

SCHEDULE 4

Regulation 21

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

PART 1

Article 2: new points (4) to (19)

Commencement Information

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

“(4) ‘EU Regulation 251/2014’ means 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^{M1} as it had effect before IP completion day;

(5) ‘an Article 16 approval notice’ means a notice published under the second paragraph of Article 16 relating to a decision of the Secretary of State to grant an application to protect a geographical indication;

(6) ‘constituent nation’ means England, Northern Ireland, Scotland or Wales;

(7) ‘country’, in relation to the United Kingdom, means the United Kingdom as a whole and does not mean an individual constituent nation forming part of the United Kingdom;

(8) ‘enters into force’, in relation to a reference to an international agreement, includes, where the provisional application of that agreement is agreed between the parties before it enters into force, the provisional application of the agreement and ‘entry into force’ is to be construed accordingly;

(9) ‘established protected geographical designation’ means a geographical indication within the meaning of Article 2(3) to which Article 54(2) of the EU withdrawal agreement applies;

(10) ‘EUIA’ means an international agreement made between the European Union and a third country that provides for the protection of a geographical indication of the third country in the European Union;

(11) ‘EUWA’ means the European Union (Withdrawal) Act 2018;

(12) ‘FTT’ means the First-tier Tribunal;

(13) ‘Great Britain's GIs Register’ means the register established and maintained by the Secretary of State pursuant to Article 21;

(14) ‘the original applicant’, in a case where an appeal has been made in respect of a decision made by the Secretary of State in relation to a geographical indication under Article 25, or following the submission of an application under Article 11, 13a or 24, or a request submitted under Article 25, means the person who submitted the application or request;

(15) ‘the relevant period’ means the period beginning on IP completion day and expiring at the end of the day that falls nine months after the day on which IP completion day falls;

(16) ‘retained EU law’ has the meaning given in section 6(7) of the EUWA but does not include any legislation so far as it extends to Northern Ireland;

[^{F1}(17) ‘third country’ means—

(a) for the purposes of the definition of ‘EUIA’ in point (10), Article 19c and Annex 2A, any country other than:

(i) any part of the British Islands, or

(ii) a member State;

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- (b) for all other purposes, any country other than the United Kingdom, and includes:
 - (i) the Bailiwick of Guernsey;
 - (ii) the Bailiwick of Jersey;
 - (iii) the Isle of Man;]
- (18) ‘the TMA’ means the Trade Marks Act 1994;
- (19) ‘the Types Table’ means the table in Part C of Annex 2A.”

F1 Words in [Sch. 4 Pt. 1](#) 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\(9\)\(a\)](#)

Marginal Citations

M1 OJ No. L 84, 20.3.2014, p. 14.

PART 2

New Article 9a

Commencement Information

I2 Sch. 4 Pt. 2 in force at 31.12.2020, see [reg. 1\(7\)](#)

“Article 9a

Definitions: types of geographical indication

In Article 19a and Annex 2A any reference to:

- (a) ‘a type 1 geographical indication’ means a geographical indication listed in column 2 of row 1 of the Types Table;
- (b) ‘a type 2A geographical indication’ means a geographical indication of the type described in column 2 of row 2 of the Types Table to which paragraph 1 or 2 of column 3 of that row applies;
- (c) ‘a type 2B geographical indication’ means a geographical indication of the type described in column 2 of row 2 of the Types Table to which the provisions in column 4 of that row apply;
- (d) ‘a type 3A geographical indication’ means a geographical indication of the type described in column 2 of row 3 of the Types Table to which paragraph 1 or 2 in column 3 of row 2 of that table applies;
- (e) ‘a type 3B geographical indication’ means a geographical indication of the type described in column 2 of row 3 of the Types Table to which the provisions in column 4 of row 2 of that table apply.”

PART 3

New Articles 19a and 19b

Commencement Information

I3 Sch. 4 Pt. 3 in force at 31.12.2020, see reg. 1(7)

“Article 19a

Transitional provisions: relationship with trade marks

1. Unless paragraph 4 applies, an application to register a trade mark that was pending immediately before IP completion day or filed during the relevant period must be refused where, if the trade mark is registered, the use of the trade mark will contravene Article 20(2) in relation to a category A geographical indication.

