

FIJI ISLANDS GOVERNMENT GAZETTE SUPPLEMENT

No. 19

FRIDAY, 11th July

2003

[LEGAL NOTICE No. 35]

COPYRIGHT ACT 1999
(ACT No. 11 OF 1999)

COPYRIGHT TRIBUNAL RULES OF PROCEDURES 2003

In exercise of the powers conferred upon it by section 211(5) of the Copyright Act 1999, the Tribunal makes these Rules of Procedures—

Part 1—PRELIMINARY

Citation

1. These Rules may be cited as the Copyright Tribunal Rules of Procedures 2003.

Interpretation

2. In these Rules, unless the context otherwise requires—

“Chairman” means the Chairman of the Copyright Tribunal;

“office of the Tribunal” includes any other office designated to be an office of the Tribunal under rule 34;

“Secretary” means the Secretary of the Tribunal.

Part 2—GENERAL PROVISIONS

Filing of documents

3.—(1) An applicant may file a document submitted in relation to an application or reference with the Secretary by—

- (a) lodging the document at the office of the Tribunal; or
- (b) sending the document by registered post, addressed to the Secretary.

(2) A document is deemed not to be filed until it is accepted for filing by the Secretary.

(3) The Secretary may refuse to accept a document for filing if the document does not comply with these Rules.

(4) If the Secretary refuses to accept a document for filing under paragraph (3), the Secretary must give notice in writing to the applicant of the refusal to accept the document and state the reason for the refusal.

(5) The Secretary must record the date on which a document is filed—

- (a) on the document;
- (b) on any sealed copy of the document.

(6) The Secretary may decide the number of copies of each document that must accompany the document when it is filed with him or her.

Recording of documents

4.—(1) The Secretary must keep a record of every document that is submitted to or produced by the Tribunal in relation to an application or reference made to the Tribunal.

(2) The Secretary must allot a file number to each application or reference and keep a record of each file number.

Sealing of documents

5. If a person is required by these Rules to serve on another person a sealed copy of a document filed with the Secretary and the document is lodged by or on behalf of that person with the Secretary, the Secretary must cause the document to be sealed and returned to the person by whom it was lodged.

Address for service

6.—(1) A person who files with the Secretary a document instituting, or relating to a proceeding, must specify in the document an address for service, if the person has not previously filed a document with the Secretary in relation to that proceeding specifying the address.

(2) A person who has, in relation to a proceeding, filed with the Secretary a document specifying an address for service, may at any time file with the Secretary a notice in writing addressed to the Secretary and signed by or on behalf of the person, specifying a new address for service.

(3) A person filing a notice under paragraph (2) must serve a copy of the notice on every party to the proceeding within 7 days of the notice being filed.

Service of documents

7.—(1) A document that is required or permitted under these Rules to be served on a person in relation to a proceeding may be served on the person—

- (a) if the person has filed a document with the Secretary specifying an address for service—by delivering the document to the person personally or by sending the document by registered post addressed to the person at that address;
- (b) if the person has not filed such a document—
 - (i) if the person is a corporation—by delivering the document personally to the secretary of the corporation, or if the corporation has a registered office, by leaving it at that office or by sending it by registered post addressed to the corporation at its principal place of business in the Fiji Islands;
 - (ii) if the person is an organisation other than a corporation - by delivering the document personally to the secretary or other officer of the organisation or by sending it by registered post addressed to the organisation at its principal place of business in the Fiji Islands;

- (iii) in any other case - by delivering the document personally to the person or by sending it by registered post addressed to the person at the residence or place of business of the person last recorded with the Secretary.

(2) The Tribunal may make an order directing that service of a document be carried out in a manner other than any of those specified in paragraph (1), or that the service of the document be dispensed with.

(3) Evidence of the service of a document may be given by means of an endorsement of service through a statutory declaration.

Signing of documents

8. A document that is to be signed by a person on behalf of another person must have the prior written consent of that other person before signing of the document is made.

Recording of orders of the Tribunal

9. The Secretary must have recorded in a register kept for the purpose of any order of the Tribunal specifying the date the order was made, content and outcome of the order.

