

COPYRIGHT (LICENSING) REGULATIONS 2000

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COPYRIGHT (LICENSING) REGULATIONS 2000*

IN exercise of the powers conferred by sections 35 and 59 of the Copyright Act 1987 [Act 332], the Minister makes the following regulations:

PART I

PRELIMINARY

1. Citation and commencement.

(1) These regulations may be cited as the **Copyright (Licensing) Regulations 2000**.

(2) These Regulations shall come into operation on 1 July 2000.

2. Interpretation.

In these Regulations, unless the context otherwise requires—

“Act” means the Copyright Act 1987;

“Court” means the High Court;

“Applicant” means the person or organization or operator of a licensing scheme as identified under Part IVA of the Act who is authorized to make and has made a reference or application to the Tribunal under the respective provisions of the Act;

“Respondent” means any person who has been named by the Applicant as the other party to the proceedings;

“Chairman” means the Chairman of the Tribunal or the Deputy Chairman or any other member of the Tribunal who is the chairman presiding in any proceedings before the Tribunal;

“proceedings” means proceedings relating to a reference or an application before the Tribunal;

“Secretary” means the Secretary to the Tribunal;

“Tribunal” means the Copyright Tribunal.

3. Prescribed fees.

The fees to be paid under these Regulations shall be as prescribed in the First Schedule.

4. Forms.

The forms referred to in these Regulations are those contained in the Second Schedule.

5. Time and place of proceedings.

The Tribunal shall hold its proceedings at such time and place as the Chairman may direct.

PART II

REFERENCES AND APPLICATIONS WITH RESPECT TO LICENSING SCHEMES

6. Commencement of proceedings.

(1) Every reference or an application to the Tribunal with respect to a licensing scheme shall be commenced by the service on the Secretary by the party making the reference or application (“the Applicant”) of a notice—

(a) in Form 1 in the case of a reference under section 27B or 27C or the Act; or

(b) in Form 2 in the case of an application under section 27E of the Act.

(2) The Applicant shall submit together with Form 1 or Form 2, whichever is applicable, a statement of the Applicant’s case.

(3) Form 1 or Form 2 shall be submitted in two copies to the Secretary together with the prescribed fees.

(4) The Secretary shall within fourteen days after being served with Form 1 or Form 2 together with the statement of the Applicant’s case and the prescribed fees, serve a copy of Form 1 or Form 2, whichever is applicable, and the statement of the Applicant’s case to the other party named in the Form (“the Respondent”).

7. Proceedings under section 27B of the Act.

(1) In the case of a reference under section 27B of the Act, the Tribunal shall within fourteen days after being served with Form 1 together with the statement of the Applicant’s case and the prescribed fees, decide whether to entertain the reference and may for that purpose, at its discretion, allow representations in writing to be made by the parties and if, after considering the reference and representations (if any), the Tribunal—

(a) decides to entertain the reference, regulations 9 to 16 shall apply, and in making such decision, the Tribunal may also make any order as to costs as it thinks fit; or

(b) declines to entertain the reference, it shall direct that no further proceedings shall be taken by any party in connection with the reference, otherwise than in relation to any order for costs which the Tribunal may make under regulation 29.

(2) The decision of the Tribunal shall be in writing and shall include a statement of its reasons, and the Secretary shall, within fourteen days of the decision of the Tribunal, serve a copy thereof on the parties.

8. Reference or application under section 27D or 27F of the Act.

(1) A reference or an application under subsection 27D(1) or 27F(1) of the Act not requiring special leave of the Tribunal under subsection 27D(2) or 27F(2) of the Act shall be commenced by the service on the Secretary by the party making the reference or the application (“the Applicant”) of a notice—

(a) in Form 1 in the case of a reference under section 27D of the Act;
or

(b) in Form 2 in the case of an application under section 27F of the Act.

(2) After complying with subregulation (1), subregulations 6(2) to (4) shall apply.

(3) A reference or an application under subsection 27D(1) or 27F(1) of the Act requiring special leave of the Tribunal under subsection 27D(2) or 27F(2) of the Act shall be made by service on the Secretary by the party making the application (“the Applicant”) of a notice in Form 3 and after this subregulation has been complied with, subregulations (4) to (7) shall apply.

