

Chapter:	528C	COPYRIGHT TRIBUNAL RULES	Gazette Number	Version Date
----------	------	--------------------------	----------------	--------------

		Empowering section		30/06/1997
--	--	--------------------	--	------------

COPYRIGHT TRIBUNAL RULES

(L.N. 5 of 1997)

(Cap 528, section 174)\*

[26 October 1979]

(Originally L.N. 266 of 1979)

**Note:**

\* **The Copyright Tribunal Rules were originally made under the Copyright Act 1956. The Rules were saved as subsidiary legislation under the Copyright Ordinance (Cap 528). See paragraph 41 of Schedule 2 to the Ordinance.**

Rule:	1	Citation		30/06/1997
-------	---	----------	--	------------

These rules may be cited as the Copyright Tribunal Rules.

(L.N. 5 of 1997)

Rule:	2	Interpretation		30/06/1997
-------	---	----------------	--	------------

(1) In these rules, unless the context otherwise requires –

"Act" means the Copyright Act 1956(a) as extended to Hong Kong by the Copyright (Hong Kong) Orders 1972 to 1990(b) and a section referred to by number means the section so numbered in the Act; (L.N. 283 of 1986; L.N. 5 of 1997)

"chairman" means the chairman, or any person for the time being appointed to act as chairman, of the tribunal;

"clerk" means the clerk for the time being of the tribunal;

"court" means the Court of Appeal;

"credentials" means – !

- (a) the validity of an organization's claim to be representative of a class or persons; or
- (b) the possession by an intervener of a sufficient interest in the matter in dispute;

"intervener" means an organization or person who has applied under section 25(3), 26(3), 27(4) or 27A(5) or rule 7A to be made a party to proceedings before the tribunal; (L.N. 5 of 1997)

"office" means the office of the tribunal;

"originator" means an organization, licensing body or person who has referred a scheme to the tribunal under section 25(1) or 26(1), or who has applied to the tribunal under section 27(2) or (3), 27A(1) or (6) or 41B(1) or (3); (L.N. 5 of 1997)

"party" includes an intervener whose application is pending;

"tribunal" means the Copyright Tribunal. (L.N. 5 of 1997)

(2) A form referred to by number means the form so numbered in Schedule 1. (L.N. 5 of 1997)

(3) Any expression or word not defined in paragraph (1) shall, unless the context otherwise requires, have the meaning assigned to it by the Act or by the Interpretation and General Clauses Ordinance (Cap 1), as the case may be.

**Note:**

(a) **1956 c. 74.**

(b) **S.I. 1972/1724 and 1979/910.**

Rule:	3	Commencement of proceedings		30/06/1997
-------	---	-----------------------------	--	------------

(1) The following proceedings may be commenced by serving on the clerk a notice substantially in accordance with Form 1, 2, 3, 4, 4A or 4B, as the case may be –

- (a) a reference of a licence scheme under section 25;
- (b) a further reference of a licence scheme under section 26;
- (c) an application under section 27 for a declaration that the applicant is entitled to a licence;
- (d) an application under section 27A for the review of an order;
- (e) an application under section 41B(1) to settle the royalty or other sum payable pursuant to section 41A;
- (f) an application under section 41B(3) for the variation of an order. (L.N. 5 of 1997)

(2) The originator shall, at the same time, serve on the clerk a statement in writing setting out the case he intends to make together with a list of the documents relevant to the reference or application which are, or have been, in his possession.

(3) The clerk shall, as soon as practicable, serve copies of the originator's notice, statement of case and list of documents -

- (a) in the case of a reference under section 25 or an application under section 27, on the licensing body named in the notice;
- (b) in the case of a further reference under section 26, on every party other than the originator to the reference on which the tribunal made the latest previous order with respect to the licence scheme; or
- (c) in the case of an application under section 27A or 41B, on every party to the application other than the originator. (L.N. 5 of 1997)

Rule:	4	Application for special leave under section 26(2), 27A(2) or 41B(4)		30/06/1997
-------	---	---	--	------------

(1) An application under section 26(2), 27A(2) or 41B(4) for the special leave of the tribunal may be made by serving on the clerk a notice substantially in accordance with Form 5, 6 or 6A, as the case may be. (L.N. 5 of 1997)

(2) The clerk shall, as soon as practicable, serve copies of the notice on every party to the reference or application, as the case may be, on which the tribunal made the last relevant order and any such party may, within 14 days of the service upon him of such notice, make representations in writing to the tribunal in connexion with the application.

(3) The tribunal, after considering any such representations and, if it thinks fit, after having given the applicant and any such party who has made such representations an opportunity of being heard, shall grant or dismiss the application as it may think just.

(4) Where the tribunal grants an application, it may give such directions as to the taking of any steps required or authorized under these rules or as to any further matter as it may think fit. (L.N. 5 of 1997)

Rule:	5	Advertisement of reference or application		30/06/1997
-------	---	---	--	------------

(1) Except where the chairman otherwise directs, the clerk shall give notice by advertisement once in an English language newspaper and once in a Chinese language newspaper of every reference under section 25 or 26 and of every application under section 27, 27A or 41B. (L.N. 5 of 1997)

(2) An advertisement under paragraph (1) shall state -

- (a) the names and addresses of the originator and (if it is not the originator) the licensing body and any organization or person on whom copies of the notice of reference or application have been served;
- (b) the nature of the reference or application;
- (c) the time, not being less than 21 days from the latest publication of the advertisement, within which -
  - (i) an organization or person may apply to the tribunal to be made a party to the proceedings; and
  - (ii) an objection to the originator's credentials may be made in accordance with rule 6.