Postpone and adjournments

10.—(1) Before the commencement of a proceeding, a party may apply in writing to the Tribunal to have the proceeding postponed.

(2) Before the resumption of a proceeding, a party may apply in writing to the Tribunal to have the proceeding adjourned.

(3) A party whose application for a postponement or an adjournment was denied may reapply orally at the commencement or resumption of the proceeding.

(4) The Tribunal in determining whether a proceeding should be postponed or adjourned, where applicable must take into account the following factors—

- (a) the postponement or adjournment would unreasonably impede the proceeding;
- (b) the nature and complexity of the issues relevant to the proceeding;
- (c) the efforts made by the parties to be present at the proceeding;
- (d) the nature of the evidence to be presented, and the likelihood of causing an injustice to any party to the proceeding in the absence of that evidence;
- (e) the efforts made by the parties to proceed expeditiously.

Part 3—APPLICATIONS AND REFERENCES TO THE TRIBUNAL

General provisions relating to applications and references to Tribunal

11.—(1) An application or reference made to the Tribunal must—

- (a) be in the prescribed form;

- (b) state the name of the person making the application;
- (c) state the purpose of or reference of the application and specify the provision of the Act under which the application or reference is made;
- (d) be signed by or on behalf of the person making the application or reference;
- (e) be accompanied by the prescribed fee; and
- (f) be filed with the Secretary.

(2) An applicant may, with the leave of the Chairman, omit from the application or reference such of the particulars required by these Rules to be included in the application or reference as the Chairman specifies, but must include other particulars specified by the Chairman to be included.

(3) An applicant or a person making a reference to the Tribunal must, serve a sealed copy of the application or reference and a notice under paragraph (4) on every person who is a party to the application or reference within 7 days after the filing of the application or reference.

(4) A notice of the making of the application or reference must—

- (a) be addressed to the person to whom it is served;
- (b) inform the person on whom it is served that the application or reference to which the notice relates has been made to the Tribunal and that the person is a party to the application or reference;
- (c) be signed by or on behalf of the applicant or the person making the reference;
- (d) state the general nature of the application or reference and specify the provision of the Act or of these Rules under which the application or reference is made;
- (e) be filed with the Secretary.

(5) The Chairman may, and if requested by a party to the application or reference, fix the date, time and place for a preliminary hearing of the application or reference for the purpose of dealing with such matters.

(6) A request for the fixing of a date, time and place for a preliminary hearing must—

- (a) be in writing addressed to the Secretary;
- (b) specify the date on which the application or reference was filed with the Secretary and the relevant file number;
- (c) state the name of the party making the request;
- (d) be signed by or on behalf of that party;
- (e) be filed with the Secretary.

(7) The Chairman is to fix a date, time and place for the hearing of the application or reference and the Secretary must notify every party to the application or reference of the time and place for the hearing.

(8) The Tribunal must give the applicant and any other party to the proceeding an opportunity of presenting a case before the Tribunal in respect of the application or reference.

Notification of orders of Tribunal and of reasons

12. (1) The Tribunal must, when making an order, state in writing its reasons for making the order.

(2) The Secretary must serve a copy of the order under paragraph (1) on any party to the application or reference within 7 days from the date of the order.

(3) The Secretary must keep a copy of the document recording the order and of its reasons available at the office for public inspection when that office is open during normal office hours.

(4) The Chairman may direct the Secretary to publish the particulars of any order of the Tribunal in at least one of the main newspapers circulating in the Fiji Islands as the Chairman determines.

(5) Paragraphs (2) and (4) do not apply to an order that is subject to an appeal on a question of law to the High Court.

(6) An order of the Tribunal must be in Form 1 of Schedule 1.

(7) In these Rules, "order" does not include an interim order or an order that is made in respect of an application that is preliminary to another proceeding.

Application or reference to Tribunal to be accompanied by prescribed fees

13. An application or a reference to the Tribunal under the Act or these Rules must be accompanied by the prescribed fee.

Non-appearance

14.—(1) If a party fails to appear before the Tribunal on the date fixed for hearing of the application or reference, the Tribunal may adjourn the matter to another date or sine die.

