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STATUTORY INSTRUMENTS

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**2013 No. 1974**

**The Civil Procedure (Amendment No.7) Rules 2013**

**Amendments to the Civil Procedure Rules 1998**

**26. In Part 63—**

- (a) in the index to the Part—
  - (i) in the entry for Section V, for “PATENTS COUNTY COURT” substitute “INTELLECTUAL PROPERTY ENTERPRISE COURT”; and
  - (ii) for the entry for rule 63.19 substitute “Enterprise judges and district judges”;
- (b) in rule 63.1(2)—
  - (i) for subparagraph (g) substitute—
    - “(g) ‘Intellectual Property Enterprise Court’ means a specialist list established within the Chancery Division of the High Court.”;
  - (ii) for subparagraph (h) substitute—
    - “(h) ‘enterprise judge’ means a judge authorised by the Chancellor of the High Court to sit in the Intellectual Property Enterprise Court.”;
  - (iii) in subparagraph (j)—
    - (aa) in sub-subparagraph (iv), for “40/94” substitute “207/2009”;
    - (bb) in sub-subparagraph (v), at the end omit “and”;
    - (cc) in sub-subparagraph (vi), at the end insert “and”;
    - (dd) after sub-subparagraph (vi), insert—
      - “(vii) Community plant variety rights maintained by the Community Plant Variety Right Office under Article 87 of Council Regulation (EC) No. 2100/94; and”;
- (c) in rule 63.1(3), after “allocated to the multi-track.” insert “Rule 26.3(1) applies save for the modification that the court will send the parties a notice requiring the parties to file proposed directions by the date specified in the notice. For a claim which is allocated to the multi-track by this rule, rule 26.3(1B) and rules 26.4 to 26.10 do not apply.”;
- (d) in rule 63.2, in paragraph (2)(b), for “a patents county court” substitute “the Intellectual Property Enterprise Court”;
- (e) in rule 63.3, for “and a patents county court form specialist lists” substitute “form a specialist list”;
- (f) in rule 63.8—
  - (i) in paragraph (1), for “an allocation questionnaire” substitute “a directions questionnaire”; and
  - (ii) in paragraph (2)(b), for the words in parentheses, substitute “(the parties must endeavour to agree case management directions)”;
- (g) in rule 63.13(b), for “a patents county court” substitute “the Intellectual Property Enterprise Court”;

- (h) in Section V, for the heading to that Section, substitute “INTELLECTUAL PROPERTY ENTERPRISE COURT”;
- (i) in rule 63.17, for “a patents county court” substitute “the Intellectual Property Enterprise Court”;
- (j) after rule 63.17 insert—

“**63.17A.**—(1) In proceedings in the Intellectual Property Enterprise Court in which a claim is made for damages or an account of profits, the amount or value of that claim shall not exceed £500,000.

(2) In determining the amount or value of a claim for the purpose of paragraph (1), a claim for—

- (a) interest, other than interest payable under an agreement; or
- (b) costs,

shall be disregarded.

(3) Paragraph (1) shall not apply if the parties agree that the Intellectual Property Enterprise Court shall have jurisdiction to award damages or profits in excess of £500,000.”;

- (k) for rule 63.18 substitute—

“**63.18.**—(1) Rule 30.5 applies save for the modifications—

- (a) a judge sitting in the County Court or the general Chancery Division may order proceedings to be transferred to the Intellectual Property Enterprise Court; and
- (b) an application for the transfer of proceedings from the County Court or the general Chancery Division to the Intellectual Property Enterprise Court may be made to a judge sitting in the County Court or the general Chancery Division respectively.

(2) When considering whether to transfer proceedings to or from the Intellectual Property Enterprise Court, the court will have regard to the provisions of Practice Direction 30.”;

- (l) in rule 63.19—

- (i) for the heading to the rule, substitute “Enterprise judges and district judges”;
- (ii) in paragraph (1), for the words “a patents county court” to the end, substitute “the Intellectual Property Enterprise Court will be dealt with by an enterprise judge.”;

- (iii) after paragraph (1) insert—

“(1A) For the purposes of the Practice Direction 52A – Appeals: General Provisions, a decision of the enterprise judge shall be treated as a decision by a circuit judge hearing a specialist claim in the County Court.”; and

- (iv) for paragraph (2) substitute—

“(2) Unless the court otherwise orders, the following matters will be dealt with by a district judge—

- (a) allocation of claims to the small claims track or multi-track in accordance with rule 63.27(3);
- (b) claims allocated to the small claims track; and
- (c) all proceedings for the enforcement of any financial element of an Intellectual Property Enterprise Court judgment.

- (3) For the purposes of the Practice Direction 52A – Appeals: General Provisions, a decision of a district judge shall be treated as a decision by a district judge hearing a specialist claim in the County Court. An appeal from such a decision shall be heard by an enterprise judge.”;
- (m) in rule 63.22—
- (i) in paragraph (2), after “the period for filing a defence” insert “where the defendant files an acknowledgment of service under Part 10”; and
  - (ii) in paragraph (3), after “the period for filing a defence” insert “where the defendant files an acknowledgment of service under Part 10”;
- (n) in rule 63.23(2), for “consider an application by” substitute “permit”;
- (o) in rule 63.25(4), for “High Court” substitute “Patents Court or general Chancery Division”
- (p) in rule 63.26—
- (i) in paragraph (2), for “will” substitute “may”; and
  - (ii) in paragraph (3), for “Section VII” substitute “Section IV”;
- (q) in rule 63.27—
- (i) in paragraph (1), for “a patents county court” substitute “the Intellectual Property Enterprise Court”;
  - (ii) omit paragraph (2);
  - (iii) in paragraph (3) after “in accordance with Part 26 (case management – preliminary stage).” insert “For that purpose the court will send the parties a directions questionnaire and require them to file completed directions questionnaires and to serve them on all other parties within 14 days”; and
  - (iv) in paragraph (4)—
    - (aa) for “a patents county court”, in each place it occurs, substitute “the Intellectual Property Enterprise Court”; and
    - (bb) for “Section VII” substitute “Section IV”; and
- (r) in rule 63.28, for “a patents county court” substitute “the Intellectual Property Enterprise Court”;