Rule:	6	Objection to originator's credentials		30/06/1997
-------	---	---------------------------------------	--	------------

(1) In the case of a reference under section 25 or 26, a licensing body, or an organization or person on whom notice of the reference has been served in accordance with rule 3, or an intervener, intending to object to the originator's credentials shall, within such time as may be specified for this purpose in the advertisement published under rule 5, serve on the clerk a notice of objection substantially in accordance with Form 7.

(2) If notice of objection to the originator's credentials has been served on the clerk in accordance with paragraph (1) or if the tribunal intends to make such objection of its own motion, the clerk shall, on the expiration of

the time limited under rule 5(2)(c), serve upon every party to the proceedings notice substantially in accordance with Form 8 and the proceedings shall (unless the tribunal or the chairman shall otherwise direct on the grounds that no reasonable cause of objection has been disclosed) be stayed from the date of such notice until further order.

(3) As soon as practicable after service of notice under paragraph (2), the chairman shall give directions for the purpose of the consideration by the tribunal of the objection. Such consideration shall, unless the chairman otherwise directs, take place at an oral hearing before the tribunal and the tribunal shall give to the originator, any objector and any other party an opportunity of being heard or of making representations in writing.

(4) If, after considering the objection, the tribunal is not satisfied of the originator's credentials, it shall direct that no further proceedings shall be taken by any party in connexion with the reference, otherwise than in relation to any order for costs which the tribunal may make under rule 23.

(5) If, after considering the objection, the tribunal is satisfied of the originator's credentials, it shall direct that the reference shall proceed and the tribunal or the chairman may give such consequential directions as to the extension of the time limited for taking any step required or authorized under these rules, or as to any further matter, as it or he may think fit.

(6) When the tribunal has arrived at its decision on the objection, or where the objection has been withdrawn or is not proceeded with, the clerk shall give notice substantially in accordance with Form 9 to every party to the proceedings.

(7) In computing the time limited by these rules for the taking of any step in the proceedings, no account shall be taken, save in so far as the tribunal or the chairman may direct, of any period elapsing between the date of the notice served under paragraph (2) and the date from which the tribunal directs, under paragraph (5), that the reference shall proceed.

Rule:	7	Applications to be made a party		30/06/1997
-------	---	---------------------------------	--	------------

(1) An application to the tribunal by any organization or person to be made a party to a reference under section 25 or 26, or to an application under section 27 or 27A, may be made by serving on the clerk notice of intervention substantially in accordance with Form 10.

(2) Notice under paragraph (1) shall not be served after the expiration of the time limited under rule 5(2)(c):

Provided that the tribunal or the chairman may give leave, subject to such conditions as it or he may think fit, to serve such notice notwithstanding the expiration of the time so limited.

(3) On being served with notice under paragraph (1), the clerk shall, as soon as practicable –

- (a) serve copies of the notice on every other party to the proceedings; and
- (b) serve on the intervener copies of –
  - (i) the originator's statement of case and list of documents; and
  - (ii) any other notice of intervention which has been served upon him.

Rule:	7A	Applications to be made a party to an application under section 41B		30/06/1997
-------	----	---	--	------------

(1) Any person or organization may apply to the tribunal to be made a party to an application under section 41B.

(2) Where the tribunal is satisfied that the intervener has a substantial interest in the matter in dispute, it may, if it thinks fit, make the intervener a party to the application.

(3) The tribunal may make an organization a party to an application under section 41B whether the organization is representative of a class of persons or not.

(4) Rule 7 shall apply to an application under paragraph (1) as it applies to an application to be made a party to a reference under section 25 or 26 or to an application under section 27 or 27A.

(L.N. 5 of 1997)

Rule:	8	Objections to intervener's credentials		30/06/1997
-------	---	--	--	------------

(1) Any party intending to object to an intervener's credentials shall, within 14 days of being served with a copy of the notice of intervention under rule 7, serve on the clerk a notice of objection substantially in accordance with Form 11.

(2) The clerk shall, as soon as practicable, serve on every other party to the proceedings a copy of any notice of objection served on him under paragraph (1).

(3) If the tribunal intends of its own motion to object to an intervener's credentials, the clerk shall, on the expiration of the time limited under rule 5(2)(c), serve on the intervener notice substantially in accordance with Form 12 and shall serve copies of such notice on every other party.

(4) Subject to any direction to the contrary that the chairman may give under rule 12, an objection to an intervener's credentials shall not operate as a stay of the proceedings and shall be considered by the tribunal at the same time as the reference or application in question.

Rule:	9	Written answer	30/06/1997
-------	---	----------------	------------

(1) A licensing body or other party on whom there has been served a copy of the originator's statement of case in accordance with rule 3(3), shall, within 42 days of such service, serve on the clerk a written answer to the originator's statement together with a list of the documents relevant to the reference or application which are, or have been, in its possession.

(2) The clerk shall, as soon as practicable, serve copies of such answer and list of documents on every other party.

Rule:	10	Interveners' cases	30/06/1997
-------	----	--------------------	------------

(1) Every intervener shall, within 21 days of the expiration of the time limited under rule 5(2)(c), serve upon the clerk a statement in writing setting out the case he intends to make together with a list of the documents relevant to the reference or application which are, or have been, in his possession.

(2) The clerk shall, as soon as practicable, serve upon every other party copies of every intervener's statement of case and list of documents.

Rule:	11	Amendment of statement of case and answer	30/06/1997
-------	----	---	------------

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

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

(3) No amended statement of case or answer shall, without the leave of the tribunal or the chairman, be served after such date as the chairman may direct under rule 12.

Rule:	12	Directions	30/06/1997
-------	----	------------	------------

(1) As soon as practicable after every party has delivered his statement of case or answer, or the time limited by these rules for doing so has expired, the chairman shall appoint a date and place for the attendance of the parties for the purposes of his giving directions as to the further conduct of the proceedings.

(2) The clerk shall give to every party not less than 14 days' notice of the date and place appointed under paragraph (1).

