
**Council for Trade-Related Aspects
of Intellectual Property Rights**

Original: English/
anglais/
inglés

**MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS
NOTIFIED UNDER ARTICLE 63.2 OF THE AGREEMENT**

BARBADOS

The present document reproduces the text¹ of the Copyright Tribunal Regulations 2004, as notified by Barbados on 14 January 2011 under Article 63.2 of the Agreement (see document IP/N/1/BRB/3).

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À
LA PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE
DE L'ARTICLE 63:2 DE L'ACCORD**

BARBADE

Le présent document contient le texte¹ du Règlement de 2004 du Tribunal du droit d'auteur, notifié par la Barbade le 14 janvier 2011 au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/BRB/3).

**Consejo de los Aspectos de los Derechos de Propiedad
Intelectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA
PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

BARBADOS

En el presente documento se reproduce el texto¹ del Reglamento del Tribunal de Derecho de Autor, de 2004, notificado por Barbados el 14 de enero de 2011 en virtud de lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/BRB/3).

¹ In English only./En anglais seulement./En inglés solamente.

*Statutory Instruments Supplement No. 32
Supplement to Official Gazette No. 57 dated 8th July, 2004*

COPYRIGHT TRIBUNAL REGULATIONS

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FIRST SCHEDULE

SECOND SCHEDULE

S.I. 2004 No. 83

**Copyright Act
Cap. 300**

COPYRIGHT TRIBUNAL REGULATIONS, 2004

The Minister in exercise of the powers conferred on him by sections 103 and 148 of the *Copyright Act*, makes the following Regulations:

Citation and commencement.

1. These Regulations may be cited as the *Copyright Tribunal Regulations, 2004*.

Interpretation.

2. (1) In these Regulations, unless the context otherwise requires

"applicant" means a person or organisation that has referred a matter or made an application to the Tribunal;

"Chairman" means the person so designated by the members of the Tribunal;

"intervener" means a person or organisation who has applied under regulation 5 or 29 to be joined as a party to the proceedings;

"organisation" means an organisation that claims to be representative of persons claiming that they require licences in cases of a description to which a licensing scheme would apply, either generally or in relation to any description of case;

"proceedings" means proceedings in respect of a reference or an application before the Tribunal;

"secretary" means the person appointed to perform the secretarial duties for and on behalf of the Tribunal; and

"Tribunal" means the Copyright Tribunal.

- (2) The parties to any proceeding respecting a reference or application under the Act shall be,

- (a) the applicant;

- (b) the person or organisation in respect of which the reference or application is made who indicates, in accordance with the Regulations, the willingness of that person or organisation to be part of the proceedings; and

- (c) a person or organisation who applies to the Tribunal to be joined as a party and whose application is approved.

References and applications with respect to Licensing Schemes

Commencement of proceedings under sections 87, 88 and 89 of the Act. Form 1.

3. (1) Proceedings in relation to a reference or an application with respect to a licensing scheme shall be commenced by the service on the secretary by the applicant of a notice in *Form 1*, in the case of a reference under section 87 or 88, of the Act together with a statement of the applicant's case.

(2) Within 14 days after receipt of the notice referred to in paragraph (1) the secretary shall serve a copy of the notice, together with a copy of the applicant's statement, on the operator of the licensing scheme named in the notice.

Determination by Tribunal as to whether to entertain reference.

4. (1) Where a reference is made to it under section 87 or 88 of the Act, the Tribunal shall, as soon as practicable after the receipt of the applicant's notice, decide whether to entertain the reference and shall notify the applicant of its decision.

(2) The Tribunal shall not make a decision to entertain a reference under section 87, 88 or 89 of the Act, unless it is reasonably satisfied, where the applicant is an organisation, that the organisation is representative of the class it claims to represent.

(3) The Tribunal, for the purpose of paragraph 2,

(a) may permit such oral or written representations as it considers necessary in the circumstances of the case;

(b) shall cause a notice to be placed in at least one daily newspaper published in Barbados, informing of the application and inviting any person who has grounds for objecting to the reference being made by the applicant to submit the objections, in writing, to the Tribunal within 30 days of the publication of the notice.

(4) Where the Tribunal

(a) decides to entertain the reference, it shall give such directions as to the taking of any steps required or authorised under these Regulations or as to any further matter, as the Tribunal thinks fit;

(b) declines to entertain the reference, it shall direct that no further proceedings shall be taken by any party in connection with the reference.

Application to be joined as a party.

5. (1) A person or organisation that desires to be joined as a party to proceedings before the Tribunal shall apply to the Tribunal to be so joined.

Form 2. First Schedule.

(2) An application referred to in paragraph (1) shall be in *Form 2* as set out in the *First Schedule*.

