

DEPARTMENT OF INDUSTRIES, COMMERCE AND TOURISM

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REGISTRATION OF COPYRIGHT IN CINEMATOGRAPH FILMS ACT NO. 62 OF 1977

Registration of Copyright in Cinematograph Films Regulations

The Minister of Industries, Commerce and Tourism has, by virtue of the powers vested in him in terms of section 45 of the Registration of Copyright in Cinematograph Films Act, 1977 (Act no. 62 of 1977), made the following regulations and prescribed the matters in respect of which fees shall be payable and the tariff of such fees set forth in Schedule 1 hereto.

Definitions

1. In these regulations, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Registration of Copyright in Cinematograph Films Act, 1977 (Act no. 62 of 1977), bears the meaning so assigned, and-
'Office' means the registration office for copyright in cinematograph films established under section 2 of the Act;
'Patent Journal' means the official journal of patents, designs and trade marks of the Republic of South Africa;
'the Act' means the Registration of Copyright in Cinematograph Films Act, 1977 (Act no. 62 of 1977).

Fees

[Section 45(1)]

2. The fees to be paid in terms of the Act shall be payable as follows:
 - (a) By affixing revenue stamps to any relevant document, which stamps may be cancelled by a Receiver of Revenue or the Registrar; or
 - (b) by impressing a stamp on any relevant document by means of a die approved by the Commissioner for Inland Revenue; or
 - (c) in such other manner as the Registrar may direct.

Forms

[Section 45(2)]

3. The forms referred to in these regulations are the forms contained in Schedule 2 hereto and the forms used shall be substantially in the form of those prescribed for the cases concerned but may be modified or amended with the approval of the Registrar provided that such modification or amendments shall not substantially affect their identity.

Documents

[Section 45(2)]

4. Subject to any directions that may be given by the Registrar, all applications, notices, counterstatements, or any other documents required by the Act or by these regulations to

be lodged or left with or sent to the Registrar, shall be type-written, lithographed or printed in one of the official languages of the Republic in legible characters with deep permanent black ink upon one side only of strong A4 size paper and shall have on the left-hand part thereof a margin of not less than 35 millimetres.

Service of documents

[Section 43]

- 5.(1) Any application, statement, notice or other document authorised or required to be lodged, left, made or given with, to or at the Office or with or to the Registrar may be sent through the post; any such document so sent shall not be deemed to have been duly sent unless and until it is actually received in the Office.
- (2) Any statement, notice or other document authorised or required to be left, made or given with or to any person other than the Registrar may be sent through the post; any document so sent shall be deemed to have been delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that the letter was properly addressed and put into the post.
- (3) All statements, notices or other documents for the purposes of proceedings relating to the register, licensees or assignees shall be left with or sent to the owner, licensee or assignee of the cinematograph film at his address for service as it appears in the register.

Address for service

[Section 43]

- 6.(1) An address for service shall in all cases be in the Republic, not be a post box number and be as full as possible so as to enable any person to find such an address.
- (2) Where an address for services is in a town with streets or in a multi-storied building the Registrar may require the address to include all indications which he may deem necessary to find such address.
- (3) Where an address for service is in an area where there are no streets the address given shall contain such further indications as the Registrar may deem necessary to find the exact location of such address.
- (4) An address for service may, in addition, contain a post office box number in special cases if such additional information could facilitate postal delivery.

Change of address and address for service

[Sections 6(6), 16 and 43(2)]

- 7.(1) Every applicant, registered owner or registered licensee who changes his address or address for service shall forthwith apply to the Registrar on Form RF 4 to record such change on the relevant documents or in the register and the Registrar shall alter the documents and register accordingly.
- (2) Any party to any proceedings under the Act who changes his address or address for service shall forthwith
 - (a) apply to the Registrar on Form RF 4 to record such change on the notice of opposition or other documents or in the register, and the Registrar shall alter the notice of opposition or other documents or the register accordingly; and
 - (b) give notice of such change to the applicant for or registered owner or registered exclusive licensee, as the case may be, of the copyright in the cinematograph film and to every other person who is a party to the proceedings.

