
STATUTORY INSTRUMENTS

1989 No. 1130

The Design Right (Proceedings before Comptroller) Rules 1989

Proceedings in respect of a dispute

3.—(1) Proceedings under section 246 of the Act in respect of a dispute as to—

- (a) the subsistence of design right,
- (b) the term of design right, or
- (c) the identity of the person in whom design right first vested,

shall be commenced by the service by the applicant on the Comptroller of a notice in Form 1 in Schedule 1. There shall be served with that notice a statement in duplicate setting out the name and address of the other party to the dispute (hereinafter in this rule referred to as the respondent), the issues in dispute, the applicant's case and the documents relevant to his case.

(2) Within 14 days of the receipt of the notice the Comptroller shall send a copy of the notice, together with a copy of the applicant's statement, to the respondent.

(3) Within 28 days of the receipt by him of the documents referred to in paragraph (2) above, the respondent shall serve on the Comptroller a counter-statement and shall at the same time serve a copy of it on the applicant. Such counter-statement shall set out full particulars of the grounds on which he contests the applicant's case, any issues on which he and the applicant are in agreement and the documents relevant to his case.

(4) Within 21 days of the service on him of the counter-statement, the applicant may serve a further statement on the Comptroller setting out the grounds on which he contests the respondent's case, and shall at the same time serve a copy of it on the respondent.

(5) No amended statement or further statement shall be served by either party except by leave or direction of the Comptroller.