(3) The Tribunal may permit a person or organisation who makes an application referred to in paragraph (2) to be joined as a party to the proceedings before the Tribunal, where the person or organisation establishes to the satisfaction of the Tribunal that it has a substantial interest in the matter which is the subject of the proceedings, whether or not the proceedings have already commenced.

(4) The secretary to the Tribunal, within 14 days of a decision by the Tribunal to permit a joinder referred to in paragraph (3), shall notify, in writing, each party to the proceedings of every person or organisation that has been permitted to join as a party to the proceedings.

Written response by operator of scheme or intervener.

6. (1) The operator of the licensing scheme shall, within 28 days of the service on him of a copy of the applicant's statement of case in accordance with regulation 3(2), serve on the secretary a written answer to the applicant's statement setting out his case.

(2) Within 21 days after receipt of a notification referred to in regulation 5(4), an intervener shall serve on the secretary a statement of the case he intends to make.

(3) The secretary shall serve a copy of the case or answer on every other party to the proceedings within 10 days of the receipt thereof.

Amendment of statement of case and answer.

7. (1) Subject to paragraph (3), a party may at any time before the commencement of the proceedings amend his statement of case or answer by serving on the secretary the amended statement or answer.

(2) On being served with an amended statement of case or answer, the secretary shall as soon as practicable serve a copy thereof on every other party.

(3) No statement of case or answer shall be amended after the commencement of the proceedings, without the leave of the Tribunal.

Settlement of preliminary matters.

8. Upon the expiration of the time specified by regulation 6(1) for the service on the secretary of a statement of case or answer, the Chairman shall notify each party to the proceedings of the date appointed for the settlement of preliminary matters prior to the conduct of the proceedings.

Consolidation of proceedings.

9. Where there is pending before the Tribunal more than one reference under section 87 or 88 of the Act relating to the same licensing scheme, the Chairman may if he thinks fit, either of his own motion or on an application made by a party to the proceedings, order that some or all the references or applications, as the case may be, shall be considered together.

Procedure and evidence at hearing.

10. (1) Every party to a proceeding before the Tribunal shall be entitled to attend the hearing, to address the Tribunal, to give evidence and call witnesses.

(2) A hearing of the Tribunal shall be public except where the Tribunal orders otherwise in the interest of maintaining the confidentiality of any information disclosed to the Tribunal.

- (3) Evidence before the Tribunal shall be given orally or by affidavit.

Representation and rights of audience.

11. (1) A party to proceedings before the Tribunal may appear on his own behalf or may be represented by his attorney-at-law or an agent.

(2) A party that has appointed an agent to represent him shall notify the Tribunal, in writing, of the appointment.

(3) An agent appointed by a party shall be deemed to continue to have authority to act for such a party until the Tribunal has been notified, in writing, of the termination of his appointment.

Withdrawal of reference or application. Form 3. First Schedule.

12. (1) An applicant may withdraw his reference or application at any time before it has been finally disposed of by giving notice in *Form 3* as set out in the *First Schedule*, of the withdrawal to the Tribunal.

(2) An applicant who has withdrawn his reference or application shall serve a copy of the notice on every other party to the proceedings and inform the secretary of the date of such service.

Form 4. First Schedule.

(3) Any party to the proceedings may, within 14 days of the receipt of the notice of withdrawal apply to the Tribunal in *Form 4* as set out in the *First Schedule* for an order that, notwithstanding such withdrawal, the reference or application should proceed to be determined by the Tribunal.

(4) Where the Tribunal decides to proceed with such reference or application it may, for that purpose, substitute the party referred to in paragraph (3) as the applicant in the matter before the Tribunal.

Decision of Tribunal.

13. (1) The Tribunal, at the conclusion of a hearing, shall make an order respecting the reference or application made to it, and shall include a statement of the reasons for the decision.

Order under section 87 or 88 of the Act.

14. An order made in respect of a reference under section 87 or 88 of the Act

- (a) may confirm the proposed scheme;
- (b) may vary the proposed scheme generally or only as it relates to the particular cases submitted in the reference; or
- (c) shall specify the period for which it shall be in effect.

Commencement of proceedings under section 90 of the Act. Form 5. First Schedule.

15. (1) Proceedings in respect of a reference under section 90 of the Act, regarding the failure to grant a licence or the inclusion of unreasonable terms in the licence shall be commenced by the service of a notice in *Form 5* as set out in the *First Schedule*.

(2) Regulations 5 to 13 shall apply to the proceedings referred to in paragraph (1).

(3) The Tribunal, where it is reasonably satisfied that the claim of the applicant is well-founded, shall make an order for the grant of a licence on such terms as are set out in the order.

