
STATUTORY INSTRUMENTS

2005 No. 2339

The Community Design Regulations 2005

[^{F1}Unjustified threats: threats of infringement proceedings

2.—(1) A communication contains a “threat of infringement proceedings” if a reasonable person in the position of a recipient would understand from the communication that—

- (a) a [^{F2}supplementary unregistered] design exists, and
- (b) a person intends to bring proceedings (whether in a court in the United Kingdom or elsewhere) against another person for infringement of the [^{F2}supplementary unregistered] design by—
 - (i) an act done in the United Kingdom, or
 - (ii) an act which, if done, would be done in the United Kingdom.

(2) References in this regulation and in regulation 2C to a “recipient” include, in the case of a communication directed to the public or a section of the public, references to a person to whom the communication is directed.]

Textual Amendments

- F1** Regs. 2-2F substituted for reg. 2 (1.10.2017) by Intellectual Property (Unjustified Threats) Act 2017 (c. 14), ss. 6(2), 8(2); S.I. 2017/771, reg. 2(1)(b) (with reg. 3)
- F2** Words in reg. 2(1) substituted (31.12.2020) by The Designs and International Trade Marks (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/638), reg. 1, Sch. 1 para. 59 (with reg. 4, Sch. 2 Pt. 2) (as amended by S.I. 2020/1050, regs. 1(2), 14, 20); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Community Design Regulations 2005, Section 2.