
STATUTORY INSTRUMENTS

1999 No. 1785

Act of Sederunt (Rules of the Court of Session Amendment No.6) (Causes Relating to Intellectual Property) 1999

Causes relating to intellectual property

2.—(1) Chapter 55 (causes relating to intellectual property) of the Rules of the Court of Session 1994⁽¹⁾, shall be amended as follows.

(2) The judge known as the patents judge shall henceforth instead be known as the intellectual property judge; and accordingly, in each of rules 55.2, 55.14(1) and (2)(a), 55.15, 55.16(3) and 55.19(1) and (2)(a), for the words “patents judge”, wherever they occur (including in the heading to rule 55.2), there shall be substituted “intellectual property judge”⁽²⁾

(3) After rule 55.2 there shall be inserted—

“Requirement for marking

55.2A. In a cause to which this Chapter applies, initiated—

- (a) by summons, the pursuer shall, before presenting the summons to the General Department for signeting;
- (b) by petition, the petitioner shall, before lodging the petition in the Petition Department,

mark it distinctly in red, both on the first page and on the backing, with the words “Intellectual Property Cause”; and thereafter every step of process in the cause shall be so marked by the person lodging it.”

(4) In rule 55.3—

- (a) for the heading and for paragraphs (1) and (2), there shall be substituted—

“Procedural hearings

55.3.—(1) In a cause to which this Chapter applies, not later than five weeks after—

- (a) if it is a cause initiated by summons, the closing of the record; or
- (b) if it is a cause initiated by petition, the expiry of any period of adjustment allowed,

the pursuer or petitioner shall enrol a motion, which shall be put out unstarred, for a date to be fixed for a hearing in accordance with this rule (a “procedural hearing”); and after consultation with the intellectual property judge the Keeper of the Rolls shall fix a date accordingly and shall notify it to the parties.

(1) S.I.1994/1443.

(2) Rule 55.19 was inserted by S.I. 1994/2901.

(2) Unless the parties have otherwise agreed, notification under paragraph (1) shall be given at least 14 days before the date so fixed.

(2A) Not later than 7 days after notification under paragraph (1) the parties may, having conferred with one another, jointly attend the Keeper of the Rolls that he may fix a different date, more convenient to them, for the procedural hearing.

(2B) To any motion enrolled by him under paragraph (1) the pursuer or petitioner shall append a note—

(a) identifying the points which he intends to raise, other than on a preliminary plea, at the procedural hearing; and

(b) giving his estimate of the likely duration of that hearing.”.

(b) in paragraph (3), for the words “pre-proof hearing”, there shall be substituted “date notified under paragraph (1)”;

(c) in each of paragraphs (4) to (7), for the word “pre-proof”, wherever it occurs, there shall be substituted “procedural”.

(5) In rule 55.4(1) (notices to admit), for the word “pre-proof” substitute “procedural”.