(4) The order referred to in paragraph (3) shall specify

(a) that it is of indefinite duration; or

(b) the period for which it shall be in effect.

Application for special leave to review order. Form 6. First Schedule.

16. (1) A person or organisation that desires to have the Tribunal review an order made by it under section 87, 88 or 90 of the Act shall apply to the Tribunal in *Form 6* as set out in the *First Schedule* for leave to review the order.

(2) An application referred to in paragraph (1) shall set out the grounds upon which the application is made.

(3) The Tribunal shall within 14 days of the receipt of the application, notify the applicant, in writing of the grant or refusal of leave.

Application for review of an order. Form 7. First Schedule.

17. (1) An application for the review by the Tribunal of a scheme in accordance with section 89(2) or an order under section 91 of the Act shall be made in *Form 7* as set out in the *First Schedule* and shall be accompanied by a statement of the grounds for the application.

(2) The person making an application referred to in paragraph (1) shall serve a notice of the application and the statement that accompanied the application on every person who was a party to the reference in respect of which the existing order had been made.

(3) Within 14 days of the service upon a person of a notice referred to in paragraph (2), that person may make representations, in writing, to the Tribunal regarding the application for review, and shall serve a copy of any such representations on the applicant and inform the secretary of the date of such service.

(4) The Tribunal may receive and consider such representations, from the applicant or a person on whom a notice was served, as it considers necessary in making a decision regarding the application for the review.

(5) The Tribunal shall make an order

(a) in respect of a review under section 89 of the Act, confirming or varying the scheme as it relates to cases of the description to which the reference relates;

(b) in respect of a review under section 91 of the Act, confirming or varying the existing order.

(6) The Tribunal shall, as soon as practicable after making its decision, notify in writing, the applicant and any other person who made representations to it, of that decision.

(7) Where on any further reference or application for review of the Tribunal's order under section 89 or 91 of the Act the Tribunal has varied the licensing scheme it shall in such a case annex to the decision a copy of the scheme as so varied.

Commencement of proceedings under section 94 of the Act. Form 8. First Schedule.

18. (1) A prospective licensee, pursuant to section 94 of the Act, may, by notice in *Form 8* as set out in the *First Schedule*, refer the terms on which a licensing body proposes to grant a licence, to the Tribunal.

(2) The notice shall be accompanied by a statement containing the grounds on which the prospective licensee is challenging the proposed terms of the licensing body.

(3) The Tribunal shall, as soon as practicable after the receipt of the applicant's notice, decide whether to entertain the reference and may for that purpose, at its discretion, allow representations, in writing, to be made by the applicant or the licensing body or both.

(4) Where after it has considered the reference and any representations referred to in paragraph (3), the Tribunal

(a) decides to entertain the reference, it shall give such directions as to the taking of any steps required or authorised under these Regulations, or as to any further matter as the Tribunal thinks fit, and

(b) declines to entertain the reference, it shall direct that no further proceedings shall be taken by any party in connection with the reference.

(5) The Tribunal shall, in writing, notify the applicant of its decision to entertain or not to entertain the reference, as the case may be, and shall, where it decides to entertain the reference also notify the applicant of the date for the commencement of the proceedings respecting the reference.

(6) The applicant shall, where the Tribunal decides to entertain the reference, serve on the licensing body, a copy of the notice, the accompanying statement and the date appointed by the Tribunal for the hearing of the matter.

(7) The decision of the Tribunal shall be in writing and shall include a statement of its reasons.

(8) The secretary shall serve a copy of the decision referred to in paragraph (7) on the applicant and the licensing body.

(9) Regulations 5 to 13 shall apply to proceedings referred to in this regulation.

Proceedings re the grant of renewal of licences. Form 8.

19. (1) Proceedings respecting an application for the renewal of licences under section 95 of the Act shall be commenced by the service of a notice, in *Form 8*, on the secretary by the applicant.

(2) The application shall be accompanied by a statement in writing containing the facts on which the applicant relies to show that it is unreasonable that the licence should cease to be in force.

(3) As soon as practicable after receipt of the notice referred to in paragraph (1), the secretary shall serve a copy of the notice, together with a copy of the applicant's statement on the licensing body named in the notice.

(4) Regulations 7 and 10 to 13 apply to the proceedings before the Tribunal respecting the application referred to in this regulation.

(5) Where the Tribunal is satisfied that the application is well-founded, an order made respecting an application referred to in this regulation shall

- (a) declare that the licensee shall continue to be entitled to the benefit of the licence;
- (b) contain such terms as the Tribunal considers reasonable in the circumstances; and
- (c) shall indicate the period during which the order shall be in force.

