

Copyright Board
Canada



Commission du droit d'auteur
Canada

PN 2023-010

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Practice Notice on Changing the Status of a Party

General Statement

[1] Certainty regarding the status of parties involved in a proceeding increases the efficacy with which the Board can administer proceedings.

Status of Parties

[2] A party may be either a collective society, an objector, or an intervenor (*Copyright Board Rules of Practice and Procedure*, Rule 1, “party”).

[3] For greater certainty, a person who is a party to a matter is also a party to the proceeding considering that matter.

Changing Status as a Party to a Proceeding

i. Unconditional Withdrawal

[4] Any party that wishes to unconditionally withdraw from a proceeding may do so by providing notification to the Board and to all parties to the proceeding at least 15 days before the day it wants to withdraw.

[5] A party who files notice under this provision ceases to be a party 15 days after its filing with the Board, the date indicated in the notice, or on such day as otherwise ordered by the Board, whichever is later.

ii. Modifying status to intervenor

[6] An objector that seeks to cease participation as an objector, and participate instead as an intervenor or a collective society whose proposed tariff has been withdrawn and who seeks to participate as an intervenor must make a request under Rule 52.

iii. All Other Changes to Status

[7] Any party that wishes to change their status in a proceeding in any other manner or on any other terms shall make an application to the Board, and serve this application on all other parties.

[8] Such other parties may file a response with the Board within 15 days of receipt of the application. If a party chooses to do so, it must serve it on all other parties at the same time.

[9] Where the Board approves the application, the change in status occurs on the date, and in accordance with the terms, set out in the Board's ruling on the application.

Particular Situations

i. Withdrawals conditional on a decision of the Board

[10] A party cannot request a change of status based on the condition that the Board make a particular decision. For example, a party cannot withdraw from participation only if the Board approves specific rates, terms, and conditions.

ii. A person no longer adequately represented by an association

[11] A person that is represented by an association or a similar entity that is a party to a proceeding, but wishes to take any procedural step on its own behalf, must make a request under Rule 52. This includes situations where the association or similar entity, is seeking to withdraw from the proceeding.

[12] The explanation required under subrule 52(3)(b) must set out the grounds for why the representing entity cannot adequately represent the person's interest.

No Effect on Record

[13] Unless the Board orders otherwise, the record, including any submissions or evidence filed by a party that withdraws from a proceeding, or otherwise changes their status, remains unchanged.

[14] For greater certainty, the record includes any Objection and Notice of Grounds for Objection that was filed by a party that withdraws from a proceeding, even if the party declares that it withdraws its Objection.