(4) Form 3 shall be served on the Secretary in two copies with a statement of the grounds for the application for special leave and the prescribed fees.

(5) Within fourteen days after the service of Form 3 on the Secretary together with the statement of the grounds for the application for special leave and the prescribed fees, the Secretary shall serve on the party to the previous reference or application (“the Respondent”) a copy of Form 3 and the statement of the grounds for the application for special leave.

(6) Within fourteen days of the service upon the Respondent of Form 3 together with the grounds for the application for special leave, the Respondent may make representations in writing to the Tribunal regarding the application for special leave, and the Respondent shall serve a copy of any such representations on the Applicant and inform the Secretary of the date of such service.

(7) The Tribunal, after considering the application for special leave and the representations made by the Respondent, if any, and if the Tribunal considers it necessary, after having given the parties an opportunity to be heard, shall grant or dismiss the application for special leave with such order as to costs as the Tribunal thinks fit.

(8) The decision of the Tribunal shall be in writing and shall include a statement of its reasons, and the Secretary shall, within fourteen days of the decision of the Tribunal serve a copy of the decision on the parties.

(9) If the Tribunal grants the application for special leave, the Applicant shall commence the making of the reference or application by serving on the Secretary a notice—

- (a) in Form 1 in the case of a reference under subsection 27D(1) of the Act; and
- (b) in Form 2 in the case of an application under subsection 27F(1) of the Act,

and after complying with this subregulation, subregulations 6(2) to (4) shall apply.

9. Answer by Respondent.

- (1) After the service on the Respondent of—
 - (a) Form 1 or Form 2 together with the statement of the Applicant's case under regulation 6 or 8; or
 - (b) the decision of the Tribunal under subregulation 7(2) to entertain the reference under paragraph 7(1)(a),

the Respondent shall, within such time as is determined by the Chairman, serve on the Secretary two copies of the written answer to the statement of the Applicant's case.

(2) The Secretary shall serve a copy of the answer of the Respondent on the Applicant within fourteen days of the service of the answer of the Respondent on the Secretary.

10. Amendment of statement of case or answer.

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

(2) On being served with an amended statement of case or answer, the Secretary shall, within fourteen days of the service, serve a copy thereof on the other party.

(3) No amended statement of case or answer shall, without the leave of the Chairman, be served after such other date as the Chairman may direct under paragraph 11(3)(c).

11. Chairman's directions.

(1) Upon the expiration of fourteen days of the service under subregulation 9(2), the Chairman shall appoint a date, time and place for the attendance of the parties for the purpose of the giving of directions by the Chairman as to the further conduct of the proceedings.

(2) The Secretary shall give notice of the appointed date, time and place to the parties not less than fourteen days before such appointed date.

(3) On the appointed day, the Chairman shall afford every party attending the appointment an opportunity of being heard and, after considering any representations made orally or in writing, give such directions as the Chairman 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, time and place of any oral hearing requested by any party or which the Chairman for any reason considers necessary, and the procedure (including the number of representative each party may appoint for the purpose of such hearing) and the timetable (including the allocation of time for the making of representations by each party) to be followed at the hearing;
- (b) the procedure to be followed with regard to the submission and exchange of written arguments;
- (c) the date after which no amended statement of the Applicant's case or answer may be served without leave;
- (d) the preparation and service by each party of a schedule setting out the issues to be determined by the Tribunal and brief particulars of the contentions of each party in relation thereto;
- (e) the admission of any facts or documents and the discovery and inspection of documents.
- (f) the giving of evidence on affidavit; or
- (g) any preliminary issues to be decided.

(4) The Chairman may postpone or adjourn to a later date to be appointed by the Chairman for the giving of any directions under this regulation and, within fourteen days after directions have been given under this regulation the Chairman may, whether or not any application on that behalf has been made under regulation 12, give such further directions as the Chairman thinks fit.

(5) If any party fails to comply with any directions given or order made under this regulation, the Chairman may, without prejudice to the making of any order under regulation 33, give such consequential directions as may be necessary and may order such a party to pay any costs occasioned by its default.

12. Application for directions.

(1) A party may, at any stage of the proceedings, apply to the Tribunal for directions with respect to any issue or other matter in the proceedings and every such application for directions shall be disposed of by the Tribunal.

