

Copyright Board
Canada



Commission du droit d'auteur
Canada

[PN 2019-003]

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PRACTICE NOTICE ON SWORN STATEMENTS OR SOLEMN DECLARATIONS BY FACT WITNESSES IN ORAL HEARINGS

General Statement

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

Sworn Statements or Solemn Declarations by Fact Witnesses

As a general rule, oral hearings before the Board will not include examinations in chief of fact witnesses.

As such, unless the Board provides otherwise, evidence given by fact witnesses is to be filed in the form of sworn statements or solemn declarations with the Board and served on all other parties prior to the oral hearing, by the date set by the Board.

Request for leave to amend a sworn statement or solemn declaration shall be filed with the Board and served on all other parties at least two weeks prior to the oral hearing and must be accompanied by the amended sworn statement or solemn declaration. As a general rule, only minor amendments will be accepted. The request should clearly identify the proposed amendments and indicate whether it is made with the consent of the other parties.

The fact witnesses who provide such sworn statements or solemn declarations are to be made available for cross-examination, and re-examination if needed, at the oral hearing, unless otherwise ordered by the Board.

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