



Advancing Industry's View On Intellectual Property Since 1920

Jeff Watson
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ref C26/05

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Dear Jeff,

re : Single court proposals by DCA

Please note the following preliminary comments on the DCA's single court proposals. We also will be replying to the DCA formally by its deadline in due course.

1. The present system of courts for intellectual property matters was set up following the Banks Report in the 1970s and has worked well. The Patents Court deals with IP actions and also appeals from the Patent Office. The Patents County Court offers a forum in which matters can be dealt with more cheaply because rights of audience are given to all solicitors, patent attorneys, and trade mark attorneys.
2. TMPDF would therefore prefer maintenance of the status quo.
3. The abolition of a separate Patents Court would be a retrograde step in the UK; indeed, industry across Europe has been urging adoption of specialist courts in debates on the Community Patent and the European Patent for Litigation Agreement. A separate specialist Court makes consistency and quality in decisions.
4. The argument for abolishing the Patents County Court is not the same as for the geographically-defined County Courts, for there is only one Patents County Court for the country. If, however, the Patents County Court were nevertheless to disappear, then it would be important that the parties could continue to benefit from rights of audience granted to all solicitors, patent attorneys, and trade mark attorneys.

I hope you find these comments useful.

Yours sincerely,

Sheila Draper
Secretary TMPDF

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