
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 63

PATENTS AND OTHER INTELLECTUAL PROPERTY CLAIMS

[^{F1}Scope of this Part and interpretation

- 63.1.**—(1) This Part applies to all intellectual property claims including—
- (a) registered intellectual property rights such as—
 - (i) patents;
 - (ii) registered designs; and
 - (iii) registered trade marks; and
 - (b) unregistered intellectual property rights such as—
 - (i) copyright;
 - (ii) design right;
 - (iii) the right to prevent passing off; and
 - (iv) the other rights set out in the practice direction.
- (2) In this Part—
- (a) “the 1977 Act” means the Patents Act 1977;
 - (b) “the 1988 Act” means the Copyright, Designs and Patents Act 1988;
 - (c) “the 1994 Act” means the Trade Marks Act 1994;
 - (d) “the Comptroller” means the Comptroller General of Patents, Designs and Trade Marks;
 - (e) “patent” means a patent under the 1977 Act and includes any application for a patent or supplementary protection certificate granted under—
 - (i) the Patents (Supplementary Protection Certificates) Rules 1997;
 - (ii) the Patents (Supplementary Protection Certificate for Medicinal Products) Regulations 1992; and
 - (iii) the Patents (Supplementary Protection Certificate for Plant Protection Products) Regulations 1996;
 - (f) “Patents Court” means the Patents Court of the High Court constituted as part of the Chancery Division by section 6(1) of the Supreme Court Act 1981;
 - (g) “Patents County Court” means a county court designated as a Patents County Court under section 287(1) of the 1988 Act;
 - [“patents judge” means a person nominated under section 291(1) of the 1988 Act as the
 - ^{F2}(gg) patents judge of a patents county court;]
 - (h) “the register” means whichever of the following registers is appropriate—

Status: Point in time view as at 06/04/2006. This version of this provision has been superseded.

*Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, Section 63.1. (See end of Document for details)*

- (i) patents maintained by the Comptroller under section 32 of the 1977 Act;
 - (ii) designs maintained by the registrar under section 17 of the Registered Designs Act 1949;
 - (iii) trade marks maintained by the registrar under section 63 of the 1994 Act;
 - (iv) Community trade marks maintained by the Office for Harmonisation in the Internal Market under Article 83 of Council Regulation (EC) 40/94; and
 - (v) Community designs maintained by the Office for Harmonisation in the Internal Market under Article 72 of Council Regulation (EC) 6/2002; and
- (i) “the registrar” means—
- (i) the registrar of trade marks; or
 - (ii) the registrar of registered designs,
- whichever is appropriate.

[
F3(3) Claims to which this Part applies are allocated to the multi-track.]]

Textual Amendments

- F1** Pt. 63 inserted (1.4.2003) by [The Civil Procedure \(Amendment No. 2\) Rules 2002 \(S.I. 2002/3219\)](#), rule 1, **Sch.**
- F2** [Rule 63.1\(2\)\(gg\)](#) inserted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **46**
- F3** [Rule 63.1\(3\)](#) inserted (6.4.2006) by [The Civil Procedure \(Amendment No.4\) Rules 2005 \(S.I. 2005/3515\)](#), rules 1, **18(a)**

Status:

Point in time view as at 06/04/2006. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 63.1.