

COPYRIGHT ACT
(CHAPTER 63, SECTIONS 175 AND 202)

COPYRIGHT TRIBUNALS (PROCEDURE) REGULATIONS

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[3rd January 1989]

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the Copyright Tribunals (Procedure) Regulations.

Definitions

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

“address for service”, in relation to a person, means an address in Singapore at which documents may be served on the person;

“Form” means a form for use in relation to these Regulations that is set out on the Registry’s Internet website at <http://www.ipos.gov.sg> (under “Copyright Tribunal”), and a form referred to by a number means the form that is so numbered on the website;

“officer” means an officer of the Tribunals appointed by the Minister under section 151A(5) of the Act;

“person” includes an organisation within the meaning of Part VII of the Act;

“Registry” means the Registry of the Tribunals established under regulation 5;

“sealed” means sealed with the seal of the Tribunals;

“Secretary” means the Secretary to the Tribunals appointed by the Minister under section 151A(5) of the Act;

“the relevant case file number”, in relation to a proceeding, means the case file number allotted by the Secretary to the proceeding in pursuance of regulation 9.

Forms

3. Where any Form is prescribed or authorised to be used, such variations may be made in the Form as circumstances of any particular case may require.

PART II

GENERAL PROVISIONS

Seal

4.—(1) There shall be a seal of the Tribunals of such nature and pattern as the president may approve.

(2) Subject to this regulation, the seal of the Tribunals shall be affixed by or with the authority of the Secretary to such documents as are required by these Regulations or by a direction of the president or of a Tribunal to be sealed with the seal of the Tribunals.

(3) The Secretary shall also keep a stamp, the design of which shall, as nearly as practicable, be the same as the design of the seal of the Tribunals.

(4) A document to which the seal of the Tribunals is required to be affixed may be stamped with the stamp referred to in paragraph (3) and, when so stamped, has the same force and effect as if it had been sealed with the seal of the Tribunals.

(5) All courts and all persons acting judicially shall take judicial notice of the seal or stamp referred to in this regulation affixed to, or stamped on, a document and, in the absence of proof to the contrary, shall presume that it was affixed or stamped by the proper authority.

Registry

5.—(1) The Tribunals shall have a Registry for the transaction of business relating to the proceedings in the Tribunals and for the keeping of records of all such proceedings.

(2) The Registry shall be situated at such place as the Minister, or any person authorised in that behalf by the Minister, may direct.

(3) The Registry shall be open on such days and at such hours as the Minister, or any person authorised in that behalf by the Minister, may direct.

PART III

FILING OF DOCUMENTS

Filing of documents

6.—(1) Subject to this regulation, filing of a document with the Secretary shall be effected by lodging the document at the Registry at a time when that office is open for business and when the document is accepted for filing by the Secretary or any officer charged with the duty of receiving and filing any documents.

(2) The Secretary, or any officer charged with the duty of receiving and filing any documents, may refuse to accept a document for filing if the document does not substantially comply with the provisions of these Regulations applicable in relation to the document.

(3) The Secretary, or any officer charged with the duty of receiving and filing any documents, shall refuse to accept —

(a) any notice under regulation 16(2)(d); or

(b) any application or reference to a Tribunal made under any provision of the Act,

if the filing fee of \$200 has not been paid in respect thereof.

(4) Where the president or a deputy president has directed that, in respect of each document filed with the Secretary that is included in a specified class of documents, a specified number of copies of the document shall be filed, a person filing a document that is included in that class shall be required to file that number of copies of the document.

Quality and size of paper

7.—(1) Unless the nature of the document renders it impracticable, every document prepared by a party for use in a proceeding must be on paper of durable quality, approximately 297 millimetres long by 210 millimetres wide, having a margin not less than 20 millimetres wide to be left blank on either side of the paper.

(2) Except where these Regulations otherwise provide, every document prepared by a party for use in a proceeding must be produced by printing, writing (which must be clear and legible) or

typewriting otherwise than by means of a carbon, or produced partly by one of those means and partly by another or others of them.

(3) For the purpose of these Regulations, a document shall be deemed to be printed if it is produced by type lithography or stencil duplicating.

(4) Any type used in producing a document for use in a proceeding shall be such as to give a clear and legible impression and must be not smaller than 11 point type for printing or elite type for type lithography, stencil duplicating or typewriting.

(5) Any document produced by a photographic or similar process giving a positive and permanent representation free from blemishes shall, to the extent that it contains a facsimile of any printed, written or typewritten matter, be treated for the purposes of these Regulations as if it were printed, written or typewritten, as the case may be.

English language

8. Every document filed with the Secretary, if not in the English language, shall be accompanied by a translation thereof verified by an affidavit of a person who is qualified to translate the document as if it is to be received, filed or used in the State Courts.

[S 144/2014 wef 07/03/2014]

File numbers of proceedings

9.—(1) The Secretary shall cause a case file number to be allotted to each proceeding.

(2) One case file number may be allotted to all proceedings that, in the opinion of the Secretary, are related to each other.

Sealing of documents

10.—(1) Every document filed with the Secretary in any proceedings shall show the date on which the document was filed.

(2) Particulars of the time of delivery at the Registry of any document for filing, the date of the document and the title of the proceeding of which the document forms part shall be entered in appropriate books kept in the Registry for the purpose.

(3) Where —

(a) a person is required by or under these Regulations to serve on another person a sealed copy of a document filed with the Secretary; and

(b) a copy of the document is lodged by or on behalf of that person with the Secretary,

the Secretary or any person charged with the duty of receiving and filing any documents shall cause the document to be sealed and returned to the person by whom it was lodged.

Address for service

11.—(1) A person who files with the Secretary a document instituting, or relating to, a proceeding shall specify in the document an address for service.

(2) Paragraph (1) shall not apply in relation to a document filed in connection with a proceeding if the person filing the document has previously filed a document with the Secretary in connection with that proceeding specifying such an address.

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

(4) A person filing a notice in accordance with paragraph (3) shall cause a copy of the notice to be served on every party to the proceedings within 7 days after the notice is filed.

