

## SCHEDULE 1

Regulation 4

### Regulation (EU) No 1151/2012: new Articles 14c and 14d

#### *“Article 14c*

##### *Third Country designations of origin and geographical indications covered by bridging arrangements*

1. A designation of origin or geographical indication to which paragraph 2 applies is, for the protection period, to be entered on Great Britain’s PDOs and PGIs Register<sup>(1)</sup>.
2. This paragraph applies to a designation of origin or geographical indication which relates to a geographical area in a third country (‘C’) which:
  - (a) was, immediately before IP completion day, protected in the European Union under an EUIA<sup>(2)</sup> to which the European Union and C were contracting parties, and
  - (b) is, before a qualifying international agreement enters into force<sup>(3)</sup>, to be protected in Great Britain pursuant to any written arrangements made by the United Kingdom and C (“bridging arrangements”).
3. For the purposes of this Article, ‘the protection period’, in relation to a designation of origin or geographical indication, is the period for which:
  - (a) the relevant bridging arrangements have effect, or
  - (b) if only part of the relevant bridging arrangements relates to the designation of origin or geographical indication, that part has effect.
4. In this Article ‘qualifying international agreement’ means an international agreement between the United Kingdom and C, which has been initialled.

#### *Article 14d*

##### *Transitional provisions: relations between trade marks, designations of origin and geographical indications when bridging arrangements are in effect*

1. Where a designation of origin or geographical indication is entered on Great Britain’s PDOs and PGIs Register under Article 14c, Articles 14a and 14b and Annex 1A<sup>(4)</sup> apply for the purposes of determining:
  - (a) whether an application to register a trade mark which was pending before IP completion day or was made during the relevant period<sup>(5)</sup>, must be refused, or
  - (b) if a relevant invalidity application was made, whether the registration of a trade mark must be declared invalid,but subject to the general modifications specified in paragraphs 2 and 3 and any further modifications made by regulations (if any) (see paragraph 4).
2. The modifications mentioned in paragraph 1 are that Articles 14a and 14b and Annex 1A are to be read as if:
  - (a) in the case of a type A term, any reference to a type 3A designation of origin or geographical indication included a reference to a type A term;

(1) “Great Britain’s PDOs and PGIs Register” is defined in Article 3(23). Point (23) is inserted by [S.I. 2020/1637](#).

(2) “EUIA” is defined in Article 3(21). Point (21) is inserted by [S.I. 2020/1637](#).

(3) “Enters into force” is defined in Article 3(17). Point (17) is inserted by [S.I. 2020/1637](#).

(4) Articles 14a and 14b and Annex 1A are inserted by [S.I. 2020/1637](#).

(5) “The relevant period” is defined in Article 3(26). Point (26) is inserted by [S.I. 2020/1637](#).

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(b) in the case of a type B term, any reference to a type 3B designation of origin or geographical indication included a reference to a type B term.

3. In addition, Article 14b and Annex 1A are to be read as if any reference to Article 14a included a reference to that Article as applied by this Article.

4. The Secretary of State may, by regulations, make such further modifications to Article 14a or 14b or Annex 1A as the Secretary of State considers necessary for the purpose of ensuring that the relative priorities afforded to designations of origin, geographical indications and trade marks before IP completion day continue to apply appropriately during the relevant period<sup>(6)</sup>.

5. In this Article:

‘relevant invalidity application’ means an application for a declaration of invalidity 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;

‘type A term’ means a designation of origin or geographical indication which:

- (i) immediately before the application to register a trade mark is accepted, is entered in Great Britain’s PDOs and PGIs Register under article 14c, or
- (ii) is not so entered when the application to register a trade mark is accepted, but is to be protected under bridging arrangements which come into effect before the application to register a trade mark is accepted;

‘type B term’ means a designation of origin or geographical indication which is not entered in Great Britain’s PDOs and PGIs Register under article 14c when the relevant trade mark application is accepted but must be protected in Great Britain pursuant to bridging arrangements made on or after the day on which the relevant trade mark application is accepted.”

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<sup>(6)</sup> See Article 56 inserted prospectively by [S.I. 2020/1637](#), which insertion is amended by regulation 16(7)(c), for provisions concerning regulations made under Regulation (EU) No 1151/2012.