



Registered Designs Act 1949

1949 CHAPTER 88 12 13 and 14 Geo 6

[^{F1}Unjustified threats

[^{F1}26B Permitted communications

- (1) For the purposes of section 26A(5), a communication containing a threat of infringement proceedings is a “permitted communication” if—
 - (a) the communication, so far as it contains information that relates to the threat, is made for a permitted purpose;
 - (b) all of the information that relates to the threat is information that—
 - (i) is necessary for that purpose (see subsection (5)(a) to (c) for some examples of necessary information), and
 - (ii) the person making the communication reasonably believes is true.
- (2) Each of the following is a “permitted purpose”—
 - (a) giving notice that a registered design exists;
 - (b) discovering whether, or by whom, the right in a registered design has been infringed by an act mentioned in section 26A(2)(a) or (b);
 - (c) giving notice that a person has a right in or under a registered design, where another person's awareness of the right is relevant to any proceedings that may be brought in respect of the registered design.
- (3) The court may, having regard to the nature of the purposes listed in subsection (2)(a) to (c), treat any other purpose as a “permitted purpose” if it considers that it is in the interests of justice to do so.
- (4) But the following may not be treated as a “permitted purpose”—
 - (a) requesting a person to cease doing, for commercial purposes, anything in relation to a product in which a design is incorporated or to which it is applied,
 - (b) requesting a person to deliver up or destroy a product in which a design is incorporated or to which it is applied, or
 - (c) requesting a person to give an undertaking relating to a product in which a design is incorporated or to which it is applied.

Changes to legislation: Registered Designs Act 1949, Section 26B is up to date with all changes known to be in force on or before 21 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (5) If any of the following information is included in a communication made for a permitted purpose, it is information that is “necessary for that purpose” (see subsection (1)(b)(i))—
- (a) a statement that a right in a registered design exists and is in force or that an application for registration of a design has been made;
 - (b) details of the registered design, or of a right in or under the right in the registered design, which—
 - (i) are accurate in all material respects, and
 - (ii) are not misleading in any material respect; and
 - (c) information enabling the identification of the products in which the registered design is allegedly incorporated or to which the registered design is allegedly applied.]

Textual Amendments

- F1** Ss. 26-26F and cross-heading substituted for s. 26 (1.10.2017) by [Intellectual Property \(Unjustified Threats\) Act 2017 \(c. 14\)](#), [ss. 4\(3\)](#), 8; S.I. 2017/771, [reg. 2\(1\)\(b\)](#) (with [reg. 3](#))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 22(1)(aa) and word inserted by [2014 c. 18 s. 9\(2\)](#)
- s. 22(5) inserted by [2014 c. 18 s. 9\(4\)](#)
- s. 22(6)(7) inserted by [2014 c. 18 s. 9\(5\)](#)