

1950 No. 430 (L. 9)

DESIGNS

The Registered Designs Appeal Tribunal Rules 1950

Made - - - - 23rd March, 1950

Coming into Operation 1st April, 1950

I, the Honourable George Harold Lloyd-Jacob, Knight, the Judge of the High Court nominated by the Lord Chancellor to be the Appeal Tribunal constituted under section 28 (2) of the Registered Designs Act 1949(a) do, by virtue of section 28 (8) of the Act and all other powers enabling me in this behalf, hereby make the following Rules :—

1. Any person who desires to appeal to the Registered Designs Appeal Tribunal from a decision of the Comptroller-General of Patents, Designs, and Trade Marks (in these Rules referred to as “the Registrar”) in any case in which a right of appeal is given by the Registered Designs Act 1949 (in these Rules referred to as “the Act”) shall, within 14 days from the date of the decision, file with the registrar of the Appeal Tribunal, Room 174, Royal Courts of Justice, London, W.C.2, a notice in the form set out in the Schedule hereto.

2. The appellant shall send a copy of the notice of appeal to the Registrar and to any person or persons who appeared, or gave notice of opposition, on the proceedings before the Registrar.

3. On receiving the notice of appeal the Registrar shall forthwith transmit to the registrar of the Appeal Tribunal all the papers relating to the matter which is the subject of the appeal.

4. No appeal shall be entertained of which notice is not given within 14 days from the date of the decision appealed against, or within such further time as the Registrar may allow (upon request received before the expiration of the said 14 days) except by leave of the Appeal Tribunal.

5. The registrar of the Appeal Tribunal shall give to the appellant and the Registrar and to any opposing party not less than seven days' notice of the time and place appointed for the hearing of the appeal, unless the Appeal Tribunal expressly directs that shorter notice may be given.

6. The evidence used on appeal to the Appeal Tribunal shall be the same as that used before the Registrar and no further evidence shall be given, except with the leave of the Appeal Tribunal given upon application made for that purpose.

7. The regulations applicable to the filing of documentary evidence on proceedings before the Registrar shall apply to documentary evidence filed on an appeal to the Appeal Tribunal.

8. The Appeal Tribunal may, at the request of any party, order the attendance at the hearing for the purpose of cross-examination of any person who has made a declaration in the matter to which the appeal relates.

9. Any person requiring the attendance of a witness for cross-examination shall tender to the witness whose attendance is required a reasonable sum for conduct money.

10. The Appeal Tribunal may, in awarding costs, either fix the amount thereof or direct by whom and in what manner the amount of the costs is to be ascertained.

11. If any costs awarded are not paid within fourteen days after the amount thereof has been fixed or ascertained, or within such shorter period as may be directed by the Appeal Tribunal, the party to whom the costs are payable may apply to the Appeal Tribunal for an order for payment under the provisions of section 28 (5) of the Act.

12. Any notice or other document required to be filed with or sent to the registrar of the Appeal Tribunal under these Rules may be sent by prepaid letter through the post.

13. The Interpretation Act 1889(b), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

14. These Rules may be cited as the Registered Designs Appeal Tribunal Rules 1950, and shall come into force on the first day of April, 1950.

Dated the 23rd day of March, 1950.

G. H. Lloyd Jacob.

SCHEDULE

Notice of Appeal

IN THE MATTER OF AN APPLICATION BY

FOR REGISTRATION (OR CANCELLATION OF REGISTRATION OR FOR A COMPULSORY LICENCE IN RESPECT) OF A DESIGN NO.....

(a) Here insert name(s) and full address(es) of appellant(s). I/We (a) of

hereby give notice of appeal to the Appeal Tribunal from the decision of the (b)

(b) Here insert "Comptroller-General" or "Officer acting for Comptroller-General" as the case may be.

dated the _____ day of _____ 19

(c) State concisely the decision appealed against. whereby he (c)

(d) To be signed by the appellant personally or by his duly authorised representative.

Signature (d)

Address

Date.....

NOTE :—This notice must be sent to the registrar of the Registered Designs Appeal Tribunal, Room 174, Royal Courts of Justice, London, W.C.2, and must bear an impressed judicature fee stamp for £3. An unstamped copy of the notice must be sent to the Comptroller-General of Patents, Designs and Trade Marks at the Patent Office, 25, Southampton Buildings, London, W.C.2, and to any opponent(s).

(b) 52 & 53 Vict. c. 63.

LONDON: PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE: 1950

PRINTED IN GREAT BRITAIN

(6822) (I. 100) K12 3/50 D.L.

ISBN 0 11 024418 4