

Case Management Conference

Rule 86 provides that at any stage of any proceedings before him, the Registrar may direct that the parties to the proceedings attend a case management conference where they shall have an opportunity to be heard with regard to the future conduct of the proceedings, and in particular with regard to the proposed exercise of any of the Registrar's powers under the rules.

Although this rule applies to any proceedings before the Registrar, the proceedings which require a case management conference should be proceedings for substantive hearings rather than interlocutory applications. These include the proceedings for opposition (rule 16), revocation (non-use) (rule 36), revocation (other than non-use)(rule 40), invalidity (rule 46) and variation and rectification (rule 48).

It is anticipated that such conferences are unlikely to be held in usual cases. They are supposed to be held in exceptional cases where the cases cannot be effectively proceeded with without the conference.

When should the case management conference be held?

According to rule 86(1), the case management conference can be held at any stage of proceedings. For example :

- (1) After the pleadings in the proceedings have been filed : the Registrar may direct the parties to attend a case management conference to focus the issues before evidence is filed, for example, where the opponent has pleaded each and every

possible ground of opposition under sections 11 and 12 of the Ordinance which is, on the face, not supported by the facts pleaded in the grounds of opposition or where the grounds of opposition are too general in that the whole sections 11 and 12 of the Ordinance are pleaded without specifying the exact sub-sections relied on by the opponent. In those circumstances, a case management conference may be called to get the proceedings back on track.

- (2) After the evidence in the proceedings have been filed : the Registrar may, if the evidence does not support the pleadings or some of them, direct the parties to attend a case management conference.
- (3) After the completion of evidence and before a hearing date is fixed : a case management conference may be called to discuss whether cases should be consolidated and whether further evidence can be filed and so on.

Who may direct a case management conference to be held ?

Under rule 86(1), it is the Registrar who may direct the parties to the proceedings to attend a case management conference. The Registrar may, on his own initiative or upon request by the parties, direct the parties to attend a case management conference by issuing a letter detailing what is to be discussed. A decision whether or not to hold such a conference will rest with the hearing officer taking into account the circumstances of the case including, for instance, the need to clarify the issues, the degree of complexity, any related actions between the parties and any wider public interest issues. Under rule 86(2), the Registrar shall give the parties at least 14 days' notice of the date, time and place of the case management

conference.

Costs

The parties will normally bear their own costs for such conferences or we decide that no award of costs is appropriate. If any party asks for costs of attending the case management conference, the Registrar may order costs in accordance with section 87.