

SCHEDULE 3

Regulation 7

Regulation (EU) No 251/2014: new articles 19c and 19d

“Article 19c

Third Country geographical indications covered by bridging arrangements

1. A geographical indication to which paragraph 2 applies is, for the protection period, to be entered on Great Britain’s GIs Register⁽¹⁾.
2. This paragraph applies to a 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⁽²⁾ to which the European Union and C were contracting parties, and
 - (b) is, before a qualifying international agreement enters into force⁽³⁾, 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 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 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 19d

Transitional provisions: relations between trade marks and geographical indications when bridging arrangements are in effect

1. Where a geographical indication is entered on Great Britain’s GIs Register under Article 19c, Articles 19a and 19b and Annex 2A⁽⁴⁾ 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⁽⁵⁾, 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 19a and 19b and Annex 2A are to be read as if:
 - (a) in the case of a type A term, any reference to a type 1A geographical indication included a reference to a type A term;
 - (b) in the case of a type B term, any reference to a type 1B designation of origin or geographical indication included a reference to a type B term.

(1) “Great Britain’s GIs Register” is defined in Article 2(13). Point 13 of Article 2 is inserted by [S.I. 2020/1637](#).

(2) “EUIA” is defined in Article 2(10). Point (10) of Article 2 is inserted by [S.I. 2020/1637](#).

(3) “Enters into force” is defined in Article 2(8). Point (8) is inserted by [S.I. 2020/1637](#).

(4) Articles 19a and 19b and Annex 2A are inserted by [S.I. 2020/1637](#).

(5) “The relevant period” is defined in article 2(15). Point (15) is inserted by [S.I. 2020/1637](#).

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3. In addition, Article 19b and Annex 2A are to be read as if any reference to Article 19a 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 19a or 19b or Annex 2A as the Secretary of State considers necessary for the purpose of ensuring that the relative priorities afforded to geographical indications and trade marks before IP completion day continue to apply appropriately during the relevant period⁽⁶⁾.

5. For the purposes of this Article:

‘relevant invalidity application’ means an application for a declaration of invalidity made under the TMA (as applied by Article 19b(1) and modified by Article 19b(2)) in relation to the registration of a trade mark;

‘type A term’ means a geographical indication which—

- (i) is, immediately before the application to register a trade mark is accepted, entered in Great Britain’s GIs Register under Article 19c, 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 geographical indication which is not entered in the register under Article 19c 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.”

⁽⁶⁾ See Article 33 inserted prospectively by [S.I. 2020/1637](#), which insertion is amended by regulation 16(9)(c), for provisions concerning the procedural requirements associated with regulations made under Regulation (EU) No 251/2014.