Application for special leave to review order. Form 6. First Schedule.

20. (1) A person or organisation that desires to have the Tribunal review an order made by it under sections 94 and 95 of the Act shall apply to the Tribunal in *Form 6* as set out in the *First Schedule* for leave to review the order.

(2) An application referred to in paragraph (1) shall set out the grounds upon which the application is made.

(3) The Tribunal shall within 14 days of the receipt of the application, notify the applicant, in writing of the grant or refusal of leave.

Application for review of an order under section 96 of the Act. Form 7.

21. (1) An application for the review under section 96 of the Act of an order made under section 94 or 95 of the Act, shall be made by notice in *Form 7* served on the Tribunal within 28 days of the making of the order by the Tribunal.

(2) As soon as practicable after receipt of the notice referred to in paragraph (1), the secretary shall serve a copy of the notice on any person who is affected by the existing order made under section 94 or 95 of the Act.

(3) Within 14 days of the service upon a person of a notice referred to in paragraph (2), that person may make representations, in writing, to the Tribunal regarding the application for review and shall serve a copy of any such representations on the applicant and inform the secretary of the date of such service.

(4) The Tribunal may receive and consider such representations, referred to in paragraph (3), from the applicant or a person on whom a notice was served, as it considers necessary in making a decision regarding the application for the review.

Order of Tribunal upon a review.

22. (1) The Tribunal on the conclusion of proceedings conducted in accordance with regulation 21, may make an order confirming or varying the existing order to which the application relates, as the Tribunal determines to be reasonable in the circumstances.

(2) An order referred to in paragraph (1) may direct

(a) the amount to be paid for the licence or the undertaking to be given by the licensee to pay the amount charged when it is ascertained;

(b) whether the benefit of the order may be assigned.

(3) The Tribunal shall in the order direct the date on which the order shall take effect.

(4) The Tribunal shall, as soon as practicable after making its decision, notify in writing, the applicant and any other person who made representations to it, of that decision.

Application to settle the royalty or other sum payable

Commencement of proceedings under section 99 of the Act.

Form 9.

23. (1) Proceedings in relation to an application under section 99 of the Act

(a) to determine the royalty to be paid in respect of the rental of copies of sound recordings, films or computer programmes pursuant to section 77 of the Act; and

(b) to vary an order previously made by the Tribunal

shall be commenced by the service of a notice in *Form 9* on the secretary by the copyright owner or the person claiming to be treated as licensed by him together with a statement of the applicant's case.

(2) Where a notice is served on the secretary under paragraph (1) the secretary shall serve a copy thereof together with the statement of the applicant's case, on the other party.

Form 6.

(3) An application under section 99(4) of the Act for the special leave of the Tribunal shall be made by the service on the secretary by the applicant of a notice in *Form 6* together with a statement of the grounds for the application.

(4) The Tribunal shall within 14 days of the receipt of the application, notify the applicant, in writing of the grant or refusal of leave.

Review by the Tribunal of an order made under section 77 of the Act.

24. (1) As soon as practicable after receipt of the notice referred to in paragraph (1) of regulation 23, the secretary shall serve a copy of the notice on any person who is affected by the existing order made under section 94 or 95 of the Act.

(2) Within 14 days of the service upon a person of a notice referred to in paragraph (2) of regulation 23, that person may make representations, in writing, to the Tribunal regarding the application for review, and shall serve a copy of any such representations on the applicant and inform the secretary of the date of such service.

(3) The Tribunal may receive and consider such representations, from the applicant or a person on whom a notice was served, as it considers necessary in making a decision regarding the application for the review.

(4) The Tribunal, on the conclusion of proceedings conducted in accordance with this regulation, may make an order confirming or varying the existing order as the Tribunal determines to be reasonable in the circumstances.

(5) The Tribunal shall, as soon as practicable after making its decision, notify the applicant and any other person who made representations to it, in writing, of that decision.

(6) Where the Tribunal makes an order varying an existing order, the Tribunal shall specify in the order the date on which the order takes effect.

Application for Tribunal's consent on behalf of performer

Commencement of proceedings under section 126 of the Act. Form 10.

25. (1) Proceedings under section 126 of the Act for the Tribunal's consent, on behalf of the performer, to the making of a recording from a previous recording of a performance shall be commenced by the service by the applicant on the secretary of a notice in *Form 10*.

(2) Where a notice has been served in accordance with paragraph (1), the Tribunal, for the purposes of determining

- (a) whether the identity or whereabouts of a performer can be ascertained; or
- (b) whether the consent of a performer has been withheld for the protection of illegitimate interest,

shall cause a notice, to be published, not less than 2 times, in a newspaper published daily in this Island.