2. Unless paragraph 4 applies, an application to register a trade mark that was pending immediately before IP completion day or filed during the relevant period must be refused where:

- (a) if the trade mark is registered, the use of the trade mark will contravene Article 20(2) in relation to a category B geographical indication, and
- (b) after the application for the trade mark is accepted but before the trade mark is registered:
 - (i) in the case of a type 2B geographical indication:
 - (aa) the international agreement referred to in paragraph (c) of column 2 of row 2 of the Types Table enters into force [^{F2}or the bridging arrangements referred to in that column are made], and
 - (bb) the entry into force of the international agreement [^{F3}or the making of the bridging arrangements] is brought to the attention of the registrar before the trade mark is registered;
 - (ii) in the case of a type 3B geographical indication:
 - (aa) the Secretary of State publishes an Article 16 approval notice relating to the geographical indication, and
 - (bb) the Article 16 approval notice is brought to the attention of the registrar before the trade mark is registered.

3. Where an application for a declaration of invalidity is 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, the registration of the trade mark must be declared to be invalid, unless paragraph 4 applies, if:

- (a) the application to register the trade mark was pending immediately before IP completion day or filed during the relevant period,
- (b) the use of the trade mark contravenes, or will, if used, contravene, Article 20(2) in relation to a category B geographical indication, and
- (c) in the case of a type 3B geographical indication, the Secretary of State publishes an Article 16 approval notice relating to the geographical indication on or after the day on which the trade mark application is accepted.

4. This paragraph applies where a column 5 date applies in relation to a category A or B geographical indication and, taking account of any priority claimed in respect of an application

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to register the trade mark referred to in paragraph 1, 2 or 3(a) (as relevant) and on the basis of the information available to the registrar, it appears to the registrar that the date of filing of the trade mark application is earlier than the column 5 date that applies to the relevant category A or B geographical indication.

5. As regards paragraphs 1 and 2, a column 5 date does not apply in relation to a type 2A or 3A geographical indication where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to the geographical indication provides that an application for a trade mark must be refused, regardless of when that application is filed, if the trade mark, if registered, will contravene a provision in the EUIA providing for the protection of the use of the geographical indication

6. As regards paragraph 3, a column 5 date does not apply in relation to a type 2B or 3B geographical indication where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to the geographical indication provides that the registration of a trade mark must be invalidated if, regardless of when the application that resulted in the registration of the trade mark is filed, the use of the trade mark contravenes a provision in the EUIA providing for the protection of the use of the geographical indication.

7. In a case of a category A or B geographical indication that is not on Great Britain's GIs Register at the time an assessment is carried out under paragraph 1, 2 or 3, the geographical indication is to be treated, for the purpose of the assessment, as being a geographical indication protected under this Regulation in determining whether the use of the trade mark will contravene Article 20(2) in relation to that geographical indication.

8. A trade mark that could be used in the United Kingdom under Article 19(2) of EU Regulation 251/2014 immediately before IP completion day may continue to be used in Great Britain:

- (a) notwithstanding that the use of the trade mark would contravene Article 20(2) of this Regulation in relation to a geographical indication registered by the Secretary of State under this Regulation;
- (b) provided that no grounds for the invalidation or revocation of the trade mark exist in, or under, the TMA.

9. Nothing in this Regulation prevents a trade mark that could be renewed in the United Kingdom pursuant to Article 19(2) of EU Regulation 251/2014 immediately before IP completion day from being renewed after IP completion day:

- (a) notwithstanding that the use of the renewed trade mark would contravene Article 20(2) in Great Britain in relation to a geographical indication registered by the Secretary of State under this Regulation;
- (b) provided that no grounds for the invalidation or revocation of the trade mark exist in, or under, the TMA.

10. Where paragraph 8 or 9 applies to the use or renewal of a trade mark, this does not affect the use of a geographical indication entered on Great Britain's GIs Register by the Secretary of State:

- (a) following a decision by the Secretary of State to grant an application to register the geographical indication submitted under Article 11;
- (b) under the second paragraph of Article 16.

