



**THE COURT OF APPEAL**

**Neutral Citation Number [2020] IECA 279**

**Record Number: 2019/226**

**Costello J.  
Noonan J.  
Murray J.**

**BETWEEN/**

**RECORDED ARTISTS ACTORS PERFORMERS LIMITED**

**PLAINTIFF/  
APPELLANT**

**- AND -**

**PHONOGRAPHIC PERFORMANCE (IRELAND) LIMITED**

**DEFENDANT/  
RESPONDENT**

**JUDGMENT OF THE COURT delivered on the 24th day of June 2020**

1. On the 3 April 2020, the court gave judgment on the appeals in this case and invited the parties to agree a form of order, to include costs, or failing agreement, to make submissions to the court. The parties could not reach agreement, and, at their request, the court received written submissions and heard oral submissions from the parties on both the form of the order and the costs. The court reserved its decision and gave a supplemental judgment on 5 June 2020 on the costs.
2. Solicitors for RAAP wrote to the registrar of the court requesting that they be allowed to make further submissions in light of the decision on costs of the 5 June 2020, which, if uncorrected, would lead to a grave injustice. The precise issue was not identified. The court permitted the parties to make short submissions on the unidentified issue. The issue identified is a misunderstanding, according to RAAP, by the court of the position of RAAP such that the award of costs proceeded on a mistaken premise.
3. The court has given its ruling on costs and has set out its reasons for its decision. It is not appropriate to reargue the merits of that decision on the basis that the court allegedly has fundamentally misunderstood the factual or legal position. The wholly exceptional jurisdiction of the court to revisit a final decision it has issued is not engaged by the facts of this case and to attempt to reverse the decision of the court in the manner suggested by the submissions of RAAP is to be strongly deprecated.