- (3) A notice referred to in paragraph (2) shall
 - (a) set out the relevant particulars of the matter; and
 - (b) request information on the identity or whereabouts of the performer.

(4) On the expiration of 28 days from the date of the publication of the notice, or the date of publication of the last such notice, the Tribunal, on being satisfied

- (a) that the identity or whereabouts of the performer cannot be ascertained;
- (b) that the factors set out in section 126(4) of the Act have been taken into account,

may make an order giving its consent on such terms as it thinks fit.

(5) A performer in respect of whom an application made under section 126 of the Act relates, may within the period referred to in paragraph (3), serve on the secretary his answer setting out his case and the grounds for the withholding of his consent.

(6) Regulations 10 to 13 shall apply to proceedings in respect of an application under this regulation as they apply to proceedings in respect of an application under regulation 3.

General considerations re validity of claim.

26. In determining whether a claim by an applicant on a reference or application is well founded, the Tribunal shall take into account the following matters:

- (a) the availability of access to other schemes or licensing bodies;
- (b) the principles that are generally applied by licensing bodies in the grant of licences;
- (c) the terms of existing schemes or licences; and
- (d) the likely effect of a failure to obtain a licence.

Appeal to the Court from decision of tribunal and suspension of Tribunal's orders

Notice of appeal.

27. (1) An appeal to the High Court on a point of law arising from a decision of the Tribunal shall be brought within 28 days of the date of the decision of the Tribunal or within such further period as the Court may, on an application to it, allow.

Form 11.

(2) A party who desires to bring an appeal referred to in paragraph (1) shall as soon as may be practicable

- (a) serve on the secretary a notice in Form 11 of such an appeal;
- (b) shall serve a copy of the notice referred to in paragraph (2)(a) on every person who was a party to the proceedings giving rise to the decision of the Tribunal; and
- (c) request from the Tribunal a signed copy of any note of the proceedings prepared by the Tribunal that is to be made available to the Court for its use.

(3) The Tribunal shall within 14 days of the receipt of the notice and request referred to in paragraph (2) provide a copy of the note requested to the party making the request.

(4) Where an appeal has been lodged with the Court, the Tribunal shall not make any further order on the reference or application, which is the subject of the appeal, until the Court has given its decision thereon.

(5) The Tribunal may of its own motion or upon the application of a party to the proceedings suspend the operation of any order contained in its decision, and shall, if an order is so suspended, cause notice of the same to be served on every person affected by the suspension.

Application for suspension of order. Form 12.

28. (1) An application to the Tribunal by a party to the proceedings to suspend the operation of an order made by the Tribunal shall be made by serving on the secretary a notice in *Form 12* within 7 days of the receipt of the decision of the Tribunal together with a statement of the grounds for suspension.

(2) Within 14 days of the service of the notice under paragraph (1) a party may serve on the secretary a statement setting out the grounds of his objection to the applicant's case, and shall serve a copy of the same on every person who was a party to the proceedings giving rise to the decision and inform the secretary of the date of such service.

(3) The Tribunal may receive and consider such representations, from the applicant or a person on whom a notice was served, as it considers necessary in making a decision regarding the application for suspension.

(4) Where the Tribunal, after consideration of the application and any representations, refuses an application to suspend the operation of an order, the secretary shall as soon as practicable serve on every party to the proceedings a copy of the Tribunal's decision together with a statement of the Tribunal's reasons for refusal.

(5) Where any order of the Tribunal has been suspended upon the application of a party to the proceedings or by the Court, the secretary shall serve notice of the suspension on all parties to the proceedings.

Intervener's application.

29. A person or organisation that claims to have a substantial interest in proceedings in respect of an application under regulation 28 may, in accordance with regulation 5, apply to the Tribunal to be joined as a party and that regulation shall apply to the proceedings in respect of such an application for the suspension of an order.

Effect of suspension of order.

30. Where the operation of any order is suspended under regulation 27 or 28, sections 92 and 97 of the Act shall not have effect in relation to the order.

Miscellaneous and general

Direction for dispensing with service.

31. (1) The Tribunal may direct that service of any notice or other document be dispensed with or effected otherwise than in the manner provided by these Regulations.

(2) Service of any notice or document on a party's attorney-at-law or agent shall be deemed to be service on the party, and service on an attorney-at-law acting for more than one party shall be deemed to be service on every party for whom such an attorney-at-law acts.

Extension of time limits.

32. Except in the case of the time limit imposed under regulation 3(2), the time for doing any act (whether or not it has already expired) may be extended with the leave of the Tribunal.

Failure to comply with directions.