11. In this Article:

^{F4}(a)

- (b) 'a category A geographical indication' means a type 1, 2A or 3A geographical indication;

- (c) ‘a category B geographical indication’ means a type 2B or 3B geographical indication;
 - (d) ‘column 5 date’, in relation to a geographical indication that is a category A or B geographical indication, means the date specified, or provided for, in column 5 of the Types Table in the row relating to the relevant type of geographical indication;
 - (e) ‘date of filing’:
 - (i) in the case of an EUTM-based trade mark application, means the filing date referred to in paragraph 25(2)(a)(i) of Schedule 2A to the TMA for the existing EUTM application;
 - (ii) in the case of an ITM-based trade mark application, means:
 - (aa) in the case of an application for the registration of a trade mark to which paragraph 28 of Schedule 2B to the TMA applies, the date referred to in paragraph 28(2)(a) of that Schedule for the existing ITM application or existing request for EU extension (as the case may be);
 - (bb) in the case of an application for the registration of a trade mark to which paragraph 29 of Schedule 2B to the TMA applies, the date referred to in paragraph 29(2)(a) of that Schedule for the existing ITM application or existing request for EU extension (as the case may be);
 - (iii) in any other case, has the meaning given by section 33 of the TMA;
 - (f) ‘EUTM-based trade mark application’ means an application to register a trade mark to which paragraph 25(1) of Schedule 2A to the TMA applies that is made within the period specified in paragraph 25(2) of that Schedule;
 - (g) ‘existing EUTM application’ has the same meaning as in paragraph 24 of Schedule 2A to the TMA;
 - (h) ‘existing ITM application’ has the same meaning as in paragraph 27(1)(a) of Schedule 2B to the TMA;
 - (i) ‘existing request for EU extension’ has the same meaning as in paragraph 27(1)(b) of Schedule 2B to the TMA;
 - (j) ‘ITM-based trade mark application’ means an application to register a trade mark to which paragraph 28(1) or 29(1) of Schedule 2B to the TMA applies that is made within the period specified in paragraph 28(1)(c) or 29(1)(c) (as the case may be) of that Schedule;
 - (k) ‘the registrar’ has the meaning given by section 62 of the TMA.
- 12.** Any reference in this Article to:
- (a) ‘priority claimed in respect of an application’:
 - (i) in the case of an EUTM-based trade mark application, means any priority claimed in respect of the existing EUTM application referred to in paragraph 25(2)(a)(ii) of Schedule 2A to the TMA;
 - (ii) in the case of an ITM-based trade mark application, means any priority claimed in respect of the existing ITM application or the existing request for EU extension referred to in paragraph 28(2)(b) or 29(2)(b) (as the case may be) of Schedule 2B to the TMA;
 - (iii) in any other case, means any priority claimed in respect of the application pursuant to section 35 of the TMA;
 - (b) an application to register a trade mark that was ‘pending immediately before IP completion day’ is a reference to an application that was neither refused, nor resulted

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in the registration of the trade mark that is the subject of the application, before IP completion day;

- (c) a trade mark includes a reference to:
 - (i) a collective mark as defined in section 49(1) of the TMA;
 - (ii) a certification mark as defined in section 50(1) of the TMA.

Article 19b

Application and modification of trade mark provisions

1. For the purpose of Article 19a, the following provisions of the TMA apply, with the modifications, in the case of sections 47(3) and (5), 74(1), 76(1) and 77(1), specified in paragraph 2:

- (a) subsections (3) to (5) and (6) of section 47 (invalidation of trade marks) in relation to an application to invalidate a trade mark referred to in Article 19a(3);
- (b) section 72 (registration to be prima face evidence of validity);
- (c) section 73 (certificate of validity of contested application);
- (d) section 74 (registrar's appearance in proceedings involving the register of trade marks);
- (e) section 75 (definition of 'the court');
- (f) section 76 (appeals) except for subsection (5);
- (g) section 77(1) (persons appointed to hear and determine appeals).

