

BERMUDA

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The Minister responsible for intellectual property, in exercise of the powers conferred by sections 186 and 189 of the Copyright and Designs Act 2004, with the approval of the Minister of Finance as to the fees chargeable under these Rules in respect of proceedings before the Copyright Tribunal, makes the following Rules:

PART 1 PRELIMINARY

Citation

1 These Rules may be cited as the Copyright Tribunal Rules 2014.

Interpretation

2 (1) In these Rules—

“the Act” means the Copyright and Designs Act 2004;

“address for service” means—

(a) an address in Bermuda given by a party to proceedings or an intervener for the service on them of any notice or other document relating to the proceedings; and

(b) in relation to the Tribunal, the Tribunal address for service;

“applicant” means a person who has made a reference or other application to the Tribunal in accordance with rule 7;

“application” means the application form and statement of grounds filed with the Tribunal in accordance with rule 7(1);

“application form” means the form set out in Schedule 1;

“Chairman” means the chairman of the Tribunal or a deputy chairman or any other member of the Tribunal appointed to act as chairman;

“Court” means the Supreme Court of Bermuda;

“intervener” means a person who has applied under rule 15 to be made a party to proceedings;

“physical address” does not include a post office box;

“proceedings” means proceedings in respect of an application before the Tribunal;

“public holiday” has the meaning given in section 1 of the Public Holidays Act 1947;

“registered e-mail” means the Bermuda Post Office’s registered e-mail service;

“relevant fee” means the fee payable to the Tribunal as set out in Schedule 2;

“Secretary” means the Secretary of the Tribunal appointed by the Minister, with the approval of the Minister of Finance, under section 183(2) of the Act;

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“small application” has the meaning given in rule 17(6);

“standard application” has the meaning given in rule 17(6);

“statutory declaration” means a statement which is not required to be made under oath but meets the requirements of paragraphs (2) and (3) of this rule;

“Tribunal” means the Copyright Tribunal;

“Tribunal address for service” means the address for the service or filing of applications, notices or any other documents on, or with, the Tribunal pursuant to rule 4;

“Tribunal office” means the office of the Tribunal located at the offices of the Registry General;

(2) A statutory declaration is a written statement that—

(a) the party putting forward a document; or

(b) in the case of a witness statement, the maker of the witness statement,

believes the facts stated in the document or in the witness statement (as the case may be) are true.

(3) A statutory declaration shall be signed by—

(a) in the case of a statement of grounds, a response or a request for permission to intervene, the party or the legal representative of the party; and

(b) in the case of a witness statement, the maker of the statement.

(4) An address for service shall be a physical address but may also include an e-mail address.

(5) Service to or from an e-mail address for service shall be deemed to be service to or from the physical address for service.

(6) The powers conferred on the Tribunal by rules 38(3) and 41 may be exercised by either the Chairman or the Tribunal.

Overriding objective

3 (1) The Rules set out a procedural code with the overriding objective of enabling the Tribunal to deal with cases justly.

(2) Dealing with a case justly includes, so far as practicable—

(a) ensuring that the parties are on an equal footing;

(b) saving expense;

(c) dealing with the case in ways which are proportionate—

(i) to the amount of money involved;

- (ii) to the importance of the case;
 - (iii) to the complexity of the issues; and
 - (iv) to the financial position of each party;
 - (d) ensuring that it is dealt with expeditiously and fairly; and
 - (e) allotting to it an appropriate share of the resources available to the Tribunal, while taking into account the need to allot resources to other cases.
- (3) The parties are required to help the Tribunal to further the overriding objective.

Tribunal address for service

4 The address for the service or filing of applications, notices or any other documents on, or with, the Tribunal is: The Secretary of the Copyright Tribunal—

- (a) at c/o Registry General, Government Administration Building, 30 Parliament Street, Hamilton HM 12, Bermuda; or
- (b) where service is effected by registered email, at copytribunal@gov.bm.

Tribunal website

5 The Tribunal's website is located at: www.registrygeneral.gov.bm.

Representation and right of audience

6 In proceedings a party may be represented by—

- (a) a barrister and attorney entitled to practise law in Bermuda;
- (b) any other person allowed by the Tribunal to appear on his behalf; or
- (c) in the case of a natural person, himself.