Agents

[Section 5]

- 8.(1) All communications, including the applications made under this Act to the Registrar, relating to copyright in a cinematograph film may be signed by and all attendances upon

the Registrar may be made by or through an agent as contemplated in section 5 of the Act and duly authorised to the satisfaction of the Registrar. In any particular case the Registrar may, if he thinks fit, require the personal signature or presence of an applicant, objector or other person.

- (2) Service upon such agent shall be deemed to be service upon the person so appointing him and all communications directed to be made to such person may be addressed to such agent.
- (3) Where the address for an agent has been used as the address for service in respect of any entry in the register and such agent changes his address he shall forthwith apply to the Registrar on Form RF 4 for the form of advertisement of the change of address for publication in the Patent Journal.

Application for registration

[Section 6(1)]

- 9.(1) An application for registration of copyright in a cinematograph film shall comprise the following documents:
 - (a) Form RF 1, in duplicate, one copy of which shall be signed by the Registrar and returned to the applicant as proof of lodging.
 - (b) Form RF 2 in duplicate.
 - (c) Statement of case giving particulars as required by subregulation 9(2), verified by a sworn declaration made on Form RF 9 by the author or by some person authorised to act on his behalf and approved by the Registrar.
 - (d) In the event that the applicant is not the author of the cinematograph film, appropriate documentary proof of his title or authority to apply to the satisfaction of the Registrar.
 - (e) Any other relevant supporting duly authenticated documents or copies thereof.
 - (f) An abstract on Form RF 3, in duplicate.
- (2) The statement of case in terms of subregulation (1) shall contain the following particulars:
 - (a) The name or names of the cinematograph film.
 - (b) The name, citizenship and country or countries of domicile and residence of the author of the cinematograph film.
 - (c) The circumstances by virtue of which it is claimed that the person referred to in paragraph (b) above is the author of the cinematograph film. If it is claimed that the author is a body corporate, full details must be furnished of the persons who acted on behalf of the body corporate in undertaking the arrangements for the making of the cinematograph film and in particular the relationship of such persons to the body corporate.
 - (d) Dates on and place or places at which the cinematograph film was made.
 - (e) Whether the cinematograph film has lawfully been made available to the public and if so the date on which it was first so lawfully made available to the public.
 - (f) Whether the cinematograph film has been published and if so the place and date of first publication.
 - (g) A brief description of the story or subject matter of the cinematograph film.
 - (h) The names of the director and producer of the cinematograph film.
 - (i) The names of the principal players (if any) or of the narrator, if appropriate, in the cinematograph film.
 - (j) Any marks, including trade marks, used in relation to or on the cinematograph film, or any features of the cinematograph film, which serve to distinguish the cinematograph film from other cinematograph films.
- (3) The application shall be dated and signed by the applicant(s) or duly authorised agent.
- (4) If the application is made by a firm or partnership it may be signed in the name of for and on behalf of the firm or partnership by any one or more members thereof, but the full names of all the partners shall be furnished in the declaration.

- (5) If the application is made by a body corporate, it may be signed by a director or by the secretary or other principal officer of such body corporate duly authorised by the Board of Directors thereof.
- (6) The Registrar may also, in his discretion, call for a deposit in the Office of a specimen or copy of the cinematograph film and he may refer to such deposit in the register if he deems fit.

Abstract

10. The abstract on Form RF 3 shall be summarised from the information contained in the statement of case as required by regulation 9(1) and (2) and the storyline shall be in narrative form and shall be not more than 150 words.

Register and indices of copyright in cinematograph films

[Section 15]

- 11.(1) In addition to the particulars detailed in section 15(1) of the Act, which must appear in the register, the Registrar shall cause to be entered in the register the particulars called for in Form RF 2.
- (2) The Registrar shall maintain an alphabetical index of the names of all applicants for registrar of copyright in cinematograph films and registered owners thereof and may also maintain an alphabetical index of the names of all assignees of copyright in cinematograph films and registered licensees thereof.
- (3) The Registrar shall maintain an alphabetical index of the titles of all cinematograph films which are the subjects of applications or registrations.
- (4) The register may, on payment of the prescribed fees and subject to the provisions of the Act, be inspected at all convenient times during office hours by the public.