(5) A reference in these Regulations to a document specifying an address for service in relation to a person shall, in relation to a person who has filed a notice in accordance with paragraph (3), be read as a reference to the notice or, if the person has filed more than one such notice, be read as a reference to the later or latest of those notices.

Signing of documents

12. Where, in connection with a proceeding, a person signs a document on behalf of another person, the person signing the

document shall state in the document that he is signing the document on behalf of the other person.

PART IV

SERVICE OF DOCUMENTS

Service of documents

13.—(1) A document that is required or permitted by or under these Regulations to be served on a person in connection with a proceeding may be served on the person —

- (a) where the person has filed a document with the Secretary specifying an address for service — by delivering the document to the person personally or by leaving the document at, or by sending the document by post addressed to the person at, that address; or
- (b) where the person has not filed such a document —
 - (i) if the person is a corporation — by delivering the document personally to the manager or secretary of the corporation, or, if the corporation has a registered office under any written law relating to companies, by leaving it at that office or by sending it by post addressed to the corporation at that office or, if the corporation does not have such a registered office, by sending it by post addressed to the corporation at its principal place of business in Singapore;
 - (ii) if the person is an organisation other than a corporation — by delivering the document personally to the manager, secretary or other similar officer of the organisation or by sending it by post addressed to the organisation at its principal place of business in Singapore; or
 - (iii) in any other case — by delivering the document personally to the person or by sending it by post addressed to the person at the address of the place of

living or business of the person last known to the person serving the document.

(2) A Tribunal may make an order directing that service of a document that is required or permitted by or under these Regulations to be served be effected in a manner different from the manner provided by paragraph (1) or that service of the document be dispensed with.

Proof of service

14. Proof of the service of any document may be given by means of an affidavit.

PART V

RECORDS ROYALTY SYSTEM INQUIRY PROCEDURE

Application

15. This Part shall apply in relation to any inquiry by a Tribunal under section 157 of the Act.

Advertisement of intended inquiry by Tribunal into royalty payable in respect of records of works

16.—(1) The president or deputy president presiding over a Tribunal shall fix the time and place for the commencement of an inquiry by the Tribunal under section 157 of the Act.

(2) The Secretary shall cause to be published in the *Gazette* and such newspaper or newspapers circulating in Singapore as the presiding president or deputy president directs, on such date or dates as the presiding president or deputy president specifies but not being less than 30 days or more than 3 months before the time fixed under paragraph (1), a notice —

- (a) stating that the Tribunal has been requested by the Minister charged with the responsibility for trade and industry to hold an inquiry under section 157 of the Act;
- (b) specifying the matter to which the inquiry relates, including whether the inquiry is to extend to records

generally or to be confined to any class of records and, if the latter, giving a description of the class;

- (c) specifying the time and place at which the inquiry is to commence;
- (d) specifying the period, not being less than 10 days, within which the person who has a substantial interest in the matter to which the inquiry relates shall, if he wishes to present his case to the Tribunal in relation to the matter, so file a notice in Form 1 of his intention with the Secretary; and
- (e) stating that any notice referred to in sub-paragraph (d) must be accompanied by a statement of the nature of the evidence which the person giving the notice proposes to adduce and a list of the documents, if any, which the person proposes to produce or refer to, at the inquiry.

Amendments, further particulars, etc., and service of documents before inquiry

17.—(1) At any time before the time fixed for the commencement of the inquiry but not being more than 14 days after the expiration of the period referred to in regulation 16(2)(d), any person who has, in accordance with regulation 16(2), filed a notice with the Secretary may file with the Secretary a statement of further particulars of the nature of the evidence which the person wishes to produce or refer to at the inquiry.

(2) Whenever requested by the Tribunal to do so, any person who has, in accordance with regulation 16(2), filed a notice with the Secretary shall, within such period as may be specified in such request, file with the Secretary —

- (a) such further particulars as the Tribunal may request of his statement of the nature of the evidence which he wishes to adduce at the inquiry;
- (b) such number of copies as the Tribunal may specify of any document which the person has filed with the Secretary in accordance with these Regulations; and

(c) a copy of any document which the person wishes to produce or refer to at the inquiry.

(3) The Secretary shall cause copies of any documents which have been filed with him by any party to the inquiry in accordance with this Part (other than paragraph (2)(c)) to be served on the other parties to the inquiry and any party to the inquiry shall take all reasonable steps to afford to any other party to the inquiry an opportunity to examine the documents specified in the list accompanying the notice filed by the first-mentioned party under regulation 16(2)(e), other than such documents as are readily available to that other party without recourse to the party in whose list the documents appear.

Right of audience at the inquiry

18. Any person who has —

- (a) filed a notice with the Secretary of his wish to present his case to a Tribunal at the inquiry in accordance with regulation 16(2);
- (b) complied with any request made to him by the Tribunal under regulation 17(2); and
- (c) fulfilled the requirements of regulation 17(3),

and in relation to whom the Tribunal is satisfied has a substantial interest in the matter to which the inquiry relates shall, for the purposes of these Regulations, be deemed a party to the inquiry and shall be entitled to an opportunity to present his case to the Tribunal at the inquiry.

Procedure

19.—(1) The procedure at and in connection with the inquiry shall be such as the Tribunal shall in its discretion determine and any evidence shall be admitted at its discretion.

(2) The parties to an inquiry under section 157 of the Act shall be entitled to give evidence and may call witnesses and produce or refer to documents and be given an opportunity to put questions directly to other persons giving evidence, except that no party shall, without the leave of the Tribunal, be entitled to produce or refer to any document

not mentioned in the list of documents accompanying the notice filed with the Secretary by that party in accordance with regulation 16, or any amendment thereto, or in any addition to such list filed with the Secretary under regulation 17, unless such document is mentioned in any such list of documents, or any amendment thereto, filed with the Secretary by any other party or has been produced or referred to at the inquiry by any other party.

(3) If any party to the inquiry fails to appear, the Tribunal may proceed with the inquiry in that party's absence or may adjourn the inquiry until a later date.

