



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$19.20

WINDHOEK - 29 April 2022

No. 7799

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Government Notice

MINISTRY OF INDUSTRIALISATION AND TRADE

No. 131

2022

INDUSTRIAL PROPERTY TRIBUNAL RULES: INDUSTRIAL PROPERTY ACT, 2012

In terms of subsection (4) of section 227 of the Industrial Property Act, 2012 (Act No. 1 of 2012), I publish the rules made by the Rules Board under subsection (2) of that Act, as set out in the Schedule.

P. T. DAMASEB

CHAIRPERSON

INDUSTRIAL PROPERTY TRIBUNAL RULES BOARD

Windhoek, 14 April 2022

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PART 1
PRELIMINARY

Definitions

1. In these rules a word or an expression to which a meaning has been assigned in the Act has that meaning and unless the context otherwise indicates -

“Act” means the Industrial Property Act, 2012 (Act No. 1 of 2012);

“appellant” means a person who notes an appeal;

“applicant” means a person who files an application or a request;

“chairperson” means the chairperson of the Industrial Property Tribunal;

“document” includes a handwritten or typed document, a computer print-out, a statement, counter-statement, an affidavit, a photograph, film, recording of sound, plan, record of a permanent or semi-permanent character and information recorded or stored electronically or by means of any other device;

“evidence” in an application or a request means facts deposed to in an affidavit, and includes evidence given orally;

“file” means to file with the Secretary;

“High Court Rules” means the Rules of the High Court of Namibia, published under Government Notice No. 4 of 17 January 2014;

“notice” means notice in writing;

“process” means any application, notice of appeal, notice to oppose an appeal, affidavit or other statement or counter-statement or document required to be filed or served;

“Regulations” means the Industrial Property Regulations made under section 236 of the Act published under Government Notice No. 114 of 1 June 2018;

“respondent” means a person who opposes an appeal, an application or a request or who files a counter-statement, and includes a person against whom any relief is sought; and

“Secretary” means the Secretary of the Tribunal.

Tribunal fees

2. The fees payable in respect of proceedings in the Tribunal are as set out in rule 122 of the High Court Rules.

Tariff of fees

3. The fees chargeable for services rendered in matters before the Tribunal are as set out in rules 124 and 125 of the High Court Rules.

Taxation of costs

4. (1) The provisions of -
- (a) rule 75 relating to the review of taxation and recovery of costs; and
 - (b) rule 125 relating to the taxation of bills of costs,

of the High Court Rules apply with the necessary modifications required by the context to the taxation of costs, the review of taxation and the recovery of costs in matters before the Tribunal.

(2) In an application relating to the review of taxation, recovery of costs and taxation of bills of costs, any reference in those provisions to the taxing master and to a judge must be construed as a reference to the Secretary and the chairperson of the Tribunal, respectively.

Signing of forms and filing of process

5. (1) Every process which is to be filed must be signed by the party or his or her agent.

- (2) If a form is required to be signed on behalf of a partnership -
- (a) unless it is signed by an agent, the form must be signed by one of the partners or by a person who satisfies the Tribunal that he or she is authorised in writing by the partnership to sign on its behalf; and
 - (b) the form must set out the full names of all the partners.

(3) The office of the Secretary is open to the public from 09:00 to 16:30 except on a Saturday, Sunday or a day specified as a public holiday or a day declared to be a public holiday under the Public Holidays Act, 1990 (Act No. 6 of 1990).

(4) Where process is required to be filed, at least three copies must be filed.

(5) Every process that is filed must be in the English language.

(6) Any process that is not in the English language must be accompanied by a sworn translation of it into the English language by a sworn translator of the High Court.

Service of process

6. (1) A party or the Secretary requiring any process to be served under these rules must serve the process itself or himself or herself or cause the process to be served by the deputy sheriff of the High Court or by any person designated in writing by that party.