(3) On the appointment, the chairman shall, after giving to every party attending the appointment an opportunity of being heard, and after considering any representations in writing made by any party, give such directions as he thinks fit with a view to the just, expeditious and economical disposal of the proceedings and, without prejudice to the generality of the foregoing, may give directions as to –

- (a) the date and place of the oral hearing if one is desired by any party;
- (b) the procedure to be followed in regard to the submission and exchange of written arguments if no party requires an oral hearing;
- (c) the date after which no amended statement of case or answer may be delivered without leave;
- (d) the preparation and delivery by the originator of a schedule, to be agreed by all parties, setting out the issues to be determined by the tribunal and the contentions of each party in relation thereto;
- (e) the admission of any facts or documents;
- (f) the discovery and inspection of documents;

- (g) the giving of evidence on affidavit;
- (h) the consideration by the tribunal of any objection made to an intervener's credentials.

(4) The chairman may postpone, or adjourn to a later date to be appointed by him, the giving of any directions under this rule.

(5) At any time after directions have been given under this rule, the chairman may, whether or not any application in that behalf has been made under rule 13, give such further directions as he may think fit.

(6) If any party fails to comply with any direction or order given or made under this rule or rule 13, the chairman may give such consequential directions as may be necessary and may order such party to pay any costs occasioned by his default.

Rule:	13	Interlocutory applications		30/06/1997
-------	----	----------------------------	--	------------

(1) Except where the tribunal or the chairman, whether generally or in any particular case, otherwise directs or these rules otherwise provide, every interlocutory application shall be disposed of by the chairman.

(2) The application shall be made by notice in writing to the clerk and shall state the grounds upon which it is made.

(3) Unless the notice is accompanied by the written consent of all parties to the order or direction applied for, the clerk shall serve copies of the application on every other party to the proceedings.

(4) Any party who objects to the application may, within 7 days after being served with a copy thereof, send written notice of objection to the clerk and to the applicant and in that case, before disposing of the application, the chairman shall consider any such objection and may, if he thinks fit, give all parties concerned an opportunity of being heard.

Rule:	14	Consolidation of proceedings		30/06/1997
-------	----	------------------------------	--	------------

Where there is pending before the tribunal more than one reference under section 25 or 26 relating to the same licence scheme, or more than one application under section 27 or 27A relating to the same licensing body, or more than one application under section 41B relating to the same work or other subject matter, the chairman may, if he thinks fit, either of his own motion or on an application made under rule 13, order that some or all of the references or applications, as the case may be, shall be considered together, and may give such consequential directions as may be necessary: (L.N. 5 of 1997)

Provided that the chairman shall not make an order under this rule of his own motion without giving all parties concerned a reasonable opportunity of objecting to the proposed order.

Rule:	15	Procedure and evidence at hearing		30/06/1997
-------	----	-----------------------------------	--	------------

(1) Every party to a reference or application which is considered at an oral hearing before the tribunal shall be entitled to attend the hearing and to address the tribunal and to call evidence.

(2) The hearing shall be in public.

(3) Evidence before the tribunal shall be given orally or, if the parties so agree or the tribunal or the chairman so orders, by affidavit, but the tribunal may at any stage of the proceedings require the personal attendance of any deponent for examination and cross-examination.

Rule:	16	Representation and rights of audience		30/06/1997
-------	----	---------------------------------------	--	------------

(1) Subject to paragraph (6), a party to proceedings before the tribunal may authorize some other person to act for him in the proceedings.

(2) The appointment of an agent under paragraph (1) shall be made in writing and shall not be effective until written notice thereof shall have been given to the clerk.

(3) Only one agent shall be appointed to act for a party at any one time.

(4) For the purpose of service on a party of any document, or of the taking of any step required or authorized by these rules, an agent appointed by a party shall be deemed to continue to have authority to act for such party until the clerk has received written notice of the termination of his appointment.

(5) On receiving notice of the appointment of an agent, or of the termination of such an appointment, the clerk

shall send a copy thereof to every other party.

(6) A party may be represented at any hearing, whether before the tribunal or the chairman, by counsel or solicitor, or by any other person allowed by the tribunal or the chairman to appear on his behalf, or may, save in the case of a corporation or unincorporated body, appear in person.

Rule:	17	Withdrawal of reference or application		30/06/1997
-------	----	--	--	------------

The originator may withdraw a reference under section 25 or 26, or an application under section 27, 27A or 41B, at any time before it has been finally disposed of, by notice in writing served on the clerk (who shall serve copies thereof on every other party to the proceedings), but such withdrawal shall be without prejudice to the tribunal's power to make an order as to the payment of costs incurred up to the time of service of the notice: (L.N. 5 of 1997)

Provided that, on the application of a licensing body named therein or of any other party, the tribunal may proceed with the reference or application notwithstanding its purported withdrawal and may for this purpose substitute such part as originator and give such consequential directions as may be necessary.

Rule:	18	Decision of the tribunal		30/06/1997
-------	----	--------------------------	--	------------

(1) The final decision of the tribunal on a reference under section 25 or 26, or an application under section 27, 27A or 41B, shall be given in writing and shall include a statement of the tribunal's reasons. (L.N. 5 of 1997)

(1A) Where on a reference under section 25 or 26 the tribunal has varied the scheme, or on an application under section 41B the tribunal has varied an order, there shall be annexed to the decision a copy of the scheme or order as so varied. (L.N. 5 of 1997)

(2) Except where the operation of the order is suspended under rule 20 or 20A, the clerk shall send to every party to the proceedings a copy of the tribunal's decision and shall cause a copy to be made available at the office for public inspection at such times as the chairman may direct. (L.N. 5 of 1997)

(3) The chairman may in any case direct that short particulars of the decision shall be advertised in such manner as he may think fit.

