

SCHEDULES

[^{F1}SCHEDULE 2B

INTERNATIONAL TRADE MARKS PROTECTED IN THE EUROPEAN UNION

Textual Amendments

- F1** Sch. 2B inserted (31.12.2020) by [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/638), reg. 1, **Sch. 4 para. 3** (with Sch. 5 Pt. 2) (as amended by S.I. 2020/1050, regs. 1(2), **22(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**

PART 1

EXISTING INTERNATIONAL TRADE MARKS PROTECTED IN THE EUROPEAN UNION

Effect of claim of priority

- 13 (1) This paragraph applies where—
- a right of priority was claimed in respect of an international application for protection of a trade mark in accordance with Rule 9(4)(iv);
 - immediately before IP completion day there is an entry in the International Register in respect of that trade mark containing particulars of that claim of priority (a “claim of priority”);
 - the trade mark is an existing IR(EU).
- (2) Subject to sub-paragraph (4), the proprietor of the comparable trade mark (IR) which derives from the existing IR(EU) is to be treated on and after IP completion day as having the same claim of priority.
- (3) Accordingly, the relevant date for the purposes of establishing, in relation to the comparable trade mark (IR), which rights take precedence is the date of filing of the application for a trade mark in a Convention country which formed the basis for the claim of priority.
- (4) Where the protection in the European Union of the existing IR(EU) resulted from a request for territorial extension under Article 3*ter*(2), the proprietor of the comparable trade mark (IR) which derives from the existing IR(EU) is to be treated on and after IP completion day as having the same claim of priority only where the request for territorial extension was recorded in the International Register within a period of six months beginning with the day after the priority date recorded in the International Register in respect of the international application referred to in sub-paragraph (1)(a).]

Changes to legislation:

There are currently no known outstanding effects for the Trade Marks Act 1994, Paragraph 13.