2. The modifications are:

- (a) section 47 applies as if:
 - (i) in subsection (3), in the words before paragraph (a), after 'invalidity' there were inserted 'made under this section, as applied by Article 19b(1) 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,';
 - (ii) in subsection (5), for 'grounds of invalidity exist' there were substituted 'ground for invalidity specified in Article 19a(3) of Regulation (EU) No 251/2014 of the European Parliament and of the Council exists';
- (b) section 74(1) applies as if, for the words from 'for' to 'the registrar' there were substituted 'for a declaration of the invalidity of the registration of a trade mark, the registrar';
- (c) section 76(1) applies as if:
 - (i) in the first paragraph, for the words from 'under' to the end there were substituted 'made under Article 19a of Regulation (EU) No 251/2014 of the European Parliament and of the Council';
 - (ii) the second paragraph were omitted;
- (d) section 77(1) applies as if, at the end there were inserted 'as applied by Article 19b(1) of Regulation (EU) No 251/2014 of the European Parliament and of the Council'.

3. In the case of the following proceedings, the rules made under section 68 or 69 of the TMA apply to those proceedings as they apply to proceedings involving an application of the type referred to in section 74(1)(b) of the TMA:

- (a) an application to invalidate a trade mark referred to in Article 19a(3);

- (b) an appeal to an appointed person from a decision of the registrar in relation to an application referred to in paragraph (a).”

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|-----------|---|
| F2 | Words in Sch. 4 Pt. 3 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)(b)(i)(aa) |
| F3 | Words in Sch. 4 Pt. 3 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)(b)(i)(bb) |
| F4 | Words in Sch. 4 Pt. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of The Agricultural Products, Food and Drink (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1661) , regs. 1(2)(b), 16(9)(b)(ii) |

PART 4

Article 21: new paragraphs 2 to 10

Commencement Information

- I4** Sch. 4 Pt. 4 in force at 31.12.2020, see [reg. 1\(7\)](#)

“2. Where the Secretary of State publishes a decision notice giving notice of the Secretary of State's decision to confer protection on a geographical indication, the Secretary of State must, as soon as possible after the notice period for the notice has expired:

- (a) record the following data in the register:
- (i) the registered name (or names) of the product;
 - (ii) the date of protection;
 - (iii) an indication that the name is protected as a geographical indication;
 - (iv) an indication of the permitted country or countries of origin;
- (b) attach a copy of the product specification for the geographical indication to the register.

3. An entry for a geographical indication recorded in the register pursuant to paragraph 2(a) confers the protection provided for in Article 20 and that protection runs from immediately after:

- (a) the entry is recorded in the register, and
- (b) the product specification referred to in paragraph 2(b) has been attached to the register.

4. Where the Secretary of State publishes a decision notice giving notice of the Secretary of State's decision to approve an amendment to a product specification for a geographical indication that is not minor and the amendment includes a change that affects the information recorded in the register for the geographical indication pursuant to paragraph 2, the Secretary of State must as soon as possible after the notice period for the decision notice has expired:

- (a) delete the original data, and record the new data, in the register, and
- (b) replace the copy of the product specification attached to the register with a copy of the approved amended product specification.

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5. The new data recorded in the register pursuant to paragraph 4(a) and the provisions in the approved amended product specification attached to the register pursuant to paragraph 4(b) come into force immediately after:

- (a) the new data is recorded in the register, and
- (b) the copy of the amended product specification is attached to the register.

6. Where the Secretary of State publishes a decision notice giving notice of the Secretary of State's decision to approve an amendment to a product specification for a geographical indication that is not minor and the change in the product specification does not affect the information recorded in the register pursuant to paragraph 2, the Secretary of State must replace the copy of the product specification attached to the register with a copy of the approved amended product specification as soon as possible after the notice period for the decision notice has expired.

7. The approved amended product specification attached to the register pursuant to paragraph 6 comes into force immediately after it is attached to the register.

8. Where the Secretary of State publishes a decision notice giving notice of the Secretary of State's decision to approve a change in a product specification for a geographical indication that is minor, the Secretary of State must replace the copy of the product specification attached to the register with a copy of the approved amended product specification as soon as possible after the notice period for the notice has expired.

9. The approved amended product specification attached to the register pursuant to paragraph 8 comes into force immediately after it is attached to the register.