Rule:	19	Application for reference of question of law to the court		30/06/1997
-------	----	---	--	------------

(1) A request to refer a question of law to the court under section 30(1) shall (unless made at the hearing) be made by notice in writing to the clerk and may be made at any time before or within 14 days after the tribunal has given its decision in the proceedings in which the question arises.

(2) The tribunal shall, as soon as practicable, consider any such request and shall notify its decision thereon to the party by whom the request was made.

Rule:	19A	Appeal to the court from decision of the tribunal		30/06/1997
-------	-----	---	--	------------

An appeal to the court under section 30B on a question of law arising from a decision of the tribunal shall be brought within 28 days of the date of the decision or within such further period as the court may, on an application to it, allow.

(L.N. 5 of 1997)

Rule:	20	Suspension of orders, etc., upon appeal or reference to the court		30/06/1997
-------	----	---	--	------------

(1) Where a party to any proceedings appeals a decision of the tribunal to the court under section 30B or the tribunal refers a question of law to the court after giving its decision in any proceedings, the tribunal may of its own motion suspend the operation of any order made in those proceedings.

(2) In the circumstances described in paragraph (1), the tribunal shall not make any further order on the reference or application which is the subject of the appeal or in connection with which the question of law arose until the court has given its decision.

(L.N. 5 of 1997)

Rule:	20A	Application to suspend order		30/06/1997
-------	-----	------------------------------	--	------------

Expanded Cross Reference:  
11, 12, 13, 14, 15, 16, 17

(1) Where a party to any proceedings appeals a decision of the tribunal to the court under section 30B, any party to those proceedings may apply to the tribunal to suspend the operation of any order made in the proceedings.

(2) An application under paragraph (1) shall be made by serving on the clerk, within 7 days of the filing of the notice of appeal by that party or of the receipt by that party of a copy of the notice of appeal, a notice substantially in accordance with Form 13 together with a statement in writing setting out the case he intends to make.

(3) The clerk shall, as soon as practicable, serve copies of the notice on every other party to the proceedings.

(4) A party who objects to the application may, within 14 days of the service upon him of a copy of the notice under this rule, serve on the clerk a statement setting out the grounds of his objection, and the clerk shall, as soon as practicable, serve copies of the notice on every other party to the proceedings.

(5) Rules 11 to 17 shall apply to proceedings in respect of an application under this rule as they apply to proceedings in respect of an application under rule 3. <\* Note - Exp. X-Ref.: Rules 11, 12, 13, 14, 15, 16, 17 \*>

(6) Where the tribunal, after considering the application and any representations, refuses an application under this rule, the clerk shall, as soon as practicable, serve on every party to the proceedings a copy of the tribunal's decision together with a statement of its reasons for refusal.

(L.N. 5 of 1997)

Rule:	20B	Notice of suspension		30/06/1997
-------	-----	----------------------	--	------------

Where an order of the tribunal has been suspended under rule 20 or 20A or by the court, the clerk shall serve notice of the suspension on all parties to the proceedings and, if particulars of the order have been advertised, shall cause notice of the suspension to be advertised in the same manner.

(L.N. 5 of 1997)

Rule:	21	Effect of suspension of order		30/06/1997
-------	----	-------------------------------	--	------------

If the operation of any order is suspended by the tribunal under rule 20 or by the court, then, while the order remains suspended, section 29(1) and (3) shall not have effect in relation to the order, but section 25(7)(b) (and section 26(5) to the extent that it applies section 25(7)(b) for the purposes of section 26) shall continue to have effect as if the order had not been suspended.

Rule:	22	Application of Arbitration Ordinance		30/06/1997
-------	----	--------------------------------------	--	------------

Sections 2H, 14, 16 and 19 of the Arbitration Ordinance (Cap 341) shall apply in the case of proceedings before the tribunal as they respectively apply to an arbitration where no contrary intention is expressed in the arbitration agreement.

(L.N. 35 of 1990)

Rule:	23	Costs		30/06/1997
-------	----	-------	--	------------

The costs of and incidental to any proceedings shall be in the discretion of the tribunal, which may direct that any party against whom an order for costs is made shall pay to any other party a lump sum by way of costs, or such proportion of the costs as may be just and in the last-mentioned case the tribunal may assess the sum to be paid or may direct that it be assessed by the chairman, or taxed by a Registrar of the Supreme Court.

Rule:	24	Fees		30/06/1997
-------	----	------	--	------------

The fees specified in Schedule 2 shall be payable in respect of the matters therein mentioned.

(L.N. 5 of 1997)

Rule:	25	Service of documents		30/06/1997
-------	----	----------------------	--	------------

(1) Any notice or other document required by these rules to be served on or sent to any person may be sent to him by prepaid post at his address for service, or, where no address for service has been given, at his registered office, principal place of business or last known address, and every notice or other document required to be served on or sent to the tribunal may be sent by prepaid post to the clerk at the office.

(2) Any notice or other document required to be served on a licensing body or organization which is not a body corporate may be sent to the secretary, manager or other similar officer.

(3) The tribunal or the chairman may direct that service of any notice or other document be dispensed with or effected otherwise than in the manner provided by these rules.

(4) Service of any notice or other document on a party's solicitor or agent shall be deemed to be service on such party, and service on a solicitor or agent acting for more than one party shall be deemed to be service on every party for whom such solicitor or agent acts.

Rule:	26	Time		30/06/1997
-------	----	------	--	------------

(1) The time for doing any act may whether it has already expired or not, be extended –

(a) with the leave of the tribunal or the chairman; or

(b) by the consent in writing of all parties, except where the tribunal or chairman has fixed the time by order or (if the time is prescribed by these rules) has directed that it may not be extended or further extended without leave:

Provided that the time limited under rule 19(1) shall not be extended without leave.