(2) Service of any process may be effected in one or other of the following manners, namely -

- (a) by handing a copy of the process to -
 - (i) the person to be served or his or her representative;
 - (ii) a person who appears to be at least 16 years old and in charge of the person's place of residence, business or employment at the time of service; or

- (iii) subject to subparagraph (ii), a person identified in subrule (3);
 - (b) by leaving a copy of the process at -
 - (i) an address chosen by the person to receive service; or
 - (ii) any premises in accordance with subrule (4);
 - (c) if the person to be served is represented by an agent of record, service must be at the address specified in such agent's notice of representation or to a person not less than 16 years of age and employed at the agent's office;
 - (d) by faxing or emailing a copy of the process to the person's fax number or email address or a fax number or email address chosen by the person to receive service; or
 - (e) by sending a copy of the process by registered post to the last known address of the party or an address chosen by the party to receive service in which case the process is presumed, until the contrary is proved, to have been received by the person to whom it was sent within 21 days after it was posted.
- (3) Process may be also served -
- (a) on a company or other body corporate, by handing a copy of the process to a responsible employee of the company or body at its registered office or its principal place of business in Namibia;
 - (b) on a partnership, firm, or an association, by handing a copy of the process to a responsible employee or an official at the place of business of the partnership, firm or association or, if it has no place of business, by serving a copy of the process on a partner, or the chairperson or secretary of the managing director or chief executive officer or other controlling person of the partnership, firm or association;
 - (c) on a local authority, by handing a copy of the process to the town clerk or chief executive officer or any person acting on behalf of that person;
 - (d) on a statutory body, by handing a copy to the chief executive officer or similar officer of that body, or any person acting on behalf of that person; and
 - (e) on the State, a minister, deputy minister or other official of the State in his or her official capacity, by handing a copy to a responsible employee at the offices of the Government Attorney, or the relevant ministry or organ of the State, respectively.
- (4) Where at any premises contemplated in subrule (2) or (3), a person is not willing to accept service, service may be effected by affixing a copy of the process to -
- (a) the main door of the premises concerned; or
 - (b) if this is not accessible, a post-box or other place to which the public has access.
- (5) The chairperson of the Tribunal may direct in writing that service be effected in a manner other than that prescribed in this rule.
- (6) A party must prove that process was served in terms of these rules by providing the Secretary with a completed affidavit of service on Form 1, and -

- (a) with a copy of proof of mailing of the process by registered post to the other party, if it was posted;
- (b) with a copy of the telefax report or email indicating the successful transmission of the process to the other party; or
- (c) if process was served by hand -
 - (i) with a copy of a receipt signed by, or on behalf of, the other party clearly indicating the name and designation of the recipient and the place, time and date of service; or
 - (ii) with a statement confirming service signed by the person who served a copy of the process to the person to be served or who left it at any premises.

(7) If proof of service in accordance with subrule (6) is provided, it is presumed, until the contrary is proved, that the party on whom it was served has knowledge of the contents of the process.

(8) The Tribunal may accept proof of service in a manner, other than that prescribed in this rule, as sufficient.

- (9) Service may not be effected -
 - (a) on a Sunday or public holiday; or
 - (b) before 07h00 or after 19h00 on any other day, unless the Secretary directs otherwise in writing.

PART 2 APPEAL PROCEEDINGS

Notice of appeal

7. (1) A party who intends to appeal to the Tribunal against a decision made in terms of section 57(13), 63(7), 68(2), 91(2), 130(2), 202(2) or 220(3)(a) of the Act, must file on Form 2 a notice of appeal within 30 days after the date of such decision.

- (2) The notice of appeal must set out clearly and concisely -
 - (a) the decision appealed against;
 - (b) whether the appeal is against the decision in whole or in part, and if in part only, which part;
 - (c) the grounds on which the appeal is based; and
 - (d) the order or any other relief sought.

Time limit for noting appeals

8. The time limit referred to in rule 7(1) does not apply to an appeal in respect of which the Act provides a time limit for the noting of such appeal.