33. Where any party fails to comply with any direction given in accordance with these Regulations by the Tribunal, the Tribunal may, if it considers that the justice of the case so requires, order that such party be debarred from taking any further part in the proceedings without leave of the Tribunal.

Inspection of Orders by public.

34. The secretary shall cause a copy of the order to the Tribunal to be made available at the office for public inspection during office hours.

Fees. Second Schedule.

35. The fees specified in the *Second Schedule* shall be payable in respect of the matters therein mentioned.

Power of Tribunal to regulate procedure.

36. Subject to the provisions of the Act and these Regulations, the Tribunal shall have power to regulate its own procedure.

FIRST SCHEDULE

(Regulations 5(2), 12(1) and (3), 15(1), 16(1), 17(1), 18(1),20(1))

FORM 1

(Regulation 3 (1))

**Copyright Act
Cap. 300**

COPYRIGHT TRIBUNAL

Notice of Reference under section 87 or 88

To: The secretary to the Tribunal

1. TAKE NOTICE that

*Whereas _____
[state name and address of the applicant]

being representative of persons claiming that they require licences for the following cases

[describe case(s) for which licence is required]

to which the following licensing scheme proposed would apply:

*Whereas _____
[state name and address of the applicant]

*claims that he requires a licence in respect of

[describe case for which licence is required]

FIRST SCHEDULE – Cont'd

FORM 1 – Cont'd

*claims to be representative of persons requiring licences

[describe case(s) for which licence is required]

2. The applicant hereby refers to the Tribunal the licensing scheme particulars of which are contained in a statement of the applicant's case delivered herewith.

Signed

Status of signatory
[applicant, attorney-at-law or agent]

Date

*** Delete whichever is inappropriate**

FIRST SCHEDULE – Cont'd

FORM 2

(Regulation 5(2))

**Copyright Act
Cap. 300**

COPYRIGHT TRIBUNAL

Application to be joined as a party

To: The secretary to the Tribunal

1. TAKE NOTICE that

*Whereas _____
[state name]

whose address is

wishes to be made a party to the proceedings commenced by notice of

*[*reference/application/appeal date]*

which was advertised in

[name of publication and date of issue]

*** Delete whichever is inappropriate**

FIRST SCHEDULE - Cont'd

FORM 2 - Cont'd

2. The intervener has a substantial interest in the matter for the following reasons

[state reasons]

3. The intervener hereby applies to be joined as a party to the proceedings.

Signed

Status of signatory
[intervener, an officer of intervener, solicitor or agent]

Date

FIRST SCHEDULE - Cont'd

FORM 3

(Regulation 12(1))

**Copyright Act
Cap. 300**

COPYRIGHT TRIBUNAL

Application to withdraw Reference

To: The secretary to the Tribunal

1. TAKE NOTICE

*Whereas _____
[state name and address of the applicant]

had by a notice dated the day of, commenced proceedings for the hearing of a reference to the Tribunal and the applicant is no longer willing to pursue this matter.

2. The applicant hereby withdraws notice of the reference referred to in paragraph (1).

Signed

Status of signatory
[applicant, attorney-at-law or agent]

Date

FIRST SCHEDULE - Cont'd

FORM 4

(Regulation 12(3))

**Copyright Act
Cap. 300**

COPYRIGHT TRIBUNAL

Application to continue proceedings in respect of a Reference

To: The secretary to the Tribunal

1. TAKE NOTICE

* Whereas _____
[state name and address of the former applicant]

had by a notice dated the day of, commenced proceedings for the hearing of a reference to the Tribunal and gave notice on the day of, of the withdrawal of the reference.

2. The applicant, being a person or organisation having a special interest in the matter that is sought to be withdrawn, hereby applies for leave to continue the proceedings commenced by the former applicant.

3. Is delivered herewith a statement of the applicant's case.

Signed

Status of signatory
[applicant, attorney-at-law or agent]

Date

FIRST SCHEDULE - Cont'd

FORM 5

(Regulation 15(1))

**Copyright Act
Cap. 300**

COPYRIGHT TRIBUNAL

Notice of Reference under section 90

To: The secretary to the Tribunal

1. TAKE NOTICE that

*Whereas _____
[state name and address of the operator]

being the operator of the following licensing scheme:

[describe case(s) for which licence is required]

has *refused/failed to grant or procure the grant within a reasonable time of a licence to the applicant.

2. The applicant hereby applies to the Tribunal

*in connection with a case covered by the licensing scheme

*in connection with a case not covered by the licensing scheme

for an order that the applicant is entitled to a licence on such terms as the Tribunal may determine to be applicable or reasonable in the circumstances.