PART 2

COMMENCING PROCEEDINGS

Commencing proceedings

7 (1) Proceedings are started when a person—

- (a) files an application form;
- (b) files a statement of grounds; and
- (c) pays the relevant fee.

(2) The statement of grounds shall—

- (a) contain a concise statement of the facts on which the applicant relies;
- (b) state the statutory provision under which the application is made;

- (c) where appropriate, include the terms of payment or terms of licence which the applicant believes to be unreasonable;
- (d) specify the relief sought;
- (e) be verified by a statutory declaration.

(3) The address for service given in the application form shall be an address in Bermuda.

Defective applications

8 (1) If the Tribunal considers that an application does not comply with rule 7, or is materially incomplete, or is lacking in clarity, it may give such directions as may be necessary to ensure that those defects are remedied.

(2) The Tribunal may, if satisfied that the efficient conduct of the proceedings so requires, instruct the Secretary to defer service of the application on the respondent until after the directions referred to in paragraph (1) have been complied with.

Power to reject

9 (1) The Tribunal may, after giving the parties an opportunity to be heard, reject an application in whole or in part at any stage in the proceedings if—

- (a) it considers that the Tribunal has no jurisdiction to hear the application;
- (b) it considers that the applicant—
 - (i) does not have a sufficient interest in the application; or
 - (ii) is not an organisation that is representative of a class of persons that have a sufficient interest in the application;
- (c) it considers, in accordance with the relevant provision of the Act, that the application is premature;
- (d) it considers that the application is an abuse of the Tribunal's process;
- (e) it considers that the application discloses no reasonable grounds for bringing the application.

(2) Unless the Tribunal is satisfied that an organisation which claims to be representative of a class of persons is reasonably representative of the class of persons, the Tribunal shall reject a reference—

- (a) under section 147, 148 or 149 of the Act; or
- (b) under paragraph 3, 4 or 5 of Schedule 5 to the Act,

by the organisation.

(3) When the Tribunal rejects an application it may make any consequential order it considers appropriate.

(4) For the purposes of paragraph (1)(c), the relevant provision means—

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- (a) section 147(2), where the reference is made under section 147;
- (b) section 154(2), where the reference is made under section 154;
- (c) paragraph 3(2) of Schedule 3 to the Act, where the reference is made under paragraph 3 of Schedule 3 to the Act; and
- (d) paragraph 10(2) of Schedule 3 to the Act, where the reference is made under paragraph 10 of Schedule 3 to the Act.

Amendment of application

10 (1) The applicant may amend the application only with the permission of the Tribunal.

(2) Where the Tribunal grants permission under paragraph (1) it may do so on such terms as it thinks fit, and shall give such further or consequential directions as may be necessary.

Withdrawal of application

11 (1) The applicant may withdraw an application only with the permission of the Tribunal.

(2) Where the Tribunal gives permission under paragraph (1) it may—

- (a) do so on such terms as it thinks fit; and
- (b) instruct the Secretary to publish notice of the withdrawal in the Gazette or in such other manner as the Tribunal may direct.

(3) Where an application is withdrawn any interim order of the Tribunal, other than an order made in respect of costs, shall immediately cease to have effect, unless the Tribunal directs otherwise.

PART 3

RESPONSE TO THE PROCEEDINGS

Acknowledgement and notification

12 On receiving an application the Secretary shall—

- (a) send an acknowledgement of its receipt to the applicant; and
- (b) subject to rules 8(2) and 9, send a copy of the application to the respondent marked to show the date on which that copy is sent.

The response

13 (1) The respondent shall send to the Tribunal a response in the form in Schedule 3 so that the response is received within 28 days (or such further time as the Tribunal may allow) of the date on which the Secretary sent a copy of the application to the respondent in accordance with rule 12(b).

- (2) The response filed by the respondent shall state—
 - (a) the name and address of the respondent;
 - (b) the name and address of the respondent's legal representatives, if any;
 - (c) an address for service (which shall be an address in Bermuda),

and shall be signed and dated by the respondent, or on the respondent's behalf by a duly authorised officer or legal representative.

