



REPUBLIC OF NAURU

PATENTS REGISTRATION (APPEALS) RULES 2020

SL No. 31 of 2020

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In exercise of the powers conferred on me by *Section 30* of the *Patents Registration Act 1973*, I hereby make the following Rules:

1 Citation

These Rules may be cited as the *Patents Registration (Appeals) Rules 2020*.

2 Commencement

These Rules come into effect on the date it is notified in the Gazette.

3 Interpretation

‘Court’ means the Supreme Court;

‘Judge’ means a Judge of the Supreme Court;

‘Registrar’ means the Registrar of Patents.

4 Appeal against decision of Registrar

A person may appeal any of the following decisions of the Registrar:

- (a) refusal to register an application of an invention for registration of grant of a patent;
- (b) refusal to register an opposition;
- (c) refusal to carry out an examination of an invention;
- (d) refusal to register grant of a patent;
- (e) refusal to issue a certificate of registration;
- (f) refusal to issue certificate of registration of an application of invention for registration of grant of a patent;
- (g) refusal to issue a certificate of grant of a patent; or
- (h) refusal to renew an existing grant of a patent.

5 Commencement of appeal

A person aggrieved by a decision of the Registrar may appeal such decision to the Supreme Court by lodging with the Registrar of the Courts:

- (a) a petition in Form 1 of the Schedule; and
- (b) an affidavit verifying the petition in subrule (1)(a) in Form 2 of the Schedule.

6 Registrar to provide documents to the Court

The Registrar shall, within 14 days from the date of the service of the petition, file the relevant documents with the Registrar of the Courts which shall include:

- (a) copies of all entries in the Registrar of Patents to which the proceedings relate;
- (b) copies of all documents in his or her possession relevant to the matters in issue in the proceedings; and
- (c) a signed written statement of the reasons for the refusal, decision or direction in respect of which the appeal is made.

7 Directions hearing

- (1) The Registrar of the Courts shall list the petition for a directions hearing within 28 days of the lodgement of the petition.
- (2) The Court at the directions hearing may:
 - (a) deal with any application as to the competency of the petition;
 - (b) order that a person be joined as a party;
 - (c) fix a date for hearing of the petition; and
 - (d) make such other orders as may be necessary.

8 Service of documents

Each party shall file and serve documents to all the parties in accordance with these Rules or as the Court may direct.

9 Provisions of Supreme Court Act 2018 to apply to appeals

The *Supreme Court Act 2018* and civil procedure rules apply *mutatis mutandis* to the proceedings under these Rules.

10 Hearing of appeal

- (1) An appeal shall be heard in accordance with this Rule or as may be directed by the Court.
- (2) The appeal shall be heard on the evidence adduced by affidavits unless the Court grants leave to a party to call oral testimony or for cross examination of a deponent of any such affidavit.

11 Matters not provided for

Where a matter is not provided for under these Rules, the civil procedure rules apply.