

SCHEDULE 5

Consequential amendments, repeals, revocations, transitional and saving provisions

Transitional and Saving Provisions

7.—(1) [^{F1}Subject to paragraph 8,] any application or proceeding under the 1994 Act which was made or commenced before the coming into force of these Regulations shall be dealt with under the 1994 Act as it had effect before regulation 4 came into force.

[^{F2}(1A) Sub-paragraph 1 does not apply to an application to register a trade mark that was pending immediately before the coming into force of these Regulations referred to in—

- (a) Article 14a of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs, or that Article as applied by Article 14d of that Regulation;
- (b) Article 102a of Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products, or that Article as applied by Article 102d of that Regulation;
- (c) Article 19a of Regulation (EU) No 251/2014 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products, or that Article as applied by Article 19d of that Regulation;
- (d) Article 32a of Commission Delegated Regulation (EU) 2019/33 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation, or that Article as applied by Article 32d of that Regulation;]

[^{F3}(e) Article 36a of Regulation (EU) 2019/787 of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, or that Article as applied by Article 36d of that Regulation.]

(2) The repeal of section 52 of the 1994 Act (Power to make provision in connection with European Union Trade Mark Regulation) does not affect any proceedings which are pending on the coming into force of these Regulations before the EU trade mark courts designated by regulation 12 of the Community Trade Mark Regulations 2006 ^{M1} insofar as such proceedings relate to the application and enforcement of a European Union trade mark in the United Kingdom.

Textual Amendments

- F1** Words in [Sch. 5 para. 7\(1\)](#) inserted (26.11.2021) by [The Trade Marks and International Trade Marks \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1235\)](#), regs. 1, 3
- F2** [Sch. 5 para. 7\(1A\)](#) inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(6), 3 (as amended by [S.I. 2020/1661](#), regs. 1(2)(b), **16(2)(a)-(d)**)
- F3** [Sch. 5 para. 7\(1A\)\(e\)](#) 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), **12**

Changes to legislation: There are currently no known outstanding effects for the The Trade Marks (Amendment etc.) (EU Exit) Regulations 2019, Paragraph 7. (See end of Document for details)

Commencement Information

- II** Sch. 5 para. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

Marginal Citations

- M1** S.I. 2006/1027 as amended by, S.I. 2008/1959, 2011/1043, 2016/299 and by the Intellectual Property (Unjustified Threats) Act 2017 (c.14), **section 3**.

Changes to legislation:

There are currently no known outstanding effects for the The Trade Marks (Amendment etc.) (EU Exit) Regulations 2019, Paragraph 7.