- (3) The response shall contain a concise statement of—
 - (a) the facts on which the respondent relies;
 - (b) any relief sought by the respondent; and
 - (c) any directions sought pursuant to rule 20.
- (4) The response shall be verified by a statutory declaration.
- (5) Rules 8 and 10 shall, mutatis mutandis, apply to the response.
- (6) On receiving the response, the Secretary shall send a copy to the applicant.

PART 4

INTERVENTION AND CONSOLIDATION

Publication of application

14 (1) Subject to rules 8 and 9, the Secretary shall as soon as practicable upon receipt of an application publish a notice in the Gazette and in any other manner the Chairman may direct.

- (2) The notice referred to in paragraph (1) shall state—
 - (a) that an application has been received;
 - (b) the section of the Act under which the application is made;
 - (c) the name of the applicant;
 - (d) the particulars of the relief sought by the applicant;
 - (e) a summary of the principal grounds relied on; and
 - (f) that any person—
 - (i) with substantial interest in the proceedings;
 - (ii) who objects to the application on the basis that the applicant does not have a sufficient interest in the application; or
 - (iii) who objects to the application on the basis that the applicant is not representative of a class of persons that have a sufficient interest in the application,

may apply to intervene in the proceedings, in accordance with rule 15, within 28 days of publication of the notice or such other period as the Chairman may direct.

Intervention

15 (1) Any person with substantial interest in the outcome of proceedings may make a request to the Tribunal for permission to intervene in those proceedings.

(2) The request shall be delivered to the Tribunal within 28 days of the publication of the notice in accordance with rule 14.

(3) The Secretary shall give notice of the request for permission to intervene to the respondent and all other parties to the proceedings and invite their observations on that request within a specified period.

(4) A request for permission to intervene shall state—

- (a) the title of the proceedings to which that request relates;
- (b) the name and address of the person wishing to intervene;
- (c) the name and address of the person's legal representative, if any;
- (d) an address for service (which shall be an address in Bermuda);
- (e) the facts on which the person wishing to intervene relies and the relief sought.

(5) The request shall be verified by a statutory declaration and accompanied by the relevant fee.

(6) The Tribunal may permit the intervention on such terms and conditions as it thinks fit, if satisfied, having taken into account the observations of the parties, that the intervening party has a substantial interest.

(7) On granting permission in accordance with paragraph (6), the Tribunal shall give all such consequential directions as it considers necessary with regard, in particular, to the service on the intervener of the documents lodged with the Tribunal, the submission by the intervener of a statement of intervention and, if appropriate, the submission by the principal parties of a response to the statement of intervention.

(8) The statement of intervention and any response to it shall contain—

- (a) a concise statement of the facts supporting the intervention or response; and
- (b) any relief sought by the intervener or the party responding to the intervention.

(9) The statement of intervention and any response shall be verified by a statutory declaration.

(10) Rules 8 and 10 shall, mutatis mutandis, apply to the statement of intervention.

Consolidation

16 (1) Where two or more applications are made relating to the same licensing scheme or proposed licensing scheme, or which involve the same or similar issues, the Tribunal may on its own initiative, or on the request of a party, order that the proceedings or any particular issue or matter raised in the proceedings be consolidated or heard together.

(2) Before making an order under this rule, the Tribunal shall invite the parties to the relevant proceedings to submit their observations.

PART 5
ALLOCATION

Allocation

17 (1) The Tribunal shall allocate an application to the small applications track or to the standard applications track, taking into account the factors set out in this rule.

(2) When the Tribunal makes an allocation it shall have regard to—

- (a) the financial value of the application to each of the parties;
- (b) whether the facts, legal issues, relief requested or procedures involved are simple or complex; and
- (c) the importance of the outcome of the application to other licensees or putative licensees of a licensing body.

(3) The small applications track is the normal track for an application where its financial value is less than \$50,000 to each party and the facts and legal issues involved are simple.

(4) The standard applications track is the normal track for all other applications.

(5) When the Tribunal has allocated an application to a track the Secretary shall serve a notice of allocation on every party.

(6) Any application allocated to the small applications track is referred to as a "small application" and any other application is referred to as a "standard application".

(7) The Rules apply to small applications with the exception of rules 22(1), (3) and (4), 23, 35 and 36.