(2) The application for directions shall be made by the service of a notice on the Secretary stating the grounds upon which it is made and unless the notice is accompanied by the written consent of the other party to the proceedings, the party making the application for directions shall serve a copy of the application for directions on the other party to the proceedings and inform the Secretary of the date of such service.

(3) If any party objects to the application for directions, that party may, within fourteen days after being served with the copy thereof, serve a notice of objection stating the grounds of objection on the Secretary and that party making the objection shall serve a copy of the same on the party making the application for directions and inform the Secretary of the date of such service.

(4) After considering the application for directions and any objection thereto and, if the Tribunal considers necessary, after having given all parties concerned an opportunity of being heard, the Tribunal may make such order in the matter as it thinks fit and give such consequential directions as may be necessary.

(5) If any party fails to comply with any directions given or order made under this regulation, the Tribunal may, without prejudice to the making of an order under regulation 33, give such consequential directions as may be necessary and may order such a party to pay any costs occasioned by its default.

13. Consolidation of proceedings.

Where there is pending before the Tribunal more than one reference under section 27B, 27C or 27D of the Act, or more than one application under section 27E or 27F of the Act relating to the same licensing scheme, the Tribunal may if it thinks fit, either on its own motion or on an application made under regulation 12, order that some or all of the references or applications, as the case may be, be considered together, and may give such consequential directions as may be necessary.

14. Procedure and evidence at hearing.

(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, to address the Tribunal, to give evidence and call witnesses.

(2) Except where the Tribunal otherwise orders in the case of an application for directions under regulation 12, the hearing shall be in public.

(3) Evidence before the Tribunal shall be given orally or, if the parties so agree or if the Tribunal 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.

(4) This regulation shall not apply to regulation 11.

15. Representation and right of audience.

(1) A party may at any stage of the proceedings appoint some other person to act as agent for him in the proceedings.

(2) An agent under subregulation (1) may be either an advocate and solicitor or any other person allowed by the Tribunal.

(3) The appointment of an agent shall be made in writing and shall not be effective until notice has been served on the Secretary, and a copy of the same has been served on the party and the Secretary being informed of the date of such service.

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

(5) For the purpose of service on a party of any document, or the taking of any steps required by these Regulations, an agent appointed by a party shall continue to have authority to act for such a party until the Secretary and every other party in the proceedings have been served with the notice of termination of the agent's appointment.

16. Withdrawal of reference or application.

(1) An Applicant may withdraw his reference or application made under regulation 6, 7 or 8 at any time before it has been finally disposed of by serving a notice on the Secretary, 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 of withdrawal.

(2) The Applicant shall serve a copy of the notice of withdrawal on the other party to the proceedings and inform the Secretary of the date of such service.

(3) Any party to the proceedings upon whom a copy of the notice of withdrawal is served under this regulation may, within fourteen days of such service, apply to the Tribunal for an order that, notwithstanding such withdrawal, such reference or application should proceed to be determined by the Tribunal, and if the Tribunal decides, at its discretion, to proceed with such reference or application, it may for that purpose substitute such party as the Applicant to the proceedings, and give such consequential directions as may be necessary.

17. Final decision of the Tribunal.

(1) The final decision of the Tribunal on a reference or an application made under this Part shall be given in writing and shall include a statement of the Tribunal's reasons.

(2) Where the final decision of the Tribunal relates to a reference or application under section 27D or 27F of the Act and the final decision of the Tribunal has varied the licensing scheme, there shall be annexed to the final decision a copy of the scheme as so varied, and the Secretary shall within three days of the final decision of the Tribunal serve on the parties to the proceedings a copy of the final decision of the Tribunal.

18. Publication of decision.

The Secretary shall cause a copy of the final decision of the Tribunal to be made available at the office for public inspection during office hours and if the Chairman so directs, shall cause to be advertised, in such manner as the Chairman thinks fit, brief particulars of the final decision.

19. Effective date.

Except where the operation of the order is suspended under regulation 26 or 27, the order of the Tribunal shall take effect from such date and shall remain in force for such period specified in the order.

PART III

REFERENCES AND APPLICATIONS WITH RESPECT TO LICENSING BY
LICENSING BODIES**20. Commencement of proceedings.**

(1) Every reference or application to the Tribunal with respect to licensing shall be commenced by the service on the Secretary by the party making the application ("the Applicant") of a notice in Form 4 in the case of a reference under section 27i or 27j of the Act.