(4) Before concluding any inquiry in the absence of any party, the Tribunal shall consider any documents filed with the Secretary by such party in accordance with these Regulations if such documents have been disclosed to the other parties before or at the inquiry.

(5) The Tribunal may, from time to time, adjourn the inquiry and, if the date, time and place of the adjourned inquiry are announced at the inquiry, no further notice of the inquiry shall be required.

PART VI

APPLICATIONS AND REFERENCES TO TRIBUNAL

General provisions relating to applications and references to Tribunal

- 20.**—(1) An application or reference to a Tribunal shall —
- (a) state the name of the person making the application or reference;
 - (b) state the general nature of the application or reference and specify the provision of the Act or these Regulations under which the application or reference is made;
 - (c) subject to sub-paragraph (d), include such other matters as are required by these Regulations to be included in an application or reference made under that provision;
 - (d) be signed by or on behalf of the person making the application or reference; and

(e) be filed with the Secretary in the appropriate Form.

(2) A person desiring to make an application or reference to a Tribunal may, with the leave of the president or any deputy president designated by the president for this purpose, omit from the application or reference such of the particulars required by these Regulations to be included in the application or reference as the president or designated deputy president specifies but, if the president or designated deputy president, when so granting leave, directs that other particulars specified by him are to be included in the application or reference in lieu of the omitted particulars, the person shall include those other particulars in the application or reference.

(3) Subject to these Regulations, a person making an application or reference to a Tribunal shall cause notice of the making of the application or reference in Form 2, together with a sealed copy of the application or reference, to be served, within 7 days after the application or reference is filed with the Secretary, on every other person who, by virtue of the Act or these Regulations, is a party to the application or reference other than a person who became a party after the application or reference was filed.

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

(a) be addressed to the person on whom it is served;

(b) inform the person on whom it is served that the application or reference to which the notice relates has been made to a Tribunal and that that person is, by virtue of the Act or these Regulations, as the case may be, a party to the application or reference; and

(c) be signed by or on behalf of the person making the application or reference.

(5) The president or deputy president presiding over a Tribunal may, and shall if so requested by a party to the application or reference, within 7 days from the day when notice of the making of that application or reference has been served, fix a time and place for a preliminary hearing of the application or reference (other than an application to which regulation 37 or 38 applies or an application or reference in respect of which the Tribunal decides not to have a

hearing) for the purpose of dealing with such matters connected with the application or reference as the presiding president or deputy president directs.

(5A) The Secretary shall cause notice of the time and place as fixed by the president or deputy president (as the case may be) under paragraph (5) to be served on the parties to the application or reference and on the persons (if any) who have applied to the Tribunal to be made parties to the application or reference.

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

- (a) specify the date on which the application or reference was filed with the Secretary and the relevant case file number;
- (b) state the name of the party making the request;
- (c) be in Form 3;
- (d) be signed by or on behalf of that party; and
- (e) be filed with the Secretary.

(7) The president or deputy president presiding over the Tribunal shall fix a time and place for the hearing of the application or reference (other than an application to which regulation 37 applies or an application or reference in respect of which the Tribunal decides not to have a hearing), and the Secretary shall cause notice of the time and place so fixed to be served on the parties to the application or reference and on the persons (if any) who have applied to the Tribunal to be made parties to the application or reference and whose applications to be made parties have not been previously determined.

(8) An application to which regulation 37 applies shall be dealt with at the preliminary hearing (if any) or the hearing of the proceeding to which it relates.

Advertising of applications and references

21.—(1) Where an application (other than an application in relation to which this regulation does not apply) or a reference is made to a Tribunal, the person making the application or reference shall, subject to this regulation, cause notice of the making of the application or

reference in Form 4 to be advertised by being published, within 10 days after the filing of the application or reference with the Secretary, in the *Gazette*.

(2) The president or deputy president presiding over a Tribunal may direct that notice of the making of an application or reference specified in the direction need not be advertised or that the notice be advertised in a manner other than that specified in paragraph (1).

(3) The notice shall —

- (a) specify the date on which the application or reference was made and the relevant case file number;
- (b) state the name and the address for service of the person by whom the application or reference is made; and
- (c) state the general nature of the application or reference and specify the provision of the Act or these Regulations under which the application or reference is made.

(4) This regulation shall not apply in relation to applications under section 43(3), 60(3)(b), 68(3), 107(3), 166(1) or 167(1) of the Act, or to applications to which regulation 37 or 38 applies.

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

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

- (a) set out the events giving rise to the application and, in particular, shall —
 - (i) identify the work, or adaptation of the literary, dramatic or musical work, to which the application relates;
 - (ii) identify the sound recording or cinematograph film to which the application relates;
 - (iii) state whether the applicant is the owner of the copyright in the work or the maker of the recording or film;

- (iv) if the applicant is the owner of the copyright — state the name of the maker of the recording or film; and
- (v) if the applicant is the maker of the recording or film — state the name of the owner of the copyright;
- (b) request a Tribunal to determine the amount that is equitable remuneration to the owner of the copyright for the making of the recording or film; and
- (c) be in Form 4A.

Matters to be included in application under section 52(11) of Act

22. An application to a Tribunal under section 52(11) of the Act shall —

- (a) set out the circumstances or events giving rise to the application and, in particular, shall —
 - (i) identify the work to which the application relates;
 - (ii) state whether the applicant is the owner of the copyright in the work or the body administering an educational institution;
 - (iii) if the applicant is the owner of the copyright — state the name of the body administering an educational institution by or on whose behalf the copies of the work were made; and
 - (iv) if the applicant is the body administering an educational institution — state the name of the owner of the copyright;
- (b) request a Tribunal to determine the amount that is equitable remuneration to the owner of the copyright for the making of the copies of the work; and
- (c) be in Form 5.