(2) A party in whose favour time is extended by consent under paragraph (1) shall, as soon as practicable after the necessary consents have been obtained, give the clerk written notice thereof.

(3) Where the last day for the doing of any act falls on a day on which the office is closed and by reason thereof the act cannot be done on that day, it may be done on the next day on which the office is open.

Rule:	27	Office hours		30/06/1997
-------	----	--------------	--	------------

The office shall be open at such times as the chairman may direct.

Rule:	28	Failure to comply with directions		30/06/1997
-------	----	-----------------------------------	--	------------

If any party fails to comply with any direction given, in accordance with these rules, by the tribunal or the chairman, the tribunal may, if it considers that the justice of the case so requires, direct that such party be debarred from taking any further part in the proceedings without leave of the tribunal.

Rule:	29	Power of tribunal to regulate procedure		30/06/1997
-------	----	---	--	------------

Subject to the provisions of the Act and these rules, the tribunal shall have power to regulate its own procedure.

Schedule:	1	FORMS		30/06/1997
-----------	---	-------	--	------------

[rule 2(2)]  
(L.N. 5 of 1997)

FORM 1

[rule 3(1)]

COPYRIGHT ACT 1956

COPYRIGHT (HONG KONG) ORDERS 1972 TO 1990

COPYRIGHT TRIBUNAL



Notice of Reference under section 25

To: - The Clerk

Copyright Tribunal

1. TAKE NOTICE that [name and address of organization or person making the reference] (hereinafter called "the originator") hereby refers to the tribunal the licence scheme hereinafter described, operated by the [name and address of licensing body] (hereinafter called "the licensing body"), which is a licensing body for the purposes of the Copyright Act, 1956, as extended to Hong Kong by the Copyright (Hong Kong) Orders 1972 to 1990.

2. The scheme to which this notice relates (hereinafter referred to as "the scheme") is [short description of scheme].

3. The originator is

\*[an organization claiming to be representative of persons requiring licences in cases].

\* Delete whichever is inapplicable

\*[a person claiming that he requires a licence in a case] to which the scheme applies].

\*4. The originator is an organization representing [here give particulars of the persons whom the originator claims to represent and the grounds on which it claims to represent them].

\* Delete if inapplicable

5. There are delivered herewith -

- (a) a statement setting out the originator's case in support of this reference, and
- (b) a list of the documents relevant to this reference which are, or have been, in the originator's possession.

6. All communications about this reference should be addressed to

\*[the originator at the address shown above]

\* Delete whichever is inapplicable

\*[name and address - Solicitor(s)/Agent(s) for the originator].

Signed .....

Status of signatory ≠ .....

Date .....

≠ Insert as appropriate:  
"Originator"  
"An officer of the originator"  
"Solicitor(s) for the originator"  
"Agent(s) for the originator"  
(L.N. 5 of 1997)

COPYRIGHT ACT 1956  
COPYRIGHT (HONG KONG) ORDERS 1972 TO 1990  
COPYRIGHT TRIBUNAL

*Notice of Further Reference under section 26*

To: – The Clerk

Copyright Tribunal

1. TAKE NOTICE that [*name and address of licensing body, organization or person making the further reference*] (hereinafter called "the originator") hereby refers to the tribunal the licence scheme

\*[confirmed]

\* *Delete whichever is inapplicable*

\*[varied]

by the tribunal by an order dated [ ], and bearing the reference number [ ].

2. There are delivered herewith –

(a) a statement setting out the originator's case in support of this reference, and

(b) a list of documents relevant to this reference which are, or have been, in the originator's possession.

3. All communications about this further reference should be addressed to

\*[the originator at the address shown above]

\* *Delete whichever is inapplicable*

\*[*name and address* – Solicitor(s)/Agent(s) for the originator].

Signed .....

Status of signatory ≠ .....

Date .....

≠ *Insert as appropriate:*  
"Originator"  
"An officer of the originator"  
"Solicitor(s) for the originator"  
"Agent(s) for the originator"  
(L.N. 5 of 1997)

FORM 3

[rule 3(1)]

COPYRIGHT ACT 1956

COPYRIGHT (HONG KONG) ORDERS 1972 TO 1990

COPYRIGHT TRIBUNAL

Notice of Application under section 27

To: – The Clerk

Copyright Tribunal

1. TAKE NOTICE that [name and address of person making the application] (hereinafter called "the originator") hereby applies to the tribunal under section 27 \*[(2)] \*[(3)] of the Copyright Act 1956, as extended to Hong Kong by the Copyright (Hong Kong) Orders 1972 to 1990. \* Delete whichever is inapplicable

2. The originator requires a licence [purpose for which licence is required].

3. There are delivered herewith –

(a) a statement setting out the originator's case in support of this application, and

(b) a list of documents relevant to this application which are, or have been, in the originator's possession.

4. All communications about this application should be addressed to

\*[the originator at the address shown above]

\* Delete whichever is inapplicable

\*[name and address – Solicitor(s)/Agent(s) for the originator].

Signed .....

Status of signatory ≠ .....

Date .....

≠ Insert as appropriate:  
"Originator"  
"An officer of the originator"  
"Solicitor(s) for the originator"  
"Agent(s) for the originator"  
(L.N. 5 of 1997)

FORM 4

[rule 3(1)]

COPYRIGHT ACT 1956

COPYRIGHT (HONG KONG) ORDERS 1972 TO 1990

COPYRIGHT TRIBUNAL

Notice of Application under section 27A

To: – The Clerk

Copyright Tribunal

1. TAKE NOTICE that [*name and address of person making the application*] (hereinafter called "the originator") hereby applies to the tribunal under section 27A \*[(1)] \*[(6)] of the Copyright Act 1956, as extended to Hong Kong by the Copyright (Hong Kong) Orders 1972 to 1990.