Translation of languages

- 12.(1) Where an application contains a word or words not written in the Latin alphabet, there shall be endorsed on Form RF 1 a sufficient transliteration and translation to the satisfaction of the Registrar of each such word or words and every such endorsement shall be signed by the applicant or his agent.
- (2) Any document in a language other than the English or Afrikaans languages shall be accompanied by an exact translation thereof, certified to the satisfaction of the Registrar.

Procedure on receipt of application

[Section 6]

- 13.(1) On or after the receipt of any application for the registration of copyright in a cinematograph film, the Registrar shall return to the applicant the duplicate copy of Form RF 1 as proof of lodging. Such duplicate copy shall contain the official number and date of the application.
- (2) If, after consideration of the application, the Registrar considers that there is no objection to the copyright in a cinematograph film being registered he may accept it absolutely or subject to conditions, modifications, limitations or amendments which he shall communicate to the applicant or his agent.
- (3) If consideration of the application gives rise to objections, a statement of those objections shall be sent to the applicant or his agent, in writing, and unless within three months of the date of the statement, the applicant submits arguments in writing or applies for a hearing, he shall be deemed to have withdrawn his application.
- (4) If the Registrar accepts an application subject to any conditions, modifications, limitations or amendments and the applicant objects to such conditions, modifications, limitations or amendments, he shall within three months of the date of the communication notifying

such acceptance submit arguments in writing or apply for a hearing. If he does not do so he shall be deemed to have withdrawn his application. If the applicant does not object to such conditions, modifications, limitations or amendments, he shall within three months notify the Registrar, in writing, of such acceptance and if he fails to do so he shall be deemed to have withdrawn his application.

Advertisement of application

[Section 7]

- 14.(1) If the Registrar is satisfied that the application complies with the requirements of the Act and these regulations and the Copyright Act, 1978, for the registration of copyright in a cinematograph film, he may accept the application and give written notice thereof, which notice shall be accompanied by Form RF 3.
- (2) Every such application shall be advertised once in the Patent Journal by the applicant but in the case of an application which has been advertised before acceptance the Registrar may require it to be advertised again when it has been accepted, if he thinks fit.
- (3) If a specimen of the cinematograph film has been lodged, or the Registrar has requested a preview of the cinematograph film, the applicant shall state such fact in the advertisement or indicate where and under what conditions, subject to the approval of the Registrar the cinematograph film may be viewed.
- (4) Where an application has been advertised before acceptance as contemplated in the proviso to section 7(1) of the Act and the Registrar requires it to be advertised again after acceptance, he shall advise the applicant accordingly and the applicant shall apply to the Registrar on Form RF 4 to be furnished with the form and wording of an advertisement.
- (5) In respect of any advertisement inviting opposition, or otherwise, the provisions of subregulation (1) shall mutatis mutandis apply.
- (6) The application and such documents as were lodged in support of the application may, after advertisement and on payment of the prescribed fee and subject to the provisions of the Act, be inspected at all convenient times during office hours by the public.

Opposition to registration

[Sections 9 and 13]

- 15.(1) Any person may within one month from the date of advertisement in the Patent Journal of an application for registration of copyright in a cinematograph film, or within such further time as the Registrar may allow, serve on the applicant at his address for service and lodge at the Office a notice of opposition to the registration of the copyright in the cinematograph film.
- (2) Such notice shall be on Form RF 5 and shall contain a statement of the grounds upon which the opponent objects to the registration.
- (3) The Registrar may at any time request the applicant and the opponent to arrange for the viewing of any cinematograph film relevant to the proceedings.

Counterstatement

[Section 10]

- 16.(1) Subject to the provisions of section 10 of the Act, within one month after lodging of the notice of opposition the applicant may serve on the objector at his address for service and lodge at the Office a counterstatement in writing on Form RF 6 setting out the grounds on which he relies in support of his application. The applicant shall also set out what facts, if any, alleged in the notice of opposition he admits.
- (2) If the applicant fails so to lodge a counterstatement, he shall be deemed to have abandoned his application.
- (3) Proof of service of both notice of opposition and counterstatement shall be to the satisfaction of the Registrar.

