

NOTICE TO STAKEHOLDERS WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF GEOGRAPHICAL INDICATIONS

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INTRODUCTION

In the framework of Brexit and the future relationship between European Union and United Kingdom, the European Commission adopted the Communication ***“Getting ready for changes”*** in order to help national authorities, businesses and citizens prepare for the inevitable changes that will arise at the end of the transition period. Irrespective of whether an agreement on a future partnership will be concluded or not, the Communication sets out a sector-by-sector overview of the main areas where there will be changes and the relative measures that should be taken to be ready for these changes as of 1 January 2021.

In parallel, the European Commission is reviewing and, where necessary, updating all [102 stakeholder preparedness notices](#), among which there is [a notice dedicated to Geographical Indications](#).

“GETTING READY FOR CHANGES”: THE WITHDRAWAL AGREEMENT VS THE FUTURE RELATIONSHIP

In its Communication, the Commission remarks **the difference between the Withdrawal Agreement and the ongoing negotiations on the future relationship**.

On one hand, **the Withdrawal Agreement**, including the Protocol on Ireland and Northern Ireland, **already entered into force on 1 February 2020**, provides legal certainty and detailed provisions in a number of important areas aimed to limit the impact of the United Kingdom’s withdrawal from the European Union and its Single Market and the Customs Union. On the other hand, **the future relationship is based on the European Union’s [negotiating directives](#) for a new partnership with the United Kingdom (adopted on 25 February 2020) and on [the draft text of the Agreement on the New Partnership](#) between the European Union and the United Kingdom (published on 17 March 2020).**

The consequences of failing to agree on a new partnership by 31 December 2020 would be significant. Nevertheless, even in case of the most ambitious future partnership there will be **far-reaching, automatic and unavoidable changes** and consequences as of 1 January 2021.

1. THE WITHDRAWAL AGREEMENT

The Withdrawal Agreement provides for the continued protection in the United Kingdom of the stock of geographical indications registered in the EU until the last day of the transition period (Article 54(2), first subparagraph).

Under the terms of the Withdrawal Agreement, the protection of the registered EU GIs is to be granted in the United Kingdom **without re-examination, free of charge and at least at the same level of protection as under the relevant EU legislation**. Such protection is **indefinite for as long as the relevant GIs is protected in the EU**.

This means that the geographical indications currently registered in the European Union, and those that will be entered into the register by the end of the transition period, **will remain protected** in the United Kingdom **after the end of the transition period**, without a need to introduce an application in the United Kingdom or to undertake any particular administrative procedures to ensure such protection. **They will be converted into United Kingdom rights.**

As concerns the **future GIs, registered after the end of the transition period** (as of 1 January 2021), **they will not be automatically protected but a mechanism should be established by the two parties through the negotiations on future relationship.**

1.2 THE PROTOCOL ON IRELAND/NORTHERN IRELAND

As foreseen by the Withdrawal Agreement, **after the end of the transition period the Protocol on Ireland/Northern Ireland (“IE/NI Protocol”) will enter into force.** The IE/NI Protocol makes certain provisions of EU law applicable also to and in the United Kingdom in respect of Northern Ireland. This means that **EU GIs registered before the end of the transition period will continue to be protected in Northern Ireland after the end of the transition period.** Likewise, **EU GIs registered after the end of the transition period will still be protected in Northern Ireland.**

2. FUTURE RELATIONSHIP: REGISTRATION OF GEOGRAPHICAL INDICATIONS AFTER THE END OF THE TRANSITION PERIOD

At the end of the transition period any new EU unitary rights will have a reduced territorial scope as they will no longer have effect in the United Kingdom. Consequently, **any geographical indication registered in the EU as of 1 January 2021 will not be automatically protected in the UK, except for Northern Ireland** by virtue of the above-mentioned protocol.

Furthermore, after the end of the transition period, since United Kingdom will become a third country, the registration by the EU of geographical indications relating to products originating in the UK will have to comply with the conditions that apply for GIs from third countries.

In the framework of the future relationship currently under negotiation, the envisaged partnership **should confirm the protection of existing geographical indications** as provided for in the Withdrawal Agreement and **establish a mechanism for the protection of future geographical indications** ensuring the same level of protection as that provided for by the Withdrawal Agreement. Nevertheless, **negotiations stalled on this mechanism** and no progress has been made so far.

As a result, in the Communication *“Getting ready for changes”* the European Commission advises businesses and Member States administrations that, **where relevant, stakeholders concerned should take the necessary measures to ensure protection in the UK of future intellectual property rights.**