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STATUTORY INSTRUMENTS

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**2006 No. 1028**

**The Intellectual Property (Enforcement, etc.) Regulations 2006**

**Order in Scotland for disclosure of information**

4.—(1) This regulation applies to proceedings in Scotland concerning an infringement of an intellectual property right.

(2) The pursuer may apply to the court for an order that information regarding the origin and distribution networks of goods or services which infringe an intellectual property right shall be disclosed to him by the relevant person.

(3) The court may only order the information to be disclosed where it considers it just and proportionate having regard to the rights and privileges of the relevant person and others; such an order may be subject to such conditions as the court thinks fit.

(4) The relevant person is—

(a) the alleged infringer,

(b) any person who—

(i) was found in possession of the infringing goods on a commercial scale,

(ii) was found to be using the infringing services on a commercial scale, or

(iii) was found to be providing services on a commercial scale, which are used in activities which infringe an intellectual property right, or

(c) any person who has been identified by a person specified in sub-paragraph (b) as being involved in—

(i) the production, manufacture or distribution of the infringing goods, or

(ii) the provision of the infringing services.

(5) For the purposes of paragraph (3), the court may order the disclosure of any of the following types of information—

(a) the names and addresses of—

(i) each producer, manufacturer, distributor or supplier of the infringing goods or services;

(ii) any person who previously possessed the infringing goods; and

(iii) the intended wholesaler and retailer of the infringing goods or services; and

(b) information relating to—

(i) the quantities of infringing goods or the amount of infringing services provided, produced, manufactured, delivered, received or ordered; and

(ii) the price paid for the infringing goods or infringing services in question.

(6) Nothing in this regulation affects—

(a) any right of the pursuer to receive information under any other enactment (including an enactment comprised in, or an instrument made under, an Act of the Scottish Parliament) or rule of law; and

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(b) any other power of the court.

(7) For the purposes of this regulation and regulation 5, “court” means the Court of Session or the sheriff.