*** Delete whichever is inappropriate**

Signed

Status of signatory
[applicant, attorney-at-law or agent]

Date

FIRST SCHEDULE – Cont'd

FORM 6

(Regulations 16(1), 20(1), 23(3))

**Copyright Act
Cap. 300**

COPYRIGHT TRIBUNAL

Notice of Application for special leave under sections 89, 91, 96 and 99

To: The secretary to the Tribunal

1. TAKE NOTICE that

*Whereas _____
[state name and address of the applicant]

being

- a representative of persons claiming that they require licences;
- an applicant for a licence in case of the description to which an order applies; or
- the operator of a licensing scheme;

herein described

[describe case(s) for which licence is required]

FIRST SCHEDULE - Cont'd

FORM 6 - Cont'd

*Whereas _____
[state name and address of the applicant]

the applicant is desirous of referring the scheme which is a subject of an existing order to the Tribunal

("the applicant") hereby applies for the special leave of the Tribunal -

*to refer again to the Tribunal the licensing scheme in respect of which an order was made by the Tribunal

*to review its Order as to entitlement to licence

*to review its Order as to licence

*to review its Order as to royalty or other sum/remuneration payable

made on the day of, and bearing reference number

2. There is delivered herewith a statement of the grounds for the application.

Signed

Status of signatory
[applicant, attorney-at-law or agent]

Date

*** Delete whichever is inappropriate**

FIRST SCHEDULE – Cont'd

FORM 7

(Regulation 17(1))

**Copyright Act
Cap. 300**

COPYRIGHT TRIBUNAL

Notice of Application for Review of Order under sections 89, 91, 96 and 99

To: The secretary to the Tribunal

1. TAKE NOTICE that

*Whereas _____
[state name and address of the applicant]

hereby applies to the Tribunal for a review of its order made on the day of
....., and bearing reference number relating to the
licence granted

*to *by

[name and address of licensee or licensing body]

2. There is delivered herewith a statement of the applicant's case.

Signed

Status of signatory
[applicant, attorney-at-law or agent]

Date

*** Delete whichever is inappropriate**

FIRST SCHEDULE - Cont'd

FORM 8

(Regulations 18(1), 21(1))

**Copyright Act
Cap. 300**

COPYRIGHT TRIBUNAL

Notice of Application under section 94 or 95

To: The secretary to the Tribunal

1. TAKE NOTICE that

*Whereas _____
[state name and address of the applicant]

*being the prospective licensee under the terms of a licence to be granted by

[name and address of licensing body]

*being a licensee under a licence granted by

[name and address of licensing body]

which licence is due to expire *by effluxion of time/as a result of a notice given by the licensing body on the day of,

hereby -

* refer to the Tribunal the terms on which the licensing body proposes to grant the licence;

* apply to the Tribunal on the ground that it is unreasonable that the licence should cease to be in force.

FIRST SCHEDULE - *Cont'd*

FORM 8 - *Cont'd*

2. There is delivered herewith a statement of the applicant's case.

Signed

Status of signatory
[applicant, attorney-at-law or agent]

Date

*** Delete whichever is inappropriate**

FIRST SCHEDULE - Cont'd

FORM 9

(Regulations 19(1), 23(1))

**Copyright Act
Cap. 300**

COPYRIGHT TRIBUNAL

Notice of Application to Settle Royalty or Other Sum Payable under section 77

To: The secretary to the Tribunal

1. TAKE NOTICE that

*Whereas _____
[name and address of applicant]

being the owner of the copyright in

[describe the work]

*[the person claiming to be treated as licensed by the owner of the copyright

in _____

[describe the works]

hereby applies to the Tribunal to settle the royalty or other sum payable in pursuant to section 77 of the Act.

FIRST SCHEDULE - Cont'd

FORM 9 - Cont'd

2. There is delivered herewith a statement of the applicant's case with respect to the royalty or other sum payable.

3. A copy of this Notice, together with the statement, *has been/will be served on

[state name and address of other party]

on the day of,

Signed

Status of signatory
[applicant, attorney-at-law or agent]

Date

*** Delete whichever is inappropriate**

FIRST SCHEDULE - Cont'd

FORM 10

(Regulation 25(1))

**Copyright Act
Cap. 300**

COPYRIGHT TRIBUNAL

Notice of Application for Tribunal's Consent on behalf of Performer under section 126

To: The secretary to the Tribunal

1. TAKE NOTICE that

*Whereas _____
[state name and address of the applicant]

wishes to make a recording from a previous recording of

[specify performance]

* [the identity or whereabouts of the performer(s) of which cannot be ascertained by reasonable inquiry]

* [the performer(s) of which unreasonably withhold his/their consent]

hereby applies to the Tribunal for its consent to the making of the recording.