10. Where the Secretary of State publishes a decision notice giving notice of the Secretary of State's decision to cancel the protection of a geographical indication, the Secretary of State must delete the entry relating to the geographical indication in the register as soon as possible after the notice period for the cancellation decision notice has expired. The cancellation takes effect immediately after the entry is removed from the register.”

PART 5

New Articles 25a and 25b

Commencement Information

15 Sch. 4 Pt. 5 in force at 31.12.2020, see [reg. 1\(7\)](#)

“Article 25a

Appeals: general

1. An appeal may be made to the FTT against a decision of the Secretary of State specified in column 1 of the table in Annex 2B.

2. Such an appeal may be made:

- (a) in all cases, by a person specified in the corresponding entry in column 2 of the table in Annex 2B;
- (b) in the case of a decision affecting an application submitted by the authorities of a third country, by the authorities of that third country.

3. In determining such an appeal, the FTT:

- (a) must consider the decision appealed against afresh;
 - (b) may take into account evidence that was not available to the Secretary of State.
4. The FTT may:
- (a) dismiss the appeal, or
 - (b) if it allows the appeal, exercise any power specified in the corresponding entry in column 3 of the table in Annex 2B.
5. Where the FTT remits a matter to the Secretary of State for reconsideration and fresh decision:
- (a) the Secretary of State, after making a fresh decision, must publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that fresh decision and the reasons for that decision;
 - (b) the provisions of this article, Article 25b and Annex 2B apply to the fresh decision made by the Secretary of State.

Article 25b

Secretary of State decision to consider a decision afresh and the effect of that decision on an appeal

1. The Secretary of State may, on the Secretary of State's own initiative, consider a decision specified in column 1 of the table in Annex 2B ('the original decision') afresh if evidence becomes available to the Secretary of State after making the original decision that was not available to the Secretary of State at the time of the original decision.
2. Paragraph 1 applies even though an appeal has been made to the FTT in respect of the original decision.
3. Where the Secretary of State decides to consider an original decision afresh in a case where an appeal has been made to the FTT in respect of that decision:
 - (a) the Secretary of State must notify the FTT of the Secretary of State's decision to consider the original decision afresh and must publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that decision;
 - (b) the appeal to the FTT is suspended until such time as the Secretary of State has made a fresh decision in relation to the matter;
 - (c) the Secretary of State must, following the making of the fresh decision, notify the FTT of that decision and must publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that decision and the reasons for that decision.
4. If the Secretary of State makes the same decision again, the appeal to the FTT restarts.
5. If the Secretary of State makes a different decision, the appeal to the FTT ceases unless the FTT directs otherwise."

PART 6

New Article 33

Commencement Information

I6 Sch. 4 Pt. 6 in force at 31.12.2020, see reg. 1(7)

“Article 33

Provisions relating to regulations

1. Any power to make regulations conferred on the Secretary of State by this Regulation is exercisable by statutory instrument.
2. Such regulations may:
 - (a) contain supplementary, incidental, consequential, transitional or saving provision (including provision amending, repealing or revoking an enactment);
 - (b) make different provision for different purposes.
3. Except as specified in paragraph 4, a statutory instrument containing regulations under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
4. A statutory instrument containing regulations under Article 4(2), [F519d(4),] 28 or 32(2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
5. The Secretary of State may not make regulations under Article 4(2) or (3), the first subparagraph of Article 31(2) or Article 32(2) or (3) (‘the relevant powers’) without the consent of:
 - (a) in relation to Scotland, the Scottish Ministers;
 - (b) in relation to Wales, the Welsh Ministers.
6. Where either of the parties mentioned in point (a) or (b) of paragraph 5 requests the Secretary of State to make regulations under any of the relevant powers, the Secretary of State must have regard to that request.
7. In this Article, ‘enactment’ means the following legislation whenever passed or made:
 - (a) an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act, except to the extent that it extends to Northern Ireland;
 - (b) regulations made under retained direct principal EU legislation, except to the extent that they extend to Northern Ireland;
 - (c) retained direct minor EU legislation, except to the extent that it extends to Northern Ireland.”

