

Copyright (Proceedings before the Controller) Rules, 1964

(No. 204, of August 11, 1964)

1. – These Rules may be cited as the Copyright (Proceedings before the Controller) Rules, 1964.

2. – These Rules shall come into operation on the 1st day of October, 1964.

3. – In these Rules:

“the Act” means the Copyright Act, 1963 (No. 10 of 1963);

“petitioner” means:

- (a) in the case of proceedings before the Controller under section 31 of the Act, the person by whom the matter to which the proceedings relate was referred to the Controller;
- (b) in the case of a licence scheme referred to the Controller under section 32 or 33 of the Act, the person, licensing body or organisation by whom or by which the scheme was referred to the Controller, and
- (c) in the case of an application to the Controller under section 34 of the Act, the applicant;

“respondent” means:

- (a) in the case of proceedings before the Controller under section 31 of the Act, the person with whom the petitioner is in dispute;
- (b) in the case of a reference of a licence scheme to the Controller under section 32 of the Act, the licensing body operating the scheme;
- (c) in the case of a licence scheme referred to the Controller under section 33 of the Act, each person who and each licensing body or organisation (other than the petitioner) which was a party to the first or previous reference of the scheme;
- (d) in the case of an application for a licence under subsection (3) of section 34 of the Act, the licensing body to whom application for the licence to which the application relates was made;
- (e) in the case of an application under subsection (4) of section 34 of the Act, the licensing body having power to grant the licence to which the application relates.

4. –

(1) Where any reference or application is made to the Controller under section 31, 32, 33 or 34 of the Act, the petitioner shall send a statement of his case in duplicate to the Controller together with the appropriate fee specified in the Schedule to these Rules (or evidence of payment thereof).

(2) The statement of case referred to in paragraph (1) of this Rule shall set out fully the nature of the petitioner’s interest, the facts on which he bases his case and the relief which he seeks.

5. – In the case of references under sections 32 and 33 or applications under subsection (3) of section 34 of the Act, the petitioner shall, in addition to the items specified in Rule 4 of these Rules, send to the Controller a copy of the licence scheme in respect of which the reference or application is made.

6. – Upon receipt by the Controller of a statement of case sent to him pursuant to Rule 4 or 5 of these Rules, the Controller shall send forthwith a copy of the statement of case to the respondent.

7. – Within one month from the receipt of the copy of the statement of case sent to him pursuant to Rule 6 of these Rules, the respondent shall, if he intends to contest the case, send to the Controller a counter-statement in duplicate setting out the grounds on which the case is contested and those he relies on in his support and what facts, if any, alleged in the petitioner’s statement of case he admits together with the appropriate fee specified in the Schedule to these Rules (or evidence of payment thereof). The Controller shall send forthwith a copy of the counter-statement to the petitioner.

8. – Where a licence scheme is referred to the Controller by an organisation under section 32 of the Act, the organisation shall furnish to the Controller such evidence as he thinks fit to require to satisfy him that the organisation is reasonably representative of the class of persons which it claims to represent.

9. – An intended applicant for the special leave of the Controller under subsection (2) of section 33 of the Act in relation to the reference of a licence scheme to the Controller shall notify the Controller and the other parties to the previous reference of the scheme to the Controller and pay to the Controller the appropriate fee specified in the Schedule to these Rules or furnish to him evidence of payment thereof.

10. – Where a person or organisation (in this Rule referred to as the applicant) applies to the Controller under subsection (3) of section 32 or subsection (5) of section 34 of the Act to be made a party to a reference to the Controller:

- (a) the applicant shall furnish to the Controller such evidence as the Controller thinks fit to require to satisfy him that the applicant has a substantial interest in the matter in dispute and pay to the Controller the appropriate fee specified in the Schedule to these Rules or furnish to him evidence of payment thereof, and
- (b) the Controller may, after hearing the applicant if necessary, refuse the application or grant it upon such conditions and terms as he shall think fit and may require the applicant to give an undertaking to pay any costs which he may award against him.