(2) The Applicant shall submit together with Form 4 a statement of the Applicant's case.

(3) Form 4 shall be submitted in two copies with the Secretary together with the prescribed fees.

(4) The Secretary shall within fourteen days after being served with Form 4 together with the statement of the Applicant's case and the prescribed fees, serve a copy of Form 4 and the statement of the Applicant's case to the other party named in the Form ("the Respondent").

21. Proceedings under section 27i of the Act.

(1) In the case of a reference under section 27i of the Act the Tribunal shall, within fourteen days after being served with Form 4 together with the statement of the Applicant's case and the prescribed fees, decide whether to entertain the reference and may for that purpose, at its discretion, allow representations in writing to be made by the parties and if, after considering the reference and representations (if any) the Tribunal—

- (a) decides to entertain the reference, regulations 9 to 16 shall apply with the necessary modifications and in making such decision, the Tribunal may also make any order as to costs as it thinks fit; or
- (b) declines to entertain the reference, it shall direct that no further proceedings shall be taken by any party in connection with the reference, otherwise than in relation to any order for costs which the Tribunal make under regulation 29.

(2) The decision of the Tribunal shall be in writing and shall include a statement of its reasons, and the Secretary shall, within fourteen days of the decision of the Tribunal, serve a copy thereof on the parties.

22. Application under section 27k of the Act.

(1) An application under subsection 27k(1) of the Act not requiring special leave of the Tribunal under subsection 27k(2) of the Act shall be commenced by the service on the Secretary by the party making the application a notice in Form 5.

(2) After complying with subregulation (1), subregulations 20(2) to (4) shall apply with the necessary modifications.

(3) An application under subsection 27κ(1) of the Act requiring special leave of the Tribunal under subsection 27κ(2) of the Act shall be made by service on the Secretary by the party making the application (“the Applicant”) of a notice in Form 3 and after this subregulation has been complied with subregulations (4) to (7) shall apply.

(4) Form 3 shall be served on the Secretary in two copies with a statement of the grounds for the application for special leave and the prescribed fees.

(5) Within fourteen days after the service of Form 3 on the Secretary together with the statement of the grounds for the application for special leave and the prescribed fees, the Secretary shall serve on the party to the previous reference (“the Respondent”) a copy of Form 3 and the statement of the grounds for the application for special leave.

(6) Within fourteen days of the service upon the Respondent of Form 3 together with the grounds for the application for special leave, the Respondent may make representations in writing to the Tribunal regarding the application for special leave, and the Respondent shall serve a copy of any such representations on the Applicant and inform the Secretary of the date of such service.

(7) The Tribunal, after considering the application for special leave and the representations, if any, and if the Tribunal considers it necessary, after having given the parties an opportunity of being heard, shall grant or dismiss the application for special leave with such order as to costs as the Tribunal thinks fit.

(8) The decision of the Tribunal shall be in writing and shall include a statement of its reasons, and the Secretary shall, within fourteen days of the decision of the Tribunal serve a copy of the decision on the parties.

(9) If the Tribunal grants the application for special leave, the Applicant shall commence the making of the application under subsection 27κ(1) of the Act by serving on the Secretary a notice in Form 5, and after complying with this subregulation, subregulations 6(2) to (4) shall apply with the necessary modifications.

23. Answer by Respondent.

(1) After the service on the Respondent of—

(a) Form 4 together with the statement of the Applicant’s case under regulation 20; or

(b) the decision of the Tribunal under subregulation 21(2) to entertain the reference under paragraph 21(1)(a),

the Respondent shall within such time as is determined by the Chairman, serve on the Secretary two copies of the written answer to the statement of the Applicant’s case.

(2) The Secretary shall serve a copy of the answer of the Respondent on the Applicant within fourteen days of the service of the answer of the Respondent on the Secretary.

24. Regulations 10 to 16 to apply with necessary modifications.

After regulation 23 has been complied with, regulations 10 to 16 shall apply with the necessary modifications.

25. Final decision of Tribunal.

(1) The final decision of the Tribunal on a reference or an application under this Part shall be given in writing and shall include a statement of the Tribunal's reasons and there shall be annexed to the decision a copy of the order and, where the Tribunal has varied a previous order, a copy of that order as varied.

