
STATUTORY INSTRUMENTS

2010 No. 791

The Copyright Tribunal Rules 2010

PART II

COMMENCING PROCEEDINGS

Commencing proceedings

- 7.—(1) Proceedings are started when a person files—
- (a) an application form;
 - (b) a statement of grounds; and
 - (c) the relevant fee.
- (2) The statement of grounds must—
- (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 statement of truth.

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 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) When the Tribunal rejects an application it may make any consequential order it considers appropriate.
- (3) For the purposes of paragraph (1)(c), the relevant provision means—
- (a) section 118(2), where the reference is made under section 118;
 - (b) section 125(2), where the reference is made under section 125;
 - (c) paragraph 3(2) of Schedule 2A, where the reference is made under paragraph 3 of Schedule 2A and
 - (d) paragraph 10(2) of Schedule 2A, where the reference is made under paragraph 10 of Schedule 2A.

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 the 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 on the Tribunal Website 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.