Matters to be included in application under section 52(11C) of Act

22A. An application to a Tribunal under section 52(11C) of the Act shall —

- (a) set out the circumstances or events giving rise to the application and, in particular, shall —
 - (i) identify the work to which the application relates;
 - (ii) state whether the applicant is the owner of the copyright in the work or the body administering an educational institution;
 - (iii) if the applicant is the owner of the copyright — state the name of the body administering an educational institution which communicated the work or on whose behalf the work was communicated; and
 - (iv) if the applicant is the body administering an educational institution — state the name of the owner of the copyright;
- (b) request a Tribunal to determine the amount that is equitable remuneration to the owner of the copyright for the making of the communication of the work; and
- (c) be in Form 5A.

Matters to be included in application under section 54(15) of Act

23. An application to a Tribunal under section 54(15) of the Act is to —

- (a) set out the circumstances or events giving rise to the application and, in particular, is to —
 - (i) identify the relevant work or other subject-matter to which the application relates;
 - (ii) identify the accessible format copy of the relevant work or other subject-matter to which the application relates;

- (iii) state whether the applicant is the owner of the copyright in the relevant work or other subject-matter, or the body administering the institution assisting persons with reading disabilities or the educational institution;
 - (iv) if the applicant is the owner of the copyright, state the name of the body administering the institution assisting persons with reading disabilities or the educational institution; and
 - (v) if the applicant is the body administering the institution assisting persons with reading disabilities or the educational institution, state the name of the owner of the copyright;
- (b) request the Tribunal to determine the amount that is equitable remuneration to the owner of the copyright for the making, distribution or making available of the accessible format copy of the relevant work or other subject-matter; and
- (c) be in Form 6.

[S 131/2015 wef 31/03/2015]

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

23A. An application to a Tribunal under section 54A(7) of the Act shall —

- (a) set out the circumstances or events giving rise to the application and, in particular, shall —
 - (i) identify the work to which the application relates;
 - (ii) identify the intellectually handicapped reader's copy to which the application relates;
 - (iii) state whether the applicant is the owner of the copyright in the work or the body administering an institution assisting intellectually handicapped readers;

- (iv) if the applicant is the owner of the copyright — state the name of the body administering an institution assisting intellectually handicapped readers; and
 - (v) if the applicant is the body administering an institution assisting intellectually handicapped readers — state the name of the owner of the copyright;
- (b) request a Tribunal to determine the amount that is equitable remuneration to the owner of the copyright for the making of the intellectually handicapped reader's copy; and
- (c) be in Form 6A.

Matters to be included in application under section 60(3)(b) of Act

24. An application to a Tribunal under section 60(3)(b) of the Act shall —

- (a) set out the circumstances or events giving rise to the application and, in particular, shall —
 - (i) identify the musical work and the literary or dramatic work to which the application relates;
 - (ii) identify the record to which the application relates;
 - (iii) state whether the applicant is the owner of the copyright in the musical work or the owner of the copyright in the literary or dramatic work;
 - (iv) if the applicant is the owner of the copyright in the musical work — state the name of the owner of the copyright in the literary or dramatic work; and
 - (v) if the applicant is the owner of the copyright in the literary or dramatic work — state the name of the owner of the copyright in the musical work;
- (b) request a Tribunal to determine the manner in which the royalty payable by the maker of the record in respect of the musical work and the literary or dramatic work shall be

apportioned between the owners of the copyrights in those works; and

(c) be in Form 7.

Matters to be included in application under section 68(3) of Act

25. An application to a Tribunal under section 68(3) of the Act shall —

(a) set out the events giving rise to the application and, in particular, shall —

(i) identify the artistic work to which the application relates;

(ii) identify the cinematograph film to which the application relates;

(iii) state whether the applicant is the owner of the copyright in the work or the maker of the film;

(iv) if the applicant is the owner of the copyright — state the name of the maker of the film; and

(v) if the applicant is the maker of the film — state the name of the owner of the copyright;

(b) request a Tribunal to determine the amount that is equitable remuneration to the owner of the copyright for the making of the film; and

(c) be in Form 8.

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

25A. An application to a Tribunal under section 107(3) of the Act shall —

(a) set out the events giving rise to the application and, in particular, shall —

(i) identify the sound recording to which the application relates;

(ii) identify the record to which the application relates;

- (iii) state whether the applicant is the owner of the copyright in the recording or the maker of the record;
 - (iv) if the applicant is the owner of the copyright — state the name of the maker of the record; and
 - (v) if the applicant is the maker of the record — state the name of the owner of the copyright;
- (b) request a Tribunal to determine the amount that is equitable remuneration to the owner of the copyright for the making of the record; and
- (c) be in Form 8A.

Matters to be included in application under section 107D of Act

25B. An application to a Tribunal under section 107D of the Act shall —

- (a) set out the events giving rise to the application and, in particular, shall —
- (i) identify the sound recording to which the application relates;
 - (ii) state the date on and place at which the sound recording was made available to the public;
 - (iii) state the mode of and means by which the sound recording was made available to the public;
 - (iv) state whether the applicant is the owner of the copyright in the sound recording or the person who made available the sound recording to the public;
 - (v) if the applicant is the owner of the copyright — state the name of the person who made available the sound recording to the public; and
 - (vi) if the applicant is the person who made available the sound recording to the public — state the name of the owner of the copyright in the sound recording;

- (b) request a Tribunal to determine the amount that is equitable remuneration to the owner of the copyright for the making available of the sound recording to the public; and
- (c) be in Form 8B.

Matters to be included in reference under section 160 of Act

26.—(1) A reference of a licence scheme to a Tribunal under section 160 of the Act shall —

- (a) state that the licensor referring the scheme proposes to bring the scheme into operation;
- (b) state the nature of the scheme and the works or other subject matter to which the scheme and the licences granted thereunder relate;
- (c) state whether the licensor referring the scheme is the owner or prospective owner of the copyrights in the works or other subject matter to which the scheme relates, or is acting as agent for the owners or prospective owners of such copyrights in relation to the negotiation or granting of licences under the scheme;
- (d) request the Tribunal to make such order, confirming or varying the scheme, or substituting the scheme with such other scheme, as the Tribunal considers reasonable in the circumstances; and
- (e) be in Form 9.