(2) The Secretary shall, within three days of the final decision of the Tribunal serve on the parties a copy of the final decision of the Tribunal.

(3) Regulations 18 and 19 shall apply to this Part.

PART IV

REFERENCE TO THE COURT FROM DECISION OF TRIBUNAL

26. Notice of reference to Court.

(1) The party making the reference to the Court on a question of law shall within fourteen days of the final decision of the Tribunal serve on the Secretary a notice in Form 6, together with the prescribed fees, and shall also serve a copy thereof on every party to the proceedings.

(2) On receipt of the reference by the Secretary, the Tribunal may on its own motion suspend the operation of any order contained in its decision and shall, if an order is so suspended, within fourteen days from its decision to suspend the order, cause notice of the same to be served on every person affected by the suspension.

27. Application for suspension of order.

(1) A party to the proceedings ("the Applicant") may, pending the determination of a reference under subregulation 26(1), apply to the Tribunal to suspend the operation of an order made by serving on the Secretary a notice in Form 7 with the prescribed fees.

(2) The Applicant shall within fourteen days of the service of Form 7 on the Secretary, serve a copy of Form 7 together with a statement of the grounds for suspension on the other party to the proceedings ("the Respondent") and inform the Secretary of the date of such service.

(3) Within fourteen days of the service of the notice under subregulation (2) together with the statement of the grounds for suspension, the Respondent shall serve on the Secretary a statement setting out the grounds of objection to the Applicant's case, and shall also serve a copy of the grounds of objection to the Applicant and inform the Secretary of the date of such service.

(4) The Tribunal, after considering the application and any representation, may refuse or allow the application for suspension.

(5) If the Tribunal, after consideration of the application and any representation, refuses the application to suspend the operation of its order, the Secretary shall within fourteen days of the decision to refuse the application, serve on the parties to the proceedings a copy of the Tribunal's decision together with a statement of the Tribunal's reasons for refusal.

(6) If the Tribunal allows the application, the Secretary shall serve a notice of the suspension on the parties, and if particulars of the order have been advertised, shall cause notice of the suspension to be advertised in the same manner, and regulation 18 shall apply with regard to the publication of the decision.

28. Effect of order.

If the operation of any order is suspended under regulation 26 or 27, then while the order remains suspended, sections 27G and 27L of the Act shall not have effect in relation to the order.

PART V

MISCELLANEOUS AND GENERAL

29. Costs.

(1) The Tribunal may, at its discretion, at any stage of the proceedings make any order it thinks fit in relation to the payment of costs by any party in respect of the whole or part of the proceedings.

(2) Any party against whom an order for costs is made shall, if the Tribunal so directs, pay to any other party a lump sum by way of costs, or such proportion of the costs as may be just.

30. Service of documents.

(1) Any notice or other document required by these Regulations to be served on any person may be sent to him by prepaid post at his last 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 the Secretary may be sent by pre-paid post to the Secretary's 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 of the body or organization.

(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 Regulations.

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

31. Date of service.

The date on which any document has been left or tendered or posted in accordance with regulation 30 shall be the date of service of such document.

32. Time.

(1) Except in the case of the time limit imposed under subregulation 26(1), the time for doing any act may (whether it has already expired or not) be extended with the leave of the Chairman or the Tribunal.

(2) 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.

33. Failure to comply with directions.

If any party fails to comply with any directions given in accordance with these Regulations by the Tribunal or the Chairman, the Tribunal may, if it considers that the justice of the case so requires, order that such party be debarred from taking any further part in the proceedings without leave of the Tribunal.

34. Procedure where no provision is made.

Subject to the provisions of the Act and these Regulations, the Tribunal shall adopt such procedure as it thinks fit and proper.