Service of notice of appeal

9. Every notice of appeal must be served on all other parties in terms of rule 6.

Opposition to appeal

10. (1) A party on whom a notice of appeal is served and who wishes to oppose the appeal must within 30 days after the notice of appeal is served on him or her file a notice of statement to oppose the appeal on Form 3 containing the grounds on which he or she opposes the appeal together with any documents.

(2) A copy of the statement and the evidence must be served on the appellant and all other parties in terms of rule 6.

Parties

11. (1) If a decision made in any proceedings is appealed against, each person who is a party to the proceedings is a party to the appeal.

(2) The Registrar is the party to an appeal against a decision of the Minister or the Registrar, other than an appeal noted in terms of the Regulations and, in any case, the Minister may not be cited as a party to the matter.

(3) The Tribunal may at any time on notice on Form 4 to all parties, or on application by a party on notice to all other parties, make an order joining a person in the proceedings and give such directions including the manner of service of process on the person joined as it considers necessary.

(4) An order to join may only be made where the party to be joined has a substantial interest in the matter before the Tribunal.

(5) The Tribunal may likewise on notice on Form 4 to all parties or on application by any party on notice to all other parties, order that any party who does not have a substantial interest in the dispute be dismissed from the proceedings.

PART 3
REVOCATION PROCEEDINGS

Information under section 221 of Act

12. The Secretary must inform the Registrar and all interested parties to the matter about -

- (a) any matter referred to the Tribunal in terms of section 221(1) of the Act; and
- (b) the time and date which the Tribunal has set down to hear the Registrar and the parties in terms of section 221(2) of the Act.

PART 4
PROCEEDINGS RELATING TO INFRINGEMENT

Infringement proceedings under Act

13. (1) Subject to sections 70, 124 and 152 of the Act any interested person, in this Part called applicant, may bring an application on Form 5 in respect of an infringement supported by such affidavits if necessary.

(2) A copy of the application and the accompanying affidavits must be served in terms of rule 6 on every respondent against whom relief is sought.

(3) If a respondent to whom the notice is served wishes to oppose the application or to oppose the application and institute a counter-claim, he or she must -

(a) within 21 days after the notice is served on him or her file a notice to oppose the application on Form 6 and in that notice state the grounds on which he or she opposes the application on affidavit; and

(b) file simultaneously an affidavit, if there is a counter-claim, as to the facts on which he or she relies to support his or her counter-claim.

(4) A copy of the notice to oppose and the accompanying affidavit, if any, must be served in terms of rule 6 on the applicant.

(5) The respondent must file an answering affidavit within 14 days after service of the applicant's founding affidavit on him or her.

(6) An applicant served with an answering affidavit, must within seven days after receiving the answering affidavit, file a replying affidavit, if any.

(7) A replying affidavit must be served on the respondent in terms of rule 6.

(8) No further affidavits may be filed without the leave of the Tribunal.

PART 5
GENERAL RULES APPLICABLE TO ALL PROCEEDINGS

Frivolous or vexatious proceedings

14. The Tribunal may dismiss the appeal, application or request without a hearing if -

(a) the notice of appeal, application or request discloses no reasonable grounds; and

(b) it appears to the Tribunal that the appeal, application or request is frivolous or vexatious.

Proceedings other than proceedings concerning appeals and infringement

15. (1) This rule applies to proceedings before the Tribunal, other than proceedings relating to appeals and infringement.

(2) An applicant, who wishes to bring proceedings under the Act, the Regulations or these rules must institute such proceedings by the filing of a notice of application on Form 7 supported by an affidavit stating the facts on which the applicant relies for relief.

(3) A person who receives the notice of application and wishes to oppose the application must, as the respondent, file and serve a notice to oppose in accordance with rule 13(3), (4) and (5).

(4) An applicant must comply with the procedure of filing and serving a replying affidavit in accordance with rule 13(6) and (7).

(5) No further affidavits may be filed without the leave of the Tribunal.

Security for costs

16. (1) The Tribunal may order an applicant or appellant to give security for costs in terms of rule 59 of the High Court Rules.