(2) The reference shall be accompanied by a copy of the licence scheme.

References under section 161 of Act

27.—(1) A reference of a licence scheme to a Tribunal under section 161 of the Act shall —

- (a) state whether the person referring the scheme is —
 - (i) the licensor operating the scheme;

- (ii) an organisation claiming to be representative of persons requiring licences in cases included in a class of cases to which the scheme applies; or
 - (iii) a person claiming that he requires a licence in a case included in a class of cases to which the scheme applies;
- (b) specify the class of cases to which the reference relates;
- (c) state the name of the other party to the dispute that gave rise to the reference;
- (d) set out particulars of the matter in dispute;
- (e) request the Tribunal to make such order, confirming or varying the scheme, or substituting the scheme with such other scheme, in so far as it relates to the class of cases to which the reference relates, as the Tribunal considers reasonable in the circumstances; and
- (f) be in Form 10.

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

Application for leave under section 162(2) of Act to refer licence scheme to Tribunal

28.—(1) A person desiring leave under section 162(2) of the Act to refer a licence scheme under section 162(1) of the Act shall make an application to a Tribunal in accordance with this regulation.

(2) The application shall —

- (a) describe the general nature of the scheme as previously confirmed, varied or substituted by a Tribunal;

- (b) specify the class of cases in relation to which the applicant wishes to refer the scheme to the Tribunal;
 - (c) specify the date when a Tribunal last made an order with respect to the scheme in relation to that class of cases and the relevant case file number;
 - (d) state the name of the other party to the dispute that gave rise to the application;
 - (e) set out particulars of the matter in dispute;
 - (f) state the grounds on which leave is sought for the making of the reference;
 - (g) request the Tribunal to grant leave to the applicant to refer the scheme to the Tribunal in so far as it relates to that class of cases; and
 - (h) be in Form 11.
- (3) The parties to the application shall be —
- (a) the applicant;
 - (b) if the application is not made by the licensor operating the scheme — that licensor; and
 - (c) such other persons (if any) as apply to the Tribunal to be made parties to the application and are made parties to the application in accordance with paragraph (4).
- (4) Where a person applies to a Tribunal to be made a party to the application and it appears to the Tribunal that the person has a substantial interest in the operation of the scheme in so far as it relates to the class of cases specified in the application, the Tribunal may, if it thinks fit, make that person a party to the application.
- (5) The Tribunal shall consider the application and, after giving to the parties to the application an opportunity of presenting their cases, shall make such order, either granting or refusing the application, as the Tribunal thinks fit.

References under section 162 of Act

29.—(1) A reference of a licence scheme to a Tribunal under section 162 of the Act shall —

- (a) specify the date when a Tribunal last made an order with respect to the scheme that is applicable in the class of cases to which the reference relates and the relevant case file number;
- (b) state whether the person referring the scheme is —
 - (i) the licensor operating the scheme;
 - (ii) an organisation claiming to be representative of persons requiring licences in cases included in the class of cases to which the order applies; or
 - (iii) a person claiming that he requires a licence in a case included in that class;
- (c) specify the class of cases to which the reference relates;
- (d) state the name of the other party to the dispute that gave rise to the reference;
- (e) set out particulars of the matter in dispute;
- (f) where leave of a Tribunal is required for the making of the reference —
 - (i) if that leave has already been granted — specify the date when a Tribunal granted the leave and the relevant case file number; and
 - (ii) in any other case — state the grounds on which leave is sought for the making of the reference and request the Tribunal to grant leave for the making of the reference;
- (g) request the Tribunal to make such order in relation to the scheme as previously confirmed, varied or substituted, in so far as it relates to cases included in the class of cases to which the reference relates, whether by way of confirming, varying or further varying the scheme, or substituting the

scheme with such other scheme, as the Tribunal considers reasonable in the circumstances; and

(h) be in Form 12.

(2) Regulation 27(2) shall apply for the purposes of this regulation.

Applications under section 163(1) of Act

30.—(1) An application to a Tribunal under section 163(1) of the Act shall —

(a) set out the circumstances or events giving rise to the application and, in particular, shall —

(i) specify the case in which a licence is required by the applicant;

(ii) specify the licence scheme applicable in that case;

(iii) state the name of the licensor operating the scheme; and

(iv) specify the date or the approximate date on which the applicant requested the licensor to grant him a licence in accordance with the scheme, or to procure the grant to him of such a licence;

(b) request the Tribunal to make an order specifying the charges, if any, and the conditions, that the Tribunal considers to be applicable in accordance with the scheme in relation to the applicant; and

(c) be in Form 13.

(2) The licensor shall be a party to the application.

Applications under section 163(2) of Act

31.—(1) An application to a Tribunal under section 163(2) of the Act shall —

(a) set out the circumstances or events giving rise to the application and, in particular, shall —

(i) specify the case in which a licence is required by the applicant;

- (ii) specify the licence scheme applicable in that case;
 - (iii) state the name of the licensor operating the scheme;
and
 - (iv) specify the charges or conditions to which the grant of a licence in accordance with the scheme would, in that case, be subject and which are claimed by the applicant to be unreasonable in the circumstances of the case;
- (b) request the Tribunal to make an order specifying the charges, if any, and the conditions, that the Tribunal considers reasonable in the circumstances in relation to the applicant; and
- (c) be in Form 13.
- (2) The licensor shall be a party to the application.

Applications under section 163(3) of Act

32.—(1) An application to a Tribunal under section 163(3) of the Act shall —

- (a) set out the circumstances or events giving rise to the application and, in particular, shall —
- (i) specify the case in which a licence is required by the applicant;
 - (ii) state the name of the licensor concerned;
 - (iii) if section 163(3)(a) of the Act is applicable — specify the date or the approximate date on which the applicant requested the licensor to grant him a licence or to procure the grant to him of a licence; and
 - (iv) if section 163(3)(b) of the Act is applicable — specify the charges or conditions to which the licensor proposes that the licence should be subject and which are claimed by the applicant to be unreasonable;

- (b) request the Tribunal to specify the charges, if any, and the conditions, that the Tribunal considers reasonable in the circumstances in relation to the applicant; and
 - (c) be in Form 14.
- (2) The licensor shall be a party to the application.