FIRST SCHEDULE

FEES

(Regulation 3)

	<i>Proceedings</i>	<i>Forms</i>	<i>Fees (RM)</i>
1.	Filing of notice of reference in respect of licensing scheme under section 27B, 27C or 27D of the Act	1	300
2.	Filing of notice of application in respect of licensing scheme under section 27E or 27F of the Act	2	300

	<i>Proceedings</i>	<i>Forms</i>	<i>Fees (RM)</i>
3.	Filing of notice of application for special leave under subsection 27D(2), 27F(2) or 27K(2) of the Act	3	300
4.	Filing of notice of reference in respect of licence under section 27I or 27J of the Act	4	300
5.	Filing of notice of application for review under section 27K of the Act	5	300
6.	Filing of reference to Court under section 30A of the Act	6	300
7.	Filing of notice of application to suspend order of Tribunal	7	300
8.	Filing of application for directions	—	50

SECOND SCHEDULE
(Regulation 4)

FORMS

COPYRIGHT ACT 1987

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FORM 1

NOTICE OF REFERENCE UNDER SECTION 27B, 27c or 27D
[Paragraphs 6(1)(a) and 8(1)(a) and (9)(a)]

To,

The Chairman,
Copyright Tribunal,

.....
.....

1. TAKE NOTICE that

*** Reference under section 27B**

Whereas
[state name and address of *organization*] (“the Applicant”), being representative of persons claiming that they require licences [describe case(s) for which licence is required] to which the licensing scheme proposed (specified below) would apply;

*** Reference under section 27c**

Whereas.....
*[state name and address of *person*] (“the Applicant”) claims that a licence [describe case for which licence is required] is required

*[state name and address of *organization*] (“the Applicant”), being representative of persons claiming that they require licences [describe case(s) for which licence is required] to which the licensing scheme (specified below) applies;

*** Reference under section 27D**

Whereas
[*state name and address of *operator of scheme*] (“the Applicant”), is the operator of the scheme (specified below);

*[state name and address of *person*] (“the Applicant”) claims that a licence [describe case for which licence is required] is required to which the licensing scheme (specified below) applies;

*[state name and address of *organization*] (“the Applicant”), being representative of persons claiming that they require licences [describe case(s) for which licence is required] to which the licensing scheme (specified below) applies;

the Applicant hereby refers to the Tribunal the licensing scheme, particulars of which are—

.....
.....
[state name and address of operator of scheme and the scheme]

*as confirmed/varied by the Tribunal by an Order dated
and bearing the reference number

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

3. There is delivered herewith a statement of the Applicant’s case.

4. All communications about this reference should be addressed to

*[the Applicant at the address shown above]

*[name and address of Applicant’s agent].

5. The name and address of the Respondent is

Date.....

.....
(*Applicant/officer of Applicant/agent)

*Delete whichever is inappropriate.

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FORM 2

NOTICE OF APPLICATION UNDER SECTION 27E or 27F

[Paragraph 6(1)(b) and 8(1)(b) and (9)(b)]

To,

The Chairman,
Copyright Tribunal,

.....
.....

1. TAKE NOTICE that

*[name and address of person]

*[name and address of operator of licensing scheme]

("the Applicant") hereby applies to the Tribunal in connection with the licensing scheme (specified below)—

***Application under section 27E**

*being in a case covered by the scheme, for the grant of licence in connection with the scheme which the operator of the scheme has *refused/failed to grant or procure the grant/has refused/failed to grant or procure the grant within a reasonable time/has proposed terms for a licence which are unreasonable.

*being a case excluded from the scheme, the operator of the scheme has *refused to grant or procure the grant of a licence/has failed to do so within a reasonable time/has proposed terms for a licence which are unreasonable.

***Application for review under section 27F**

*for review of its Order dated.....and bearing the reference number.....

2. The particulars of the licensing scheme are [name and address of operator of scheme and the case covered or excluded by the scheme].

3. Description of the case for which a licence is required.....

4. There is delivered herewith a statement of the Applicant's case.

5. All communications about this reference should be addressed to

*[the Applicant at the address shown above]

*[name and address of Applicant's agent].

6. The name and address of the Respondent is.....

Date.....

.....
(*Applicant/officer of Applicant/agent)

*Delete whichever is inappropriate.

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FORM 3

APPLICATION FOR SPECIAL LEAVE UNDER SECTIONS 27D, 27F and 27K
[Subregulations 8(3) and 22(3)]

To,

The Chairman,
Copyright Tribunal,

.....
.....