(2) A party may apply for an order under subrule (1) by filing a notice of application.

(3) A copy of the notice of application must be served in terms of rule 6 on the respondent.

(4) The Tribunal may order that security be given and may specify the amount of security and how and when it must be given.

(5) A party who is ordered to give security may apply for an extension of the time within which the security is to be given.

(6) If the Tribunal has ordered a party to give security the proceedings must be stayed until the security is given and if the security is not given within the time specified the Tribunal may dismiss the proceedings.

Hearing in proceedings

17. (1) The Secretary, with the concurrence of the chairperson, determines the time and place of a hearing in every proceeding.

(2) The Secretary must give the parties at least 14 days' notice of a hearing.

(3) The chairperson may allow less than 14 days' notice to be given under subrule (2).

(4) Every hearing must be held in Windhoek unless the Tribunal directs otherwise in terms of subrule (5).

(5) The Tribunal may, on the application of a party and after giving the other parties an opportunity to be heard, direct that a hearing be held at a place other than Windhoek.

(6) An application for directions under subrule (5) must be filed not less than 14 days before the set down hearing date.

(7) In giving directions under subrule (5), the Tribunal may give such other directions with respect to the notice and costs as it considers necessary.

(8) A hearing may be adjourned by the Tribunal on such terms as the Tribunal considers fair and just.

(9) The Tribunal may allow a witness to lead oral evidence in which case it must allow the cross-examination of the witness.

(10) A party or a witness who has filed an affidavit may be cross-examined on his or her affidavit.

(11) The Tribunal may, on such terms as it may specify, allow a document to be amended or a procedural irregularity to be rectified on good cause shown.

(12) The Tribunal may, on such terms as it may specify, dispense with or modify any requirement pertaining to these rules including a requirement to discover a document.

(13) The Tribunal may require a party to pay all or part of the costs of another party and specify how the costs are to be determined and paid.

Summoning of witnesses

18. (1) Where the Tribunal has directed that oral evidence be heard before it determines any matter, a party to the matter may request the Secretary to summon witnesses to give evidence or to produce any document, record, books of accounts or other exhibit relevant to any issue relating to the matter.

(2) Where a witness is to be summoned, the summons must be on Form 8 and served in terms of rule 6 on such witness.

(3) Section 26 of the High Court Act, 1990 (Act No. 16 of 1990) relating to the modes of procuring the attendance of witnesses and the penalty for non-attendance and section 27 relating to the manner in which recalcitrant witnesses may be dealt with apply with necessary modifications required by the context to a witness summoned under this rule as if such witness has been subpoenaed in a civil action before the High Court.

(4) A witness who testifies before the Tribunal is entitled to an allowance for food, accommodation and other incidental expenses as the Tribunal may direct.

(5) The allowances of a witness are paid by the party who summoned the witness and by both parties in equal shares, if the Tribunal summoned the witness.

(6) If a person is a witness in more than one proceeding in the same place and on the same day -

(a) that person is entitled to one set of allowance payable to a witness in a single proceeding; and

(b) the amount of the allowance is paid in equal shares by the parties who summoned the witness.

(7) Despite subrules (2) and (3), the Tribunal may in making an order as to costs order only one party to pay the allowances of a witness, if it considers it fair and just to make such order.

Withdrawal

19. (1) An appellant or applicant may, at any time before a decision on the matter is made, withdraw the appeal, application or request by delivering a notice of withdrawal on Form 9.

(2) A party may apply to the Tribunal to order costs to be paid by the appellant or applicant who withdraws his or her appeal, application or request.

Extension of time

20. (1) The Tribunal may, on an application made in terms of these rules and on good cause shown, extend a time limit prescribed by these rules on such conditions as it may specify.

(2) An application for an extension of time may be made even though the time limit has expired.

Affidavits

21. Every affidavit must -

- (a) have a heading, indicating the matter or matters to which it relates;
- (b) be divided into consecutively numbered paragraphs, each of which must, if possible, be confined to a single subject-matter; and
- (c) clearly identify the deponent and the physical address of his or her residence.

