

# London

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## Business Matters



COVER STORY

## UK-EU trade

Getting to grips with the new procedures

Pages 16-17



## Prior to the deal being struck, the main areas of contention were UK fishing rights

### Security and data

The UK will no longer have automatic access to key security databases but should be able to gain entry on request

The UK no longer has to comply with EU data protection standards. However, data will continue to be exchanged in the same way for at least four months providing that the UK's data protection rules remain the same.

### Education

The UK will no longer take part in the Erasmus programme that enables students to study in EU member states

It is anticipated that the UK will set up its own scheme as from September 2021 and will include EU and non-EU countries

### Brexit: What are the key points of the deal?

■ <https://www.bbc.com/news/explainers-55180293>

### Brexit deal: What is in it?

■ <https://www.bbc.com/news/55252388>

### Five key points from the EU-UK Brexit trade deal

■ <https://www.complianceweek.com/risk-management/five-key-points-from-the-eu-uk-brexit-trade-deal/29899.article>

### How were the 'key sticking points' resolved?

Prior to the deal being struck, the main areas of contention were UK

fishing rights and the 'level playing field' in standards and State aid.

### Fishing rights

As mentioned above, EU fishing fleets will have a five-and-a-half years transition period to access UK waters. After this, access will depend on annual negotiations, similar to those the EU already has with Norway. However, if the UK stops the EU from entering its fishing waters, the EU will be able to impose tariffs on UK fish and even ban the UK from its energy market.

### Standards

Under the terms of the new arrangement, the UK is free to set its own standards in areas such as the environment and employee rights. However, the UK's access to the European market could be restricted if it is believed to diverge too far. The so-called "rebalancing mechanism" will allow either side to impose tariffs if it is deemed that their businesses were at an unfair disadvantage. This will not involve EU law or the European Court of Justice.

### State aid

EU companies will be able to challenge State aid awarded to UK competitors if they feel it breaches the principles set out in the trade deal. UK companies will enjoy equivalent rights in the EU.

### Brexit trade deal explained: the key parts of the landmark agreement

■ <https://www.ft.com/content/bd71fda3-0a34-4b52-ae98-4769848cb628>

### How Brexit Talks Overcame Suspicion, Resentment and Fish

■ <https://www.bloomberg.com/news/articles/2020-12-24/the-inside-story-of-how-a-brexit-deal-was-done>

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# Members Only – Changes to the selective IP right of Geographical Indications

HGF Trade Mark Director Adjoa Anim highlights the changes to the UK Geographical Indication system.



The UK leaving the EU has produced great changes and Intellectual Property has seen its fair share, including, in relation to Geographical Indications (GIs).

### What is a GI?

A GI is a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin. They are used to protect food, drink agricultural products. Examples include London Cure Smoked Salmon, East Kent Goldings and Cornish Pasty. Use of GIs give products prestige as they act as guarantors of authenticity, process and origin.

### What has changed?

Until 31 December 2020, EU law provided protection for GIs in the UK under four forms; Protected Designation of Origin (PDO), Protected Geographical Indication (PGI), specific GIs for spirit drinks and aromatised wines and Traditional Speciality Guaranteed (TSG), using the following logos:



The UK Government has set up its own scheme, effective from 1 January 2021. The Department for Environment, Food and Rural Affairs (Defra) manages the scheme, maintains the registers

of product names and processes new applications for the three types of GIs; PDOs, PGIs and Traditional Speciality Guaranteed (TSG), using the following logos:



### More on the new system

The UK system will protect new GIs in Great Britain and will be open to producers inside and outside the country. Great Britain producers should secure protection under the UK scheme before applying to the EU scheme, and EU producers will have to do vice versa. Northern Irish producers have special rules that allow them to use both schemes.

Products protected under EU system, before 1 January 2021, will be protected under the UK system. Producers that used [EU] GIs in the UK before 31 December 2020 have three years to update packaging and marketing materials with the new UK logos. Producers that register GIs under the new UK system from 1 January 2021 must use the new logos.

Defra will provide further updates on the practicalities of the new system, now that the transition period is over.

Should you have any questions concerning GIs or other areas of IP, please contact Adjoa at [aanim@hgf.com](mailto:aanim@hgf.com).