Applications under section 163(4) of Act

33.—(1) An application to a Tribunal under section 163(4) of the Act shall —

- (a) set out the circumstances or events giving rise to the application and, in particular, shall —
 - (i) specify the cases in which licences are required by persons represented by the applicant;
 - (ii) state the name of the licensor concerned;
 - (iii) if section 163(4)(a) of the Act is applicable — specify the dates or the approximate dates on which the licensor was requested to grant licences to persons represented by the applicant, or to procure the grant of such licences; and
 - (iv) if section 163(4)(b) of the Act is applicable — specify the charges or conditions to which the licensor proposes that licences to be granted to persons represented by the applicant should be subject and which are claimed by the applicant to be unreasonable;
 - (b) request the Tribunal to specify the charges, if any, and the conditions, that the Tribunal considers reasonable in the circumstances in relation to the persons represented by the applicant; and
 - (c) be in Form 14.
- (2) The licensor shall be a party to the application.

Applications under section 166(1) of Act

34. An application to a Tribunal by the Attorney-General under section 166 of the Act shall —

- (a) identify the body administering an educational institution in respect of which the application for an order suspending the application of section 52(1) and (2) of the Act is made;
- (b) set out details of the offences against regulation 9(2) of the Copyright Regulations (Rg 4) of which that body has been convicted;
- (c) annex certified copies of the convictions for those offences;
- (d) specify the period recommended in respect of the order applied for to suspend the application of section 52(1) and (2) of the Act in relation to that body administering an educational institution; and
- (e) be in Form 15.

Applications under section 167(1) of Act

35. An application to a Tribunal under section 167(1) of the Act shall —

- (a) identify the order under section 166(1) of the Act to which the application relates;
- (b) annex a certified copy of that order;
- (c) set out details of the steps taken since the making of the order by the body making the application to ensure that no further contravention of regulation 9(2) of the Copyright Regulations (Rg 4) will occur;
- (d) request a Tribunal to revoke the order to which the application relates; and
- (e) be in Form 16.

Applications to fix terms under section 198(5) of Act

36. An application to a Tribunal to fix terms under section 198(5) of the Act for the doing of an act comprised in the copyright by the Government or a person authorised in writing by the Government shall —

- (a) set out the circumstances or events giving rise to the application and, in particular, shall —
 - (i) identify the work or other subject-matter to which the application relates;
 - (ii) identify the act comprised in the copyright that was done, or is proposed to be done, under section 198(1) of the Act;
 - (iii) state whether the applicant is the owner of the copyright in the work or other subject-matter or the Government;
 - (iv) if the applicant is the owner of the copyright — state whether the act that was done, or is proposed to be done, under section 198(1) of the Act was done, or is proposed to be done, by the Government; and
 - (v) if the applicant is the Government — state the name of the copyright owner;
- (b) request the Tribunal to fix terms as between the copyright owner and the Government for the doing of any of the acts comprised in the copyright under section 198(1) of the Act; and
- (c) be in Form 17.

Application to be made a party to a proceeding

37.—(1) An application to a Tribunal to be made a party to a proceeding shall —

- (a) be made within 14 days from the date when notice of the making of the application or reference was advertised in the *Gazette* under regulation 21(1);

- (b) specify the date when the proceeding was instituted and the relevant case file number;
- (c) set out the interest of the applicant —
 - (i) where the proceeding is a reference under section 160 of the Act — in the operation of the scheme to which the reference relates;
 - (ii) where the proceeding is a reference under section 161 or 162, or an application under section 163, of the Act — in the matter in dispute; and
 - (iii) where the proceeding is an application for leave of a Tribunal under section 162(2) of the Act to refer a licence scheme to the Tribunal — in the operation of the scheme in so far as it relates to the class of cases specified in that application;
- (d) request the Tribunal to make the person a party to the proceeding; and
- (e) be in Form 18.

(2) The Tribunal shall give to the applicant, to every party to the proceeding, and to every other person who has applied to be made a party to the proceeding and whose application has not been determined, an opportunity of presenting a case.

Other applications

38.—(1) A party to a proceeding (other than an inquiry by a Tribunal under section 157 of the Act or an application to which regulation 37 applies) may apply to the Tribunal requesting the Tribunal to make an order with respect to any matter relating to the proceeding.

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

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

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

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

(6) A party to the proceeding may lodge an objection to the application by filing with the Secretary a notice of objection in Form 19 within 14 days after the notice of the making of the application was served on him.

(7) A person lodging an objection shall cause a sealed copy of the notice of objection to be served on the applicant within 7 days after notice of the objection is filed with the Secretary.

(8) A notice of objection shall —

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

(9) The Tribunal shall consider the application and, subject to paragraph (10), may make such order in relation to the application as the Tribunal considers reasonable in the circumstances.

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

Amendment of documents

39.—(1) A Tribunal may, subject to such conditions as it considers fit to impose, grant leave to a party to a proceeding to amend a document previously filed with the Secretary by that party in connection with that proceeding.

(2) An application for the leave of a Tribunal to amend any document under this regulation shall be in Form 20.

(3) Where leave is granted to a party to a proceeding to amend a document, the party shall file with the Secretary a statement of the amendments in Form 21 and the amendments shall be deemed to be made upon the filing of the statement.

(4) The party filing the statement shall cause a sealed copy of the statement to be served on every other party to the proceeding within 7 days after the statement is filed.

(5) Nothing in this regulation shall prevent a person filing a notice specifying a new address for service in accordance with regulation 11.

Consolidation of applications and references

40.—(1) Where 2 or more applications are pending before a Tribunal, the president may, of his own motion or at the request of a party to any of the applications, direct that some or all of the applications be considered together and may give such consequential directions as he considers necessary.

(2) Where 2 or more references are pending before one or more Tribunals in relation to one licence scheme, the president may, of his own motion or at the request of a party to any of the references, direct that some or all of the references be considered together by a Tribunal and may give such consequential directions as he considers necessary.

