

SCHEDULE

PART 63

PATENTS AND OTHER INTELLECTUAL PROPERTY CLAIMS

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(1);
 - (b) “the 1988 Act” means the Copyright, Designs and Patents Act 1988(2);
 - (c) “the 1994 Act” means the Trade Marks Act 1994(3);
 - (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(4);
 - (ii) the Patents (Supplementary Protection Certificate for Medicinal Products) Regulations 1992(5); and
 - (iii) the Patents (Supplementary Protection Certificate for Plant Protection Products) Regulations 1996(6);
 - (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(7);
 - (g) “Patents County Court” means a county court designated as a Patents County Court under section 287(1) of the 1988 Act;
 - (h) “the register” means whichever of the following registers is appropriate—
 - (i) patents maintained by the Comptroller under section 32 of the 1977 Act;

(1) 1977 c. 37.
(2) 1988 c. 48.
(3) 1994 c. 26.
(4) S.I.1997/64.
(5) S.I. 1992/3091.
(6) S.I. 1996/3120.
(7) 1981 c. 54.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (ii) designs maintained by the registrar under section 17 of the Registered Designs Act 1949⁽⁸⁾;
 - (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⁽⁹⁾; and
 - (v) Community designs maintained by the Office for Harmonisation in the Internal Market under Article 72 of Council Regulation (EC) 6/2002⁽¹⁰⁾; and
- (i) “the registrar” means—
- (i) the registrar of trade marks; or
 - (ii) the registrar of registered designs,
- whichever is appropriate.

⁽⁸⁾ 1949 c. 88.

⁽⁹⁾ OJNo. L11, 14.1.1994, p 1.

⁽¹⁰⁾ OJ No. L3, 5.1.2002, p 1.