(8) The Rules apply to standard applications with the exception of rule 21.

Change of track

18 The Tribunal may at any time on the request of a party or of its own initiative order, having considered the factors set out in rule 17(2), that—

- (a) proceedings allocated to the small applications track be transferred to the standard applications track; or

- (b) proceedings allocated to the standard applications track be transferred to the small applications track.

PART 6

CASE MANAGEMENT AND PREPARATION FOR HEARING

Case management — general

19 (1) In determining applications the Tribunal shall actively exercise its powers set out in rules 16 (consolidation), 17 (allocation), 18 (change of track), 20 (directions), 21 (procedure for small applications), 22 (case management of standard applications and certain small applications), 23 (oral hearing of a standard application), 24 (evidence), 25 (expert evidence), 26 (summoning of witnesses and orders to answer questions or produce documents), and 27 (failure to comply with directions) with a view to ensuring that the application is dealt with justly.

- (2) The Tribunal may in particular—
 - (a) encourage and facilitate the use of an alternative dispute resolution procedure if it considers it appropriate; and
 - (b) dispense with the need for the parties to attend any hearing.

Directions

20 (1) The Tribunal may at any time, on the request of a party or of its own initiative, at a case management conference, pre-hearing review, on an application for appeal or otherwise, give such directions as are provided for in paragraph (3) or such other directions as it thinks fit to secure the just, expeditious and economical conduct of the proceedings.

(2) Where a party requests directions in accordance with paragraph (1) the request shall be accompanied by the relevant fee.

- (3) The Tribunal may give directions—
 - (a) as to the manner in which the proceedings are to be conducted, including any time limits to be observed in the conduct of an oral hearing;
 - (b) that the parties file a reply, rejoinder or other additional statements or particulars;
 - (c) that part of any of the proceedings be dealt with as a preliminary issue;
 - (d) that any part of the application, response or intervention be struck out;
 - (e) for the dismissal of the proceedings;
 - (f) to stay the whole or part of any proceedings or order or decision of the Tribunal either generally or until after a specified date;
 - (g) for the preparation and exchange of skeleton arguments;
 - (h) requiring persons to attend and give evidence or to produce documents;

- (i) as to the evidence which may be required or admitted in proceedings before the Tribunal and the extent to which it shall be oral or written;
 - (j) as to the submission in advance of a hearing of any witness statements or expert reports;
 - (k) as to the cross-examination of witnesses;
 - (l) as to the fixing of time limits with respect to any aspect of the proceedings;
 - (m) as to the abridgement or extension of any time limits, whether or not expired;
 - (n) for the disclosure between, or the production by, the parties of documents or classes of documents;
 - (o) for the appointment and instruction of experts, whether by the Tribunal or by the parties and the manner in which expert evidence is to be given;
 - (p) as to the use or further disclosure of a document which has been disclosed in the proceedings, whether or not it has been read to or by the Chairman or Tribunal or referred to at a hearing which has been held in public;
 - (q) for the award of costs; and
 - (r) for hearing a person who is not a party where, in any proceedings, it is proposed to make an order or give a direction in relation to that person.
- (4) The Tribunal may, in particular, of its own initiative—
- (a) put questions to the parties;
 - (b) invite the parties to make written or oral submissions on certain aspects of the proceedings;
 - (c) ask the parties or other persons for information or particulars;
 - (d) ask for documents or any papers relating to the case to be produced;
 - (e) summon the parties' representatives or the parties in person to meetings.

(5) A request by a party for directions shall be made in writing as soon as practicable and shall be served by the Secretary on any other party who might be affected by such directions and determined by the Tribunal taking into account the observations of the parties.

Procedure for small applications

- 21 (1) This rule contains the procedure for small applications.
- (2) As soon as possible after an allocation is made in accordance with rule 17 or 18, the Tribunal shall give directions and notify the parties of the date on which the decision shall be delivered in accordance with rule 30.
- (3) If any party requests a hearing or the Tribunal considers that a hearing is required, either before or after the Tribunal has given directions in accordance with

paragraph (2), the Tribunal shall give directions (which may include directions for a case management conference or a pre-hearing review), fix a date for the hearing and notify the parties in writing of the date, time and place of that oral hearing.