(2) If the applicant or his or her representative fails to appear before the Tribunal for hearing of the application or reference at a later date referred to under paragraph (1), the application or reference is deemed to have been abandoned by the applicant.

Reference of proposed licensing scheme to Tribunal

15.—(1) A reference of a licensing scheme made to the Tribunal under section 141 (1) of the Act must—

- (a) specify whether the applicant who is referring the scheme is—
 - (i) the operator of the proposed scheme; or
 - (ii) an organisation which represents persons claiming to require licences in case of a description to which the scheme would apply;
- (b) state that the applicant proposes to bring the licensing scheme into operation;
- (c) provide a description of the work to which the licensing scheme is to apply;

- (d) provide a description of the terms and conditions of the licences to be issued under the scheme;
- (e) state any other matter relevant to the reference.

(2) The reference must be accompanied by a copy of the proposed licensing scheme and must be in Form 2 of Schedule 1.

Reference of licensing scheme

16.—(1) A reference of a licensing scheme made to the Tribunal under section 142(1) of the Act must—

- (a) state whether the applicant is—
 - (i) the operator of the licensing scheme;
 - (ii) a person claiming to require a licence in a case of the description to which the order applies;
 - (iii) an organisation which represents such persons;
- (b) specify the class of cases to which the reference relates;
- (c) state the name of the other party to the dispute that gave rise to the reference;
- (d) set out particulars of the matter in dispute;
- (e) state any other matter relevant to the reference.

(2) If the reference is made by an organization claiming to be representative of persons requiring licences, the Tribunal must, before determining the question whether the organization is reasonably representative of the class of persons that it claims to represent, give to every other party to the reference, and to every person who has applied to be made a party to the reference and whose application has not been determined, an opportunity of presenting a case in relation to that question.

Application for further reference of licensing scheme to Tribunal

17.—(1) An application in respect of a licensing scheme made under section 143(1) of the Act must—

- (a) describe the general nature of the licensing scheme as previously confirmed or varied by the Tribunal;
- (b) specify the class of cases in relation to which the applicant wishes to refer the scheme to the Tribunal;
- (c) specify the date when the Tribunal last made an order with respect to the scheme in relation to that class of cases and the relevant file number;
- (d) state the name of the other party to the dispute that gave rise to the application;
- (e) set out particulars of the matter in dispute;
- (f) state the grounds for making the reference;
- (g) state any other matter relevant to the application.

Application for grant of licence in connection with licensing scheme

18. An application for a licence to the Tribunal under section 145(1) of the Act must set out the circumstances or events giving rise to the application and, in particular—

- (a) specify the case in which a licence is required by the applicant;
- (b) specify the licensing scheme applicable in that case;
- (c) state the name of the operator of the scheme; and
- (d) specify the date or the approximate date on which the applicant requested the operator of the scheme to grant him or her a licence in accordance with the scheme, or to procure the grant to him or her of such a licence;
- (e) state any other matter relevant to the application.

Application for review of order as to entitlement to licence

19. An application made to the Tribunal under section 146(1) of the Act must—

- (a) state the licence number of the operator of the scheme;
- (b) state the licensing scheme for which the licence is operating under;
- (c) state the reasons for the review;
- (d) state any other matter relevant to the application.

Reference to Tribunal of proposed licence

20. An application made to the Tribunal under section 149(1) of the Act must—

- (a) state the licensing body proposing to grant a licence;
- (b) specify the terms of the proposed licence ;
- (c) specify the work for which a licence is required;
- (d) state any other matter relevant to the application.

Reference to Tribunal of expiring licence

21. An application made to the Tribunal under section 150(1) of the Act must—

- (a) state the licence number;
- (b) specify the licensing scheme under which the licence is operating;
- (c) state the reason for the application;
- (d) state any other matter relevant to the application.

Application for determination of equitable remuneration

22. An application made to the Tribunal under section 163(1) of the Act in respect of the remuneration to be paid to persons specified in the Act must—

- (a) identify the provision in respect of which equitable remuneration payable is in dispute;
- (b) provide a description of the work that is affected;
- (c) state any other matter relevant to the application.

