

Abandonment of appeal.

(4) Subject to the direction of the Court, any such appeal shall be deemed to have been abandoned if it has not been brought on for hearing within six months after notice thereof was filed with the Registrar of the Exchequer Court.

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Jurisdiction of Exchequer Court to amend register.

**51.** (1) The Exchequer Court of Canada shall have jurisdiction, on the application of the Registrar or of any person interested, to order that any entry in the register be struck out, or that it be amended on the ground that at the date of the application the entry as it appears on the register does not accurately express or define the existing rights of the person appearing to be the owner of the mark.

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(2) No person shall be entitled to institute under this section any proceeding calling into question any decision given by the Registrar of which such person had express notice and from which he had a right to appeal.

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Summary disposition of proceedings.

**52.** Every application under this section shall be made by the filing with the Registrar of the Court of an originating notice of motion.

**53.** Every such application and every appeal from any decision of the Registrar shall, unless the Court directs some issue of fact to be determined on oral evidence, be heard and determined summarily on evidence adduced by affidavit.

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Registrar to transmit papers on request.

**54.** When any application has been made to the Exchequer Court of Canada under either of the last preceding sections, the Registrar shall, on the request of any of the parties to such proceedings and the payment of the prescribed fee, transmit to the Registrar of the Exchequer Court all papers on file in his office relating to the matters in question in such proceedings.

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#### APPEAL.

Appeal.

**55.** An appeal shall lie from any judgment of the Exchequer Court of Canada in any action or proceeding under this Act irrespective of the amount of money, if any, claimed to be involved.

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