



# Trade Marks Act 1994

## 1994 CHAPTER 26

### PART I

#### REGISTERED TRADE MARKS

#### *[<sup>F1</sup>Unjustified threats*

#### **[<sup>F1</sup>21C Remedies and defences**

- (1) Proceedings in respect of an actionable threat may be brought against the person who made the threat for—
  - (a) a declaration that the threat is unjustified;
  - (b) an injunction against the continuance of the threat;
  - (c) damages in respect of any loss sustained by the aggrieved person by reason of the threat.
- (2) It is a defence for the person who made the threat to show that the act in respect of which proceedings were threatened constitutes (or if done would constitute) an infringement of the registered trade mark.
- (3) It is a defence for the person who made the threat to show—
  - (a) that, despite having taken reasonable steps, the person has not identified anyone who has done an act mentioned in section 21A(2)(a), (b) or (c) in relation to the goods or their packaging or the services which are the subject of the threat, and
  - (b) that the person notified the recipient, before or at the time of making the threat, of the steps taken.]

#### **Textual Amendments**

- F1** Ss. 21-21F and cross-heading substituted for s. 21 (1.10.2017) by [Intellectual Property \(Unjustified Threats\) Act 2017 \(c. 14\)](#), **ss. 2(2)**, 8; S.I. 2017/771, **reg. 2(1)(b)** (with **reg. 3**)

**Changes to legislation:**

There are currently no known outstanding effects for the Trade Marks Act 1994, Section 21C.