Case management of standard applications and certain small applications

22 (1) Subject to paragraph (2), this rule applies to the case management of standard applications only.

(2) If the Tribunal gives directions in accordance with rule 21(3), then paragraphs (5) and (6) of this rule apply to small applications.

(3) Where it appears to the Tribunal that any proceedings would be facilitated by holding a case management conference or pre-hearing review the Tribunal may, on the request of a party or of its own initiative, give directions for such a conference or review to be held.

(4) Unless the Tribunal otherwise directs, a case management conference shall be held as soon as practicable after allocation in accordance with rule 17 or rule 18(a).

(5) A case management conference or pre-hearing review shall be held in private unless the Tribunal otherwise directs.

(6) The purpose of a case management conference or pre-hearing review is—

- (a) to ensure the efficient conduct of the proceedings;
- (b) to determine the points on which the parties shall present further argument or which call for further evidence to be produced;
- (c) to clarify the forms of order sought by the parties, their arguments of fact and law and the points at issue between them;
- (d) to ensure that all agreements that can be reached between the parties about the matters in issue and the conduct of the proceedings are made and recorded;
- (e) to facilitate the settlement of the proceedings;
- (f) to set a timetable outlining the steps to be taken by the parties pursuant to directions in preparation for the oral hearing of the proceedings;
- (g) to set the dates within which the hearing shall take place.

Oral hearing of a standard application

23 In a standard application, as soon as practicable after the case management conference or pre-hearing review, the Secretary shall, after discussions with the parties, notify the parties in writing of the date, time and place for the oral hearing and of any timetable for that hearing.

Evidence

24 (1) The Tribunal may control the evidence by giving directions as to—

- (a) the issues on which evidence is required;
- (b) the nature of the evidence required to decide those issues; and
- (c) the way in which the evidence is to be placed before the Tribunal.

(2) The Tribunal may use its power to exclude evidence that would otherwise be admissible where—

- (a) the evidence was not provided within the time allowed by a direction;
- (b) the evidence was provided in a manner that did not comply with a direction;
- (c) it would be unfair to admit the evidence;
- (d) the evidence is not proportionate to the issues of the case; or
- (e) the evidence is not necessary for the fair disposal of the case.

(3) The Tribunal may require any witness to give evidence on oath or affirmation or, if in writing, by way of a witness statement verified by a statutory declaration.

(4) The Tribunal may allow a witness to give evidence through a video link or by other means.

Expert evidence

25 (1) Expert evidence shall be restricted to that which is proportionate to the issues of the case and necessary for the fair disposal of the case.

(2) No party may call an expert or put in expert evidence without the permission of the Tribunal.

(3) When a party applies for permission to call an expert or put in expert evidence it shall identify—

- (a) the field in which expert evidence shall be relied upon;
- (b) the expert in that field whose evidence shall be relied upon and, if applicable, the person by whom the expert is employed; and
- (c) the principal issues which the expert will be expected to address.

(4) If the Tribunal grants permission under this rule it shall be only in relation to the expert named and the field and on the issues identified in the application.

(5) The Tribunal may limit the fees and expenses of an expert that can be recovered from the parties to the proceedings that did not instruct that expert.

Summoning of witnesses and orders to answer questions or produce documents

26 (1) On the application of a party or on its own initiative, the Tribunal may—

- (a) by summons require any person to attend as a witness at a hearing at the time and place specified in the summons; or

- (b) order any person to answer any questions or produce any documents in that person's possession or control which relate to any issue in the proceedings.
- (2) A summons under paragraph (1)(a) shall—
- (a) give the person required to attend not less than 14 days' notice of the hearing or such shorter period as the Tribunal may direct; and
 - (b) where the person is not a party, make provision for the person's necessary expenses of attendance to be paid, and state who is to pay them.
- (3) No person may be compelled to give any evidence or produce any document that the person could not be compelled to give or produce on a trial of an action in a court of law in Bermuda.

Failure to comply with directions

27 If any party fails to comply with any direction given in accordance with these Rules, 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 the permission of the Tribunal.

