

SCHEDULE 2

Regulation 6

Regulation (EU) No 1308/2013: New Articles 102c and 102d

“Article 102c

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(1).
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(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 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 102d

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 102c, Articles 102a and 102b and Annex 9A(4) apply for the purposes of determining:
 - (a) whether an application to register a trade mark which was pending before IP completion day or 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 102a and 102b and Annex 9A 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 93(1a)(e). Paragraph (1a) is inserted by [S.I. 2020/1637](#).
(2) “EUIA” is defined in Article 93(1a)(c).
(3) “Enters into force” is defined in Article 93(1a)(b).
(4) Articles 102a and 102b and Annex 9A are inserted by [S.I. 2020/1637](#).
(5) “The relevant period” is defined in Article 93(1a)(f).

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(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 102b and Annex 9A are to be read as if any reference to Article 102a 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 102a or 102b or Annex 9A 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 protection 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 102b(1) and modified by Article 102b(2)) in relation to the registration of a trade mark;

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

- (i) is, immediately before the application to register a trade mark is accepted, entered in Great Britain’s PDOs and PGIs Register under article 102c, 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 102c 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 228 inserted prospectively by [S.I. 2019/831](#), which insertion is amended by regulation 15(2), for provisions concerning the procedural requirements associated with regulations made under Regulation (EU) No 1308/2013.