*\* Delete whichever is inapplicable*

2. There are delivered herewith –

(a) a statement setting out the originator’s case in support of this application, and

(b) a list of documents relevant to this application which are, or have been, in the originator’s possession.

3. All communications about this application should be addressed to

\*[the originator at the address shown above]

\*[*name and address* – Solicitor(s)/Agent(s) for the originator].

*\* Delete whichever is inapplicable*

Signed .....

Status of signatory ≠ .....

Date .....

*≠ Insert as appropriate:  
"Originator"  
"An officer of the originator"  
"Solicitor(s) for the originator"  
"Agent(s) for the originator"  
(L.N. 5 of 1997)*

FORM 4A

[rule 3(1)]

COPYRIGHT ACT 1956

COPYRIGHT (HONG KONG) ORDERS 1972 TO 1990

COPYRIGHT TRIBUNAL

*Notice of Application under section 41B(1)*

To: – The Clerk

1. TAKE NOTICE that [*name and address of applicant*] (hereinafter called "the originator"), being

\*[the owner of the copyright in [*describe the work or subject matter*]]

\*[the person claiming to be treated as licensed by the owner of the copyright in [*describe the work or subject matter*]]

hereby applies to the tribunal to settle the royalty or other sum payable pursuant to section 41A of the Copyright Act 1956, as extended to Hong Kong by the Copyright (Hong Kong) Orders 1972 to 1990.

2. There are delivered herewith –
  - (a) a statement setting out the originator’s case in support of this application; and
  - (b) a list of documents relevant to this application which are, or have been, in the originator’s possession.
3. All communications about this application should be addressed to

\*[the originator at the address shown above]

\*[*name and address* – Solicitor(s)/Agent(s) for the originator].

Signed .....  
 Status of signatory\*\* .....  
 Date .....

\* Delete whichever is inapplicable.

\*\* Insert as appropriate: "Originator", "An officer of the originator", "Solicitor(s) for the originator" or "Agent(s) for the originator".

(L.N. 5 of 1997)

-----  
 FORM 4B

[rule 3(1)]

COPYRIGHT ACT 1956

COPYRIGHT (HONG KONG) ORDERS 1972 TO 1990

COPYRIGHT TRIBUNAL

*Notice of Application under section 41B(3)*

To: – The Clerk

1. TAKE NOTICE that

\*[*name and address of owner of the copyright*]

\*[*name and address of person claiming to be treated as licensed by the owner of the copyright*]

(hereinafter called the "originator") hereby applies to the tribunal to vary the tribunal’s order dated [ ] and bearing the reference number [ ] in respect of the settlement of the royalty or other sum payable to [*name and address of owner of copyright in respect of the work or subject matter*].

2. There are delivered herewith –
  - (a) a statement setting out the originator’s case in support of this application; and
  - (b) a list of documents relevant to this application which are, or have been, in the originator’s possession.
3. All communications about this application should be addressed to

\*[the originator at the address shown above]

\*[*name and address* – Solicitor(s)/Agent(s) for the originator].

Signed .....

Status of signatory\*\* .....  
Date .....

\* Delete whichever is inapplicable.

\*\* Insert as appropriate: "Originator", "An officer of the originator", "Solicitor(s) for the originator" or "Agent(s) for the originator".

(L.N. 5 of 1997)

FORM 5

[rule 4(1)]

COPYRIGHT ACT 1956

COPYRIGHT (HONG KONG) ORDERS 1972 TO 1990

COPYRIGHT TRIBUNAL

*Notice of Application for Special Leave of Tribunal  
under section 26(2)*

To: - The Clerk

Copyright Tribunal

1. TAKE NOTICE that [*name and address of applicant*] (hereinafter called "the applicant") hereby applies for the special leave of the tribunal to refer again to the tribunal the licence scheme.

\*[confirmed]

\* *Delete whichever is inapplicable*

\*[varied]

by the tribunal by an order dated [ ], and

bearing the reference number [ ].

2. The applicant is

\*[the licensing body operating the scheme]

\* *Delete whichever is inapplicable*

\*[an organization claiming to be representative of persons requiring licences in cases of the class to which the said order applies]

\*[a person claiming that he requires a licence in a case of the class to which the said order applies].

3. [*Grounds on which the applicant desires to refer the scheme to the tribunal before the time mentioned in section 26(2)*].

4. All communications about this application should be addressed to

\*[the applicant at the address shown above]

\* *Delete whichever is inapplicable*

\*[*name and address* - Solicitor(s)/Agent(s) for the applicant].

Signed .....

Status of signatory ≠ .....

Date .....

≠ Insert as appropriate:  
"Applicant"  
"An officer of the applicant"  
"Solicitor(s) for the applicant"  
"Agent(s) for the applicant"  
(L.N. 5 of 1997)

FORM 6

[rule 4(1)]

COPYRIGHT ACT 1956

COPYRIGHT (HONG KONG) ORDERS 1972 TO 1990

COPYRIGHT TRIBUNAL

*Notice of Application for Special Leave of Tribunal  
under section 27A(2)*

To: - The Clerk

Copyright Tribunal

1. TAKE NOTICE that [name and address of applicant] (hereinafter called "the applicant") hereby applies for the special leave of the tribunal to make an application to it to review its order dated [ ], and bearing the reference number [ ].

2. The applicant is

\*[the licensing body operating the scheme]

\* Delete whichever is inapplicable

\*[the applicant in the proceedings in which the said order was made].

3. [Grounds on which the applicant desires to apply to the tribunal before the time mentioned in section 27A(2)].

4. All communications about this application should be addressed to

\*[the applicant at the address shown above]

\* Delete whichever is inapplicable

\*[name and address - Solicitor(s)/Agent(s) for the applicant].

Signed .....

Status of signatory ≠ .....

Date .....