PART 7

THE HEARING

Hearing to be in public

28 Except where the Tribunal orders otherwise, the hearing of any application shall be in public.

Procedure at the hearing

29 (1) The proceedings shall be opened and directed by the Chairman who is responsible for the proper conduct of the hearing.

(2) The Tribunal shall, so far as it appears to it appropriate, seek to avoid formality in its proceedings and shall conduct the hearing in such manner as it considers most appropriate for the clarification of the issues before it and generally to the just, expeditious and economical handling of the proceedings.

(3) Unless the Tribunal otherwise directs, no witness of fact or expert may be heard unless the relevant witness statement or expert report has been submitted in advance of the hearing and in accordance with any directions of the Tribunal.

(4) The Tribunal may limit cross-examination of witnesses to any extent or in any manner it deems appropriate.

PART 8

DELIVERY OF THE DECISION

Delivery of the decision

30 (1) The decision of the Tribunal on an application shall be given in writing and shall include a statement of the Tribunal's reasons.

(2) The Secretary shall as soon as practicable serve on every party to the proceedings a copy of the Tribunal's decision.

(3) The Chairman shall arrange for the decision of the Tribunal to be published in such manner as considered appropriate.

(4) The Secretary shall keep, at the Tribunal Office for inspection by the public, every decision given by the Tribunal under subsection (1).

Orders for costs

31 (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 one party to another 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, and in the last mentioned case the Tribunal may assess the sum to be paid or may direct that it be assessed or, where appropriate, taxed by the Chairman.

Effective date of order

32 Except where the operation of the order is suspended under rule 33 or 34, an order of the Tribunal shall take effect from such date, and shall remain in force for such period, as is specified in the order.

PART 9

APPEALS FROM THE TRIBUNAL

Commencement of appeal proceedings

33 (1) An appeal to the Court under section 189 of the Act arising from a decision of the Tribunal shall be brought within 28 days of the date of decision of the Tribunal or within such further period as the Court may, on application to it, allow.

(2) A party appealing to the Court shall as soon as may be practicable serve on the Tribunal a notice of such appeal accompanied by the relevant fee and shall serve a copy of the notice on every person who was a party to the proceedings giving rise to that decision.

(3) Following receipt of the notice of appeal by the Secretary, the Tribunal may on its own initiative suspend the operation of any order contained in its decision.

Suspension of order

34 (1) Unless the Tribunal orders otherwise an appeal to the Court shall not operate as a stay of any decision or order of the Tribunal.

(2) The Tribunal may endorse a consent order where all parties to an action have consented to the suspension of the operation of an order.

(3) An application to the Tribunal for an endorsement under paragraph (2) shall be accompanied by the relevant fee.

(4) Where any order of the Tribunal has been suspended by the Tribunal in accordance with rule 33(3) or upon the application of a party to the proceedings in accordance with rule 34(2) the Secretary shall serve notice of the suspension on all parties to the proceedings, and if particulars of the order have been advertised shall cause notice of the suspension to be advertised in the same manner.

(5) Rule 30(3) applies to the publication of a decision to suspend an order.

PART 10

INTERIM ORDERS AND AWARDS

Power to make provisional awards

35 Subject to rule 36, the Tribunal shall have power to order on a provisional basis any relief which it would have power to grant in a final decision.

Awards on different issues

36 (1) The Tribunal may make more than one award at different times on different aspects of the matters to be determined.

(2) The Tribunal may, in particular, make an award relating to—

(a) an issue affecting the whole claim; or

(b) a part only of the claims or cross-claims submitted to it for decision.

(3) If the Tribunal makes an award under paragraph (2), it shall specify in its award—

(a) the issue that affects the whole claim; or

(b) the part of any claim or cross-claim,

which is the subject matter of that award.

PART 11
SUPPLEMENTARY

Enforcement

37 A decision made by the Tribunal may, by leave of the Court, be enforced in the same manner as a judgment or order of the Court to the same effect.

Service of documents

38 (1) Any notice or other document required by these Rules to be served on any person—

- (a) where only a physical address for service has been given, may be delivered to the person, or anyone authorized by the person to accept service, at that physical address;
- (b) where both a physical and e-mail address for service have been given, may—
 - (i) be delivered to the person, or anyone authorized by the person to accept service, at that physical address; or
 - (ii) be delivered by registered e-mail to that e-mail address; or
- (c) where no address for service has been given, may be delivered to the person's registered office, principal place of business or last known address.

