

## Response to Consultation on Regulation of Licensing Bodies

Kitchin LJ, Floyd LJ, Arnold J and Birss J

7 October 2013

### General

We are not in a position to respond to Questions 1-6. We do wish to respond to Questions 7 and 8.

### Question 7

We are firmly of the view that the First-Tier Tribunal (General Regulatory Chamber) is not the correct tribunal to hear appeals in these cases. Such appeals should be heard by the Copyright Tribunal. The Copyright Tribunal is a specialist tribunal dealing with copyright collective licensing. Accordingly, it has the relevant expertise to deal with these appeals, and the appeals would form a natural addition to its jurisdiction. It is also an under-used resource. By contrast, the First-Tier Tribunal (General Regulatory Chamber) has no expertise or experience in the field of copyright licensing and these appeals would not relate to any of its other work.

### Question 8

If the Copyright Tribunal does hear these appeals, amendments to the Copyright Tribunal Rules 2010, SI 2010/791, would be required to accommodate them. The simplest way forward would be to add a new Part providing for a time limit and adjusting the Tribunal's standard procedures appropriately.