

SCHEDULE 4

Regulation (EU) No 251/2014 of the European Parliament and of the Council: new provisions

PART 8

New Annexes 2A and 2B

Commencement Information

II Sch. 4 Pt. 8 in force at 31.12.2020, see reg. 1(7)

“ANNEX 2A

TYPES OF GEOGRAPHICAL INDICATION TO WHICH ARTICLE 19A APPLIES

PART A

INTERPRETATION

1. In the table in Part C:
 - (a) ‘the paragraph 1 trade mark application’ means the application to register a trade mark referred to in Article 19a(1);
 - (b) ‘the relevant EUIA-based date’ means the date determined in accordance with Part B;
 - (c) ‘the relevant trade mark application’ means the application to register a trade mark referred to in Article 19a(2) or (3)(a).

PART B

THE RELEVANT EUIA-BASED DATE

2. In the table in Part C, 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, as relevant to the 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 geographical indication contained priority provisions that applied to the geographical indication, the relevant EUIA-based date is the priority date provided for in the EUIA that applied to that geographical indication.
4. In a case of a type 2A, 2B, 3A or 3B geographical indication to which paragraph 3 does not apply, the relevant EUIA-based date is:
 - (a) in a case where the 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;

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- (b) in a case where the 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 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 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 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. 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 geographical indications and 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 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 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 geographical indication;
 - (ii) an assessment to be carried out under the EUIA in relation to the geographical indication.

PART C

TYPES OF GEOGRAPHICAL INDICATION (THE TYPES TABLE)

<i>Column 1 Row No.</i>	<i>Column 2 The name, or a description, of the geographical indication</i>	<i>Column 3 Type A provisions</i>	<i>Column 4 Type B provisions</i>	<i>Column 5 The column 5 date</i>
1.	The following geographical indications: (a) Nürnberger Glühwein; (b) Samoborski bermet; (c) Thüringer Glühwein; (d) Vermut di Torino/Vermouth di Torino; (e) Vino Naranja del Condado de Huelva.	Not applicable.	Not applicable.	1. In the case of the following geographical indications, 17th December 1991: (a) Nürnberger Glühwein; (b) Vermut di Torino/Vermouth di Torino. 2. In the case of Thüringer Glühwein, 2nd November 1996. 3. In the case of Samoborski bermet, 1st July 2013. 4. In the case of Vino Naranja del Condado de Huelva, 20th March 2014.
2.	A geographical indication that: (a) relates to a geographical area in a third country, (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, and	1. A geographical indication that is on Great Britain's GIs 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 [F ² 19c(1) or 21(11)]. [F ³ 2. A geographical indication that	[F ⁴ A geographical indication that is not on Great Britain's GIs Register when the relevant trade mark application is accepted but must be protected in Great Britain pursuant to— (a) an international agreement to which the United Kingdom and the third country are contracting parties	The relevant EUIA-based date that applies to the geographical indication in relation to the EUIA referred to in point (b) of column 2.

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[^{F1}(c) must be protected in Great Britain pursuant to —

(i) an international agreement to which the United Kingdom and the third country are contracting parties that enters into force, or

(ii) bridging arrangements between the United Kingdom and the third country made, during the relevant period.]

is not on that enters into Great Britain's force, or GIs Register (b) bridging before the day arrangements on which the between the paragraph 1 trade United Kingdom mark application and the third is accepted or country made, refused but must on or after the be protected in day on which Great Britain the relevant trade pursuant to— mark application is accepted.]

(a) an international agreement to which the United Kingdom and the third country are contracting parties that enters into force, or

(b) bridging arrangements between the United Kingdom and the third country made, before the day on which the paragraph 1 trade mark application is accepted or refused.]

3. A geographical indication that:
- (a) relates to a geographical area in a third country, and
- (b) was protected in the European Union immediately before the completion day pursuant to an EUIA to which the European Union and the third country were contracting parties.
1. A geographical indication that is on Great Britain's GIs Register before the day on which the paragraph 1 trade mark application is accepted or refused and is an application entered on that register following the approval of an application to protect the geographical indication submitted to the Secretary of State
- A geographical indication: (a) that is not on Great Britain's GIs Register when the relevant trade mark application is accepted, and (b) for which an application to protect the geographical indication is submitted to the Secretary of State under Article 11 during the relevant period
- The relevant EUIA-based date that applies to the geographical indication in relation to the EUIA referred to in point (b) of column 2.