F5 Word in Sch. 4 Pt. 6 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)(c)

PART 7

Annex 1, point (5): new subparagraph

Commencement Information

I7 Sch. 4 Pt. 7 in force at 31.12.2020, see [reg. 1\(7\)](#)

“In this point, ‘relevant water quality legislation’ means:

- (a) in relation to aromatised wine products marketed in England:
 - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007;
 - (ii) the Water Supply (Water Quality) Regulations 2016;
 - (iii) the Private Water Supplies (England) Regulations 2016;
- (b) in relation to aromatised wine products marketed in Scotland:
 - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007;
 - (ii) the Public Water Supplies (Scotland) Regulations 2014;
 - (iii) the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017;
- (c) in relation to aromatised wine products marketed in Wales:
 - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015;
 - (ii) the Private Water Supplies (Wales) Regulations 2017;
 - (iii) the Water Supply (Water Quality) Regulations 2018.”

PART 8

New Annexes 2A and 2B

Commencement Information

I8 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);

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- (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;
- (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</i>	<i>Row</i>	<i>Column 2</i>	<i>The</i>	<i>Column 3</i>	<i>Type</i>	<i>Column 4</i>	<i>Type</i>	<i>Column 5</i>	<i>The</i>
<i>No.</i>		<i>name, or a description, of the geographical indication</i>		<i>A</i>	<i>provisions</i>	<i>B</i>	<i>provisions</i>	<i>column 5</i>	<i>date</i>
1.		The following geographical indications: (a) Nürnberger Glühwein; (b) Samoborski bermet; (c) Thüringer Glühwein; (d) Vermut di Torino/Vermouth di Torino;		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.	

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(e) Vino Naranja del Condado de Huelva.

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 [F6(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.]
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 [F7]19c(1) or 21(11). [F8]2. A geographical indication that is not on Great Britain's GIs Register before the day on which the paragraph 1 trade mark application is accepted or refused 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 that enters into force, or (b) bridging arrangements between the United Kingdom and the third country made, on or after the day on which the relevant trade mark application is accepted.]
- [F9]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 that enters into force, or (b) bridging arrangements between the
- The relevant EUIA-based date that applies to the geographical indication in relation to the EUIA referred to in point (b) of column 2.

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 IP entered on that register following the approval of an application submitted to the Secretary of State under Article 11 during the relevant period.
- A geographical indication: (a) that is not on Great Britain's GIs Register before the day on which the paragraph 1 trade mark application is accepted, or (b) for which an application submitted to the Secretary of State under Article 11 during the relevant trade mark application is accepted, and (b) for which an application submitted to the Secretary of State under Article 11 during the relevant trade mark application: (i) is not submitted before the relevant trade mark application is accepted, or (ii) is submitted before the relevant trade mark application is accepted but for which a notice relating to the application to protect the geographical indication is not published by the Secretary of State under the second paragraph of Article 16 before the relevant trade
- 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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relevant period, mark application and is accepted.
 (c) for which 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; (b) a person marketing a product that is, or may be, affected by the protection of the geographical indication.	Power to: (a) quash the decision and direct the Secretary of State to: (i) remove the entry for the geographical indication from Great Britain's GIs Register, and (ii) 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: (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: (a) quash the decision and direct the Secretary of State to protect the geographical indication by: (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.
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: (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: (a) quash the decision and direct the Secretary of State to: (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.
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.
Decision of the Secretary of State under Article 25, on the Secretary of State's own initiative, to cancel the	The persons are: (a) a person who lodges a duly substantiated statement of objection in relation to the proposed decision to cancel the	Power to: (a) quash the decision and direct the Secretary of State to: (i) restore the entry for the geographical indication in

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protection of a geographical indication.	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.	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.
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 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.
Decision of the Secretary of State to reject a request submitted under Article 25 to cancel the protection of a geographical indication.	The persons are: (a) the person who submitted the request; (b) a person marketing a product that is, or may be, affected by the decision not to cancel the protection of the geographical indication.	Power to: (a) quash the decision and direct the Secretary of State to: (i) remove the entry for the geographical indication from Great Britain's GIs Register, and (ii) 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.”

- F6** 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)**
- F7** 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)**
- F8** 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)**
- F9** 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)**

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