1. TAKE NOTICE that [name and address of person, organization or operator of licensing scheme] ("the Applicant") hereby applies for the special leave of the Tribunal—

***Application under subsection 27D(2)**

*to refer again to the Tribunal the licensing scheme which was

*confirmed/varied by the Tribunal by an Order

***Application under subsection 27F(2)**

to review its Order as to entitlement to licence

***Application under subsection 27K(2)**

to review its order as to licence

dated.....and bearing reference number.....

2. There is delivered herewith a statement of the grounds for the application.

3. All communications about this application should be addressed to

*[the Applicant at the address shown above]

*[name and address of Applicant's agent].

4. The name and address of the Respondent is.....

Date.....

.....
*(*Applicant/officer of Applicant/agent)*

*Delete whichever is inappropriate.

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FORM 4

NOTICE OF REFERENCE UNDER SECTION 27I or 27J
[Subregulation 20(1)]

To,

The Chairman,
Copyright Tribunal,

.....
.....

1. TAKE NOTICE that [name and address of prospective licensee or licensee] ("the Applicant")

***Reference under section 27I**

*being the prospective licensee under the terms of a licence to be granted by [name and address of licensing body]

***Reference under section 27J**

*being a licensee under a licence granted by [name and address of licensing body], which licence is due to expire *by effluxion of time/as a result of a notice given by the licensing body on hereby—

*refer to the Tribunal the terms on which the licensing body proposes to grant the licence

*apply to the Tribunal on the ground that it is unreasonable that the licence should cease to be in force.

2. There is delivered herewith a statement of the Applicant's case.

3. All communications about this reference should be addressed to

*[the Applicant at the address shown above]

*[name and address of Applicant's agent].

4. The name and address of the Respondent is

Date.....

.....
(*Applicant/officer of Applicant/agent)

*Delete whichever is inappropriate.

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FORM 5
NOTICE OF APPLICATION FOR REVIEW UNDER SECTION 27k
[Subregulation 22(1)]

To,

The Chairman,
Copyright Tribunal,

.....
.....

1. TAKE NOTICE that [name and address of licensing body or person seeking review] ("the Applicant") hereby applies to the Tribunal for a review of its Order dated..... and bearing the reference number.....relating to the licence granted *to/by [name and address of licensee or licensing body].

2. There is delivered herewith a statement of the Applicant's case.

3. All communications about this reference should be addressed to

*[the Applicant at the address shown above]

*[name and address of Applicant's agent].

4. The name and address of the Respondent is.....

Date.....

.....
(*Applicant/officer of Applicant/agent)

*Delete whichever is inappropriate.

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FORM 6
NOTICE OF REFERENCE TO COURT ON QUESTION OF LAW UNDER SECTION 30A
[Regulation 26]

To,

The Chairman,
Copyright Tribunal,

.....
.....

1. TAKE NOTICE that [name and address of appellant] ("the Applicant"), being a party to the proceedings on the *reference/application intends to refer to the High Court against the decision of the Tribunal dated.....and bearing the reference number..... on the following question of law:

[state question(s) of law]

2. A copy of this Notice *has been/will be served on [date of service] on every person or organization who was a party to the proceedings, namely (specify names and addresses of parties).

3. All communications about this reference should be addressed to

*[the Applicant at the address shown above]

*[name and address of Applicant's agent].

Date.....

.....
(*Applicant/officer of Applicant/agent)

*Delete whichever is inappropriate.

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FORM 7

NOTICE OF APPLICATION TO SUSPEND ORDER OF TRIBUNAL

[Regulation 27]

To,

The Chairman,
Copyright Tribunal,

.....
.....

1. TAKE NOTICE that [name and address of applicant] ("the Applicant"), being a party to the proceedings on the *reference/application/appeal [specify the proceedings] hereby applies to the Tribunal for the suspension of the operation of the Order of the Tribunal dated and bearing the reference number

2. There is delivered herewith a statement setting out the grounds for suspension-

[state grounds for suspension]

3. A copy of this Notice, together with the statement of the grounds for suspension, *has been/will be served on [date of service] on every person or organization who was a party to the proceedings, namely [specify names and addresses of parties].

◦ 4. All communications about this application should be addressed to

*[the Applicant at the address shown above]

*[name and address of Applicant's agent].

Date.....

.....
(*Applicant/officer of Applicant/agent)

*Delete whichever is inappropriate.

Made 27 June 2000.