

Draft Order laid before Parliament under section 288(5) of the Copyright, Designs and Patents Act 1988, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No. XXXX

PATENTS

The Patents County Court (Financial Limits) Order 2011

Made - - - - *Date*
Coming into force - - *14th June 2011*

At the Court at Buckingham Palace, the ***day of ***
Present,
The Queen's Most Excellent Majesty in Council

A draft of this instrument has been laid before and approved by a resolution of each House of Parliament in accordance with section 288(5) of the Copyright, Designs and Patents Act 1988(1).

Her Majesty, in exercise of the powers conferred upon Her by section 288(1) of the Copyright, Designs and Patents Act 1988 is pleased, by and with the advice of Her Privy Council, to order, and it is ordered as follows:

Citation and commencement

1. This Order may be cited as the Patents County Court (Financial Limits) Order 2011 and shall come into force on 14th June 2011.

Financial limits

2.—(1) In relation to all proceedings within the special jurisdiction of a patents county court and 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.

Transitional provision

3. A patents county court has jurisdiction to hear and determine a claim for damages or an account of profits for an amount or value exceeding the limit imposed by article 2 where, before the coming into force of this Order—

- (a) the claim has been made in a patents county court in proceedings within its special jurisdiction, or
- (b) the High Court orders the proceedings in which the claim has been made to be transferred to the special jurisdiction of a patents county court, or
- (c) an application has been made to the High Court for transfer of the proceedings in which the claim has been made to a patents county court and, after the coming into force of this Order, the High Court orders the transfer of the proceedings to the special jurisdiction of a patents county court.

Name
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order sets out the financial limits in relation to proceedings in England and Wales within the special jurisdiction of a patents county court. In such proceedings, where a claim is made for damages or an account of profits, the amount or value of the claim must not exceed £500,000. In calculating this amount or value, any interest or costs claimed in the proceedings are not to be taken into account. However, a claim for interest payable under an agreement may be taken into account.

This Order also makes a transitional provision, in the circumstances specified in Article 3, to enable the patents county court to continue to hear and determine proceedings in which a claim has been made for damages or an account of profits for an amount or value exceeding £500,000 (disregarding interest and costs).

The Central London County Court is designated as a patents county court by article 1 of the Patents County Court (Designation and Jurisdiction) Order 1994 (S.I. 1994/1609) (“1994 Order”). The special jurisdiction of the Central London County Court, as a patents county court, is set out in article 3 of the 1994 Order. The 1994 Order was amended by article 5 of the High Court and County Courts Jurisdiction (Amendment) Order 2005 (S.I. 2005/587).

The Central London County Court, as a designated patents county court, has special jurisdiction to hear and determine any action or matter relating to patents or designs over which the High Court would have jurisdiction, together with any claims or matters ancillary to, or arising from, such proceedings. This includes special jurisdiction over infringement and validity matters on Community designs as set out in Article 81 of Council Regulation 6/2002/EC on Community designs (OJ L3, 5.1.2002, p1). Any county court designated as a patents county court was also designated as a Community design court by the Community Designs (Designations of Community Design Courts) Regulations 2005 (S.I. 2005/696).

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Copyright and IP Enforcement Directorate Room 3B49, Intellectual Property Office, Concept House, Newport, South Wales, NP10 8QQ and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk