



# Trade Marks Act 1994

## 1994 CHAPTER 26

### PART I

#### REGISTERED TRADE MARKS

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

##### **[<sup>F1</sup>21D Professional advisers**

- (1) Proceedings in respect of an actionable threat may not be brought against a professional adviser (or any person vicariously liable for the actions of that professional adviser) if the conditions in subsection (3) are met.
- (2) In this section “professional adviser” means a person who, in relation to the making of the communication containing the threat—
  - (a) is acting in a professional capacity in providing legal services or the services of a trade mark attorney or a patent attorney, and
  - (b) is regulated in the provision of legal services, or the services of a trade mark attorney or a patent attorney, by one or more regulatory bodies (whether through membership of a regulatory body, the issue of a licence to practise or any other means).
- (3) The conditions are that—
  - (a) in making the communication the professional adviser is acting on the instructions of another person, and
  - (b) when the communication is made the professional adviser identifies the person on whose instructions the adviser is acting.
- (4) This section does not affect any liability of the person on whose instructions the professional adviser is acting.
- (5) It is for a person asserting that subsection (1) applies to prove (if required) that at the material time—
  - (a) the person concerned was acting as a professional adviser, and

---

*Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994, Section 21D. (See end of Document for details)*

---

(b) the conditions in subsection (3) were met.]

**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 21D.