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under Article and that
11 during the application:
relevant period. (i) is not
2. A geographical submitted before
indication: the relevant trade
(a) that is not mark application
on Great Britain's is accepted, or
GIs Register (ii) is submitted
before the day before the relevant
on which the trade mark
paragraph 1 trade application is
mark application accepted but
is accepted or for which a
refused, notice relating to
(b) for which the application
an application to protect the
to protect the geographical
geographical indication is not
indication is published by the
submitted to the Secretary of State
Secretary of State under the second
under Article paragraph of
11 during the Article 16 before
relevant period, the relevant trade
and mark application
(c) for which is accepted.
an Article 16
approval notice
relating to the
application is
published before
the day on which
the paragraph
1 trade mark
application is
accepted or
refused.

ANNEX 2B

APPEALS

<i>Column 1 Decision</i>	<i>Column 2 Persons who may appeal against the decision</i>	<i>Column 3 FTT powers</i>
Decision of the Secretary of State to approve an application submitted under Article 11 or 13a to protect a geographical indication.	The persons are: (a) a person who lodges a duly substantiated statement of objection in relation to the application under Article 15;	Power to: (a) quash the decision and direct the Secretary of State to: (i) remove the entry for the geographical indication from

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- (b) a person marketing a product that is, or may be, affected by the protection of the geographical indication.
 - (i) 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 submitted under Article 11 or 13a to protect a geographical indication.	The persons are: <ul style="list-style-type: none"> (a) the person who submitted the application; (b) a person marketing a product that is, or may be, affected by the decision not to protect the geographical indication. 	Power to: <ul style="list-style-type: none"> (a) quash the decision and direct the Secretary of State to protect the geographical indication by: <ul style="list-style-type: none"> (i) making an entry for the geographical indication in Great Britain's GI Register, recording the data specified in Article 21(2) in the register, and (ii) attaching a copy of the product specification for the geographical indication to Great Britain's GI Register, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
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Decision of the Secretary of State to approve an application submitted under Article 24 to amend a product specification for a geographical indication.	The persons are: <ul style="list-style-type: none"> (a) a person who lodges a duly substantiated statement of objection in relation to the application under Article 15 (as it applies to an application to amend a product specification by virtue of Article 24(2)); (b) a person marketing a product that is, or may be, affected by the amendment of the product specification. 	Power to: <ul style="list-style-type: none"> (a) quash the decision and direct the Secretary of State to: <ul style="list-style-type: none"> (i) restore the data in the entry for the geographical indication in Great Britain's GI Register (if appropriate); (ii) remove the copy of the amended product specification for the geographical indication attached to Great Britain's GI Register and replace it with a copy of the product specification for the geographical indication that was attached to the 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.
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Decision of the Secretary of State to reject an application submitted under Article 24 to amend a product specification for a geographical indication.	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.	Power to: (a) quash the decision and (as appropriate) direct the Secretary of State to: (i) make such change to the data in the entry for the geographical indication in Great Britain's GI Register as the amendment to the product specification may entail; (ii) replace the copy of the product specification attached to Great Britain's GIs Register with a copy of the amended product specification, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
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Decision of the Secretary of State under Article 25, on the Secretary of State's own initiative, to cancel the protection of a geographical indication.	The persons are: (a) a person who lodges a duly substantiated statement of objection in relation to the proposed decision to cancel the geographical indication under Article 15 (as it applies to the cancellation of a geographical indication by virtue of the second paragraph of Article 25); (b) a person marketing a product that is, or may be, affected by the cancellation of the protection 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 that register immediately before the Secretary of State decided to cancel the protection of the geographical indication, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
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Decision of the Secretary of State to approve a request submitted under Article 25 to cancel the protection of a geographical indication.	The persons are: (a) a person who lodges a duly substantiated statement of objection under Article 15 in relation to the request (as it applies to a request to cancel the protection of a geographical indication by virtue of the second paragraph of Article 25); (b) a person marketing a product that is, or may be, affected by the cancellation	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 that register immediately before the
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of the protection of the Secretary of State decided to geographical indication. cancel the protection of the geographical indication, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.

<p>Decision of the Secretary of State to reject a request submitted under Article 25 to cancel the protection of a geographical indication.</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 protection of the geographical indication.</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 geographical indication from Great Britain's GIs Register, and</p> <p>(ii) remove the copy of the product specification for the geographical indication attached to Great Britain's GIs Register, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.”</p>
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| <p>F1</p> | <p>Words in Sch. 4 Pt. 8 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(9)(d)(i)</p> |
| <p>F2</p> | <p>Words in Sch. 4 Pt. 8 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(9)(d)(ii)(aa)</p> |
| <p>F3</p> | <p>Words in Sch. 4 Pt. 8 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(9)(d)(ii)(bb)</p> |
| <p>F4</p> | <p>Words in Sch. 4 Pt. 8 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(9)(d)(iii)</p> |

Changes to legislation:

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