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STATUTORY INSTRUMENTS

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**2007 No. 3291**

**The Patents Rules 2007**

**PART 7**

**PROCEEDINGS HEARD BEFORE THE COMPTROLLER**

*Miscellaneous*

**Security for costs or expenses**

**85.**—(1) The conditions prescribed for the purposes of making an order for security for costs under section 107(4) are that the party against whom the order is made—

- (a) is resident outside the United Kingdom, but not resident in—
  - (i) a Brussels Contracting State,
  - (ii) a Lugano Contracting State, or
  - (iii) a Regulation State,as defined in section 1(3) of the Civil Jurisdiction and Judgments Act 1982<sup>(1)</sup>;
- (b) is a company or other body (whether incorporated inside or outside the United Kingdom) and there is reason to believe that it will be unable to pay another party's costs if ordered to do so;
- (c) has changed his address for service with a view to evading the consequences of the litigation;
- (d) has furnished an incorrect address for service; or
- (e) has taken steps in relation to his assets that would make it difficult to enforce an order for costs against him.

(2) In relation to proceedings in Scotland, references in this rule to costs are references to expenses.

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<sup>(1)</sup> 1982 c. 27; section 1(3) was substituted by SI 1990/2591, and then amended by section 2(5) and (6) of the Civil Jurisdiction and Judgments Act 1991 (c. 12) and by SI 2000/1824 and 2001/3929.