

# Patents: Deciding Disputes





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This booklet outlines procedural requirements and other matters about patents. It is not an in-depth guide and does not include many details which may be relevant in particular circumstances. You should get independent professional advice about any matters covered by the booklet and should not try to rely on this booklet alone.

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## Introduction

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1.1

Is there a different way of resolving a dispute with another person?

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What sort of disputes can the Comptroller decide on?

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How will proceedings before the Comptroller be conducted?

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What help will I receive from you if I decide to start proceedings before the Comptroller?

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## Starting Proceedings

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How do I start proceedings in the Office? •

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When can I file an opposition?

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Are there any other requirements?

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What will happen if there are proceedings against me and I don't file a counter-statement?

2.11

Can the statement of grounds or counter-statement be amended?

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2.8

What do I do if there are proceedings against me?

2.9

Will a copy of the counter-statement be sent to the claimant?

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2.14

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Once the Office has received the statements of case and served (copied) them to each side, what happens next?

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• What happens next?

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• 2.19

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What will happen to the proceedings if both sides agree to mediate? 2.21

2.16

Can you tell me more about Preliminary Evaluations?

2.17

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## Evidence

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What is evidence?

3.1

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What should my evidence be about?

3.3

3.4

When should I file my evidence?

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I've heard of the term 'burden of proof'. What does this mean?

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What form does evidence take?

3.6

Are there any more rules about how I must present my evidence?

3.12

3.7

Who should give evidence?

3.8

Does evidence have to be written in English?

3.13

3.9

Can I ask for the documents I have presented to be treated as confidential?

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How should I write a witness statement?

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What happens about arranging the hearing?

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## The Hearing

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What is a hearing?

4.1

4.2

Can I represent myself at a hearing?

4.3

What will happen at a hearing?

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4.8

4.13

Can the matter be decided without a hearing?

4.9

What happens next?

4.10

What about my costs? Will the hearing officer award me costs if my case is successful?

4.14

What powers does a hearing officer have?

4.11

How long does the whole process take, from starting proceedings to getting a decision from the Comptroller?

4.12

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## Appealing against an office decision

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Can I appeal against an Office decision?

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5.2

How do I go about filing an appeal?

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How will the appeal be conducted?

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Can I represent myself?

5.7

What if my appeal is unsuccessful?

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## Conclusion

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All this sounds very straightforward. Is it really that easy?

6.1

Can I get legal aid?

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Where can I go from here?

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## **Examples of documents**

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Examples of a statement of grounds and counter-statement

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Example of a witness statement

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Example of an exhibit

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