Application to be made a party to a proceeding

23. An application to the Tribunal to be made a party to a proceeding under section 209(2)(a) of the Act must—

- (a) specify the date when the proceeding was instituted and the relevant file number;
- (b) set out the relevant interest of the applicant in relation to the matter for proceeding;
- (c) request the Tribunal to make the applicant a party to the proceeding;
- (d) state any other matter relevant to the application.

Other applications

24.—(1) A party to a proceeding under the Act or these Rules may apply to the Tribunal requesting the Tribunal to make an order with respect to any matter relating to the proceeding.

(2) The application must specify the date when the proceeding was instituted and the relevant file number and must set out the circumstances or events giving rise to the application.

(3) A party to the proceeding may consent to the making of the order sought by the application.

(4) The consent of a party may be endorsed on the application or set out in a separate document filed with the Secretary but, if the consent is set out in a separate document that is not filed with the application, that party must serve a copy of the document on the applicant within 7 days after the document is filed.

(5) Service of notice of the making of the application, or of a copy of the application, is not required to be effected on a party to the proceeding who has consented to the making of the order sought by the application and service of such a notice or copy on any other person may, with the leave of the Chairman or of the Tribunal, be dispensed with.

(6) A party to the proceeding may lodge an objection to the application by filing with the Secretary a notice of objection within 14 days after the notice of the making of the application was served on him.

(7) A person lodging an objection must serve a sealed copy of the notice of objection on the applicant within 7 days after notice of the objection is filed with the Secretary.

(8) A notice of objection must—

- (a) be in writing addressed to the Secretary;
- (b) specify the date on which the application was filed with the Secretary and the relevant file number;
- (c) state the name of the party lodging the objection;
- (d) state the grounds of the objection; and
- (e) be signed by or on behalf of the party lodging the objection.

(9) The Tribunal must consider the application and may make such order in relation to the application as the Tribunal considers reasonable in the circumstances.

(10) The Tribunal must not refuse the application in whole or in part without giving the applicant an opportunity to present his or her case and, if an objection has been lodged to the application, must not grant the application in whole or in part without giving the party by whom the objection was lodged an opportunity of presenting his or her case.

Attorney General to give notice

25.—(1) If there is a matter before the Tribunal which, in the opinion of the Attorney General may affect the public interest, the Attorney General may write to the Tribunal requesting to have his or her views heard on the matter.

(2) On receipt of the Attorney General's written request, the Tribunal may direct that the Attorney General give notice to other parties to the proceeding at least 3 days before the matter is heard before the Tribunal.

Part 4—MISCELLANEOUS MATTERS

Consolidation of applications and references

26. Where 2 or more applications are pending before the Tribunal, the Tribunal may, of its own motion or on the application of a party to any of the applications, direct that some or all of the applications be considered together and may give such consequential directions as it considers necessary.

27. Where 2 or more references are pending before the Tribunal in relation to the one licence scheme, the Tribunal may of its own motion or on the application of a party to any of the references, direct that some or all of the references be considered together and may give such consequential directions as the Tribunal considers necessary.

28. Before giving a direction under this rule, the Tribunal must give each party to each of the application or reference concerned an opportunity to present his or her case.

Adjournment pending decision of the court

29.—(1) If the Tribunal refers a question of law arising in proceedings before it for determination of the High Court, being proceedings in which the Tribunal has not given its decision, the Tribunal is to adjourn its hearing of those proceedings until the question referred has been heard and determined by the High Court.

(2) If an order of the Tribunal is suspended, the Secretary must notify every party to the proceeding in writing of the suspension and, if particulars of the order have been published in pursuance of a direction under rule 12(4), must publish particulars of the suspension in at least one of the main newspapers circulating in the Fiji Islands as the Chairman directs.

Proceedings before Tribunal after determination of question of law by High court

30.—(1) If a question of law arising in a proceeding has been referred to and determined by the High Court, any party to the proceeding before the court may file with the Secretary a copy of the order of the court.