Informal opposition proceedings

[Section 11]

17. After lodgement of the notice of opposition and the counterstatement, the Registrar shall with the consent of both parties, lodged on Form RF 7, within a period of one month consider those documents and all the relevant facts as provided in section 11 of the Act.

Normal opposition proceedings

[Section 12]

18. If either party fails to lodge Form RF 7 within a period of one month, the Registrar shall, as soon as may be, advise all interested parties accordingly, and thereafter the provisions of section 12 of the Act shall apply.
19. In case of normal opposition to the registration of copyright in a cinematograph film, the Registrar may, at the request of the parties or otherwise, order that all or any of the evidence be taken viva voce or by affidavit and may give such directions as are required in that behalf but, in the absence of any direction by the Registrar, the evidence in any case shall be by affidavit and shall be given as follows:
 - (a) Within one month after the advice by the Registrar in terms of regulation 18 the opponent shall leave at the Office the evidence he adduces in support of his opposition and deliver to the applicant copies thereof.
 - (b) Within one month after the delivery to the applicant of the opponent's evidence, the applicant shall leave at the Office his evidence and deliver to the opponent copies thereof.
 - (c) Within one month after the delivery of the applicant's evidence the opponent shall leave at the Office his evidence in reply and deliver to the applicant copies thereof. The last-mentioned evidence shall be confined to matters strictly in reply.
 - (d) No further evidence shall be left by either side except by leave of the Registrar or upon the written consent of the parties or by special leave of the Registrar given on an application made to him. The party making such application shall give notice thereof to the opposite party who shall be entitled to oppose the application. Leave to file further evidence may be given upon such terms as to costs or otherwise as the Registrar may think fit.
 - (e) Where exhibits are referred to in affidavit but not attached thereto, the party adducing the evidence shall send the originals to the Office and, if so directed by the Registrar, shall furnish copies or impressions thereof to the other party.
20. If the opponent fails, within the time allowed, to file evidence in support of his opposition or to state that he intends to rely on the facts stated in the notice of opposition, the opposition shall be deemed to have been abandoned.
21. If the applicant fails, within the time allowed, to file evidence in answer to opponent's statement or affidavits or to file evidence in support of his application or to state that he intends to rely upon the documents lodged with the application, the application shall be deemed to have been abandoned.
22. The Registrar may extend the periods laid down in regulations 19 to 21, both inclusive, on application made to him. The party making such application shall give ten days' notice to the Registrar and to the other party, who shall be entitled to oppose the application, save as provided in the following regulation.
23. Where in opposition proceedings any extension of time is granted to any party, the Registrar may thereafter, if he thinks fit, without granting the said party a hearing grant any reasonable extension of time to the other party within which to take any subsequent step.

24. Upon completion of the evidence on affidavit the Registrar shall give notice to the parties of a date for the hearing of the proceedings, including viva voce evidence, if any. Such appointment shall be for a date at least 14 days after the date of the notice, unless the parties consent to a shorter notice. Within seven days from the receipt of such notice both parties shall pay the prescribed hearing fee on Form RF 4; a party failing to pay such fee shall not be entitled to appear and the Registrar may deal with the matter in his absence.
25. In the event of an opposition being uncontested by the applicant, the Registrar, in deciding whether costs should be awarded to the opponent, shall consider whether proceedings might have been avoided if reasonable notice had been given by the opponent to the applicant before the opposition was filed.

Security for costs

[Section 14]

26. Where any party to opposition proceedings so requests, the Registrar may order the other party to give security within 30 days for such amount and in such form as the Registrar may deem sufficient for the costs of the proceedings before the Registrar and the Registrar may further at any stage in such opposition proceedings require further security to be given at any time before giving his decision in the case. If any order or requirement is not duly complied with within 30 days, the Registrar may treat the opposition or application, as the case may be, as abandoned.

Non-completion

[Section 8]

27. Where registration of copyright in a cinematograph film is not completed within six months from the date of the acceptance of the application by reason of default on the part of the applicant, the Registrar shall give notice to the applicant or his agent, in writing, on Form OA of such non-completion. If, after 30 days from the date when such notice was sent or such further time as the Registrar may allow, the registration is not completed, the application shall be deemed to be abandoned. If an acceptance does not take place and the applicant, having been advised of the Registrar's objections to the application, fails to take any action within three months of the date of such advice, the application shall be deemed to have been abandoned.