Directions with respect to procedure

22. (1) The Tribunal may give directions with respect to the procedure to be followed in any proceedings.

(2) The Tribunal may not give a direction that is inconsistent with any provision of the Act or these rules.

PART 6
MISCELLANEOUS AND GENERAL

Costs

23. (1) A party seeking an award of costs, referred to in section 225 of the Act, must make an application for such relief.

(2) The application must be accompanied by an affidavit as to the facts on which the applicant relies for relief.

(3) A party on whom an application and affidavit are served, and who wishes to oppose the application, must within 45 days after the application and affidavit are served on him or her file and serve an answering affidavit setting out fully the grounds on which he or she opposes the application.

Referral under section 221(1) of Act

24. (1) A referral of a matter by the Registrar to the Tribunal under section 221(1) of the Act must be filed on Form 10.

(2) Every referral must be by a statement setting out the facts of the matter and the directions sought.

(3) A party who intends to answer to the request for referral must within 45 days after notice of the referral is served on him or her under section 221(1) of the Act file an answering statement.

(4) A copy of the answering statement must be served in terms of rule 6 on the Registrar and all other parties.

Record of proceedings

25. (1) The Secretary must keep a record of proceedings of the Tribunal in the manner that record of proceedings are kept in civil cases in the courts of law in Namibia.

(2) Parties to the proceedings are entitled to obtain copies of the record of proceedings concerned on the payment of any administrative fee set out in Annexure 1.

(3) The rules regulating the accessibility of members of the public to record of proceedings in civil cases in the courts of law in Namibia apply to record of proceedings of the Tribunal with such qualifications and modifications as the Secretary may consider appropriate.

Request for documents

26. (1) A person who intends to obtain a copy of a document under the control and custody of the Tribunal may request it from the Secretary.

(2) A person who is not a party to the proceeding but wants to obtain a copy of the document in subrule (1) must pay any administrative fee set out in Annexure 1 of the Regulations for each copy of the document requested.

Application of High Court Rules

27. Subject to the Act and these rules, where these rules do not make provision for the procedure to be followed in any matter before the Tribunal, the High Court Rules apply to the proceedings before the Tribunal with such qualifications, modifications and adaptations as the Tribunal may consider necessary.

Forms

28. Any reference in these rules to a numbered form is a reference to the corresponding form set out in Annexure 1, except that a substantially similar form may be used.

ANNEXURE

FORM 1

(Rule 6(6))

AFFIDAVIT OF SERVICE

IN THE INDUSTRIAL PROPERTY TRIBUNAL

Case No.:

In the matter between:

Applicant/Appellant

and

Respondent

I,,
do hereby certify that on the day of
..... 20 at (state time) I duly served
the following document(s)

.....
(describe the document(s) served) in the following manner:

(Complete (a), (b) or (c) as appropriate).

- (a) By handing a copy to
(full name of the person served) * and he / she* refused to sign a copy;
- (b) By sending a copy by registered post to
.....
.....
(full name of the person served)
at
(state the postal address) and I annex hereto the certificate of posting;
- (c) By sending a copy by telefacsimile/email to
(full name of the person served)

at the following number
(state telephone number and code) and I annex hereto the transmission confirmation slip
or copy of the email;

Dated at this day of 20

.....
Signature of deponent

Before administering the prescribed oath/affirmation, I put the following questions to the deponent and noted his/her reply in his/her presence:

- (a) Do you know and understand the contents of this affidavit/solemn declaration?

Reply:

- (b) Do you have any objection to the taking of the oath?

Reply:

- (c) Do you regard the prescribed oath as binding on your conscience?

Reply:

This affidavit/solemn declaration was duly sworn to/affirmed before me and the deponent signed it in my presence at on the day of 20

.....
Commissioner of Oaths

Full name: DATE STAMP

Designation:

Address:

.....

.....

**Delete as applicable*

NOTE:

State such other manner of service if so directed by the chairperson of the Tribunal;

Copy to: Applicant/Appellant/Respondent or his or her agent or other representative; and

Original to: Secretary with the original of the document(s) served attached.

