8)(b)(iii)**

### Marginal Citations

- M1** 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.
- M2** 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).
- M3** 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).
- M4** OJ No. L 9, 11.1.2019, p. 46.



**Changes to legislation:**

There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020, SCHEDULE 3.