

Annex 9 – Hearing Window Week Arrangement letter

Proprietor
c/o

Intellectual Property Office
TTMD Directorate
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Your reference: XXX

Our reference: 2G33/Name/GB/EP

Date

Dear Sirs

(LETTER HEAD AS SUPPLIED BY CASE OFFICER)

PLEASE BE AWARE THAT THE ADDRESS OF OUR LONDON OFFICE HAS CHANGED

1. The case officer in the above case has instructed me to make arrangements for the substantive hearing. These hearings will normally take place in our London offices - 3rd Floor, Aldgate Tower, 2 Leman Street, London, E1 8FA.
2. The hearing in these proceedings has been scheduled for the week commencing **XX to XX XXXXXXXX XXXX**. You should ensure that all your attendees, including counsel and any of your witnesses that may be called for cross-examination, are available for the whole of this week. We will write to you again at an appropriate time during the evidence rounds to confirm the actual days and make the necessary arrangements for the hearing.
3. The scheduled week provides sufficient time to complete the evidence rounds, for the parties to consider any Preliminary Evaluation issued after the evidence rounds have been completed and for expert witnesses to provide a joint statement of agreed and disputed matters if required.
4. If this particular week is inconvenient for you then please inform us within two weeks of the date of this letter, that is by **XX XXXXXXXX XXXX** so that we may make alternative arrangements.

A letter in identical terms has been sent today to the other party.

Yours faithfully

February 2020

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Name (Hearings Clerk)
Tribunals Section
Tribunals, Trade Marks and Designs Division

INFORMATION ON HEARING ARRANGEMENTS

The information below may be of some assistance to you when preparing for your hearing.

SENDING CORRESPONDENCE TO THE HEARING CLERK

All correspondence relating to the hearing should now be addressed to the hearing clerk. If sending anything to us electronically please use the e-mail address above – **do not** use the electronic filing system as we are not directly linked to it and it may take several days to reach us. Incoming e-mails larger than 10 MB may be caught by our firewall so if necessary please send several smaller e-mails rather than one large one. We will acknowledge receipt of all e-mails but if you are worried that we have not received anything then please do telephone us.

CROSS EXAMINATION

During litigation proceedings individuals may be asked to provide a witness statement in evidence to support the case of one of the sides involved in the dispute. When the dispute is “heard”, (i.e. there is a hearing to determine the matter), it is likely that the witness may be called to be cross examined by the other side.

Where a party wishes to cross examine a witness, they must provide details of the witness they wish to cross examine, an explanation of why cross examination is needed and provide an estimate of how long the cross examination is likely to take.

If there are any special arrangements required for cross examination of a witness such as for example, the requirement for an alternative oath or holy text, please inform the Hearings Clerk immediately to ensure there is adequate time to make the necessary arrangements. Please inform the Hearings Clerk if cross examination of a witness by video conference is required. However please note that where a party makes such a request, they will be responsible for making the necessary arrangements for video conferencing.

RUNNING ORDER

A running order is a schedule of the proposed timetable for the hearing and is produced by agreement between both parties. It is usually required where witnesses are to be cross examined or the hearing is scheduled to take place over two days or more. The running order should take into account:-

- Opening arguments by both parties

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- An estimate of the length of cross examination
- The order that the witnesses are to be cross examined
- The names of witnesses to be cross examined
- Closing arguments by both parties

The proposed running order should be filed by the claimant for consideration of the hearing officer.

TRANSCRIPTS

A transcript is a typed record of the argument and cross examination conducted during the hearing. A transcript writer will usually be present at all substantive Inter Parte hearings. If the parties require same day or next day transcripts, these can be arranged, however the parties will bear the costs. A digital recorder will usually be used in all other hearings.

EVIDENCE BUNDLES

Bundles are all of the key documents filed by both parties during the proceedings which are likely to be referred to at the hearing. As such copies are required for those present at the hearing. The responsibility for preparing the bundles lies with the claimant but the content should be produced in agreement with the defendant.

Once the parties have an agreed set of bundles, the claimant should provide copies for the:-

- Hearing Officer
- Transcript writer
- Defendant
- Witnesses (where cross-examination is sought, if deemed appropriate)

If the hearing is being held in London or at an alternative venue, one set of bundles should be sent directly to Newport for the Hearing Officer, within the deadline set in the arrangements letter and the remaining bundles should be taken to the hearing venue.

SKELETON ARGUMENTS

A skeleton argument is an outline of the argument to be presented by the parties at the hearing. These should be filed by both parties and sent directly to the Hearings Clerk within the deadline set in the arrangements letter.

PRECEDENTS (AUTHORITIES)

Precedent cases (authorities) are previous legal decisions that either party may wish to rely on during the hearing to support their case. The Hearings clerk should be

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notified of the precedents required by each party within the deadline stated in the arrangements letter. Copies of any precedents you intend to rely on at the hearing should be sent to the hearing clerk for the hearing officer at the same time as the skeleton arguments or at least 7 days beforehand if you are not supplying any skeleton arguments.

DIGITAL EVIDENCE

If you will be providing evidence in a digital format, wherever possible it should be supplied in MPEG format on a CD-ROM. If you intend taking digital evidence to a hearing you should ensure that it is on a CD-ROM as we will not be able to play evidence submitted in other formats or be able to download from other formats on the day.

DECISIONS

There is an office target to issue decisions within 12 weeks of the hearing date. The need for further submissions, the complexity of the case or other workload priorities may delay the issuing of your decision. Decisions are normally issued by post and e-mail. If decisions are NOPI (Not Open to Public Inspection), but you would like a copy by e-mail then please tell us as soon as possible. We will require notification from you that you accept liability for any loss during transmission and the copy that you receive electronically will not be signed.