

petition to the Judicial Committee of the Privy Council; and that His Majesty in Council may make rules of procedure and practice for regulating proceedings before the Judicial Committee under this section, and subject thereto such proceedings shall be regulated according to the existing procedure and practice in patent matters:

And whereas His Majesty in Council has deemed it expedient to make rules regulating proceedings in such Petitions before the Judicial Committee,

His Majesty is therefore pleased by and with the advice of His Privy Council to approve of the several rules and regulations contained in the Schedule hereunto annexed and to order, as it is hereby ordered, that on and after the making of this Order the same be respectively observed.

A. W. FitzRoy.

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The SCHEDULE above referred to.

Rules to be observed in Proceedings before the Judicial Committee of the Privy Council under the Patents Act, 1902, Section 3.

I. On receiving written notice from the Board of Trade that a Petition has been referred to the Judicial Committee of the Privy Council, the Petitioner shall, after satisfying the requirements of Rules II and IV, apply to the Judicial Committee to fix a time for hearing the Petition.

II.—(a) No application to fix a time for hearing the Petition shall be made unless the Petitioner shall have previously given notice to the Patentee, to the Opponents, and to any other person claiming an interest in the patent as exclusive licensee or otherwise, that the Petition has been referred to the Judicial Committee, that it is his intention to apply to the Judicial Committee on a specified day, which day shall be not less than four weeks from the date when the notice is served or sent, to fix a time for hearing the Petition, and that any person desiring to be heard before the Judicial Committee at the time so fixed must enter a Caveat at the Council Office on or before the day so specified.

(b) The said notice shall be served in the usual way, but where the person to be served resides or has his principal place of business outside the United Kingdom, it may be sent to him by post in a registered envelope.

III.—(a) Any person claiming an interest in the patent as exclusive licensee or otherwise, whether he has received the notice prescribed by Rule II or not, shall, if he desires to be heard before the Judicial Committee, enter a Caveat at the Council Office on or before the day specified by such notice, provided always that, if he has not received the said notice, or if he resides or has his principal place of business outside the United Kingdom, he may apply to the Judicial Committee to extend the time for entering his Caveat on the ground that the time limited by such notice is insufficient.

(b) Every Caveat shall specify the Caveator's address for service, which address shall be within four miles of the Council Office.

IV. An application to the Judicial Committee to fix a time for the hearing of the Petition shall be accompanied by eight printed copies of the Specification, and by an affidavit of the Petitioner showing the persons to whom, and the manner in which, the notice prescribed by Rule II has been given.

V. The time for hearing a Petition shall be fixed by an Order of the Judicial Committee, and shall be not less than four weeks from the day on which the application for fixing the same is made. The Petitioner shall, immediately after the issue of such Order, give public notice thereof

by advertising the same once at least in the "London Gazette" and in the "Times," and in such other newspaper or newspapers (if any) as the Judicial Committee may direct. After completing such advertisements, the Petitioner shall forthwith lodge an affidavit thereof at the Council Office.

VI. The statements contained in the affidavits required by Rules IV and V may be disputed upon the hearing.

VII. The Petitioner shall be entitled to be served by the Caveators, not less than three weeks before the day of hearing, with notice of the grounds of their respective Objections, if such grounds are different from or additional to those taken by them in the proceedings before the Board of Trade. Copies of all Objections, or additional Objections, so served as aforesaid, shall be lodged at the Council Office not less than fourteen days before the day fixed for the hearing.

VIII.—(a) All Petitions and other documents lodged at the Council Office shall (unless the Judicial Committee otherwise direct) be printed in the form prescribed by the Patents Rules of the Board of Trade which are in force for the time being, and the parties shall furnish as many copies of the documents lodged by them as shall be required by the Judicial Committee.

(b) Parties shall be entitled to have copies of all papers lodged in respect of the Petition at their own expense.

IX. No solicitor or agent shall be entitled to conduct proceedings under this Act before the Judicial Committee unless he is a solicitor or agent admitted to practise before the Privy Council in accordance with Her late Majesty's Order in Council of the 6th March, 1896. Such solicitor or agent shall be allowed the same fees, and the same Council Office fees shall be chargeable in respect of proceedings under this Act, as are prescribed by the general Rules applicable to proceedings before the Judicial Committee.

X. Applications to the Judicial Committee to fix a time for hearing the Petition and on other matters of procedure shall be addressed in the first instance to the Registrar of the Privy Council, who shall take their Lordships' instructions thereon and communicate the same to the parties. In cases of doubt the Registrar may, or, if so requested by any of the parties, he shall, enter the application for hearing before their Lordships' Board.

XI. The Judicial Committee may excuse the parties from compliance with any of the requirements of these Rules, and may give such directions in matters of procedure and practice and otherwise as they shall consider to be just and expedient.

XII.—(a) Any affidavits, statutory declarations or other documentary evidence which may have been furnished to the Board of Trade, or any copies thereof which may be referred by the Board to the Judicial Committee, may be received in evidence in proceedings under this Act before the Judicial Committee, subject to such cross-examination of any of the deponents as may be permitted by the Judicial Committee. The Judicial Committee may require the production of any original documents copies of which are tendered in evidence under this Rule.

(b) The parties may tender before the Judicial Committee such further documentary or other evidence as they may be advised.

XIII. The Judicial Committee may refer any matters in connection with proceedings under this Act to be examined and reported on in the same manner as matters may be referred by them under Section 17 of the Act 3 and 4 Will. IV, c. 41 (Judicial Committee Act, 1833).