

(h.) The Court may excuse applicants and opponents from compliance with any of the requirements of these rules, and may give such direction in matters of procedure and practice under section 20 (6) as it shall consider to be just and expedient.

(i.) The Registrar, if he elects or is directed to appear upon the question of the relief sought by any originating summons under section 20 (6), shall not be required to give notice of the grounds of any objection he may think fit to take or of any evidence he may think fit to place before the Court.

(j.) The Court may, in cases where opposition has been entered to the relief sought by the originating summons under section 20 (6), give costs to or against the opponent.

(k.) In the event of the Court refusing the relief sought by the originating summons, the Court shall not, except under special circumstances, give more than one set of costs amongst all the opponents.

(l.) The Registrar shall be entitled to such costs on or in relation to his appearance, opposition, or intervention in the matter of any such originating summons as aforesaid as the Court may allow, but costs shall not be given against the Registrar.

(m.) Service of any document requiring service under this rule may be made by enclosing the document in a prepaid registered letter, and posting such letter to the person required to be served at his address for service.

(n.) In the event of any person desiring to obtain relief under section 20 it shall not be necessary for him to take out a separate originating summons, but he shall be at liberty to make a combined application by a petition headed "In the matter of section 20"; and in that event his application shall conform to and be regulated by the more elaborate procedure described by Rule 3, and not by the procedure presented by the foregoing subheads of this rule.

Appeals to the Court from decisions of Registrar.

5. All appeals to the Court from any decision of the Registrar shall be brought by motion, of which notice shall be filed in the Court and served upon the Registrar within twenty-eight days after the day on which the decision appealed against was given. Such notice shall state the nature of the decision appealed against, and whether the appeal is from the whole, or part only, and, if so, what part, of such decision.

It shall also state concisely the grounds of the appeal, and no grounds other than those so stated shall, except with the leave of the Court to be on such terms and conditions as may seem just, be allowed to be taken by the appellant at the hearing.

Petitions to the Court under section 26 of the Act.

6. In all petitions to the Court under section 26 of the Act the following rule shall apply:—

Every person who has given notice of opposition in accordance with the Regulations under the Patents, Designs, and Trade-marks Act, 1921-22, shall be entitled to be heard on such petition, and the Court may direct the petition to be served or notice thereof to be given to such other person or persons as may be thought desirable.

Costs.

7. In all proceedings before the Court under the Act the costs of and incident thereto, including the costs of hearings before the Registrar, shall be in the discretion of the Court (except as hereinbefore expressly provided in the case of petitions under section 20 of the Act).

Costs as between party and party in actions relating to patents shall be governed by the scale of costs in force with regard to other actions, but in fixing the sum to which the scale is to be applied regard may be had not only merely to the sum or value at issue, but also to the complexity of the matters and the nature of the work involved in the trial and in preparing for the trial.

Defence under section 43 of the Act.

8. If a defendant in an action for infringement of a patent intends to rely as a defence to such action on the insertion by the patentee in any contract or contracts of any condition which by virtue of section 43 of the Act is null and void, he shall deliver with his defence full particulars of the dates of and parties to all contracts on which he intends to rely as containing any such condition, and of the particular conditions in any such contracts on which he intends to rely as being by virtue of that