(3) Before giving a direction under paragraph (1) or (2), the president shall give each party to each of the applications or references concerned an opportunity of presenting a case.

(4) A request under paragraph (1) or (2) for 2 or more applications or references to be considered together shall —

- (a) specify —
 - (i) the dates on which the applications or references to be considered together were filed with the Secretary; and
 - (ii) the relevant case file numbers;
- (b) state the name of the party making the request;
- (c) be in Form 21A;
- (d) be signed by or on behalf of that party; and
- (e) be filed with the Secretary.

Withdrawal of application

41.—(1) A person who has made an application to a Tribunal may, with the leave of the Tribunal, withdraw the application at any time before the Tribunal has determined the application.

(2) The leave of a Tribunal under paragraph (1) may be granted unconditionally or subject to such conditions as the Tribunal thinks reasonable.

(3) Where a Tribunal has granted leave for the withdrawal of an application, the withdrawal shall be effected by —

- (a) the filing with the Secretary of a notice in Form 22 within 7 days from the day on which such leave was granted —
 - (i) specifying the date on which the application was made and the relevant case file number;
 - (ii) stating that the person who made the application withdraws the application; and
 - (iii) signed by or on behalf of that person; and
- (b) the serving of a sealed copy of the notice on every party to the application within 7 days from the day on which such leave was granted.

Withdrawal of reference of licence scheme

42. The withdrawal under section 160(6) of the Act, or section 161(7) of the Act (including section 161(7) as having effect by reason of section 162(5) of the Act), of a reference of a licence scheme shall be effected by —

- (a) the filing with the Secretary of a notice in Form 22 —
 - (i) specifying the date on which the scheme was referred and the relevant case file number;
 - (ii) stating that the person who referred the scheme withdraws the reference; and
 - (iii) signed by or on behalf of that person; and
- (b) the serving of a sealed copy of the notice on every party to the reference.

PART VII

ORDERS OF TRIBUNAL

Recording of orders of Tribunal

43. The Secretary shall cause each order of a Tribunal and the date on which it was made to be recorded in a document signed by him and shall cause the original of the document to be filed in the Registry.

Notification of orders of Tribunal and of reasons

44.—(1) A Tribunal shall, when making an order, state in writing its reasons for making the order.

(2) The Secretary shall cause a copy of the document recording the order and of the reasons of a Tribunal to be served on every party to the application or reference in respect of which the order was made and shall also cause a copy of the document recording the order and of the reasons to be available at the Registry for public inspection when that office is open for business.

(3) In paragraphs (1) and (2), “order” shall not include an interim order or an order that is made in respect of an application that is ancillary to another proceeding.

(4) The president may, if he thinks fit, direct the Secretary to cause particulars of any order of a Tribunal to be published in the *Gazette* and such newspaper or newspapers circulating in Singapore as the president determines.

(5) Paragraphs (2) and (4) shall not apply in relation to an order the operation of which is suspended pending a reference of a question of law to the High Court.

Effect of suspension of orders of Tribunal

45. Where an order of a Tribunal is suspended —

- (a) section 160(6)(a) and section 161(8) and (10) of the Act shall operate during the period of the suspension as if the order had not been made; and
- (b) section 165 of the Act shall not operate in relation to the order in respect of the period of the suspension.

PART VIII

REFERENCES TO THE HIGH COURT

Application

46. This Part shall not apply in relation to an inquiry by a Tribunal under section 157 of the Act.

Request for reference of question of law to High Court

47.—(1) For the purposes of section 169(1) of the Act, a request to a Tribunal for the reference of a question of law in a proceeding to the High Court shall —

- (a) be in Form 23;
- (b) state the name of the party making the request;
- (c) specify the question of law;
- (d) request the Tribunal to refer that question to the High Court;
- (e) be signed by or on behalf of the party making the request; and

(f) be filed with the Secretary.

(2) The party making the request shall cause notice of the making of the request, together with a sealed copy of the request, to be served on every other party to the proceedings —

(a) in the case where the hearing of the proceeding to which the request relates, has not commenced or has been adjourned — within 7 days after the filing of the request with the Secretary but not later than the date fixed for the commencement of the hearing or to which the hearing has been adjourned; or

(b) in any other case — within 7 days after the filing of the request with the Secretary.

(3) For the purposes of paragraph (2), a notice of the making of a request shall —

(a) be in writing addressed to the party on whom it is served; and

(b) inform that party that he may, within 21 days after service of the notice, present a case in writing to the Tribunal in relation to the request.

(4) The party making the request may within 21 days after the request is filed with the Secretary, and every other party to the proceeding may within 21 days after service on that party of the notice of making of the request, present a case in writing to the Tribunal in relation to the request and the Tribunal may, if it thinks fit, give to each of those parties an opportunity of presenting a case orally to the Tribunal.

(5) The Secretary shall cause notice of the decision of the Tribunal on the request to be served on the party that made the request and on every other party that presented a case to the Tribunal in relation to the request or notified the Tribunal that the party wished to be informed of the decision.

Fixing of a new date for hearing or further hearing where a party makes a request under section 169 of Act

48.—(1) Where a party makes a request under section 169(1) of the Act in a proceeding and a date has been fixed for the hearing or a further hearing of that proceeding that is less than 14 days from the date of the filing of the request, the president or deputy president presiding over the Tribunal shall fix a new date for the hearing or further hearing of that proceeding that is more than 14 days from the date of the filing of the request.

(2) The Secretary shall cause notice of the date fixed by the presiding president or deputy president under paragraph (1) to be served on the parties to the proceeding.

Adjournment pending decision of High Court

49. Where a Tribunal refers a question of law arising in proceedings before it for determination by the High Court under section 169(1) of the Act, being proceedings in which the Tribunal has not given its decision, the Tribunal shall adjourn its hearing of those proceedings until the question referred has been heard and determined by the High Court.

