

Copyright Tribunal (Procedure) (Amendment) Regulations 1998

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No. S 227

COPYRIGHT ACT (CHAPTER 63)

COPYRIGHT TRIBUNAL (PROCEDURE) (AMENDMENT) REGULATIONS 1998

In exercise of the powers conferred by section 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 1998 and shall come into operation on 16th April 1998.

Amendment of regulation 21

2. Regulation 21(4) of the Copyright Tribunal (Procedure) Regulations (Rg 6) (referred to in these Regulations as the principal Regulations) is amended by deleting “60(3)(b), 68(3)” and substituting “43(3), 60(3)(b), 68(3), 107(3)”.

New regulation 21A

3. The principal Regulations are amended by inserting, immediately after regulation 21, the following regulation:

“Matters to be included in application under section 43(3) of Act

21A. An application to the Tribunal under section 43(3) of the Act shall —

- (a) set out the events giving rise to the application and, in particular, shall —
 - (i) identify the work, or adaptation of the literary, dramatic or musical work, to which the application relates;
 - (ii) identify the sound recording or cinematograph film to which the application relates;
 - (iii) state whether the applicant is the owner of the copyright in the work or the maker of the recording or film;
 - (iv) if the applicant is the owner of the copyright — state the name of the maker of the recording or film; and
 - (v) if the applicant is the maker of the recording or film — 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 recording or film; and
- (c) be in Form 4A.”.

New regulation 23A

4. The principal Regulations are amended by inserting, immediately after regulation 23, the following regulation:

“Matters to be included in application under section 54A(7) of Act

23A. An application to the Tribunal under section 54A(7) 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) identify the intellectually handicapped reader's copy to which the application relates;
 - (iii) state whether the applicant is the owner of the copyright in the work or the body administering an institution assisting intellectually handicapped readers;
 - (iv) if the applicant is the owner of the copyright — state the name of the body administering an institution assisting intellectually handicapped readers; and
 - (v) if the applicant is the body administering an institution assisting handicapped readers — 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 intellectually handicapped reader's copy; and
- (c) be in Form 6A.”.

New regulation 25A

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

“Matters to be included in application under section 107(3) of Act

25A. An application to the Tribunal under section 107(3) 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) identify the record to which the application relates;
 - (iii) state whether the applicant is the owner of the copyright in the recording or the maker of the record;

- (iv) if the applicant is the owner of the copyright — state the name of the maker of the recording; and
 - (v) if the applicant is the maker of the record — 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 record; and
- (c) be in Form 8A.”.

Amendment of regulation 26

6. Regulation 26(1) of the principal Regulations is amended —

- (a) by inserting, immediately after the word “works” in sub-paragraph (b), the words “or licences in respect of a commercial rental arrangement in relation to a computer program or sound recording”; and
- (b) by inserting, immediately after the word “works” in the third line of sub-paragraph (c), the words “or sound recording”.

Amendment of First Schedule

7. The First Schedule to the principal Regulations is amended —

- (a) by inserting, immediately after Form 4, the following Form:

Form 4A

Regulation 21A

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 43 (3) of the Copyright Act
by _____

1. I _____ of _____ (hereinafter
called the Applicant), being —

*(a) the owner of the copyright subsisting in a literary, dramatic or musical
work described in paragraph 2;

*(b) the maker of the *sound recording/cinematograph film described in
paragraph 3,

hereby apply to the Copyright Tribunal under section 43 (3) 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 in
paragraph 2, for the making of a *sound recording/cinematograph film thereof
solely for the purpose of broadcasting of the work or an adaptation thereof.

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 _____

(4) If the author, or any one or more of the authors is dead, name of
deceased author or authors and date or dates of deaths _____

(5) Date and place of first publication of Work _____