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STATUTORY INSTRUMENTS

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**2005 No. 2339**

**The Community Design Regulations 2005**

**[<sup>F1</sup>Unjustified threats: actionable threats**

**2A.**—(1) Subject to paragraphs (2) to (5), a threat of infringement proceedings made by any person is actionable by any person aggrieved by the threat.

(2) A threat of infringement proceedings is not actionable if the infringement is alleged to consist of—

- (a) making an article for disposal, or
- (b) importing an article for disposal.

(3) A threat of infringement proceedings is not actionable if the infringement is alleged to consist of an act which, if done, would constitute an infringement of a kind mentioned in paragraph (2)(a) or (b).

(4) A threat of infringement proceedings is not actionable if the threat—

- (a) is made to a person who has done, or intends to do, an act mentioned in paragraph (2)(a) or (b) in relation to an article, and
- (b) is a threat of proceedings for an infringement alleged to consist of doing anything else in relation to that article.

(5) A threat of infringement proceedings which is not an express threat is not actionable if it is contained in a permitted communication.

(6) In regulations 2C and 2D an “actionable threat” means a threat of infringement proceedings that is actionable in accordance with this regulation.]

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**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)

**Changes to legislation:**

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