11. –

(1) A licensing body operating a licence scheme referred to the Controller under section 32 or 33 of the Act by an organisation claiming to be representative of persons requiring licences may object to the reference on the ground that the organisation is not reasonably representative of the class of persons it claims to represent.

(2) A licensing body, organisation or person at whose instance a reference under section 32 or 33 of the Act or an application under section 34 of the Act is made or a licensing body operating a licence scheme referred to the Controller under the said section 32 or 33 or named in an application under the said section 34 may object to an application by an organisation or person to be made a party to the proceedings on the ground that such organisation or person has not a substantial interest in the matter in dispute.

(3) A licensing body, organisation or person proposing to object under paragraph (1) or (2) of this Rule shall notify the Controller and the organisation or person making the reference or application, as the case may be, of the objection and pay to the Controller the appropriate fee specified in the Schedule to these Rules or furnish to him evidence of the payment thereof.

12. – The Controller may fix such times as he thinks fit for the submission to him of any evidence, statement or counter-statement which he may require in an application or reference to him, and may fix times at which he will hear parties to a dispute, application or reference, and the Controller may alter, as he thinks fit, the times fixed by him.

13. – The Controller shall give not less than ten days notice to the parties to a dispute, application or reference (unless they consent to the giving of shorter notice) of the time fixed under the preceding rule for hearing the parties, and:

- (a) any party who intends to appear shall notify the Controller and pay the appropriate fee specified in the Schedule to these Rules within seven days after the giving of the notice aforesaid, and
- (b) any party who does not notify the Controller as aforesaid may be treated as not wishing to appear and the Controller may act accordingly.

14. – Every party to proceedings before the Controller under section 31, 32, 33 or 34 of the Act shall furnish to the Controller an address for service within the State.

15. – An application, reference, communication to, or attendance on, the Controller under the Act or these Rules may be made by an agent who resides or has a place of business in the State and is duly authorised by the person on whose behalf the application, reference, communication or attendance is made, and where a document relating to any such application, reference, communication or attendance is served upon or addressed to an agent authorised as aforesaid, the document shall be deemed to be served upon or addressed to the person by whom he is so authorised.

16. – The fees to be paid in relation to proceedings before the Controller under the Act shall be those specified in the Schedule to these Rules.

17. –

(1) Save as provided in paragraph (2) of this Rule, payment of a fee or fees by any person shall be made:

- (a) by lodgment of the sum at any branch in the State of the Bank of Ireland to the credit of the Paymaster-General's Supply Account at the Bank of Ireland, College Green, Dublin 2, accompanied by a Receivable Order in the form to be obtained from the Controller, the lower part of which, when receipted by the Bank, shall be presented to the Controller, or
- (b) by a cheque payable to the Minister, crossed "& Co.," guaranteed to the satisfaction of the Controller and drawn on any bank carrying on business in the State which shall be presented at the Office.

(2) Payment of a fee or fees by a person who, at the date of the payment, is outside the State shall be made by banker's draft or Post Office Money or Postal Order payable to the Minister and crossed "& Co." which shall be sent by post to the Controller.

The fees prescribed by the foregoing Rules are hereby sanctioned by the Minister for Finance.

SCHEDULE

Fees payable in respect of proceedings before the Controller under the Copyright Act, 1963

	£	s.	d.
On a reference specified in Rule 4	3	0	0
On lodgment of counter-statement under Rule 7	2	0	0
On application to be made a party specified in Rule 10	2	0	0
On notification of intention to attend a hearing by any party under Rule 13	3	0	0
On application for special leave to make a further reference specified in Rule 9	2	0	0
On an objection specified in Rule 11 to a reference or to the joining of a party on grounds that applicant is not fully representative	0	10	0

EXPLANATORY NOTE

(This Note is not part of the instrument and does not purport to be a legal interpretation)

These rules prescribe the procedure to be followed in hearings before the Controller in relation to certain matters arising under the Copyright Act, 1963.