

# **Copyright Tribunal (Procedure) (Amendment) Regulations 2005**

## **Table of Contents**

### **Enacting Formula**

#### **1 Citation and commencement**

#### **2 New regulation 22A**

#### **3 New regulation 25B**

#### **4 Amendment of First Schedule**

**No. S 223**

### **COPYRIGHT ACT (CHAPTER 63)**

### **COPYRIGHT TRIBUNAL (PROCEDURE) (AMENDMENT) REGULATIONS 2005**

In exercise of the powers conferred by sections 175 and 202 of the Copyright Act, the Minister for Law hereby makes the following Regulations:

#### **Citation and commencement**

**1.** These Regulations may be cited as the Copyright Tribunal (Procedure) (Amendment) Regulations 2005 and shall come into operation on 18th April 2005.

#### **New regulation 22A**

**2.** The Copyright Tribunal (Procedure) Regulations (Rg 6) (referred to in these Regulations as the principal Regulations) are amended by inserting, immediately after regulation 22, the following regulation:

**“Matters to be included in application under section 52 (11C) of Act**

**22A.** An application to the Tribunal under section 52(11C) of the Act shall —

- (a) set out the circumstances or events giving rise to the application and, in particular, shall —
  - (i) identify the work to which the application relates;
  - (ii) state whether the applicant is the owner of the copyright in the work or the body administering an educational institution;
  - (iii) if the applicant is the owner of the copyright — state the name of the body administering an educational institution which communicated the work or on whose behalf the work was communicated; and
  - (iv) if the applicant is the body administering an educational institution — state the name of the owner of the copyright;
- (b) request the Tribunal to determine the amount that is equitable remuneration to the owner of the copyright for the making of the communication of the work; and
- (c) be in Form 5A.”.

### **New regulation 25B**

**3.** The principal Regulations are amended by inserting, immediately after regulation 25A, the following regulation:

#### **“Matters to be included in application under section 107D of Act**

**25B.** An application to the Tribunal under section 107D of the Act shall —

- (a) set out the events giving rise to the application and, in particular, shall —
  - (i) identify the sound recording to which the application relates;
  - (ii) state the date on and place at which the recording was made available to the public;
  - (iii) state the mode of and means by which the sound recording was made available to the public;

- (iv) state whether the applicant is the owner of the copyright in the recording or the person who made available the recording to the public;
  - (v) if the applicant is the owner of the copyright — state the name of the person who made available the recording to the public; and
  - (vi) if the applicant is the person who made available the sound recording to the public — state the name of the owner of the copyright in the recording;
- (b) request the Tribunal to determine the amount that is equitable remuneration to the owner of the copyright for the making available of the sound recording to the public; and
- (c) be in Form 8B.”.

#### **Amendment of First Schedule**

4. The First Schedule to the principal Regulations is amended —
- ( by inserting, immediately after Form 5, the following Form:
- a)

COPYRIGHT ACT  
(CHAPTER 63)COPYRIGHT TRIBUNAL  
(PROCEDURE) REGULATIONS

## APPLICATION

Case File No. \_\_\_\_\_

To: The Secretary,  
Copyright Tribunal.In the Matter of an Application under section 52 (11C) of the Copyright Act  
by \_\_\_\_\_  
\_\_\_\_\_1. I \_\_\_\_\_ of \_\_\_\_\_  
(hereinafter called the Applicant), being —

\*(a) the owner of the copyright subsisting in a Work described below;

\*(b) the body administering \_\_\_\_\_ an educational  
institution situated at \_\_\_\_\_,hereby apply to the Copyright Tribunal under section 52 (11C) of the Copyright  
Act for an order determining the amount that is equitable remuneration to \_\_\_\_\_  
\_\_\_\_\_, the owner of the copyright subsisting in  
the Work described below, for the making of a communication of the Work by or  
on behalf of the educational institution \_\_\_\_\_ situated  
at \_\_\_\_\_ (Name)  
\_\_\_\_\_ (Address) for educational purposes.

2. The Work to which this Application relates is as follows:

(1) Title of Work \_\_\_\_\_.

(2) Description of Work \_\_\_\_\_.

(3) Full name of author or authors (if known)  
\_\_\_\_\_.

\*Delete whichever is inapplicable.