
STATUTORY INSTRUMENTS

2020 No. 1661

**The Agricultural Products, Food and Drink
(Amendment) (EU Exit) Regulations 2020**

PART 3

Amendment of subordinate legislation

The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020

16.—(1) The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020⁽¹⁾ are amended as follows.

(2) In regulation 3, in the new sub-paragraph (1A) to be inserted after paragraph 7(1) of Schedule 5 to the Trade Marks (Amendment etc.) (EU Exit) Regulations 2019—

- (a) in paragraph (a), at the end insert “, or that Article as applied by Article 14d of that Regulation;”;
- (b) in paragraph (b), at the end insert “, or that Article as applied by Article 102d of that Regulation;”;
- (c) in paragraph (c), at the end insert “, or that Article as applied by Article 19d of that Regulation;”;
- (d) in paragraph (d), at the end insert “, or that Article as applied by Article 32d of that Regulation;”.

(3) In regulation 11(5)(a), in the inserted text, after “Regulations” insert “and the 1416/2006 prohibition⁽²⁾”.

(4) In regulation 14(4)(a), in the inserted text, after “Regulations” insert “and the 1416/2006 prohibition”.

(5) In regulation 20(2)—

- (a) in new paragraph 1a to be inserted into Article 93 of Regulation (EU) No 1308/2013—
 - (i) for “Article 102a” substitute “Articles 102a, 102c and 102d”;
 - (ii) before point (a) insert—
 - “(za) ‘application to register a trade mark’ means an application to register a trade mark made under the TMA⁽³⁾”
 - (iii) after point (a) insert—
 - “(aa) ‘bridging arrangements’ has the meaning given in Article 102c(2)(b);”;
 - (iv) after point (f) insert—

⁽¹⁾ [S.I. 2020/1637](#).

⁽²⁾ See [S.I. 2020/1636](#) for amendments to [S.I. 2011/2936](#) concerning “the 1416/2006 prohibition”.

⁽³⁾ “The TMA” is defined in Article 93(1a)(g).

- “(fa) ‘third country’ means—
- (i) for the purposes of the definition of ‘EUIA’ in paragraph 1a(c), Article 102c and Annex 9A (other than the reference in paragraph (ii)), any country other than—
 - (aa) any part of the British Islands, or
 - (bb) any member State;
 - (ii) for the purposes of the reference in column 2 of row 6 of the Types Table in Part 3 of Annex 9A, any country other than any part of the British Islands;
 - (iii) for all other purposes, any country other than the United Kingdom, and includes:
 - (aa) the Bailiwick of Guernsey;
 - (bb) the Bailiwick of Jersey;
 - (cc) the Isle of Man;”;
- (b) omit paragraph 1b.
- (6) In regulation 28(40), in the substituted Article 46, for paragraph 1 substitute—
- “**1.** Regulations made under this Regulation are to be made by statutory instrument.
- 1A.** A statutory instrument containing regulations under Article 36d(4) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- 1B.** Any other statutory instrument containing regulations made under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament”.
- (7) In Schedule 2—
- (a) in Part 1, for new Article 3(28) substitute—
- “(28) ‘third country’ means—
- (a) for the purposes of the definition of ‘EUIA’ in point (21), Article 14c and Annex 1A (other than the reference in paragraph (b)), any country other than—
 - (i) any part of the British Islands, or
 - (ii) a member State;
 - (b) for the purposes of the reference in column 2 of row 6 of the Types Table in Part 3 of Annex 1A, any country other than any part of the British Islands;
 - (c) 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;”;
- (b) in Part 3—
- (i) in new Article 14a(2)(b)(i)—
 - (aa) in point (aa), after “enters into force” insert “or the bridging arrangements referred to in that column are made”;
 - (bb) in point (bb), after “international agreement” insert “or the making of the bridging arrangements”;
 - (ii) in new Article 14a(11)(a), after “11(2)” insert “or 14c(1)”;

- (iii) in new Article 14a(12), omit subparagraph (a);
- (c) in Part 6, in new Article 56(4), after “or Article” insert “14d(4),”;
- (d) in Part 7, in Part 1 of new Annex 1A, in paragraph 1(e)—
 - (i) in point (i), after “geographical”, in the first place it occurs, insert “indication”,
 - (ii) in point (ii), after “geographical”, in the first place it occurs, insert “indication”,
 - (iii) in point (iii), after “geographical” insert “indication”;
- (e) in Part 7, in the Types Table in Part 3 of new Annex 1A, in row 3—
 - (i) in column 2, for paragraph (c) substitute—
 - “(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.”;
 - (ii) in column 3—
 - (aa) in paragraph 1, after “11(2)” insert “or Article 14c(1)”;
 - (bb) for paragraph 2 substitute—
 - “2. A designation of origin or geographical indication that is not on Great Britain’s PDOs and PGIs 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,before the day on which the paragraph 1 trade mark application is accepted or refused.”;
 - (cc) for the entry in column 4 substitute—
 - “A designation of origin or geographical indication that is not on Great Britain’s PDOs and PGIs 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 United Kingdom and the third country made,on or after the day on which the relevant trade mark application is accepted.”
- (8) In Schedule 3—
 - (a) in Part 2, in new Article 102a—
 - (i) in paragraph 2(b)(i)—
 - (aa) in point (aa), after “force” insert “or the bridging arrangements referred to in that column are made”;