≠ Insert as appropriate:  
"Applicant"  
"An officer of the applicant"  
"Solicitor(s) for the applicant"  
"Agent(s) for the applicant"  
(L.N. 5 of 1997)

FORM 6A

[rule 4(1)]

COPYRIGHT ACT 1956

COPYRIGHT (HONG KONG) ORDERS 1972 TO 1990

COPYRIGHT TRIBUNAL

*Notice of Application for Special Leave under section 41B(4)*

To: – The Clerk

1. TAKE NOTICE that [*name and address of applicant*] (hereinafter called "the applicant"), being

\*[the owner of the copyright in [*describe the work or subject matter*]]

\*[The person claiming to be treated as licensed by the owner of the copyright in [*describe the work or subject matter*]]

hereby applies for the special leave of the tribunal to make an application to it to vary its order dated [ ] and bearing the reference number [ ].

2. [*Grounds on which the applicant desires to apply to the tribunal before the time mentioned in section 41B(4)*].

3. All communications about this application should be addressed to

\*[the applicant at the address shown above]

\*[*name and address* – Solicitor(s)/Agent(s) for the applicant].

Signed .....  
Status of signatory\*\*.....  
Date .....

\* Delete whichever is inapplicable.

\*\* Insert as appropriate: "Applicant", " An officer of the applicant", "Solicitor(s) for the applicant" or "Agent(s) for the applicant".

(L.N. 5 of 1997)

FORM 7

[rule 6(1)]

COPYRIGHT ACT 1956

COPYRIGHT (HONG KONG) ORDERS 1972 TO 1990

COPYRIGHT TRIBUNAL

*Party' s Notice of Objection to Originator' s Credentials*

To: – The Clerk



Copyright Tribunal

1. TAKE NOTICE that, in connexion with the proceedings instituted by notice of reference dated [ ] and given by

[name of originator],

[name of party making the objection], being

\*[the licensing body named in the notice of reference]

\* Delete whichever is inapplicable

\*\*[a person] \*[an organization] on whom a copy of the notice of reference was served on [date of service] under rule 3 of the Copyright Tribunal Rules]

\*[an intervener in the proceedings by virtue of notice of intervention given on [date of notice of intervention]]

objects to the originator's credentials.

2. This objection is made on the grounds that [grounds on which it is contended that the originator is not reasonably representative of the class of persons it claims to represent].

Signed .....

Status of signatory ≠ .....

Date .....

≠ Insert as appropriate: "Objector" "An officer of the objector" "Solicitor(s) for the objector" "Agent(s) for the objector" (L.N. 5 of 1997)

FORM 8

[rule 6(2)]

COPYRIGHT ACT 1956

COPYRIGHT (HONG KONG) ORDERS 1972 TO 1990

COPYRIGHT TRIBUNAL

Tribunal's Notice of making of an Objection to Originator's Credentials

To: - [name of party]

1. TAKE NOTICE that, in connexion with the proceedings instituted by notice of reference dated [ ] and given by [name of originator], an objection has been made to the originator's credentials by

\*[the tribunal]

\* Delete whichever is inapplicable

\*[name of objector].

2. The objection is made on the grounds that *[grounds on which it is contended that the originator is not reasonably representative of the class of persons it claims to represent]*.

3. The arrangements for the consideration of the objection by the tribunal will be

\*[notified to you as soon as practicable]

*\* Delete whichever is inapplicable*

\*[as follows].

- 4. As from the date of this notice –
  - (i) the proceedings will be stayed, and
  - (ii) time, as limited by the Copyright Tribunal Rules for the taking of any step in the proceedings, will cease to run,

until further notice.

Signed .....  
*Clerk to the Tribunal*

Date .....

(L.N. 5 of 1997)

FORM 9

[rule 6(6)]

COPYRIGHT ACT 1956

COPYRIGHT (HONG KONG) ORDERS 1972 TO 1990

COPYRIGHT TRIBUNAL

*Notice of Disposal of Objection to Originator’ s Credentials*

To: – *[name of party]*

TAKE NOTICE that, in connexion with the proceedings instituted by notice of reference dated [ ] and given by *[name of originator]*, and with the objection to the originator’ s credentials, of which you were informed by notice dated [ ]:

\*1. *[If the tribunal has considered the objection and is satisfied of the originator’ s credentials]* \* *Delete if inapplicable*

The tribunal has considered the objection and is satisfied of the originator’ s credentials, and, accordingly as from *[date from which tribunal directs that stay is to be lifted]* –

- (i) the stay imposed on the proceedings on *[date of notice under rule 6(2)]* will cease to operate, and

(ii) time, as limited by the Copyright Tribunal Rules for the taking of any step in the proceedings, will begin to run again.

\*2. [If the tribunal has considered the objection and is not satisfied of the originator's credentials] \* Delete if inapplicable

The proceedings are determined as from the date of this notice, save for the purpose of any order the tribunal may make as to costs.

\*3. [If the objection has been withdrawn or is not proceeded with] \* Delete if inapplicable

The objection \*[has been withdrawn] \*[is not being proceeded with], and, accordingly, as from [date from which tribunal directs that stay is to be lifted] –

(i) the stay imposed on the proceedings on [date of notice under rule 6(2)] will cease to operate, and

(ii) time, as limited by the Copyright Tribunal Rules for the taking of any step in the proceedings, will begin to run again.

\*4. [If the tribunal gives any supplementary directions under rule 6(5)] \* Delete if inapplicable

The tribunal has given the following directions under rule 6(5) –

[directions given].

Signed .....  
Clerk to the Tribunal

Date .....

