

Application for an Order Requiring Payment to a Rights Owner Under Section 1220 of the Copyright Act 1994



COPYRIGHT TRIBUNAL

Regulation 9 of the Copyright (Infringing File Sharing) Regulations 2011

When to use this form

Use this form to apply if:

- You are a copyright owner or agent of a copyright owner; and
- An account holder has infringed your copyright through file sharing; and
- You are asking the Copyright Tribunal (Tribunal) to order the account holder to pay for such infringements.

When can I apply to the Copyright Tribunal?

You can apply when the account holder has received three infringement notices within the prescribed timeframes as per the Copyright Act 1994, and the last notice was an enforcement notice. The Tribunal must receive your valid application within 35 days of the date on the enforcement notice.

Completing this form

- You can fill in this form electronically. If you do this, you must print, sign, and submit it to the Tribunal.
- You can also print and fill in this form by hand. Use a black or blue pen, and print clearly IN CAPITALS.
- Answer every question on the form unless the instructions tell you otherwise

Important information

The Tribunal may only award up to \$15,000.

A representative may complete this application provided they have written authority from you to act on your behalf in this matter (e.g. a lawyer).

All documents must be in English.

More information can be found at www.justice.govt.nz/cop

Payment information

The fee for filing a notice of appeal is \$517.50 (GST included)

To confirm how you pay the application fee, please visit the Ministry of Justice website:

www.justice.govt.nz/tribunals/copyright/forms-and-fees/

If you need further assistance, then please contact the Tribunal on:

Ph: 04 462 6660

Fax: 04 462 6686

Email: copyright@justice.govt.nz

Application fees are not refundable.

Terms used in this form

The following contains a list of terms that are used in this application form. The definitions are provided as a guide only and should not be taken as legal advice.

Rights Owner (applicant)	A copyright owner, or a person acting as an agent for one or more copyright owners
Account Holder	A person who has an account with the IPAP
Agent	Is a person who is acting on behalf of one or more copyright owners
IPAP	<p>Internet Protocol Address Provider – a person who operates a business and as a main part of its business activities:</p> <ul style="list-style-type: none">• offers the transmission, routing, and providing of connections for digital online communications, between or among points specified by a user, of material of the users choosing; and• allocates internet protocol addresses to its account holders; and• charges its account holders for its services; and• is not primarily operated to cater for transient users. <p>For example, universities and libraries would not be an IPAP because although student fees do include provision for internet services, there is no direct charging for the service.</p>

Step 1. Give us your details

Are you applying as an individual or as an organisation? (Please tick ONE)

- Individual – please fill out Step 1A
- Organisation – please fill out Step 1B

Step 1A

What is your full name?

Full name First Surname/Family name

Step 1B

What is the name of your organisation and authorised contact?

Organisation/business name

Authorised contact name

Are you the copyright owner? (Please tick ONE)

- Yes – I am the copyright owner. *You must attach evidence that you are the owner of the material in which copyright is alleged to be infringed.*
- Organisation – I am an agent of the copyright owner. *You must attach evidence that you are acting as an agent for the owner of the material in which copyright is alleged to be infringed.*

What is your postal address? (This must be a physical New Zealand address)

Address No. Street Suburb
City Country
Post code

Phone Day Mobile

Email

I consent to being contacted regarding my application at this email address Yes No

Step 2. Representative's details

This section is for lawyers or other persons who are representing the rights owner (Agents are to fill out Step 1)

Note: Lawyers may not represent the applicant at an oral hearing unless given permission by the Tribunal.

What is their name?

Representative name

What is their postal address? (This must be a physical New Zealand address)

Address No. Street Suburb
City Post code

Phone Day Mobile

Email

Please tick the boxes that apply to you: I declare that I

- have written authority to act on behalf of the applicant and that I or the applicant may be requested to provide proof of such authority
- I agree to accept all notices and other communications relating to this application on behalf of the applicant.

Step 3. Infringement notice information

What is the enforcement notice number?

Enforcement notice number

Which internet provider (IPAP) issued the enforcement notice?





Internet provider name

What is the date of the enforcement notice?

Enforcement date / / (day/month/year)

Step 7. Do a quick check

You have answered every applicable question

-  You have attached a copy of the enforcement notice as forwarded to you
-  You have attached evidence that the rights owner is the owner, or acts as agent for the owner, of the material in which copyright is alleged to be infringed
-  You have attached a copy of all challenges
-  You have attached a copy of all the responses to the challenges

You have signed and dated this form, and

You have paid the appropriate fee

Step 8. Send in this form

You can fill in this form and post it to:

Copyright Tribunal
SX11159
Wellington
New Zealand

Email: copyright@justice.govt.nz
Address: Level 1, 86 Customhouse Quay, Wellington 6011
Phone: 64 462 6660