(2) Subject to paragraph (3), when a copy of the order of the High court has been filed under paragraph (1), the Chairman must fix a time and place for the resumption of the hearing of the proceeding and the Secretary must notify the parties of the time and place of the proceeding within 7 days after the High Court has made the order.

(3) Paragraph (2) does not apply if the question of law was referred to the High Court after the Tribunal had given its decision in the proceeding and that decision is consistent with the determination of the court.

Amendment of documents

31.—(1) The Tribunal may grant leave to a party to a proceeding to amend a document previously filed with the Secretary by that party in connexion with that proceeding.

(2) Leave of the Tribunal under paragraph (1) may be granted unconditionally or subject to such conditions as the Tribunal considers appropriate.

(3) If leave is granted to a party to a proceeding to amend a document, the party must file with the Secretary a statement of the amendments and, upon the filing of the statement, the amendments are deemed to be made.

(4) The party filing the statement must notify every other party to the proceeding by serving a sealed copy of the statement on them within 7 days after the statement is filed.

(5) Nothing in this rule prevents a person from filing a notice specifying a new address for service in accordance with rule 6.

Summons to witness

32. Summons to a witness under section 213 of the Act must be in Form 2 as set out in the First Schedule.

Extension of time

33. The Tribunal or the Chairman may, whether before or after the expiration of the time specified under these Rules for the filing of a document with the Secretary, the serving of a document on a person or the doing of any other act, extend that time for such period and subject to such conditions, as the Tribunal or the Chairman thinks fit to impose.

Office of the Tribunal

34. The Chairman is to notify in the *Gazette*—

- (a) the address of the office of the Tribunal;
- (b) the address of another designated office of the Tribunal;
- (c) any change in the addresses to any office referred to in sub-paragraph (a) or (b).

Fees

35. The fees specified in Schedule 2 are payable in respect of the matters in relation to which they are specified.

Power to waive procedural requirements and effect of non-compliance

36.—(1) Subject to the Act, the Tribunal may, in relation to any proceeding, in special circumstances, and either absolutely or subject to conditions, exempt a person from complying with any procedural requirements of these Rules.

(2) Subject to the Act, non-compliance with any of these Rules does not render void a proceeding or an order of the Tribunal, but the proceeding or order may be set aside either wholly or in part as irregular, or amended, or otherwise dealt with, by the Tribunal in such manner and upon such terms as the Tribunal thinks fit to impose.

Application of Magistrates Court Rules of civil procedures

37. If there is no provision in these Rules to meet the circumstances arising in any matter before the Tribunal, the Tribunal may be guided by any relevant provision in the Magistrates' Courts Rules.

SCHEDULE 1

Form 1
(Rule 12(6))

ORDER OF THE TRIBUNAL

Ph No: _____

Fax No: _____

E-mail address: _____

COPYRIGHT ACT 1999

Reference Number: _____

Application Number: _____

Re: In The Matter of _____

1. In exercise of the powers conferred upon it under section _____ of the Act, and after taking into account all the relevant factors surrounding the application or reference, and having heard submissions from every party to the application or reference, the Tribunal makes this Order—

2. The grounds on which the Order is made are: _____

Dated at this day of 20

 Chairman of the Tribunal

Form 2
 (Rule 15(1))

REFERENCE OF A LICENSING SCHEME

To: The Chairman
 Copyright Tribunal

(If applicant is the operator of the proposed licensing scheme, please fill in below.)

1. I, _____ of _____ am
 the operator of the following proposed scheme _____

which I refer to the Tribunal.

2. If the proposed scheme is approved, I intend to bring the scheme into operation
 from _____.

*(If applicant is an organisation which represents persons claiming to require
 licences in the case of a description to which the scheme would apply, please fill
 in below.)*

3. The _____ (name of organisation) represents _____ (claimant of licence) who requires a licence in respect of the work(s) specified in paragraph 4 to which the scheme would apply.

4. The licensing scheme is to apply in respect of the following—

(specify the type of work)

5. The terms and conditions of the licence to be issued under the scheme are:

6. The scheme, if approved, will come into operation on _____.

7. Other information relevant to the reference _____

(Attach any document, material, copies of correspondences, etc. if available to support paragraph 5.)