Certificate of registration

[Section 18(2)]

28. Upon the registration of copyright in a cinematograph film the Registrar shall, as required by section 18(2) of the Act, issue to the applicant a certificate on Form OB accompanied by an updated copy of Form RF 2.

Assignment or transmission

[Section 21 to 23]

29. Where a person becomes entitled by assignment or transmission to the copyright in a cinematograph film, he may himself or conjointly with the registered owner make application to the Registrar on Form RF 8 to register his title as soon as possible and if application is not made to register the assignment or transmission within 12 months of the effective date thereof, a penalty of R15 shall be payable in respect of each period of 12 months or portion thereof following the expiration of 12 months from the effective date.

30. An application under regulation 29 shall contain the name, business address together with a description of the person claiming to be so entitled and, in the case of a body corporate, the state or country under whose law it is incorporated, together with full particulars of the instrument, if any, under which he claims and such instrument or authenticated copy thereof shall be attached to the application. The full names of all the partners in a partnership shall be given in the body of the application. The Registrar may in any case require and retain an authenticated copy of any instrument produced for inspection in proof of title.
31. Where, in the case of an application on Form RF 8, the person applying for registration of his title does not claim under document or instrument which is capable in itself of furnishing proof of his title he shall, unless the Registrar otherwise directs, either upon or with the application, state a case setting forth the full particulars of the facts upon which his claim to be owner of copyright in the cinematograph film is based and showing that the copyright has been assigned or transmitted to him. If the Registrar so requires, the case shall be verified by a sworn declaration on Form RF 9.
32. The Registrar may call on any person who applies to be registered as owner of copyright in a cinematograph film for such proof or additional proof of title as he may require.
33. When the Registrar is satisfied as to the title of the person claiming to be registered as owner, he shall on payment of the prescribed fees on Form RF 4, register him as owner of the copyright in the cinematograph film and shall enter in the register his name, business address and description and particulars of the assignment or transmission and also the effective date thereof.

Substitution of applicants

[Section 21 or 26(2)]

- 34.(1) Notwithstanding anything contained in these regulations and subject to section 21 (3) of the Act, any person may apply on Form RF 8 for a substitution of applicant in respect of the copyright in a cinematograph film which is the subject of a pending application for registration; and the Registrar may, if satisfied that there is good reason to grant the application, approve the substitution subject to such conditions as he deems necessary.
- (2) The application to substitute a body corporate in terms of section 26(2) of the Act for another applicant in the case of a pending application shall likewise be made on Form RF 8 and shall be dealt with in terms of subregulation (1) of this regulation.

Licences

[Section 20]

- 35.(1) An application to the Registrar for the registration under section 20 of the Act, of a person as a licensee of copyright in a cinematograph film which has been registered shall be made by that person and the owner of the copyright in the cinematograph film on Form RF 10 and shall be accompanied by a sworn declaration by the owner or authorized person as required by section 20(2) of the Act on Form RF 9.
 - (2) In addition to the above there shall be lodged duly authenticated copies of the licence agreement between the two parties and such other documents as the Registrar may require.
36. The date of an entry of a licensee in the register shall be the date on which application for registration as a licensee was made. In addition to the business address of the licensee the application shall include the address for service of the licensee. A notification in writing of the registration of a licensee shall be sent to the registered owner of the copyright in the cinematograph film and shall be advertised in the Patent Journal.

