

# BREXIT HUB

## Protected Food Names

### Introduction

The transition period between the UK and the EU will end on 31 December 2020. This means that the UK will no longer be a member of the EU's Single Market nor the Common Customs Union. These changes will result in a series of significant, and depending on the timing, abrupt changes to how rural businesses operate. Arrangements for those products which have already been awarded protected status in the EU will change.

This briefing note, and others on different subjects that can be found on the CLA Brexit Hub - <https://www.cla.org.uk/brexit> - provides rural business owners with detailed information on the steps which will need to be taken and where you can find more information relating to protected food names and has been independently compiled by CLA experts. It covers:

- What PDOs, PGIs and TSGs are;
- What happens to those UK products already with EU protected status;
- The UK Geographic Indications scheme;
- The logos that will need to be used on UK products and how to use them;
- Recognition of UK protected products in international agreements.

Of course, the decision about what actions to take will be unique to every businesses' needs. This guidance is not intended to make a judgement on the specific activities you should be undertaking, or about the longer-term effects of the UK's exit from the EU.

### What are PDOs, PGIs and TSGs?

The EU's Protected Food Scheme system, known as Protected Designation of Origin (PDO), Protected Geographical Indication (PGI) and Traditional Specialities Guaranteed (TSG), came into force in 1993. It is seen as a way of guaranteeing the quality of food products on sale in EU Member States as well as globally.

Consumers' increasing interest in the provenance of the food they buy and eat means that products awarded the PDO, PGI or TSG status have, in effect, a marketing advantage over other products. In addition, those producers who have secured EU protected status over the years have benefitted from an increase in income.

The UK government has said that, although it will seek to mirror the EU system, it will in fact be putting in place a unique UK version as a result of Brexit.

### What happens to those products already protected by the EU protected designations system?

It has now been agreed that UK products that already have EU protected status will be permitted to continue to be protected in the EU. However, rather than being called EU protected products, they will be covered under the UK Geographic Indications scheme.



## What will a UK scheme look like?

Although the full details of the new scheme have still to be published by the UK government, the intent is to copy the present EU scheme. This means that the geographic names of:

- Food, drink and agricultural products (including beer, cider and perry);
- Spirit drinks; and,
- Wine and aromatised wine,

will be protected in the UK.

In addition, the three standards used in the EU GI scheme – Protected Designation of Origin (PDO), Protected Geographical Indication (PGI) and Traditional Specialities Guaranteed (TSG) – will continue to be used in the UK GI scheme.

Producers or retailers of food and agricultural GI products produced and for sale in GB and registered before 1 January 2021, will have until 1 January 2024 to change packaging and marketing materials to display the new UK GI logos.

For those GI products produced and for sale in GB and registered from 1 January 2021, must use the relevant UK logo on any product packaging or marketing materials as soon as the product is registered.

GB GI products that are protected in the EU can continue to use the EU logo in the UK, in addition to the UK logo, after the transition period.

For producers or retailers of food and agricultural GI products in Northern Ireland, it will be:

- mandatory to continue using the EU logos when the product is on sale in Northern Ireland if the product is registered under the EU GI schemes
- optional to use the new UK GI logos if the product is registered under the UK GI schemes

The logos will remain optional for producers of wine and spirit GIs.

## How can I apply for a Geographic Indication under the UK scheme?

Details of the application process will be issued by the UK Government before the end of the transition period on 31 December 2020. The scheme will be open to UK, EU and non-EU country producers.

Defra will be responsible for:

- Managing the UK scheme;
- Maintaining the registers of protected products;
- Processing new applications and,
- deciding of those products granted UK GI status.

From 1 January 2021, producers with new products will need to apply to the relevant:

- UK scheme to protect a new product name in Great Britain (GB);
- EU scheme to protect a new product name in Northern Ireland (NI) and the EU;

Importantly, GB producers will need to secure protection under the UK schemes before applying to the EU schemes.

NI producers do not need to secure protection under the EU schemes before applying to the UK schemes.

Defra will publish further guidance for producers on how to apply to the UK and EU schemes at the end of the transition period.

## **What will the logos look like and how can they be used?**

The new UK GI logos can be used from 1 January 2021. They will identify products protected under the UK schemes.

There are 3 logos that mark each designation of geographical indication (GI):

- Protected Designation of Origin (PDO);
- Protected Geographical Indication (PGI);
- Traditional Speciality Guaranteed (TSG)

The logos are set out below.



## **How do I use the new UK Geographic Indications logo on my product and packaging?**

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The logos will remain optional for producers of wine and spirit GIs.

## **Will UK Geographic Indications status be recognised in the EU?**

It has already been agreed that UK products that already have EU protected status will continue to be protected. In addition, you can also apply for two other EU protections:

- Trade mark. For more information go to: - find more guidance online at <https://www.gov.uk/topic/intellectual-property/trade-marks>
- EU collective mark. For more information go to: find more guidance online at <https://euipo.europa.eu/ohimportal/en>

## **Will UK Geographic Indications status be recognised in the EU?**

GI protection will continue after 1 January 2021 for products currently named in:

- EU free trade agreements where the UK has signed a continuity agreement, such as, Chile and Switzerland;
- other EU third country sectoral agreements where the UK has signed a continuity agreement.

## **Will the EU Geographic Indications scheme apply in the UK?**

The present EU GI scheme will not apply in the UK. However, EU producers can reapply to the UK for UK GI status. This will mean that the product needs to conform to the standards adopted under the UK GI system.