8. Contact address of applicant:

Residential/work address: _____

Home phone number: _____ Work phone number: _____

Fax Number: _____ E-mail address: _____

 Signature of applicant

 Date

For official use only:

Application reference number: _____

Date of receipt of application: _____

Remarks: _____

Form 3
(Rule 16(1))

REFERENCE OF LICENSING SCHEME

To: The Chairman
Copyright Tribunal

1. I, _____ of _____
am (a) the operator of the licensing scheme, or (b) a person claiming to require a
licence in a case of the description to which the order applies (underline where
applicable).
(If an organisation, fill in below)
2. The _____ (name of organisation)
represents _____ (name of the operator of
licensing scheme).
3. The reference relates to the following class of cases _____

4. The other party (parties) to the dispute is/are _____

5. Other matters relevant to this reference _____

(Please attach any document, copies of correspondence, material, etc. to support
paragraph 5.)

6. Contact address of applicant:
Residential/official address: _____
Work phone number: _____ Home phone number: _____
Fax Number: _____ E-mail address: _____

Signature of applicant

Date

For official use only:

Application reference number: _____

Date of receipt of application: _____

Remarks: _____

Form 4
(Rule 17(1))

APPLICATION FOR FURTHER REFERENCE OF LICENSING
SCHEME TO TRIBUNAL

To: The Chairman
Copyright Tribunal

1. I, _____ of _____
apply in respect of a licensing scheme made under section 143(1) of the Act.
The following is a description of the licensing scheme _____

2. The following are the class of cases to which this application relates _____

3. The date of the order last made by the Tribunal with respect to the scheme in
relation to the class of cases mentioned above and their relevant file number. The
other party to the dispute resulting in this application is _____

4. The particulars of the matter in dispute are _____

5. The grounds for making this reference are _____

(Please attach any document, material, copies of correspondence, etc. to support your statements in paragraph 5.)

6. Other matters relevant to the application _____

7. Contact address of applicant:
Residential/work address: _____
Work phone number: _____ Home phone number: _____
Fax Number: _____ E-mail address: _____

Signature of applicant

Date

For official use only:

Application reference number: _____

Date of receipt of application: _____

Remarks: _____

Form 5
(Rule 18(1))

APPLICATION FOR GRANT OF LICENCE IN CONNECTION WITH LICENSING
SCHEME

To: The Chairman
Copyright Tribunal

1. Pursuant to section 145 of the Act, I _____
 _____ of _____ claim that _____
 _____ (name of operator) has
 refused to grant me or procure the grant to me of a licence in accordance with

 (specify the licensing scheme), or has failed to do so after _____ weeks/
 months of my application for the licence.
2. The work for which I am applying for a licence is _____

 (please provide description of work).
3. Attach copy of your earlier application to the operator named in paragraph 1 above
 and any other related correspondences or documents relevant to this application.
4. Contact address of applicant:
 Residential/work address: _____
 Work phone number: _____ Home phone number: _____
 Fax Number: _____ E-mail address: _____

 Signature of applicant

 Date

For official use only:

Application reference number: _____

Date of receipt of application: _____

Remarks: _____

Form 6
 (Rule 19)

APPLICATION FOR REVIEW OF ORDER

To: The Chairman
 Copyright Tribunal

If applicant is a licensing body, please fill in below:

1. Pursuant to section 149(1) of the Act, the _____
 _____ (name of licensing body) refers to the Tribunal for
 approval the following proposed terms on which a licence is to be granted:

2. The proposed licence is in respect of the following work _____

3. Please Provide any other relevant material or document to support your application.

If applicant is a prospective licensee, please fill in below:

4. Pursuant to section 149(1) of the Act, I, _____
 _____ of _____ refer to the Tribunal for
 approval the following proposed terms on which a licence is to be granted:

5. The proposed licence is in respect of the following work: _____

6. Please provide any other relevant material or document to support your application.
7. Contact address of applicant:
 Work/Home address: _____
 Work phone number: _____ Home phone number: _____
 Fax Number: _____ E-mail address: _____

