



REPUBLIC OF NAURU
GOVERNMENT GAZETTE
PUBLISHED BY AUTHORITY
EXTRAORDINARY

No. 184/2020

5th October, 2020

Nauru

G.N.No. 735/2020

PATENTS REGISTRATION (APPEALS) RULES 2020

SL No. 31 of 2020

Notified: 5th October 2020

Table of Contents

1	Citation	2
2	Commencement	2
3	Interpretation	2
4	Appeal against decision of Registrar	2
5	Commencement of appeal	2
6	Registrar to provide documents to the Court	3
7	Directions hearing	3
8	Service of documents	3
9	Provisions of Supreme Court Act 2018 to apply to appeals	3
10	Hearing of appeal	3
11	Matters not provided for	3
12	Application under Section 16	4
13	Repeal	4
	SCHEDULE	5

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.

G.N.No. 735/2020 (Cont'd)

12. Application under Section 16

For the purposes of Section 16 of the Act, the civil procedure rules apply.

13. Repeal

The *Patents Registration Rules 1974* are hereby repealed.

Dated this day of September 2020.

.....
Chief Justice Filimone Jitoko

SCHEDULE

Form 1

Patents Registration Act 1973

[Rule 5]

**IN THE SUPREME COURT OF NAURU
APPELLATE JURISDICTION**

Patents Appeal No./20....

IN THE MATTER of the *Patents Registration Act 1973*

AND IN THE MATTER of an Appeal to the Supreme Court pursuant to Section 30 of the *Patents Registration Act 1973* and the *Patents Registration (Appeals) Rules 2020*

BETWEEN: [INSERT NAME OF APPELLANT] of [insert address]
Appellant

AND: **THE REGISTRAR OF PATENTS,** Government Buildings, Yaren District

[First] Respondent

AND: [Insert Any Other Party], Government Buildings, Yaren District

[Second] Respondent

PETITION OF APPEAL

Details of Appellant	[insert full name], [insert residential and email addresses], [insert phone number]
Appeal against:	<input type="checkbox"/> Refusal; <input type="checkbox"/> Decision; or <input type="checkbox"/> Direction [<i>tick what is being appealed</i>]
Date of refusal/decision/direction	[day] / [month] / [year]
Provide details of refusal/decision/direction	[provide details]

Grounds of Appeal	<p>The grounds of appeal are as follows: <i>[Properly outline, number and state the grounds of appeal as 1, 2, 3, etc]</i></p> <p>1 2 3</p> <p><i>[If necessary, attach a separate page.][Note: No submissions are to be attached or included as part of the grounds of appeal.]</i></p>
Nature of relief sought	<p>The Appellant seeks the following relief:</p> <p>1 2 3</p> <p><i>[(a) Precisely state the relief sought; (b) If necessary attach a separate page; (c)No submissions are to be attached or included as part of the relief sought]</i></p>
Representation	<p>In person or by a legal representative <i>[state the name of legal representative]</i></p> <p>.....</p>
Address for service of the Appellant or legal representative	<p>..... District</p> <p>Email:</p> <p>Telephone Number.....</p> <p><i>[insert full address of Appellant or legal representative]</i></p>
Any special requirements	<p><i>[for example, an interpreter]</i></p>
Signature of Appellant or Legal representative	<p>.....</p>
Date notice of appeal filed	<p><i>[day] / [month] / [year]</i></p>
Endorsement by the Registrar of the Courts/Deputy Registrar	<p></p>

Form 2

Patents Registration Act 1973

Patents Appeal No./20....

IN THE MATTER of the *Patents Registration Act 1973*

AND IN THE MATTER of an Appeal to the Supreme Court pursuant to *Section 30* of the *Patents Registration Act 1973* and the *Patents Registration (Appeals) Rules 2020*

BETWEEN: [INSERT NAME OF APPELLANT] of [insert address]
Appellant

AND: **THE REGISTRAR OF PATENTS,** Government Buildings, Yaren District

[First] Respondent

AND: [Insert Any Other Party], Government Buildings, Yaren District

[Second] Respondent

AFFIDAVIT VERIFYING PETITION

TO: The Chief Justice of the Supreme Court of Nauru

I, [INSERT NAME] of [insert address], [insert occupation] make oath and says as follows:

1. I am the Petitioner herein.
2. As the Petitioner, I am aware of the facts contained in the petition signed by me on [date].
3. I have read and understood the contents of the Petition to be filed in this Honourable Court and verify the contents therein are true to the best of my knowledge, information and belief. The Petition annexed hereto and marked as "Annexure [insert initials] 1"
4. I seek order in terms of the prayer in the Petition.

SWORN/ AFFIRMED by [insert name] at [insert place affidavit sworn] this [insert date]

.....
[Signature of Petitioner]

Before me:

[A COMMISSIONER FOR OATHS/NOTARY PUBLIC]