

## CHAPTER XXIV

### APPEALS UNDER SECTION 72 OF THE COPYRIGHTS ACT, 1957

#### (ACT XIV OF 1957)

**1. Division Bench to hear appeals under Copyrights Act.** — All appeals under section 72 of the Copyrights Act shall be filed in the Office of the Registrar and shall be heard and disposed of by a Division Bench.

**2. Rules re : regular appeals to apply to appeals under the Act.** — The rules applicable to regular appeals shall, except in so far as they are inconsistent with the Rules in this Chapter, apply to appeals under section 72 of the Copyrights Act.

**3. Appeals under the Act classified as short notice or expedited matters.** — Appeals under section 72 of the Copyrights Act, 1957, shall for the purposes of the rules, be classified as short notice or expedited matters and dealt with accordingly.

**4. Appellant to supply copies of paper-books for use of Court and respondents.** — The appellant or his Advocate shall, within one month of the notification of the receipt of the record, or within such time not exceeding one month as the Registrar may allow, supply as many copies of the paper-book, which shall be in the form and with the contents specified below, as are necessary for the use of the Court and for being supplied to the respondents.

**5. Arrangement of paper-book which should be neatly typed, paged and indexed.** — The paper-book shall be neatly typed with a margin of two inches on uniform foolscap paper and shall be duly paged and indexed. It shall be properly bound in a handy volume or volumes. It shall contain transliterations or copies of the documents or papers which are in English, and translations in English of documents or papers in any other language, of the following papers or documents in the order mentioned below ;—

- (1) petition, complaint or application before the Board;
- (2) written-statement or petition of objection or reply as the case may be;
- (3) supplementary statements, further and better statements and particulars of claims, counter-statements to written-statements, replies, if any;
- (4) deposition of witnesses, if any;
- (5) copies of documents exhibited before the Board which have been referred to by the board in the decision under appeal;
- (6) copies of any document rejected by the Board where its rejection is a ground of appeal or cross-objection;
- (7) copy of the judgment, final decision or order of the Copyright Board,
- (8) copies of any other documents on the record which the appellant wishes to refer or rely on at the hearing of his appeal;

(9) memorandum of appeal in the High Court.

<sup>1</sup>[Provided that such translations would not be necessary if the documents are in Marathi and if the party or the Advocate undertakes that English translations would be supplied whenever an order in that respect is made by the Court in a particular proceedings.]

1. Added by Notification No. 3603/86, Dt. 6-8-1986.

**6. Appellant to supply bill of costs of paper-book.** — The appellant shall, along with the paper-books, or within such time not exceeding one month as the Registrar may allow in that behalf, supply a statement showing truly and correctly the total number of folios computed at 100 words per folio in the paper-book and also the total number of folios of translations, if any, included in the paper-book and also submit his bill of costs in regard to the typing and translation charges computed at the rates prescribed for copies and translations in the rules applicable to regular appeals.

**7. Respondent to supply his paper-book and bill of costs of paper-book.** — The Office shall, as soon as the paper-books are received, supply the copies thereof to the respondent and the respondent shall, if he desires to rely upon any documents or papers which are not included in the paper-book supplied by the appellant, within 15 days from the receipt of such paper-book or within such time not exceeding 15 days as may be granted by the Registrar, supply his paper-book with the requisite number of copies thereof, containing the translations and transliterations, as the case may be, of the documents or papers on which he wishes to rely. The respondent shall also supply a statement as to the folios and the bill of costs in regard to the preparation of his paper-book to the Registrar in the same manner as prescribed for the appellant:

<sup>2</sup>[Provided that such translations would not be necessary if the documents are in Marathi and if the party or the Advocate undertakes that English translations would be supplied whenever an order in that respect is made by the Court in a particular proceedings.]

2. Added by Notification No. 3603/86, Dt. 6-8-1986.

**8. Costs of paper-books to be included in bills of costs.** — The costs of the paper-books, on verification of the bills relating thereto supplied by the parties, be included in the bills of costs of the respective parties, provided that they have supplied statements of folios and their bills as prescribed in these rules.

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