37. An application by the owner of the copyright in the cinematograph film or any licensee of the copyright in a cinematograph film for the cancellation of the registration of a licensee of that copyright in a cinematograph film under section 20(5)(a) of the Act shall be made on Form RF 10 and shall be accompanied by a statement of the grounds on which it is made.
38. Application by any person for the cancellation of the registration of a licensee of the copyright in a cinematograph film under section 20(5)(b) of the Act, shall be made on Form RF 10 and shall be accompanied by a statement of the grounds on which it is made.
- 39.(1) The applicant for cancellation under the provisions of regulations 37 and 38 shall satisfy the Registrar that he has given a notification of the application to each licensee of the copyright in a cinematograph film and also to the owner of the copyright in the cinematograph film, if the owner is not the applicant, and that he has duly notified the interested persons of their right of intervention as provided in subregulation (2).
 - (2) Any person so notified who intends to intervene shall within one month of the receipt of the notification or within such further time as the Registrar may allow serve on the registered owner of the copyright in the cinematograph film, and on the licensee concerned, and lodge at the Office, a notice of intervention.
 - (3) Such notice shall be on Form RF 5 and shall contain a statement of the ground upon which the person intends to intervene. Thereupon the provisions of regulation 50 shall mutatis mutandis apply to such application.
 - (4) The Registrar after giving the parties an opportunity of being heard may accept or refuse the application or accept it subject to any conditions or restrictions he may think it proper to impose.
 - (5) The registration fee for any licence of copyright in a cinematograph film or cancellation thereof shall be paid on lodgement of Form RF 4.

Amendment of register or application

[Section 6(6) or 16 or 26]

40. Applications under section 6(6) or 16 or 26 of the Act, as the case may be, to the Registrar may be made on Form RF 4 by the applicant or the owner of the copyright in a cinematograph film or licensee or where the owner or licensee is a company in liquidation by the liquidator and in other cases by such person as the Registrar may decide to be entitled to act in the name of the owner or licensee.
41. Where such application is made, the Registrar may require such evidence by affidavit or otherwise as he may think fit concerning the circumstances in which the application is made.
42. An application to the Registrar under section 16(3) of the Act for the correction of any entry in the register shall, if so required by the Registrar, be accompanied by a statement setting out fully the nature of the applicant's interests, the facts upon which he bases his case and the relief which he seeks. The applicant shall send a copy of the statement to every licensee of the copyright in the cinematograph film and, if the applicant is not the owner of the copyright in the cinematograph film, to the owner.
43. Upon such application being made and copies thereof transmitted to the registered owner, if necessary, the provisions of regulations 15 to 26, both inclusive, shall apply mutatis mutandis, in so far as they can be applied, to the further proceedings thereon; but the Registrar shall not correct the error in the register or remove the registration from the register merely because the registered owner has not filed a counterstatement. In any case of doubt any party may apply to the Registrar for directions.

Requests, notifications and applications to the Registrar

44. Except where specific provision is made for the use of special forms, any request, notification or application to the Registrar shall be made on Form RF 4 quoting the section of the Act or the regulations or both under which relief is sought and shall set out the relief claimed.

Office hours

[Section 15(2)]

- 45.(1)** The Office will be open to the public from Mondays to Fridays from 08h30 to 12h00 and from 13h30 to 15h30 except on the following days:
- (a) All days proclaimed public holidays in terms of any law; and
 - (b) days which may from time to time be notified by a placard posted in a conspicuous place at the Office.
- (2)** Whenever the last day fixed by the Act or by these regulations for doing any thing shall fall on a day when the Office is not open to the public, it shall be lawful to do any such thing on the day next following such excluded day or days if two or more of them occur consecutively.

Discretionary powers

[Section 27]

- 46.(1)** Where under these regulations any person is required to do any act or thing or to sign any document or to make any affidavit on behalf of himself or of any body corporate or any document or evidence is required to be produced to or left with the Registrar or at the Office and it is shown to the satisfaction of the Registrar that from any reasonable cause such person is unable to do such act or thing or to sign such document or make such affidavit or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Registrar and upon the production of such other evidence and subject to such terms as he may think fit to dispense with any such act or thing, document, affidavit or evidence.
- (2)** Any person may apply to the Registrar for a hearing within three months of any decision of the Registrar or such further time as the Registrar may allow, and if he fails to do so the decision of the Registrar shall be final.

Appeals or application to Court

[Sections 6(3), 16(4), 33 and 35]

- 47.(1)** (a) When any person objects to any order or decision of the Registrar he may apply, within two months of the date of the Registrar's order or decision or such further time as the Registrar may allow, on Form RF 4 requiring the Registrar to state in writing the grounds of his decision and the data used by him in arriving thereat. The date of such statement shall be deemed to be the date of the Registrar's order or decision for the purpose of appeal.
- (b) The consents by the parties to any appeal to have the appeal heard by the Appellate Division of the Supreme Court in terms of section 33(5) of the Act shall be on Form RF 7 (in duplicate) and shall be lodged with the Registrar before an appeal is noted in such division.
- (2)** In any case in which an application is made under section 35 of the Act, the applicant shall give notice of such application to the Registrar on Form RF 4 accompanied by a copy of the application to the Court.