- (bb) in point (bb), after “agreement” insert “or the making of the bridging arrangements”;
- (ii) in paragraph 11(c), after “pursuant to” insert “Article 102c(1) or”;
- (iii) omit paragraph 12(a);
- (b) in Part 3, in the Types Table in Part 3 of new Annex 9A, in row 3—
 - (i) in column 2, for paragraph (c) substitute—
 - “(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.”;
 - (ii) in column 3—
 - (aa) in paragraph 1 after “pursuant to” insert “Article 102c(1) or”;
 - (bb) for paragraph 2 substitute—
 - “2. A designation of origin or geographical indication that is not on Great Britain’s PDOs and PGIs 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,
 - before the day on which the paragraph 1 trade mark application is accepted or refused.”;
 - (iii) for the entry in column 4 substitute—
 - “A designation of origin or geographical indication that is not on Great Britain’s PDOs and PGIs 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 United Kingdom and the third country made,
 - on or after the day on which the relevant trade mark application is accepted”.
- (9) In Schedule 4—
 - (a) in Part 1, for new Article 2(17) substitute—
 - “(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;
 - (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;”;
- (b) in Part 3, in new Article 19a—
 - (i) in paragraph 2(b)(i)—
 - (aa) in point (aa), after “force” insert “or the bridging arrangements referred to in that column are made”;
 - (bb) in point (bb), after “agreement” insert “or the making of the bridging arrangements”;
 - (ii) omit paragraph 11(a);
- (c) in Part 6, in new Article 33(4), after “under Article 4(2),” insert “19d(4),”
- (d) in Part 8, in the Types Table in Part C of new Annex 2A, in row 2—
 - (i) in column 2, for paragraph (c) substitute—
 - “(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.”;
 - (ii) in column 3—
 - (aa) in paragraph 1, after “Article” insert “19c(1) or”;
 - (bb) for paragraph 2 substitute—
 - “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,before the day on which the paragraph 1 trade mark application is accepted or refused.”;
 - (iii) for the entry in column 4 substitute—
 - “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 United Kingdom and the third country made,on or after the day on which the relevant trade mark application is accepted.”
- (10) In Schedule 8—

- (a) in Part 1, for new Article 1a(q), substitute—
- “(q) ‘third country means—
- (i) for the purposes of the definition of ‘EUIA’ in point (k), Article 32c and Annex A1 (other than the reference in paragraph (ii)), any country other than:
- (aa) any part of the British Islands, or
- (bb) a member State;
- (ii) for the purposes of the reference in column 2 of row 5 of the Types Table in Part 3 of Annex A1, any country other than any part of the British Islands;
- (iii) for all other purposes, any country other than the United Kingdom, and includes:
- (aa) the Bailiwick of Guernsey;
- (bb) the Bailiwick of Jersey;
- (cc) the Isle of Man;”;
- (b) in Part 3, in new Article 32a—
- (i) in paragraph 2(b)(i)—
- (aa) in point (aa), after “force” insert “or the bridging arrangements referred to in that column are made”;
- (bb) in point (bb), after “agreement” insert “or the making of the bridging arrangements”;
- (ii) omit paragraph 12(a);
- (c) in Part 6, in the Types Table in Part C of new Annex A1, in row 2—
- (i) in column 2, for paragraph (c) substitute—
- “(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.”;
- (ii) in column 3—
- (aa) in paragraph 1 after “Article” insert “32c(1) or”;
- (bb) for paragraph 2 substitute—
- “**2.** A traditional term that is not in Great Britain’s Traditional Terms 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,
- before the day on which the paragraph 1 trade mark application is accepted or refused.”;

(iii) for the entry in column 4 substitute—

“A traditional term that is not in Great Britain’s Traditional Terms 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 United Kingdom and the third country made,

on or after the day on which the relevant trade mark application is accepted.”.

(11) In Schedule 10, Part 1, in new Article 3, for point (15) substitute—

“(15) ‘third country’ means—

- (a) for the purposes of the definition of ‘EUIA’ in point (10a), Article 36c and Annex 1A (other than the reference in paragraph (b)), any country other than—
 - (i) any part of the British Islands, or
 - (ii) a member State,
- (b) for the purposes of the reference in column 2 of row 5 of the Types Table in Part 3 of Annex 1A, any country other than any part of the British Islands;
- (c) 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;”.