

# **Patents and Designs Regulations (Procedures before the Appeal Committee), 5712-1952**

- [Section 1: Interpretation](#)
- [Section 2: Submission of Notification of Appeal](#)
- [Section 3: Details of Notification of Appeal](#)
- [Section 4: Delivery of Documents](#)
- [Section 5: Reply of Respondent](#)
- [Section 6: Setting a Date of Hearing](#)
- [Section 7: Appearing in Cross-Examination](#)
- [Section 8: Order of Arguments](#)
- [Section 9: Proceedings in Absence of Parties](#)
- [Section 10: Argument of Error in Written Justifications](#)
- [Section 11: Proceedings are limited to Arguments in writing](#)
- [Section 12: Powers of the Head of Committee](#)
- [Section 13: Postponement of Examination](#)
- [Section 14: Decision of the Committee](#)
- [Section 15: Appeal Fees](#)
- [Section 16: Merger of Appeals](#)
- [Section 17: Adding Parties](#)
- [Section 18: Title](#)

Pursuant to my authority under section 66(1) of the Patent and Design Ordinance, I hereby enact these regulations:

## **Interpretation**

1. In these regulations –
  - “Provision” means – A provision given by the Minister of Security under section 58 of the Ordinance;
  - “Committee” means – An appeal committee appointed by the Minister of Justice under section 60 of the Ordinance.

## **Submission of Notification of Appeal**

2. An appeal under section 59 of the Ordinance shall be by means of notification (Hereinafter – Notification of appeal) to be submitted to the Registrar.

## **Details of Notification of Appeal**

3. (a) The notification of appeal shall include –
  - (1) The name, description, address and profession of the appellant as well as an address for delivery of notifications and documents;
  - (2) The date and number of the application for grant of patent or for registration of design, which are the subject of the provision, the short title of the invention of the name of the object for which the design is to be applied, as the case may be;
  - (3) The date in which the previous appeal had been refused and the case number;
  - (4) The justifications for the appeal, including legal justifications, and each argument presented in short in separate paragraphs.
- (b) The notification of appeal shall be signed by the appellant or by his legal representative.

(c) The notification of appeal shall be submitted by the following documents, in three copies each: –

(1) A sworn statement verifying the facts on which the appellant relies; and,

(2) A copy of the provision which is subject of the appeal.

(d) The minister of Security shall be cited as the respondent in the notification of appeal.

#### **Delivery of Documents**

4. Where the notification of appeal had been delivered to the office of the registrar, as said in section 59(2) of the Ordinance, the Registrar shall deliver two forms thereof and the documented attached to it to the head of committee and shall also deliver one form to the respondent.

#### **Reply of Respondent**

5. (a) The respondent may furnish the Registrar with a justified reply, in three forms, within 30 days from the day a copy of the notification of appealed was delivered to him as said, with an attached sworn statement verifying the fact on which he is relying.

(b) The reply shall be signed by the respondent or his legal representative.

(c) Where the reply had been furnished as said under this regulation, the Registrar shall deliver to the respondent copies of the reply and the sworn statement.

#### **Setting a Date of Hearing**

6. The head of the committee shall set, within two months from the date the notification of appeal was submitted, a date of the appeal hearing and shall furnish the appellant and respondent with an early notice of at least 15 days of the fact thereof.

#### **Coming in for Cross-Examination**

7. (a) a party wishing to cross-examine a person who delivered a sworn statement verifying facts on which said part relies on, shall notify to that effect the head of committee and the party thereto, at least seven days before the set date for the appeal hearing.

(b) a party who has been furnished with a notification under sub-regulation (a), shall bring before the committee, on the set time of the appeal hearing, the person who is the subject of the cross-examination as said.

(c) Where a party has not presented a person for cross-examination as said under sub-regulation (b), or where such person had refused to answer questions asked during cross-examination with no reasonable justification thereof which satisfies the committee, then the statement of that person shall not be used for testimony, unless the committee believes that accepting the statement thereof as evidence is necessary for implementation of justice.

#### **Order of Arguments**

8. (a) The Committee shall hear the arguments of the appellant first, and then the arguments of the respondent.

(b) The committee may, as it sees fit, allow the appellant to respond to arguments put forth by the respondent.

### **Proceedings in Absence of Parties**

9. Where parties which had been summoned for a hearing, did not appear before the committee on the date set for the appeal hearing, or in a postponed date under regulation 13, then the following shall apply:
- (1) Where the appellant appeared, but the respondent failed to appear, the committee may postpone the appeal hearing or hear the appeal without the presence respondent;
  - (2) Where the appellant, or both, failed to appear, the committee may postpone or cancel the appeal hearing.

### **Argument of Error in Written Justifications**

10. (a) In hearing the appeal the committee may not need all arguments of error in the form of a notification of appeal, except for when a written notification to that effect was delivered to the appellant at least seven days prior to the date set for the appeal hearing and the appellant had not correct the error before said date.
- (b) Where a notification pursuant to sub-regulation (A) had been delivered and the appellant had not corrected the error in due time the committee may – with special cause – permit the appellant correct the error in terms prescribed by the committee.

### **Proceedings are Limited to Arguments in Writing**

11. In hearing the appeal, the committee shall not rely on any justification which was not mentioned in the notification of appeal or in the reply of the respondent, unless it believes, that the party, who is seeking to rely on said justification, is not at fault for said omission, or that the hearing of the additional justification is required for the proceedings to be just.

### **Powers of the Head of Committee**

12. The head of the committee may –
- (1) Extend any date prescribed under these regulations;
  - (2) Permit the parties to submit additional documents to those specified in these regulations.

### **Postponement of Examination**

13. The committee may postpone the appeal hearing, and if the hearing had begun – postpone the remaining proceeding therein, if the committee believes such postponement is required, for the proceeding to be just.

### **Decision of the Committee**

14. (a) The committee may deliberate based on a majority vote.
- (b) The decision of the committee shall be in writing and signed by the head of the committee and two members therein.
- (c) a copy of the decision, certified by the head of the committee, shall be granted to the appellant and the respondent as soon after the decision is given, though the committee may decide against doing so in writing for security reasons.

### **Appeal Fees**

15. Pursuant to the provisions of section 59(9) of the Ordinance, the committee may rule the imposition of costs of the appeal and determine who shall be imposed.

### **Merger of Appeals**

16. The committee may merge dependent appeal which have been brought before it, deliberate on them jointly and give a single decision regarding them all –
- (1) If the appeals had been submitted based on one provision or deal with the same patent application or registration of design, or
  - (2) If the same, or similar, legal or factual issues are bound in them.

**Adding Parties**

17. The committee may, at any stage of the proceedings, add any person, as an appellant or respondent, which it believes is interested in appealing.

**Title**

18. These regulations shall be titled "Patents and Designs Regulations (Procedures before the Appeal Committee), 5712-1952".

24<sup>th</sup> of Tamuz, 5712 (July 7<sup>th</sup>, 1952)

Chaim Cohen  
Minister of Justice