



THE COPYRIGHT ACT 1991
THE PERFORMERS' PROTECTION ACT 1996

THE COPYRIGHT TRIBUNAL RULES 1996

Approved by Tynwald

1996

Coming into operation

1st July 1996

In exercise of the powers conferred on the Governor in Council by sections 145, 147(2) and (3) and 176(3) of the Copyright Act 1991(a), and of all other enabling powers, the following Rules are hereby made:-

Citation, commencement, interpretation and application

1. (1) These Rules may be cited as the Copyright Tribunal Rules 1996 and, subject to section 176(1) of the Act, shall come into operation on the 1st July 1996.

(2) In these Rules —

"the Act" means the Copyright Act 1991;

"the Tribunal" means the Isle of Man Copyright Tribunal.

(3) Except where otherwise provided by the Copyright Tribunal (Design Right) Rules 1992(b), these Rules do not apply to proceedings before the Tribunal under the Design Right Act 1992(c).

Application of the UK Rules

2. The following rules made under sections 150 and 152(2) and (3) of the Copyright, Designs and Patents Act 1988 (an Act of Parliament)(e) (being the provisions of Part I of that Act which correspond to sections 145 and 147(2) and (3) of the Act) —

(a) 1991 c.7 (b) GC 265/92 (c) 1991 c.8

- (a) the Copyright Tribunal Rules 1989(d),
- (b) the Copyright Tribunal (Amendment) Rules 1991(e), and
- (c) the Copyright Tribunal (Amendment) Rules 1992(f),

shall have effect in the Island as part of the law of the Island, subject to the exceptions and modifications specified in the Schedule.

Revocation

3. The Copyright Tribunal Rules 1992(g) are revoked.

(d) SI 1989/1129 (e) SI 1991/201 (f) SI 1992/467 (g) GC 264/92

Rule 2.

SCHEDULE

EXCEPTIONS AND MODIFICATIONS SUBJECT TO WHICH THE UK RULES APPLY TO THE ISLAND

PART 1

THE COPYRIGHT TRIBUNAL RULES 1989 (SI 1989/1129)

1. For references to the Copyright Tribunal substitute references to the Tribunal.
2. For references to any provision of the Rules substitute references to that provision as it has effect in the Island.
3. For references to the Copyright, Designs and Patents Act 1988 (an Act of Parliament), or to any provision of that Act, substitute references to the Act or to the corresponding provision of the Act or of the Performer's Protection Act 1996, as the case may be.
4. For references to Schedule 17 to the Broadcasting Act 1990 (an Act of Parliament)(h), or to any provision of that Schedule, substitute references to Schedule 3 to the Broadcasting Act 1993(i), or to the corresponding provision of that Schedule.
5. For references to the Secretary of State substitute references to the Department of Industry.
6. For references to a solicitor substitute references to an advocate.
7. In rule 1, omit the words from "and shall" onwards;
8. In rule 15(5), omit "a barrister, or in Scotland an advocate, or";
9. Omit rules 38 to 41.
10. In rule 42(1), omit "or, in the case of proceedings of the Tribunal in Scotland, to the Court of Session".
11. For rule 46 substitute -

"46. The provisions of sections 13, 15, 18 and 27 of the Arbitration Act 1976 (an Act of Tynwald)(j) (which are set out in Schedule 2) shall apply in the case of proceedings before the Tribunal as those provisions apply to an arbitration where no contrary intention is expressed in the arbitration agreement.";

(h) 1990 c.42 (i) 1993 c.12 (j) 1976 c.24

12. Omit rule 47.
13. In rule 48(2), for the words from "a taxing officer" onwards substitute "the Chief Registrar".
14. Omit rules 49, 52 and 55 and Schedule 1.
15. In Schedule 2 -
 - (a) in the heading, for the words from "PART 1" to "Wales" substitute -

"Provisions of the Arbitration Act 1976 (an Act of Tynwald) which apply in the case of proceedings before the Tribunal";
 - (b) for references to sections 12, 14, 17 and 26 substitute references to sections 13, 15, 18 and 27;
 - (c) for "High Court" substitute "Court";
 - (d) for references to the United Kingdom substitute references to the Island;
 - (e) in section 12(4), for "sue out a writ of subpoena ad testificandum or a writ of subpoena duces tecum" substitute "apply to the Court for a warrant to summon a witness to give evidence or to produce documentary evidence", and for "a writ of subpoena ad testificandum or a writ of subpoena duces tecum shall issue" substitute "such a warrant shall issue";
 - (f) omit section 26(2), (3) and (4);
 - (g) omit Part 2.

PART 2

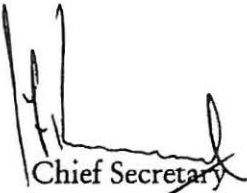
THE COPYRIGHT TRIBUNAL (AMENDMENT) RULES 1991 (SI 1991/201)

16. Omit rule 3.

MADE

29th May

1996


Chief Secretary

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules prescribe the procedure to be followed before the Isle of Man Copyright Tribunal in the hearing and determination of applications and references to it under the Copyright Act 1991, the Performers' Protection Act 1996 and Schedule 3 to the Broadcasting Act 1993. They apply the corresponding Rules in force in the United Kingdom, subject to suitable modifications.

The Copyright Tribunal Rules 1992 (GC 264/92), which applied the same Rules with the omission of provisions relating to proceedings under the United Kingdom enactments corresponding to the Performers' Protection Act 1996, are revoked.