

Existing safety pockets	Safety pockets in the Act
Mere notification of your IP right	Retained. Now within the 'permitted communications' safe harbour. Your letter before action must comply with the four specified conditions
Justification defence	Still available but lost in respect of all four IP rights if your right is invalid
S70(4) Patents Act 1977 allowed a person engaged in primary acts of infringement to be threatened in respect of related secondary acts of infringement – but only in relation to patents	This is extended – primary actors can be threatened in relation to related secondary acts across all four IP rights
S70(5) Patents Act 1977 allowed a letter to be sent to a person engaged in secondary acts of infringement with a view to finding the primary infringer – but only in relation to patents	This is extended – you can write to a secondary actor to find a primary actor across all four IP rights – this is a permitted communication and so your letter must comply with the four specified conditions
S70(6) Patents Act 1977 allowed threats to be made to a person engaged in acts of secondary infringement if 'best endeavours' to locate the primary infringer had failed – but only in relation to patents	This is extended – you can threaten a secondary infringer across all four IP rights where 'reasonable steps' to locate the primary infringer have failed