FORM 2

(Rule 7(1))

NOTICE OF APPEAL

IN THE INDUSTRIAL PROPERTY TRIBUNAL

Case No.:

In the matter between:

and

Appellant

Respondent

(To be completed by persons noting appeals)

TAKE NOTICE that (hereinafter called the appellant) intends to appeal to this Tribunal pursuant to section

..... of the Industrial Property Act, 2012 (state the section of the Act in terms of which the appeal is noted) against the whole or that part of (delete as appropriate) the decision or order of the Minister or Registrar made on or about the day of

20 whereby it was decided that
.....

..... (state the decision or appealed against) and the appellant will ask this Tribunal FOR AN ORDER:

.....
.....
(state the precise form of the order applied for)

AND FURTHER TAKE NOTICE that the grounds of this appeal are -

.....
.....
(set out concisely and distinctly the grounds of appeal)

AND FURTHER TAKE NOTICE that the Secretary is hereby called upon to despatch to the parties, within 21 days after service upon him or her of this notice, the record of the proceedings relating to the above matter, the judgment, ruling or order together with such reasons for the Tribunal's decision.

AND FURTHER TAKE NOTICE that the appellant has appointed

.....
(state the appellant's address for service) at which he or she will accept notice and service of all process in these proceedings.

AND FURTHER TAKE NOTICE that if you wish to oppose this appeal you must -

- (a) appoint an address in your notice to oppose at which you will accept notice and service of all process in these proceedings;
- (b) file to the Secretary of the Tribunal at Windhoek a notice of statement to oppose the appeal on Form 3 and to the appellant within 30 days after service on you of this notice of appeal and that you are entitled to appear and be heard at the hearing of the appeal so long as you have served the aforementioned notice of statement.

AND FURTHER TAKE NOTICE that after the expiry of the 30 days' period allowed for the delivery of a notice of statement to oppose the appellant proposes to apply to the Secretary, on five days' notice, to assign a date for the hearing of this appeal.

Dated at this day of 20

.....
Appellant or his or her agent
(address)

To: (1)
(address) Respondent

(2)
The Secretary

FORM 3

(Rule 10(1))

NOTICE OF STATEMENT TO OPPOSE APPEAL

IN THE INDUSTRIAL PROPERTY TRIBUNAL

Case No.:

In the matter between:

and

Appellant

Respondent

TAKE NOTICE that
(hereinafter called the respondent) (if more than one respondent is cited state whether first, second, etc. respondent [as the case may be]) wishes to oppose this appeal on the following grounds:

.....
.....
.....
.....
.....

AND FURTHER TAKE NOTICE that the respondent has appointed

.....
(state the respondent's address for service) at which he or she will accept notice and service of all process in these proceedings.

Dated at this day of 20

.....
Respondent or his or her agent
(address)

To: (1)
(address) Appellant

(2)
The Secretary

FORM 4

(Rule 11(3) and (5))

NOTICE OF JOINDER

IN THE INDUSTRIAL PROPERTY TRIBUNAL

Case No.:

In the matter between:

and

Applicant

Respondent

TAKE NOTICE that you are called upon to show cause on the day of

20 at (time) why:

(1) *
(state name(s) and address(es) of person(s) to be joined) / should not be joined as an
applicant/respondent in these proceedings.

(2) *
(state name of applicant/respondent to be dismissed) / should not be dismissed from these
proceedings.

**(Complete as appropriate)*

Dated at this day of 20

.....
Secretary

To: (1)
(address) Applicant

(2)
(address) Respondent

FORM 5

(Rule 13(1))

APPLICATION IN RESPECT OF AN INFRINGEMENT**IN THE INDUSTRIAL PROPERTY TRIBUNAL**

Case No.:

In the matter between:

and

Applicant

Respondent

TAKE NOTICE that the above-named Applicant wishes to apply to the Tribunal on the -

..... day of 20 at (time) for an order in the following terms:

(a)

(b)

(c)

(state the relief sought)

and that the accompanying affidavit of will be used in support of the application.

