

Copyright Board  
Canada



Commission du droit d'auteur  
Canada

**PN 2019-003 rev. 1**

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**Practice Notice on Testimony of Lay Witnesses in Oral Hearings**

**General Statement**

[1] Oral hearings before the Copyright Board are more efficient when factual evidence is exchanged among parties beforehand.

[2] This Practice Notice sets out and clarifies the procedure in regards to the introduction into evidence of testimony of lay witnesses in oral hearings.

**Sworn Statements or Solemn Declarations by Lay Witnesses**

[3] Unless ordered otherwise by the Board, an oral hearing will not include examinations in chief of lay witnesses and any evidence given by lay witnesses is to be filed in the form of sworn statements or solemn declarations.

[4] Pursuant to paragraphs 35(3)(b) and 35(4)(a) of the *Copyright Board Rules of Practice and Procedure*, such sworn statements or solemn declarations must be included in a parties' case record, response to a case record, or reply to a response to a case record.

[5] Unless otherwise ordered by the Board, a lay witness who provides a sworn statement or solemn declaration must be made available for cross-examination and re-examination at the oral hearing.

[6] Expert witnesses will continue to be subject to examination-in-chief, cross-examination, and re-examination at the oral hearing.

**Amending a Sworn Statement or Solemn Declaration**

[7] A party may request to amend a sworn statement or solemn declaration in a case record (or response to a case record, or reply to a response to a case record), pursuant to Rule 39.

[8] When making a request under Rule 39, parties must file their request with the Board and serve their request on all other parties at least two weeks prior to the oral hearing.

[9] The requested amendments should be minor. The request must clearly identify the proposed amendments, indicate whether the request is being made with the consent of the other parties, and be accompanied by the amended sworn statement or solemn declaration.

**Estimates of Time for Examination**

[10] Indications of time, required under paragraphs 35(3)(d) and 35(4)(c) of the *Rules*, should not include time for examination-in-chief of lay witnesses.