



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART VI **U.K.**

PATENTS

Patents county courts

^{F1}287 Patents county courts: special jurisdiction. **E+W**

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Textual Amendments

F1 Ss. 287-289 omitted (1.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 30\(3\)](#); S.I. 2013/1725, art. 3(c)

^{F1}288 Financial limits in relation to proceedings within special jurisdiction of patents county court. **U.K.**

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Textual Amendments

F1 Ss. 287-289 omitted (1.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 30\(3\)](#); S.I. 2013/1725, art. 3(c)

^{F1}289 Transfer of proceedings between High Court and patents county court. **E+W**

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Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Patents county courts. (See end of Document for details)

Textual Amendments

F1 Ss. 287-289 omitted (1.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 30\(3\)](#); S.I. 2013/1725, art. 3(c)

[^{F2}290 Limitation of costs where pecuniary claim could have been brought in patents county court. E+W

- (1) Where an action is commenced in the High Court which could have been commenced in a patents county court and in which a claim for a pecuniary remedy is made, then, subject to the provisions of this section, if the plaintiff recovers less than the prescribed amount, he is not entitled to recover any more costs than those to which he would have been entitled if the action had been brought in the county court.
- (2) For this purpose a plaintiff shall be treated as recovering the full amount recoverable in respect of his claim without regard to any deduction made in respect of matters not falling to be taken into account in determining whether the action could have been commenced in a patents county court.
- (3) This section does not affect any question as to costs if it appears to the High Court that there was reasonable ground for supposing the amount recoverable in respect of the plaintiff’s claim to be in excess of the prescribed amount.
- (4) The High Court, if satisfied that there was sufficient reason for bringing the action in the High Court, may make an order allowing the costs or any part of the costs on the High Court scale or on such one of the county court scales as it may direct.
- (5) This section does not apply to proceedings brought by the Crown.
- (6) In this section “the prescribed amount” means such amount as may be prescribed by Her Majesty for the purposes of this section by Order in Council.
- (7) No recommendation shall be made to Her Majesty to make an Order under this section unless a draft of the Order has been laid before and approved by a resolution of each House of Parliament.]

Textual Amendments

F2 S. 290 repealed (*prosp.*) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), ss. 124(3), 125(7), [Sch. 20](#)

[^{F3}291 Proceedings in patents county court. E+W

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Textual Amendments

F3 S. 291 omitted (1.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 30\(3\)](#); S.I. 2013/1725, art. 3(c)

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Patents county courts. (See end of Document for details)

292 Rights and duties of registered patent agents in relation to proceedings in patents county court. E+W

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Textual Amendments

F4 S. 292 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208(1), 210, 211, Sch. 21 para. 80, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(h)(i)(vi) (with art. 9)

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Patents county courts.