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

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

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

Time

39 (1) Where a period expressed in days, weeks or months is to be calculated from the moment at which an event occurs or an action takes place, the day during which that event occurs or that action takes place shall not be counted as falling within the period in question.

(2) A period expressed in weeks shall end with the expiry of whichever day (in the last week of the period) is the same day of the week as the day during which the event or action from which the period is to be calculated occurred or took place.

(3) A period expressed in months shall end with the expiry of whichever day (in the last month of the period) falls on the same date in the month as the day during which the event or action from which the period is to be calculated occurred or took place but, if the date on which the period should expire does not occur in the last month of the period, the period shall end with the expiry of the last day of that month.

(4) Where the time for doing any act expires on a Saturday, Sunday, or other public holiday, the act is in time if done on the next following day which is not a Saturday, a Sunday, or other public holiday.

Office hours

40 The Tribunal office shall be open between 09:00 a.m. and 4:30 p.m. Monday to Friday, excluding public holidays.

Clerical mistakes and accidental slips or omissions

41 The Tribunal may at any time correct any clerical mistake or other accidental slip or omission in a decision, direction or any document produced by it, by—

- (a) sending notification of the amended decision or direction, or a copy of the amended document, to each party; and
- (b) making any necessary amendment to any information published in relation to the decision, direction or document.

Power of Tribunal to regulate procedure

42 Subject to the provisions of the Act and these Rules, the Tribunal shall have power to regulate its own procedure.

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SCHEDULE 1

(rules 2(1) and 7(1))

APPLICATION FORM

COPYRIGHT TRIBUNAL APPLICATION FORM		
Tribunal reference:		
Issue Date:		
Applicant's name and address, email address and telephone number:		
Do you agree to receive service of notices and other documents by registered e-mail? (Tick the appropriate box.)		
Yes		No
Respondent's name and address, email address and telephone number:		
Either (a) the section number of the Copyright and Designs Act 2004, or (b) name of the Regulations under which the claim is brought:		
Brief details of the facts upon which the applicant relies:		
If different from the address above, the applicant's address for service (which must be an address in Bermuda):		
Signature:		
Date:		

SCHEDULE 2

(rule 2(1))

FEES

- 1 The relevant fee is \$25 for an application for directions in accordance with rule 20, other than an application for a direction under rule 20(3)(d).
- 2 The relevant fee is \$35 for—
 - (a) an application for directions under rule 20(3)(d);
 - (b) a request for permission to intervene made under rule 15;
 - (c) a notice of appeal served in accordance with rule 33;
 - (d) an application for endorsement of a consent order made in accordance with rule 34(3);
 - (e) an application to the Tribunal made under rule 7 where the application is—
 - (i) for special leave made under section 149, 151, 156, 170 or 179 of the Act;
 - (ii) a reference made under section 154 or 155 of the Act;
 - (iii) an appeal made under section 176 of the Act;
 - (iv) made under section 170 of the Act for review of an order;
 - (v) made under section 179 of the Act to settle royalty or other sums payable;
 - (vi) made under section 169 of the Act.
- 3 The relevant fee is \$50 for an application made under rule 7, other than an application listed in paragraph 2(e) of this Schedule.

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SCHEDULE 3

(rule 13(1))

RESPONSE FORM

COPYRIGHT TRIBUNAL RESPONSE FORM		
Tribunal reference:		
Issue Date:		
Respondent's name and address, email address and telephone number:		
Do you agree to receive service of notices and other documents by registered e-mail? (Tick the appropriate box.)		
Yes:	<input type="checkbox"/>	No: <input type="checkbox"/>
Respondent's legal representative's (if any) name and address, email address and telephone number:		
Brief details of the facts upon which the respondent relies:		
Relief (if any) sought by the respondent:		
Directions (if any) sought by the respondent:		
If different from the address above, the respondent's address for service (which must be an address in Bermuda):		
Signature:		
Date:		

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Made this day of 2014

Minister of Home Affairs

Approved this day of 2014

Minister of Finance