Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Intellectual Property (Unjustified Threats) Act 2017 (Commencement and Transitional Provisions) Regulations 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2017 No. 771 (C. 62)

INTELLECTUAL PROPERTY

The Intellectual Property (Unjustified Threats) Act 2017 (Commencement and Transitional Provisions) Regulations 2017

Made - - - - 14th July 2017

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 8 of the Intellectual Property (Unjustified Threats) Act 2017(**1**).

Citation and interpretation

1.—(1) These Regulations may be cited as the Intellectual Property (Unjustified Threats) Act 2017 (Commencement and Transitional Provisions) Regulations 2017.

(2) In these Regulations—

"the 1949 Act" means the Registered Designs Act 1949(**2**);

"the 1977 Act" means the Patents Act 1977(**3**);

"the 1988 Act" means the Copyright, Designs and Patents Act 1988(**4**);

"the 1994 Act" means the Trade Marks Act 1994(**5**);

"the 2005 Regulations" means the Community Design Regulations 2005(**6**);

(**1**) 2017 c. 14.

(**2**) 1949 c. 88. Section 26 is substituted and section 45 is amended by the provisions of the Intellectual Property (Unjustified Threats) Act 2017 which are brought into force by regulation 2 of these Regulations. Section 26 was previously amended by paragraph 15 of Schedule 3 to the Copyright, Designs and Patents Act 1988 (c.48) and by SI 2006/1029; section 45 was previously substituted by SI 2006/1028.

(**3**) 1977 c. 37. Section 70 is substituted and sections 74, 78 and 106 are amended by the provisions of the Intellectual Property (Unjustified Threats) Act 2017 which are brought into force by regulation 2 of these Regulations. Section 70 was previously amended by sections 12 and 16 of and by paragraphs 1 and 17 of Schedule 2 to the Patents Act 2004 (c. 16); section 74 by paragraph 3 of the Schedule to the Intellectual Property Act 2014 (c. 18), paragraph 10 of Schedule 5 to the Copyright, Designs and Patents Act 1988 (c.48) and section 13 of the Patents Act 2004; section 78 by SI 2004/2357, paragraph 22 of Schedule 5 to the Copyright, Designs and Patents Act 1988, and paragraphs 1 and 3 of Schedule 1 to the Patents Act 2004; section 106 by section 14 of and Schedule 3 to the Patents Act 2004 and by section 59 and paragraph 23 of Part 4 of Schedule 11 to the Constitutional Reform Act 2005 (c. 4).

(**4**) 1988 c. 48. Section 253 is substituted and section 262 is amended by the provisions of the Intellectual Property (Unjustified Threats) Act 2017 which are brought into force by regulation 2 of these Regulations.

(**5**) 1994 c. 26. Section 21 is substituted and sections 52 and 54 are amended by the provisions of the Intellectual Property (Unjustified Threats) Act 2017 which are brought into force by regulation 2 of these Regulations. Section 52 was previously amended by paragraphs 109 and 110 of Schedule 21 to the Legal Services Act 2007 (c. 29) and SI 2016/299.

(**6**) SI 2005/2339. Regulation 2 is substituted and regulation 5A is amended by the provisions of the Intellectual Property (Unjustified Threats) Act 2017 which are brought into force by regulation 2 of these Regulations. Regulation 2 of SI 2005/2339

"the 2006 Regulations" means the Community Trade Mark Regulations 2006(**7**);

"the 2017 Act" means the Intellectual Property (Unjustified Threats) Act 2017;

"the appointed day" means the day appointed by regulation 2(1).

Commencement Information
I1 Reg. 1 in force at 14.7.2017

Commencement of the 2017 Act

2.—(1) 1st October 2017 is the day appointed for the coming into force of the following provisions of the 2017 Act—

(a) section 1(1), (2), (4), (5), (6) and (7);

(b) sections 2 to 6;

(c) section 7(4).

(2) Section 1(3) and (8) of the 2017 Act comes into force on the date of entry into force of the Agreement on a Unified Patent Court signed at Brussels on 19th February 2013(**8**).

Commencement Information
I2 Reg. 2 in force at 14.7.2017

Transitional provisions

3.—(1) The following transitional provisions have effect notwithstanding the amendments to the 1949 Act, the 1977 Act, the 1988 Act, the 1994 Act, the 2005 Regulations and the 2006 Regulations made by the provisions brought into force by Regulation 2.

(2) Where proceedings are brought under any of the following provisions in respect of an alleged threat made before the appointed day—

(a) section 70C of the 1977 Act;

(b) section 21C of the 1994 Act;

(c) regulation 6 of the 2006 Regulations;

(d) section 26C of the 1949 Act;

(e) section 253C of the 1988 Act; or

(f) regulation 2C of the 2005 Regulations,

the proceedings in respect of that alleged threat are to be determined in accordance with the law in force at the time the alleged threat was made.

was previously amended by SI 2006/1028, SI 2007/3378 and SI 2011/1043 and Regulation 5A was previously inserted by SI 2006/1028.

(**7**) SI 2006/1027. Regulation 6 is amended by the provisions of the Intellectual Property (Unjustified Threats) Act 2017 which are brought into force by regulation 2 of these Regulations. Regulation 6 was previously amended by SI 2011/1043 and SI 2016/299.

(**8**) Cm 8653. The date on which the treaty enters into force for the United Kingdom may be found on the relevant page on UK Treaties Online at this link: http//treaties.fco.gov.uk/treaties/treatyrecord.htm?tid=14651. This information may also be obtained in writing from the Intellectual Property Office, Concept House, Cardiff Road, Newport, NP10 8QQ.