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STATUTORY RULES OF NORTHERN IRELAND

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**2006 No. 521**

**The County Court (Amendment) Rules (Northern Ireland) 2006**

**Citation**

1. These Rules may be cited as the County Court (Amendment) Rules (Northern Ireland) 2006.

**Amendment to the County Court Rules (Northern Ireland) 1981(1)**

2. In Order 14 (Interlocutory applications), after rule 10A (*Application under Article 42A(1) or 42B(3) of the Order*), insert—

“The European Intellectual Property Directive

**10B.**—(1) When an application is made to which Directive [2004/48/EC\(2\)](#) applies, the Judge may grant an interim order making the continuation of an alleged infringement subject to guarantees.

(2) Where the Judge grants an order *ex parte* to which Directive [2004/48/EC](#) applies, such order shall be granted only on terms providing for the issue of the civil bill and such other terms, if any, as the Judge thinks fit.”

3. In Order 19 (Assessors), rule 5 (*Remuneration*) for “£28.10” substitute “£31.04”.
4. In Order 24 (Evidence), rule 9 (*Witness summons*) in paragraph (7)(a)—
  - (a) for “£11.00” substitute “£12.15”; and
  - (b) for “£15.50” substitute “£17.12”.
5. In Order 33 (Decrees), rule 10 (*Stay of execution and removal thereof*) in paragraph (6) for “£6.38” substitute “£7.05”.
6. In Order 45 (Funds in Court) for rules 2 (*Investment*) and 3 (*Interpretation*), substitute the new rules set out in Schedule 1 to these Rules.
7. In Order 52 (Miscellaneous Enactments), in rule 13 (*Application for forfeiture orders under the Copyright, Designs and Patents Act 1988*)—
  - (a) for paragraph 1, substitute “An application under section 114, 204, or 231 of the Copyright, Designs and Patents Act [1988 \(c. 48\)](#) or an application under section 97 of the Trade Marks Act [1994 \(c. 26\)](#) shall be made by Notice in Form 323.”;
  - (b) in paragraph 2, for “under section 58C of the Trade Marks Act 1938,” substitute “under section 97 of the Trade Marks Act 1994,”; and
  - (c) after paragraph 3, insert—

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(1) [S.R. 1981 No.225](#) to which the most recent relevant amendments were made by [S.R. 1999 No. 464](#), [S.R. 2002 No.412](#) and [S.R. 2003 No. 272](#)

(2) Directive on the Enforcement of Intellectual Property Rights ([2004/48/EC](#))(OJ L157, 30.4.2004)

“(4) Where the Judge makes an order for delivery up, forfeiture or destruction of infringing goods or articles designed or adapted to make such goods the defendant shall pay the costs of complying with the order unless the Judge orders otherwise.

(5) Without prejudice to any other provisions of these Rules, the Judge may, where he finds that an intellectual property right has been infringed, order appropriate measures for the dissemination and publication of the judgment to be made at the expense of the defendant.”.

**8.** In Order 55 (Costs)—

- (a) in rule 14 (*Costs in undefended cases*) in paragraphs (1) and (2) for “Table 3” substitute “Table 2”; and
- (b) in rule 17 (*Services fee for postal service*) for “£2.37” substitute “£2.62”.

**9.** In Order 56 (County Court seal and authentication of documents)—

- (a) in rule 1 (*County Court seal*), omit “which shall incorporate the name of the division”; and
- (b) after rule 4 (*Documents to be sealed*) insert—

“Interpretation

**5.** The county court seal may be affixed by placing the seal on the relevant document—

- (a) by hand; or
- (b) by printing a facsimile of the seal on the document whether electronically or otherwise.”.

**10.** In Appendix 1 (*Forms*) in Form 323 for “Application for order under section 114, 204 or 231 of the Copyright, Designs and Patents Act 1988 or under section 58C of the Trade Marks Act 1938” substitute “Application for order under section 114, 204 or 231 of the Copyright, Designs and Patents Act 1988 or under section 97 of the Trade Marks Act 1994”.

**11.** For Appendix 2 substitute the new Appendix 2 set out in Schedule 2 to these Rules.

The undersigned members of the County Court Rules Committee certify these Rules and submit them to the Lord Chancellor.

*T. A. Burgess  
Philip Babington  
Hilary Keegan  
Barry Valentine  
Brian F. Walker  
Brian J. Stewart  
Adrian Colton*

Dated 15th November 2006

In exercise of the powers conferred by Article 47(4) of the County Courts (Northern Ireland) Order 19 80 and after consultation with the Lord Chief Justice I allow these Rules which shall come into operation on 8th January 2007  
Signed by the authority of the Lord Chancellor

Dated 14th December 2006

*Bridget Prentice*  
Parliamentary Under Secretary of State  
Department for Constitutional Affairs