 Signature of applicant

 Date

For official use only:

Application reference number: _____

Date of receipt of application: _____

Remarks: _____

Form 8
(Rule 21)

REFERENCE TO TRIBUNAL OF EXPIRING LICENCE

To: The Chairman
Copyright Tribunal

1. Pursuant to section 150(1) of the Act, I _____
of _____ am the owner of a licence that is due to expire, by
*effluxion of time/ as a result of notice given by _____
_____ (name of licensing body) on _____

2. If the licence is due to expire as result of notice given by licensing body, please give
detailed account of factors surrounding the issue of notice: _____

*(Please provide copies of correspondence, material, document, etc. to support
your statements in paragraph 2.)*

3. I refer the licence to the Tribunal on the ground that it is unreasonable in the
circumstances that the licence should cease to be in force.

4. Contact address of applicant:

Work/home address: _____

Work phone number: _____ Home phone number: _____

Fax Number: _____ E-mail address: _____

 Signature of applicant

Date

* Delete where applicable.

 For official use only:

Application reference number: _____

Date of receipt of application: _____

Remarks: _____

 Form 9
 (Rule 22)

DETERMINATION OF EQUITABLE REMUNERATION

 To: The Chairman
 Copyright Tribunal

1. Pursuant to paragraph _____ of section 163(1) of the Act, I, _____ of _____ apply to the Tribunal to determine the remuneration to be paid to _____ of _____ on the basis that _____ and I cannot agree as to the remuneration to be paid.
2. This application is in respect of the following work(s): _____

3. The following factors are relevant to this application:

(Please provide any material or document, copies of correspondences, etc. to support your statements in paragraph 3.)

4. Contact address of applicant:

Work/home address: _____

Work phone number: _____ Home phone number: _____

Fax Number: _____ E-mail address: _____

Signature of applicant_____
Date*For official use only:*

Application reference number: _____

Date of receipt of application: _____

Remarks: _____

Form 10
(Rule 23)

APPLICATION TO BE MADE A PARTY TO A PROCEEDING

To: The Chairman
Copyright Tribunal

_____1. Pursuant to section 209(2)(a) of the Act I, _____
_____ of _____ apply to the
Tribunal to be included as a party in the proceedings referred to in paragraph 2.2. The relevant proceedings before the Tribunal is : _____

*(Cite reference number of proceedings if known to applicant.)*3. State the name of the parties to the proceedings: _____

4. State the subject matter of the proceedings: _____

5. State the date the proceedings commenced (if known to applicant) _____
6. My interest in being made a party to the proceedings is _____

7. Contact address of applicant:
 Work/home address: _____
 Work phone number: _____ Home phone number: _____
 Fax Number: _____ E-mail address: _____

 Signature of applicant

 Date

For official use only:

Application reference number: _____

Date of receipt of application: _____

Remarks: _____

Form 11
 (Rule 24)

APPLICATION REQUESTING FOR ORDER

To: The Chairman
 Copyright Tribunal

1. I, _____ of _____
 _____ being a party to the *proceeding _____

hereby request the Tribunal to make an order with respect to the following matters relating to the proceeding:

- (a) _____
 (b) _____
 (c) _____
 (d) _____
 (e) _____
 (f) _____

2. This application is made based on the following circumstances: _____

(Please provide any relevant document, material, copies of correspondence to support your statements in paragraph 2.)

*Specify the proceeding to which this application applies - state the reference number of proceedings if known to applicant, date the proceedings commenced, etc.

Form 11
 (Rule 32)

SUMMONS TO WITNESS

To (name and address of witness) _____

You are hereby summoned to attend before the Copyright Tribunal at _____ (place) on _____, 20____, at _____ o'clock in the morning/noon, and thereafter from day to day until the hearing of proceedings in relation to the application (or reference or inquiry) specified above is completed or until you are released from further attendance.

2. You are required to attend before the Tribunal for the purpose of giving evidence in the proceedings in relation to _____

(name of parties to proceedings/subject of proceedings).

