

**Copyright Regulations (Rules of Procedure for the
Committee on the Determination of Royalties), 5731—1971**

Chapter A

Interpretation

Definitions

1. In these Regulations “application” shall mean an application to fix the rate of royalties consequent on the use of a work;
“Committee” shall mean the Committee appointed by the Minister of justice under section 7A(d) of the Ordinance; “draft agreement” shall mean a draft agreement as to the extent of royalties submitted to the Committee by the representative organization for authors of works of the type in question.

Meaning

2. In the absence of any other express intention to the contrary the remaining expressions in these Regulations shall bear the same meaning as these have in the Copyright Ordinance.

Chapter B

Applications

Application Particulars

3.—(a) These are the particulars to be included in an application:
(1) the name, description, address, and occupation of the applicant, and the address for service of documents;
(2) name, description, and addresses of the representative organization to the extent that these can be established;
(3) particulars of the work and the use made thereof;
(4) the date when use of the work is made;
(5) the rate of royalty requested or proposed;
(6) grounds of the application, including legal reasoning, every such ground being set out in brief and in separate paragraphs.
(b) The application shall be signed by the applicant or his representative.

- (c) The facts set out in the application shall be authenticated by a declaration made by the applicant or other person.
- (d) If the application is filed by a representative organization a draft agreement shall be annexed to the application.

Filing of Application

- 4.—(a) The application and documents annexed thereto shall be lodged with the Committee in quintuplicate.
- (b) The Chairman of the Committee shall serve one copy on the respondent.

Respondent's Reply

- 5.—(a) The respondent is entitled to lodge with the Committee a counter-statement of case in five copies and shall set out therein details of his opposition and the grounds thereof.
- (b) The counter-statement of case shall be lodged with the Committee not later than fifteen days from the date the application is served on the respondent.
- (c) The Chairman of the Committee is authorized to extend the period for lodging the counter-statement of case if he considers there is sufficient reason for doing so.
- (d) The Chairman of the Committee shall serve a copy of the counter-statement of case on the applicant.

Fixing the Application Hearing Date

- 6. Within two months from the lodging of the application the Chairman of the Committee shall fix a date for the hearing of the application, and shall serve on the applicant and respondent not less than fifteen days' prior notice of such date.

Presence at Cross-Examination

- 7.—(a) If the respondent wishes to cross-examine a person who has made a declaration as to the veracity of the facts set out in the application, he shall notify the Chairman of the Committee and the applicant thereof at least seven days prior to the date fixed for the hearing of the application.
- (b) On the date fixed for the hearing of the application the applicant shall produce to the Committee the person whose cross-examination is required as aforesaid.
- (c) If the applicant shall fail to produce a person for cross-examination as set out in the preceding subregulation (b) or if the person concerned, in the absence of any reason acceptable to the Committee, shall refuse to reply to questions put to him in cross-examination, the declaration of that person shall not be used as evidence except where the Committee is persuaded that acceptance of the declaration as evidence is required in the interests of justice.

Order of Pleading

8. Subject to what is set out in these Regulations and in section 7A of the Ordinance, the application proceedings shall be conducted as if the applicant were the plaintiff and the respondent were the defendant, and the Civil Procedure Regulations, 1963, shall apply to the proceedings with such modification as may be required according to the subject-matter.

Proceedings in the Absence of the Parties

9. In the event of parties properly summoned failing to appear before the Committee on the day fixed for hearing of the application, or the adjourned date therefor, the following provisions shall apply:

- (1) if the applicant but not the respondent is present, the Committee is empowered to adjourn the hearing of the application or to hear the application in the absence of the respondent;
- (2) if the applicant is absent, or both the parties fail to appear, the Committee is empowered to adjourn the hearing of the application or to annul the application.

Hearing Confined to Written Arguments

10. At the hearing of the application the Committee shall not be bound by any argument or fact not set out in the application or in the counter-statement of case save where is convinced that the omission thereof did not occur by reason of the default of the applicant seeking to rely on such argument, or where the hearing of such additional argument is required to serve the interests of justice.

Adjournment of Hearing

11. The Committee is empowered to adjourn the hearing of the application, and where the hearing has commenced to adjourn the further hearing thereof if, in its view, such adjournment is required to serve the interests of justice.

Decision of the Committee

- 12.—(a) The Committee is empowered to arrive at a decision on a majority opinion.
(b) The decision shall be set out in writing and shall be signed by the Chairman and members of the Committee.
(c) A copy of the decision, certified by the Chairman, shall be delivered to the applicant and respondent as soon as possible after the decision has been given.

Costs in the Application

13. The Committee is empowered to adjudicate on the question of costs and to determine by whom such costs shall be borne.

Joinder of Parties

14. The Committee is empowered at any stage of the proceedings to join as applicant or respondent to an application before it any person who appears to the Committee to be an interested party in the application.

Title

15. These Regulations shall be called the “Copyright Regulations (Rules of Procedure for the Committee on the Determination of Royalties), 5731—1971.”

Source: World Intellectual Property Organization
<http://www.wipo.int>