Suspension of orders of Tribunal pending reference of question of law to High Court

50.—(1) Where, after the date on which a Tribunal has given its decision in a proceeding, the Tribunal refers to the High Court a question of law that arose in the course of the proceeding, the Tribunal may, if it thinks fit, suspend the operation of any order made by the Tribunal in the proceeding.

(2) Where an order of a Tribunal is so suspended, the Secretary shall cause notice in writing of the suspension to be served on every party to the proceeding and, if particulars of the order have been published in pursuance of a direction under regulation 44(4), shall cause particulars of the suspension to be published in the *Gazette* and such newspaper or newspapers circulating in Singapore as the president directs.

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

51.—(1) Where a question of law arising in a proceeding has been referred to, and determined by, the High Court in pursuance of section 169 of the Act, any party to the proceeding before the Court may file with the Secretary an office copy of the order of the Court.

(2) Subject to paragraph (3), when a copy of the order of the High Court has been filed in pursuance of paragraph (1), the president or deputy president presiding over the Tribunal shall fix a time and place for the resumption of the hearing of the proceeding and the Secretary shall cause notice of the time and place so fixed to be served on the parties to the proceeding.

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

PART IX

MISCELLANEOUS

Summons to witness

52.—(1) A summons to a witness under section 176(2) of the Act shall be substantially in accordance with Form 24 and shall be sealed with the seal of the Tribunals.

(2) A summons under section 176(2) of the Act shall be served on a person by —

- (a) delivering a copy of the summons to the person personally; and
- (b) if so requested by the person at the time of such delivery, showing the sealed copy of the summons to the person at that time.

Extension of time

53. A Tribunal or the president or deputy president presiding over it may, whether before or after the expiration of the time prescribed or

allowed by or under these Regulations for the filing of a document with the Secretary, the serving of a document on a person or the doing of any other act, extend that time for such period or periods, and subject to such conditions, as the Tribunal or the presiding president or deputy president thinks fit.

Fees

54. The fees specified in the First Schedule shall be payable in respect of the matters in relation to which they are so specified.

Witnesses' fees and expenses

55.—(1) Any person who —

- (a) attends to give evidence in a proceeding;
- (b) attends to give evidence and produce documents or articles in a proceeding; or
- (c) attends to produce documents or articles in a proceeding,

in accordance with a summons, or at the request of a party to the proceeding or of a Tribunal, shall be entitled, whether or not he is called to give evidence or to produce documents or articles, to payment of fees and expenses in accordance with the scale of witnesses' fees and expenses set out in the Second Schedule, less any amount previously paid to him for his expenses of attendance.

(2) Payment of fees and expenses to a witness shall be made by the person on whose behalf the witness is summoned or at whose request the witness attends or, if the witness is summoned or requested to attend on behalf of a Tribunal, by the Government.

Power to waive procedural requirements and effect of non-compliance

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

(2) Subject to the Act, non-compliance with any of these Regulations shall not render void a proceeding or an order of a

Tribunal, but the proceeding or order may be set aside either wholly or in part as irregular, or amended, or otherwise dealt with, by the Tribunal in such manner and upon such terms as the Tribunal considers fit.

FIRST SCHEDULE

Regulation 54

FEES

| First column | Second column | Third column |
|--------------|---|--------------|
| Item | Matter | Fee |
| 1 | For a photographic copy of a document — | |
| | (a) for one page | \$3 |
| | (b) for each additional page | 40 cents |
| 2 | For a copy of the reasons for an order made by the Tribunal — | |
| | (a) for one page | \$3 |
| | (b) for each additional page | 40 cents |

SECOND SCHEDULE

Regulation 55

WITNESSES' FEES AND EXPENSES

1. Witness called because of his professional, scientific or other special skill or knowledge — such amount as the Tribunal, or the person taxing costs in relation to the proceeding, determines, being not less than \$100 per day and not more than \$150 per day.

2. Other witness —

(a) If remunerated in his occupation by wages, salary or fees. The amount of wages, salary or fees lost, by reason of the attendance, but not exceeding \$50 per day.

(b) In any other case \$30 per day.

SECOND SCHEDULE — *continued*

3. In addition to the above fees —

- (a) a witness may be allowed such sum as the Tribunal, or the person taxing costs in relation to the proceeding, thinks reasonable for the expenses of conveyance of the witness to and from the place where he attends to give evidence or to produce documents or articles; and
- (b) a witness called because of his professional, scientific or other special skill or knowledge may be allowed such fees as the Tribunal, or the person taxing costs in relation to the proceeding, thinks reasonable for —
 - (i) qualifying to give the evidence; and
 - (ii) an attendance before the Tribunal not covered by the foregoing provisions of this Schedule when the witness is acting as an expert in assisting a representative of a party during the hearing.

[G.N. Nos. S 413/88; S 227/98; S 223/2005; S 641/2009]

LEGISLATIVE HISTORY
COPYRIGHT TRIBUNALS (PROCEDURE) REGULATIONS
(CHAPTER 63, RG 6)

This Legislative History is provided for the convenience of users of the Copyright Tribunals (Procedure) Regulations. It is not part of these Regulations.

1. 1990 Revised Edition — Copyright Tribunal (Procedure) Regulations

Date of operation : 25 March 1992

2. G. N. No. S 227/1998 — Copyright Tribunals (Procedure) (Amendment) Regulations 1998

Date of commencement : 16 April 1998

3. G. N. No. S 223/2005 — Copyright Tribunal (Procedure) (Amendment) Regulations 2005

Date of commencement : 18 April 2005

4. G. N. No. S 641/2009 — Copyright Tribunal (Procedure) (Amendment) Regulations 2009

Date of commencement : 31 December 2009

5. 2010 Revised Edition — Copyright Tribunals (Procedure) Regulations

Date of operation : 31 May 2010

6. G.N. No. S 144/2014 — Copyright Tribunals (Procedure) (Amendment) Regulations 2014

Date of commencement : 7 March 2014

7. G.N. No. S 131/2015 — Copyright Tribunals (Procedure) (Amendment) Regulations 2015

Date of commencement : 31 March 2015