2. There is delivered herewith a statement setting out -

* [the inquiries made by the applicant as to identity or whereabouts of the performer(s) and the result of those inquiries]

* [the grounds on which the applicant considers that the withholding of consent is unreasonable].

* **Delete whichever is inappropriate**

FIRST SCHEDULE - Cont'd

FORM 10 - Cont'd

*3. [A copy of the applicant's statement *has been/will be served on the day of
.....,

on the performer(s)

[state name(s) and address(es) of performer(s)]

Signed

Status of signatory
[applicant, attorney-at-law or agent]

Date

*** Delete whichever is inappropriate**

FIRST SCHEDULE - Cont'd

FORM 11

(Regulation 27(2)(a))

**Copyright Act
Cap. 300**

COPYRIGHT TRIBUNAL

Notice of Appeal to High Court on Point of Law under section 104

To: The secretary to the Tribunal

1. TAKE NOTICE that

*Whereas _____
[state name and address of the appellant]

being a party to the proceedings on the *reference/application/appeal intends to appeal to the *High Court/Court of Session against the decision of the Tribunal on the day of, and bearing reference number

on the following point(s) of law -

[state point(s) of law]

*** Delete whichever is inappropriate**

FIRST SCHEDULE - Cont'd

FORM 11 - Cont'd

2. A copy of this Notice, *has been/will be served on the day of,
..... on every person or organisation who was a party to the proceedings, namely

[specify names and addresses of parties]

Signed

Status of signatory
[appellant, an officer of appellant, solicitor or agent]

Date

*** Delete whichever is inappropriate**

FIRST SCHEDULE - Cont'd

FORM 12

(Regulation 28(/))

**Copyright Act
Cap. 300**

COPYRIGHT TRIBUNAL

Notice of Application to Suspend Order of Tribunal

To: The secretary to the Tribunal

1. TAKE NOTICE that

*Whereas _____
[state name and address of the applicant]

being a party to the proceedings on the *reference/application/appeal

[specify the proceedings]

hereby applies to the Tribunal for the suspension of the operation of the Order of the Tribunal on the
..... day of, and bearing reference number
.....

2. There is delivered herewith a statement setting out the grounds for suspension -

[state grounds for suspension]

*** Delete whichever is inappropriate**

FIRST SCHEDULE – Concl'd

FORM 12 - Cont'd

3. A copy of this Notice, together with the statement, *has been/will be served on the day of, on every person or organisation who was a party to the proceedings, namely

[specify names and addresses of parties)

Signed

Status of signatory
[applicant, attorney-at-law or agent)

Date

*** Delete whichever is inappropriate**

SECOND SCHEDULE

(Regulation 35)

FEEES

| | | | | | \$ |
|---|-----|-----|-----|-----|-------|
| On filing of a Notice of Reference under section 87 or 88 | ... | ... | ... | ... | 50.00 |
| On filing of an Application to be joined as a party | ... | ... | ... | ... | 50.00 |
| On filing of Application to withdraw a Reference | ... | ... | ... | ... | 30.00 |
| On filing of Application to continue proceedings in respect of a reference | ... | ... | ... | ... | 30.00 |
| On filing of a Notice of Reference under section 90 | ... | ... | ... | ... | 50.00 |
| On filing of Notice of Application for Special Leave | ... | ... | ... | ... | 30.00 |
| On filing of Application for Review of Order under sections 89, 91, 96 and 99 | ... | ... | ... | ... | 50.00 |
| On filing of a Notice of Application under section 94 or 95 | ... | ... | ... | ... | 50.00 |
| On filing of Application to Settle Royalty or other Sum under section 77 | ... | ... | ... | ... | 50.00 |
| On filing of an Application for Tribunal's Consent under section 126 | ... | ... | ... | ... | 30.00 |
| On filing of Notice of Appeal to High Court on Point of Law under section 104 | ... | ... | ... | ... | 50.00 |
| On filing of Notice of Application to Suspend Order of Tribunal | ... | ... | ... | ... | 50.00 |
| On filing of the applicant's statement of case | ... | ... | ... | ... | 25.00 |
| On filing of the intervener's statement of case | ... | ... | ... | ... | 25.00 |

SECOND SCHEDULE – *Cont'd*

| | | | | \$ |
|---|-----|-----|-----|--------------|
| On filing of an answer to the statement of case | ... | ... | ... | 25.00 |
| On filing of an amendment to filed documents | ... | ... | ... | 25.00 |
| On filing of an affidavit | ... | ... | ... | 50.00 |
| For copies of filed documents | ... | ... | | \$1 per page |

Made by the Minister this 23rd day of June, 2004.

DALE D. MARSHALL
Minister responsible for Copyright.
