

## SCHEDULES

### SCHEDULE 4

#### THE REGISTERED DESIGNS ACT 1949 AS AMENDED ARRANGEMENT OF SECTIONS

**Modifications etc. (not altering text)**

- C1** Sch. 4 extended (with modifications) (Isle of Man) (9.12.2001) by [S.I. 2001/3678](#), art. 3, **Sch. 3**
- C1** Sch. 4 extended (Isle of Man) (with modifications) (11.11.2013) by [The Registered Designs \(Isle of Man\) Order 2013 \(S.I. 2013/2533\)](#), arts. 1, 3(2), **Sch. 2**

#### *Legal proceedings and appeals*

#### *Remedy for groundless threats of infringement proceedings.*

- 26 (1) Where any person (whether entitled to or interested in a registered design or an application for registration of a design or not) by circulars, advertisements or otherwise threatens any other person with proceedings for infringement of the right in a registered design, any person aggrieved thereby may bring an action against him for any such relief as is mentioned in the next following subsection.
- (2) Unless in any action brought by virtue of this section the defendant proves that the acts in respect of which proceedings were threatened constitute or, if done, would constitute, an infringement of the right in a registered design the registration of which is not shown by the plaintiff to be invalid, the plaintiff shall be entitled to the following relief, that is to say:—
- (a) a declaration to the effect that the threats are unjustifiable;
  - (b) an injunction against the continuance of the threats; and
  - (c) such damages, if any, as he has sustained thereby.
- (2A) Proceedings may not be brought under this section in respect of a threat to bring proceedings for an infringement alleged to consist of the making or importing of anything.
- (3) For the avoidance of doubt it is hereby declared that a mere notification that a design is registered does not constitute a threat of proceedings within the meaning of this section.

**Changes to legislation:**

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Paragraph 26.