Withdrawal of appeals

[Section 6(5)]

- 48.** Where under the provisions of section 6(5) of the Act an appellant is entitled to withdraw his appeal, such withdrawal shall be effected by notice given to the Registrar and to the other parties, if any, to such appeal within one month after the leave to include further grounds of objection referred to in that section has been obtained.

Applications to and orders of the Court

- 49.(1) Where an order has been made by the Court in any case under the Act, the person whose favour such order has been made or such one of them, if more than one, as the Registrar may direct, shall forthwith leave at the Office an office copy of such order together with Form RF 4. The register may, if necessary, thereupon be rectified or altered by the Registrar.
- (2) Whenever an order is made by the Court under the Act, the Registrar may, if he thinks that such order should be made public, publish it in the Patent Journal at the expense of the person in whose favour such order has been made.
- (3) Any addition to or alteration or correction of the register, shall be advertised by the Registrar (save where otherwise expressly provided) once in the Patent Journal.

Rectification of register option to apply to Court or to the Registrar

[Section 39 read with section 17(1)]

- 50.(1) Where under any provision of the Act an applicant has an option to apply either to the Court or to the Registrar and he elects to apply to the Registrar, the application shall be made on Form RF 4. The application shall set out fully the nature of the applicant's interest, the facts upon which he bases his case and the relief he seeks.
- (2) The applicant shall serve copies of the application upon the owner or licensee of the copyright in the cinematograph film concerning which the application is made and upon any other person appearing from the register to be interested in the copyright in the cinematograph film, and proof of serve thereof shall be furnished to the satisfaction of the Registrar.
- (3) At any time within one month from the date of service as aforesaid the registered owner or licensee of the copyright in the cinematograph film or any other interested person who wishes to oppose the application shall deliver to the Registrar a counterstatement on Form RF 6 setting out fully the grounds upon which the application is opposed and at the same time shall serve upon the applicant a copy of the counterstatement, furnishing proof of service to the satisfaction of the Registrar.
- (4) Within one month after the service of the counterstatement the applicant shall leave at the Office the evidence he adduces in support of his application and deliver to the party or parties who have filed the counterstatement copies thereof. If he fails to do so, or to state that he intends to rely on the facts stated in the application, the application shall be deemed to have been abandoned.
- (5) Within one month after the delivery of the applicant's evidence, the party who has filed a counterstatement shall leave at the Office his evidence and deliver to the applicant copies thereof. If he should fail to do so, or to state that he intends to rely on the facts stated in the counterstatement, the opposition to the application shall be deemed to have been abandoned.
- (6) Within one month after the delivery of the evidence by the party who has filed a counterstatement, the applicant shall leave at the Office his evidence, which shall be confined to matters strictly in reply, and deliver to the party filing the counterstatement copies thereof.
- (7) In respect of matters relating to extensions of time and further proceedings in regard to the application, the provisions of regulations 22 to 26, both inclusive, shall mutatis mutandis apply.

Certificates

[Section 15(3)]

- 51.(1) The Registrar, when required otherwise than under section 18 of the Act, to give a certificate as to any entry, matter or thing which he is authorised by the Act or any of these regulations to make or do, may on receipt of a request, in writing, on Form RF 4 give such a certificate.

(2) The following certificates shall be issued in respect of the matters set out in the title to the forms enumerated, viz

Certificate of Assignment: Form OC

Certificate of Registration of Licensee: Form OD

Certificate of Change of Name: Form OE

Certificate of Extract from Register: Form OF;

and the certificate may be amended as directed by the Registrar to meet any contingency.

52. The abbreviations used to designate the different categories are set out in Schedule 3.

53. The abbreviations used to designate the different languages are set out in Schedule 4.

54. These regulations shall be called the Registration of Copyright in Cinematograph Films Regulations, 1980, and shall come into operation on 1 November 1980.