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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**[<sup>F1</sup>PART 63**

**INTELLECTUAL PROPERTY CLAIMS**

**[<sup>F1</sup>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 [<sup>F2</sup>Practice Direction 63].

(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 or a supplementary protection certificate granted by the Patent Office under Article 10(1) of [Council Regulation \(EEC\) No. 1768/92](#) or of Regulation [\(EC\) No. 1610/96](#) of the European Parliament and the Council and includes any application for a patent or supplementary protection certificate;
- (f) “Patents Court” means the Patents Court of the High Court constituted as part of the Chancery Division by section 6(1) of the Senior Courts Act 1981;
- [<sup>F3</sup>(g) ‘Intellectual Property Enterprise Court’ means a specialist list established within the Chancery Division of the High Court;]
- [<sup>F4</sup>(h) ‘enterprise judge’ means a judge authorised by the Chancellor of the High Court to sit in the Intellectual Property Enterprise Court;]
- [<sup>F5</sup>(i) .....
- (j) “the register” means whichever of the following registers is appropriate—
  - (i) patents maintained by the Comptroller under section 32 of the 1977 Act;

*Status: Point in time view as at 01/10/2017. This version of this provision has been superseded.*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)*

- (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) No. [F6207/2009];
  - (v) Community designs maintained by the Office for Harmonisation in the Internal Market under Article 72 of Council Regulation (EC) No. 6/2002; F7...
  - (vi) plant varieties maintained by the Controller under regulation 12 of the Plant Breeders' Rights Regulations 1998; and
  - [F8(vii) Community plant variety rights maintained by the Community Plant Variety Right Office under Article 87 of Council Regulation (EC) No. 2100/94; and]
- (k) “the registrar” means—
- (i) the registrar of trade marks; or
  - (ii) the registrar of registered designs,
- whichever is appropriate.

(3) [F9Save as provided in rule 63.27, claims] to which this Part applies are allocated to the multi-track. [F10Rule 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.]]

#### Textual Amendments

- F1 Pt. 63 substituted (1.10.2009) by The Civil Procedure (Amendment) Rules 2009 (S.I. 2009/2092), rule 1(2), Sch. 1
- F2 Words in rule 63.1(1)(b)(iv) substituted (6.4.2010) by The Civil Procedure (Amendment No.2) Rules 2009 (S.I. 2009/3390), rules 1(2), 38(a)
- F3 Rule 63.1(2)(g) substituted (1.10.2013) by The Civil Procedure (Amendment No.7) Rules 2013 (S.I. 2013/1974), rules 2, 26(b)(i)
- F4 Rule 63.1(2)(h) substituted (1.10.2013) by The Civil Procedure (Amendment No.7) Rules 2013 (S.I. 2013/1974), rules 2, 26(b)(ii)
- F5 Rule 63.1(2)(i) omitted (6.4.2010) by virtue of The Civil Procedure (Amendment No.2) Rules 2009 (S.I. 2009/3390), rules 1(2), 38(b)
- F6 Words in rule 63.1(2)(j)(iv) substituted (1.10.2013) by The Civil Procedure (Amendment No.7) Rules 2013 (S.I. 2013/1974), rules 2, 26(b)(iii)(aa)
- F7 Word in rule 63.1(2)(j)(v) omitted (1.10.2013) by virtue of The Civil Procedure (Amendment No.7) Rules 2013 (S.I. 2013/1974), rules 2, 26(b)(iii)(bb)
- F8 Rule 63.1(2)(j)(vii) inserted (1.10.2013) by The Civil Procedure (Amendment No.7) Rules 2013 (S.I. 2013/1974), rules 2, 26(b)(iii)(dd)
- F9 Words in rule 63.1(3) substituted (1.10.2012) by The Civil Procedure (Amendment No.2) Rules 2012 (S.I. 2012/2208), rules 1, 10(b)
- F10 Words in rule 63.1(3) inserted (1.10.2013) by The Civil Procedure (Amendment No.7) Rules 2013 (S.I. 2013/1974), rules 2, 26(c)

**Status:**

Point in time view as at 01/10/2017. 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.