

PART 11

SUPPLEMENTARY

Enforcement

37A 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

40The 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

41The 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

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

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

1The 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).

2The 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.

SCHEDULE 3

(rules 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	No	
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 applicant's address for service (which must be an address in Bermuda):			
Signature:			
Date:			

Made this 6th day of February 2014

Minister of Home Affairs

Approved this 6th day of February 2014

Minister of Finance

BERMUDA

COPYRIGHT (BROADCASTING UNDERTAKINGS) ORDER 2014

BR 12 / 2014

The Minister responsible for intellectual property, in exercise of the powers conferred by section 95 of the Copyright and Designs Act 2004, makes the following Order:

Citation

1This Order may be cited as the Copyright (Broadcasting Undertakings) Order 2014.

Prescribed broadcasting undertakings

2The following broadcasting undertakings are prescribed for the purposes of section 95(1) of the Act—

(a) Bermuda Broadcasting Company Limited;

(b) DeFontes Broadcasting Company Limited;

(c) Harper Digital Entertainment Ltd.;

(d) Inter-Island Communications Ltd.;

(e) LTT Broadcasting Company Ltd.; and

(f) any other undertaking registered in Bermuda and permitted to broadcast in Bermuda.

Made this 31st day of January 2014

Minister of Home Affairs

BERMUDA

COPYRIGHT (CUSTOMS) REGULATIONS 2014

BR 13 / 2014

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SCHEDULE

The Minister of Finance, in exercise of the powers conferred by section 140 of the Copyright and Designs Act 2004, makes the following Regulations:

Citation

1These Regulations may be cited as the Copyright (Customs) Regulations 2014.

Form of notice

2(1) Notice given under section 139(1) of the Act shall be in Form A of the Schedule and a separate notice shall be given in respect of each work.

(2) Notice given under section 139(3) of the Act shall be in Form B of the Schedule and a separate notice shall be given in respect of each work and in respect of each expected importation into Bermuda.

(3) In regulations 3 to 9, "notice" means a notice given under section 139(1) or (3) of the Act.

Contents of notice

3The notice shall contain—

(a) full particulars of the matters specified in the notice; and

(b) a declaration by the signatory that the information given by him in the notice is true.

Fee

4The person giving the notice shall pay a fee of \$250 in respect of the notice to the Accountant-General at the time the notice is given.

Copy of work and evidence

5The person giving the notice shall furnish to the Collector of Customs—

(a) at the time the notice is given, a copy of the work specified in the notice; and

(b) at the time the notice is given and at the time the goods to which the notice relates are imported, such evidence as the Collector of Customs may require to establish—

(i) his ownership of the copyright in such work;

(ii) that goods detained are infringing copies; or

(iii) that a person who has signed the notice as agent of the owner of the copyright in the work is duly authorized.

Security

6The person giving the notice shall give security or further security within such time and in such manner, whether by bond or by deposit of a sum of money, as the Collector of Customs may require, in respect of any liability or expense which the Collector of Customs may incur in consequence of the notice by reason of the detention of any article or anything done to an article detained.

Indemnification

7The person who has given the notice shall indemnify the Collector of Customs against any liability or expense mentioned in regulation 6, whether any security or further security has been given or not.

Notification of changes

8The person giving the notice shall notify the Collector of Customs in writing of any change in the ownership of the copyright in the work specified in the notice or other change affecting the notice within 14 days of the change.

Deemed withdrawal of notice

9The notice shall be deemed to have been withdrawn—

(a) as from the expiry of 14 days from any change in the ownership of the copyright in the work specified in the notice, whether notified to the Collector of Customs in accordance with regulation 8 or not; or

(b) if the person giving the notice has failed to comply with any requirement of these Regulations, as from when the failure to comply occurred.

Revocation of Copyright (Customs) Regulations 1964

10The Copyright (Customs) Regulations 1964 are revoked.

SCHEDULE

FORM A

(regulation 2(1))

COPYRIGHT AND DESIGNS ACT 2004

Notice Requesting Infringing Copies of a Published Literary, Dramatic or Musical Work to be Treated as Prohibited Goods

Please read these notes before completing this notice.

1This notice may only be given by the owner of the copyright in a published literary, dramatic or musical work or the authorized agent of the owner. A separate notice must be given in respect of each work.

2The period specified in Part 1 shall not exceed five years and shall not extend beyond the period for which copyright is to subsist.

3A fee of \$250 is payable. Please enclose a cheque for the required amount made payable to "Accountant-General".

4A copy of the work specified in Part 2 must be enclosed with this notice.

5The person who has given the notice shall indemnify the Collector of Customs against any liability or expense which the Collector of Customs may incur as a result of detaining any article or anything done to an article detained because of this notice. You may need to give the Collector of Customs security in respect of any such liability or expense. You will be informed when this is required.

6Part 3 is not obligatory, but please give as many details as possible.

Part 1

I, ..... give notice that

[Full name of signatory in BLOCK LETTERS]

.....

[Name and address of owner of copyright]

is the owner of the copyright in the work specified below which subsists under the Copyright and Designs Act 2004 and I request that any infringing copies of this work be treated as prohibited goods for a period starting on ..... and ending on.....

Part 2 : Particulars of Work

Title .....

Full name of author/authors: .....

.....

Date copyright expires: .....

Part 3 : Details of expected importation

(a) Date of expected importation .....

(b) Place of customs declaration .....

(c) Place of unloading .....

(d) Country of origin .....

(e) Country from which goods consigned.....

(f) Bill of lading/air waybill/consignment reference number .....

(g) Name of ship/aircraft flight number/vehicle registration number .....

(h) Name and address of importer/consignee.....

(i) Tariff classification and commodity code .....

Part 4: Declaration

I declare that the information given by me in this notice is true.

Signature ..... Date .....

(\*Owner of copyright/Authorized agent of owner of copyright)

\*Delete whichever is inappropriate.

Part 5

Please send the completed notice, enclosing the fee and a copy of the work, to: Collector of Customs

H.M. Customs

P.O. Box HM 2084

Hamilton HM HX

Bermuda

FORM B

(regulation 2(2))

COPYRIGHT AND DESIGNS ACT 2004

Notice Requesting Infringing Copies of a Sound Recording or Film to be Treated as Prohibited Goods

Please read these notes before completing this notice.

1This notice may only be given by the owner of the copyright in a sound recording or film or the authorized agent of the owner. A separate notice must be given in respect of each work and in respect of each expected importation of infringing copies of the work.