(L.N. 5 of 1997)

FORM 10

[rule 7(1)]

COPYRIGHT ACT 1956

COPYRIGHT (HONG KONG) ORDERS 1972 TO 1990

COPYRIGHT TRIBUNAL

Notice of Intervention

To: – The Clerk

Copyright Tribunal

1. TAKE NOTICE that [name and address of intervener] (hereinafter called "the intervener") wishes to be made a party to the \*[reference] \*[application] advertised in [name of newspaper or journal and date of issue] under reference number [ ]. \* Delete whichever is inapplicable

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

following reasons [*give reasons*].

3. All communications about this intervention should be addressed to

\*[the intervener at the address shown above]

\*[*name and address* – Solicitor(s)/Agent(s) for the intervener].

Signed .....

Status of  
signatory ≠ .....

Date .....

≠ *Insert as appropriate:*  
"Intervener"  
"An officer of the intervener"  
"Solicitor(s) for the intervener"  
"Agent(s) for the intervener"  
(L.N. 5 of 1997)

FORM 11

[rule 8(1)]

COPYRIGHT ACT 1956

COPYRIGHT (HONG KONG) ORDERS 1972 TO 1990

COPYRIGHT TRIBUNAL

*Party' s Notice of Objection to Intervener' s Credentials*

To: – The Clerk

Copyright Tribunal

1. TAKE NOTICE that, in connexion with the proceedings instituted by notice of \*[reference] \*[application] dated [ ] and given by [*name of originator*], and with the notice of intervention in these proceedings given by [*name of intervener*] and dated [ ],

*\* Delete whichever is inapplicable*

[*name of party making the objection*], being

\*[the originator]

\*[the licensing body named in the notice of \*[reference] \*[application]]

[\*[a person] \*[an organization] on whom a copy of the notice of reference has been served under rule 3 of the Copyright Tribunal Rules]

\*[an intervener in the proceedings by virtue of a notice of intervention dated ],

objects to the intervener' s credentials.

2. A copy of the notice of intervention was served on the objector on [*date*].

3. This objection is made on the grounds that [*grounds on which it is contended that the intervener has no substantial interest in the matter in dispute*].

Signed .....

Status of signatory ≠ .....

Date .....

≠ *Insert as appropriate:*  
"Objector"  
"An officer of the objector"  
"Solicitor(s) for the objector"  
"Agent(s) for the objector"  
(L.N. 5 of 1997)

FORM 12

[rule 8(3)]

COPYRIGHT ACT 1956

COPYRIGHT (HONG KONG) ORDERS 1972 TO 1990

COPYRIGHT TRIBUNAL

*Tribunal's Notice of Objection to Intervener's Credentials*

To: - [*name of intervener*]

1. TAKE NOTICE that, in connexion with the proceedings instituted by notice of \*[reference] \*[application] dated [ ] and given by [*name of originator*], and with your notice of intervention in those proceedings dated [ ], the tribunal objects to your credentials.

\* *Delete whichever is inapplicable*

2. This objection is made on the grounds that [*grounds on which it is contended that the intervener has no substantial interest in the matter in dispute*].

3. Unless the chairman otherwise directs, the objection will be considered by the tribunal at the same time as the \*[reference] \*[application].

\* *Delete whichever is inapplicable*

Signed .....  
*Clerk to the Tribunal*

Date .....

(L.N. 5 of 1997)

FORM 13

[rule 20A]

COPYRIGHT ACT 1956

COPYRIGHT (HONG KONG) ORDERS 1972 TO 1990

COPYRIGHT TRIBUNAL

*Notice of Application to Suspend Order of Tribunal under rule 20A(1)*

To: – The Clerk

1. TAKE NOTICE that [name and address of applicant] (hereinafter called "the applicant"), being a party to the proceedings on the \*reference/application/appeal [specify the proceedings] hereby applies to the tribunal to suspend the operation of the tribunal's order dated [ ] and bearing the reference number [ ].

2. There are delivered herewith –  
 (a) a statement setting out the applicant's case in support of this application; and  
 (b) a list of documents relevant to this application which are, or have been, in the applicant's possession.

3. All communications about this application should be addressed to

\*[the applicant at the address shown above]

\*[name and address – Solicitor(s)/Agent(s) for the applicant].

Signed .....  
 Status of signatory\*\*.....  
 Date .....

\* Delete whichever is inapplicable.

\*\* Insert as appropriate: "Applicant", "An officer of applicant", "Solicitor(s) for the applicant" or "Agent(s) for the applicant". 璿

(L.N. 5 of 1997)

Schedule:	2	FEES		30/06/1997
-----------	---	------	--	------------

[rule 24]  
 (L.N. 5 of 1997)

In this Schedule "Registry" means the Registry of the District Court.

Item	Particular	Fee \$
<b>General</b>		
1.	On serving notice in Form 1, 2, 3, 4, 4A, 4B, 5, 6, 6A, 7, 10, 11 or 13 (L.N. 5 of 1997)	630
2.	On every interlocutory application .....	630
3.	On a request for the reference of a question of law to the court .....	In each case \$1045

**Copies, Translations and Searches**

4.	(a) Copy of documents typed in the Registry and certifying the same, per page .....	36
	(b) Additional copies, per page .....	4
5.	(a) Photostatic copy of a document made in the Registry, per page .....	4

(b) Photostatic copy and certification, per page .....	5.5
6. Translation made in the Registry of a document from Chinese into English or vice versa, including certificate, per page .....	72
7. Certifying translations made outside the Registry, from Chinese into English or vice versa, per page .....	36
8. Search in the Registry, for each document or file referred to or required .....	18

**Service**

9. Service of a copy of a notice or a document by the clerk on each party, per document ..	83
10. Service of a notice by advertisement in a newspaper .....	A sum equivalent to the cost of the advertisement plus 20%

**Taxation of Costs**

11. On the taxation of a bill of costs or any assessment for every \$100 or fraction of \$100 of the amount allowed .....	5
	(L.N. 106 of 1991; L.N. 310 of 1992; L.N. 102 of 1994)