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	Internet Protocol Address Provider – a person who operates a business and as a main part of its business activities:		
	 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. 		
	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.		

Step 1. Give us your details

	you applying as an individual or as an organisa Individual – please fill out Step 1A Organisation – please fill out Step 1B	tion? (Please tick ONE)
Ste	p 1A	
Wha	at is your full name?	
Full	name First	Surname/Family name
Wha	p 1B at is the name of your organisation and authoris	ed contact?
_	anisation/business name	
Auth	norised contact name	
Are	you the copyright owner? (Please tick ONE)	
	Yes – I am the copyright owner. You must attach copyright is alleged to be infringed.	evidence that you are the owner of the material in which
	Organisation – I am an agent of the copyright own agent for the owner of the material in which copyri	er. You must attach evidence that you are acting as an ight is alleged to be infringed.

What is Address	•	tal address? (This m Street	nust be a physical New Zealand address)	
Address	City	Street	Suburb Country	
	Post cod	е	- Country	
Dhama	Davi		NA-L-U-	
Phone	Day		Mobile	
Email				
I conser	nt to being	g contacted regardir	ng my application at this email address	
Step	2. Rep	oresentative'	's details	
This sec	tion is for l	lawyers or other pers	ons who are representing the rights owner (Agents are to till out Step 1)	
Note: La	wyers ma	y not represent the a	pplicant at an oral hearing unless given permission by the Tribunal.	
What is	their nam	ne?		
Represe	ntative na	me		
What is	their pos	tal address? (This m	nust be a physical New Zealand address)	
Address	No.	Street	Suburb	
	City		Post code	
Phone	Day		Mobile	
Email _				
Please t	ick the bo	exes that apply to yo	ou: 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 a	gree to acc	cept all notices and o	ther communications relating to this application on behalf of the applicant.	
Step	3. Infr	ingement no	otice information	
What is	the enfor	cement notice numb	ber?	
Enforcer	ment notice	e number		
VA/In: a In :	-1	rovider (IDAD) issue		
	nternet pr provider n	. ,	d the enforcement notice?	
memor	provider in			
What is	the date of	of the enforcement i	notice?	
Enforcer	ment date	///	(day/month/year)	

What is the date of the enf	forcement notice?						
Enforcement date/	/ / (day/mo	onth/year)					
Have you received any chanotice?	allenges to the enforceme	nt notice or any preceding	detection or warning				
Yes No							
If yes, please attach copies please move to Step 4.	of the challenges and respo	onses to those challenges with	h your application. If no,				
Step 4. Infringen	nent details						
		ment notice are you asking at indicate how much you are					
The following infringem	ents (if fewer than ten):						
Note: all fields below are ma	andatory for each infringeme	ent					
Infringement ID number (if provided)	Date and Time	Brief Description	Amount Claimed (\$)				
	Total:\$						
What is the amount you ar	re claiming from the accou	unt holder?					
Total fees paid to the IPAP f	for infringements relating to	this application \$	}				
Application fee paid to the T	}						
Total amount claimed for inf (total amounts in attached list	3						
Any other amount claimed*	3						
		Total:\$;				

* If you are claiming any other amount, what	is the basis for this	claim?	
If you need extra space, please attach a separat	te sheet to this applic	ation	
Step 5. Additional information	on		
Please add any additional information here			
_			
If you need extra space, please attach a separat	te sheet to this applic	ation.	
Step 6. Sign and date this fo	orm		
I certify that the above particulars are true and o	orrect.		
Signature		Date	

Step 7. Do a quick check

You have answered every applicable question

M

You have attached a copy of the enforcement notice as forwarded to you

M

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

M

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