- *3. You are required to bring with you and produce the following documents or articles or documents

(Paragraph 4 applies to witness summoned by Tribunal of latter's own motion only)

4. As you are a witness summoned by the Tribunal of its own motion under section 213(1) of the Act, you are entitled to be paid a sum of \$ _____ by the Tribunal in respect of allowances and travelling expenses.

(Paragraph 5 applies to witness summons requested by a party to hearing only)

5. As you are a witness summoned by the Tribunal at the request of _____ (party to hearing) pursuant to section 215(4) of the Act, _____ (party to hearing) is responsible for your travelling expenses, allowances and any fees incurred in the process of your being a witness at the hearing.

6. You are liable to pay to the Tribunal a fine of \$ _____ on failing to attend the above specified proceeding.

Dated at _____ this _____ day of _____, 20 _____

Chairman (or Deputy Chairman or Member)
of the Copyright Tribunal.

*Insert if applicable.

SCHEDULE 2
(Rule 35)

FEES

Column 1 Item	Column 2 Matter	Column 3 Fee (VAT incl.)
1	Application to Tribunal to confirm or vary a proposed licensing scheme under section 141(1)	\$100.00
2	Reference of licensing scheme to Tribunal under section 142(1)	\$100.00
3	Further reference of licensing scheme to Tribunal under section 143(1)	\$50.00
4	Application for grant of licence in connection with licensing scheme under section 145(1) and (2)	\$100.00
5	Application for review of order under section 146(1)	\$50.00
6	Reference to Tribunal of expiring licence under section 150(1)	\$50.00
7	Application for review of order as to licence under section 151(1)	\$50.00
8	Application to determine equitable remuneration under section 163	\$100.00
9	Application to be made a party to a proceeding under Section 209(2)(a)	\$50.00
10	Application requesting for an order by the Tribunal under regulation 24	\$50.00
11	Examination of a witness before the Tribunal	\$50.00
12	Search of order, document, other papers	\$5.00
13	Providing copies of order, document, other papers for each page	\$1.00

- 14 Certifying a copy of a document –
- | | |
|-------------------------|--------|
| (a) for the certificate | \$5.00 |
| (b) for each page | \$1.00 |

Made at Suva this 27th day of June 2003.

HON. JUSTICE PATHIK
Chairman
Copyright Tribunal

[LEGAL NOTICE NO. 36]

COUNTER-INFLATION ACT
(CAP. 73)

COUNTER-INFLATION (SERVICES CONTROL) (TELECOM FIJI LIMITED)
ORDER 2003

IN exercise of the powers conferred upon it by Section 9 of the Counter-Inflation Act, the Prices and Incomes Board, with the approval of the Minister of Finance, National Planning and Communications, makes the following Order—

Citation and commencement

1. This Order may be cited as the Counter-Inflation (Services Control) (Telecom Fiji Limited) and comes into force on 11th July 2003.

Maximum service charges

2. The maximum price for telephone charges shall not exceed the prices set out below.

Unit fee charge — 12 cents per unit inclusive of VAT

Line rental charge

Residential — \$3.23 per month inclusive of VAT

Business — \$4.74 per month inclusive of VAT

All other conditions of the service and charges remain unchanged.

Revocation

3. The Counter-Inflation (Services) (Control) (Fiji Posts & Telecommunications Limited) Order 1994 (Legal Notice No. 35 of 1994) is revoked.

Made this 8th day of July 2003.

A. B. NAULIVOU
Secretary
Prices and Incomes Board

Approved by me this 2nd day of July 2003.

J. Y. KUBUABOLA
Minister of Finance, National Planning
and Communications

[LEGAL NOTICE NO. 37]

PUBLIC ENTERPRISE ACT 1996
(ACT NO. 35 OF 1996)

DECLARATION OF GOVERNMENT COMMERCIAL COMPANY

IN exercise of the powers conferred upon me by section 44(1) of the Public Enterprise Act and with the approval of the cabinet, I declare that the Food Processor Limited be a Government Commercial Company.

And I further declare that the Food Processor Limited be included in Schedule 3 of the Act.

Dated this 9th day of July 2003.

I. MATAIRAVULA
Minister for Public Enterprise
and Public Sector Reform