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**SUPREME COURT OF JUDICATURE ACT
(CHAPTER 322)**

**RULES OF COURT
(AMENDMENT NO. 2)
RULES 2003**

In exercise of the powers conferred on us by section 80 of the Supreme Court of Judicature Act and all other powers enabling us under any written law, we, the Rules Committee, hereby make the following Rules:

Citation and commencement

1.—(1) These Rules may be cited as the Rules of Court (Amendment No. 2) Rules 2003 and shall come into operation on 15th August 2003.

(2) Rules 4, 5 and 10 (c) shall apply to appeals in respect of which a notice of appeal is filed on or after 15th August 2003.

(3) Rule 6 shall apply where the entitlement to costs arises on or after 15th August 2003.

(4) Rule 8 shall not apply to any appeal from a decision of the Registrar of Trade Marks that is filed before 15th August 2003.

Amendment of Order 1

2. Order 1, Rule 4 of the Rules of Court (R 5) (referred to in these Rules as the principal Rules) is amended by inserting, immediately before the definition of “bailiff” in paragraph (1), the following definition:

“ “attend” includes the appearance by any person using electronic, mechanical or other means permitted by the Court;”.

Amendment of Order 11

3. Order 11, Rule 1 of the principal Rules is amended by inserting, immediately after the words “Corruption, Drug Trafficking and

Other Serious Crimes (Confiscation of Benefits) Act (Chapter 65A)” in paragraph (n), the words “, the Terrorism (Suppression of Financing) Act 2002 (Act 16 of 2002)”.

Amendment of Order 55D

4. Order 55D, Rule 3 of the principal Rules is amended by deleting paragraph (5) and substituting the following paragraph:

“(5) The appellant must at the time of filing the notice of appeal provide security for the respondent’s costs of the appeal in the sum of \$2,000 for Magistrate’s Court actions and \$3,000 for District Court actions or such other sum as may be fixed from time to time by the Chief Justice by —

- (a) depositing the sum in the Registry or with the Accountant-General and obtaining a certificate in Form 114B; or
- (b) procuring an undertaking in Form 114C from his solicitor and filing a certificate in Form 114D.”.

Amendment of Order 57

5. Order 57, Rule 3 of the principal Rules is amended by deleting paragraph (3) and substituting the following paragraph:

“(3) The appellant must at the time of filing the notice of appeal provide security for the respondent’s costs of the appeal in the sum of \$10,000 or such other sum as may be fixed from time to time by the Chief Justice by —

- (a) depositing the sum in the Registry or with the Accountant-General and obtaining a certificate in Form 114B; or
- (b) procuring an undertaking in Form 114C from his solicitor and filing a certificate in Form 114D.”.

Amendment of Order 59

6. Part III of Appendix 2 to Order 59 of the principal Rules is amended —

- (a) by deleting the word “allowed —” in paragraph 3 and substituting the words “allowed the following costs, in addition to disbursements:”;

- (b) by deleting the words “owing or accruing” in paragraph 4 and substituting the words “due or accruing due”;
- (c) by deleting the words “the following costs shall be allowed:” in paragraph 4 and substituting the words “there shall be allowed the following costs, in addition to disbursements:”;
- (d) by inserting, immediately after the words “following costs” in paragraph 5, the words “, in addition to disbursements”; and
- (e) by deleting the word “allowed —” in paragraph 6 and substituting the words “allowed the following costs, in addition to disbursements:”.

Amendment of Order 84A

7. Order 84A, Rule 3 of the principal Rules is amended —

- (a) by deleting the words “The Women’s Charter (Matrimonial Property Plan) Rules (Chapter 353, R 8)” and substituting the words “Rule 9 of the Women’s Charter (Matrimonial Proceedings) Rules 2003 (S 167/2003)”;
- (b) by deleting the rule heading and substituting the following rule heading:

“Application of rule 9 of Women’s Charter (Matrimonial Proceedings) Rules 2003 (O. 84A, r. 3)”.

Deletion and substitution of Order 87

8. Order 87 of the principal Rules is deleted and the following Order substituted therefor:

“ORDER 87

TRADE MARKS ACT

Interpretation (O. 87, r. 1)

1. In this Order —

“Act” means the Trade Marks Act (Chapter 332);

“registered trade mark” means a trade mark registered under the Act or under the repealed Act;

“Registrar” means the Registrar of Trade Marks;

“repealed Act” means the Trade Marks Act (Chapter 332, 1992 Edition) repealed by the Act.

Applications to the Court (O. 87, r. 2)

2.—(1) Subject to Rule 3, every application to the High Court under the Act or the repealed Act must be begun by originating motion.

(2) Notice of the motion by which any such application is made must be served on the parties and the Registrar.

(3) Where the Registrar refers to the High Court an application made to him under the Act or the repealed Act, then, unless within one month after receiving notification of the decision to refer, the applicant makes to the Court the application, he shall be deemed to have abandoned it.

(4) The period prescribed by paragraph (3) may be extended by the Registrar on the application of any party interested and may be so extended although the application is not made until after the expiration of that period, but the foregoing provision shall not be taken to affect the power of the Court under Order 3, Rule 4 to extend that period.

Proceedings for infringement of registered trade mark: Validity of registration disputed (O. 87, r. 3)

3.—(1) Where in any proceedings a claim is made for relief for infringement of a registered trade mark, the party against whom the claim is made may in his defence put in issue the validity of the registration of that trade mark or may counterclaim for the revocation of the registration or for a declaration that the registration was invalid or for the rectification of the register, or may do any or all of these.

(2) A party to any such proceedings who in his pleading (whether by way of defence or counterclaim) disputes the validity of the registration of a registered trade mark or seeks an order for the revocation of the registration or a declaration that the registration is invalid or an order for the rectification of the register must serve with the pleading particulars of the objection to the validity of the registration on which he relies.

(3) The party referred to in paragraph (2) must serve a copy of his pleading (including a copy of the particulars of objection to the validity of the registration) on the Registrar within 7 days of the filing of the pleading in Court, and the Registrar shall be entitled to take part in the proceedings to the extent permitted by the Court but need not serve a defence or other pleading unless ordered to do so by the Court.

Appeals (O. 87, r. 4)

4.—(1) An appeal to the Court from a decision of the Registrar in any case in which a right of appeal is given by the Act or the repealed Act must be brought by originating motion, and the originating motion is referred to in this Order as “notice of appeal”.

(2) An appeal shall be by way of rehearing and the evidence used on appeal shall be the same as that used before the Registrar and, except with the leave of the Court, no further evidence shall be given.

(3) Every notice of appeal must be filed with the Court within 28 days after the decision of the Registrar.

(4) A notice of appeal may be given in respect of the whole or any specific part of the decision of the Registrar, and must specify the grounds of the appeal and the relief which the appellant seeks.

(5) An appellant shall, within 7 days after filing a notice of appeal, serve a copy thereof on the Registrar and every other party to the proceedings before the Registrar.

(6) The appellant shall, within 14 days after the filing of a notice of appeal, file a bundle of documents consisting of a copy each of —

- (a) a representation of the trade mark which is the subject of the appeal;
- (b) the notice of opposition;
- (c) the application for alteration, revocation or rectification of the trade mark or for a declaration that the trade mark is invalid;