Dated at this day of 20

.....
Applicant or his or her agent
(address)

To: (1)
(address) Applicant

(2)
The Secretary

FORM 6

(Rule 13(3))

NOTICE TO OPPOSE APPLICATION IN RESPECT OF AN INFRINGEMENT**IN THE INDUSTRIAL PROPERTY TRIBUNAL**

Case No.:

In the matter between:

and

Applicant

Respondent

TAKE NOTICE that
(hereinafter called the respondent) (if more than one respondent is cited state whether first, second, etc. respondent [as the case may be) wishes to oppose the aforementioned application on the following grounds and to counter-claim (if any)

FURTHER TAKE NOTICE that the accompanying affidavit of
..... will be used to support the counter-claim (Complete if there is a counter-claim)

AND FURTHER TAKE NOTICE that the respondent has appointed

.....
(state the respondent's address for service) at which he or she will accept service of all process in these proceedings.

Dated at this day of 20

.....
Respondent or his or her agent
(address)

To: (1)
(address) Applicant

(2)
The Secretary

FORM 7

(Rule 15(2))

NOTICE OF APPLICATION (GENERAL FORM)

IN THE INDUSTRIAL PROPERTY TRIBUNAL

Case No.:

In the matter between:

and

Applicant

Respondent

TAKE NOTICE that the above-named Applicant intends to apply to this Tribunal on the

day of 20 at (time) for an order in the following terms:

.....
.....
.....
.....

(State the relief sought)

and that the accompanying affidavit of
will be used in support of the application.

Dated at this day of 20

.....
Applicant or his or her agent
(address)

To: (1)
(address) Applicant

(2)
The Secretary

FORM 8

(Rule 18(2))

REQUEST TO SUMMON WITNESSES

IN THE INDUSTRIAL PROPERTY TRIBUNAL

Case No.:

In the matter between:

and

Applicant

Respondent

To: The Secretary
WINDHOEK

(a) You are hereby requested to summon the following witnesses whose names appear hereunder to appear before the above Tribunal on the day of

20 at am/pm to give oral evidence in the above-mentioned matter on behalf of the applicant/respondent; (*Delete as appropriate*) and (if required)

(b) to produce the following:

(i) Documents:

.....

(ii) Records:

.....

(iii) Books of account:

.....

(iv) Exhibits relevant to this case:

.....

(A proper description of all items in b (i) - (iv) above must be given)

Dated at this day of 20

.....
Applicant/Respondent or his or her agent

FORM 9

(Rule 19(1))

NOTICE OF WITHDRAWAL

IN THE INDUSTRIAL PROPERTY TRIBUNAL

Case No.:

In the matter between:

and

Applicant/Appellant

Respondent

The applicant/appellant withdraws the above-mentioned matter and consents to pay costs ordered by the Tribunal and taxed.

Dated at this day of 20

.....
Applicant/Appellant or his or her agent
(address)

To:

.....

.....

and:

The Secretary

FORM 10

(Rule 24(1))

NOTICE OF REFERRAL BY REGISTRAR TO TRIBUNAL

IN THE INDUSTRIAL PROPERTY TRIBUNAL

Case No.:

In the matter between:

Applicant/Respondent

and

Respondent

TAKE NOTICE that in terms of section 221 (1) of the Act as it appears to me that the following issue (s) involves a point of law or to be of unusual importance or complexity I wish to refer the issue (s) to the Tribunal for its decision:

(a)

(b)

(c) , etc
(State the issue(s))

FURTHER TAKE NOTICE that the parties and the Registrar are entitled to be heard by the Tribunal before the Tribunal makes any decision.

AND FURTHER TAKE NOTICE that the Secretary must inform the parties and the Registrar about the set down date for the hearing of the parties or their agents.

Dated at this day of 20

.....
Registrar

To: The Secretary

And to: Applicant/Appellant

Respondent
