



## ANALYSIS

Title	3. Application of Act (other than Part IX) to other entities
1. Short Title	
2. Application of Part IX to other entities	4. Spent transitional provision repealed

1999, No. 124

**An Act to amend the Copyright Act 1994**

[14 October 1999]

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title**—This Act may be cited as the Copyright Amendment Act 1999, and is part of the Copyright Act 1994 (“the principal Act”).

**2. Application of Part IX to other entities**—(1) The principal Act is amended by repealing section 204, and substituting the following section:

“204. (1) On the recommendation of the Minister, the Governor-General may by Order in Council apply any provision or provisions of this Part to any entity specified in the order (whether a state, part of a state, a territory for whose international relations a state is responsible, a political union, an international organisation, or any other entity).

“(2) An order—

“(a) May apply a provision unconditionally, or subject to conditions, modifications, or both; and

“(b) May apply a provision generally, or in relation to performances of a particular class or classes.

“(3) The Minister must not recommend the making of an order applying any provision of this Part to any entity unless satisfied that—

“(a) The entity is a convention country; or

“(b) Provision is or will be made under the law of or applicable to the entity giving reciprocal protection to performances generally or (as the case requires) performances of the class or classes to which the order applies that provision of this Part.

“(4) If the Government of a state is responsible for the international relations of 1 or more territories, an order may apply a provision to—

“(a) The state and the territory (or 1 or more of the territories) concerned; or

“(b) Just the state; or

“(c) Just the territory (or 1 or more of the territories) concerned.”

(2) Section 169 of the principal Act is amended by repealing the definition of the term “convention country”, and substituting the following definition:

“‘Convention country’ means an entity (whether a state, part of a state, a territory for whose international relations a state is responsible, a political union, an international organisation, or any other entity) that is a party to an international agreement or arrangement relating to performers’ rights.”

(3) The substitution by subsection (1) of a new section 204 of the principal Act for the existing section does not affect any order made under the existing section; and any such order may be amended or revoked by an order made under the substituted section.

**3. Application of Act (other than Part IX) to other entities—**(1) The principal Act is amended by repealing section 232, and substituting the following section:

“232. (1) On the recommendation of the Minister, the Governor-General may by Order in Council apply any provision or provisions of this Act (other than a provision of Part IX) to any entity specified in the order (whether a state, part of a state, a territory for whose international relations a state is responsible, a political union, an international organisation, or any other entity).

“(2) To the extent that the nature of the entity permits, an order may apply a provision to an entity so that it has all or any of the following effects:

“(a) It applies to persons who are citizens or subjects of, or domiciled or resident in, the entity as it applies to persons who are citizens or subjects of, or domiciled or resident in, New Zealand:

- “(b) It applies to bodies incorporated under the law of the entity as it applies to bodies incorporated under the law of New Zealand:
- “(c) It applies to works first published in the entity as it applies to works first published in New Zealand:
- “(d) It applies to broadcasts or cable programmes made or sent from the entity as it applies to broadcasts or cable programmes made or sent from New Zealand.
- “(3) An order—
  - “(a) May apply a provision unconditionally, or subject to conditions, modifications, or both; and
  - “(b) May apply a provision generally, or in relation to works or cases of a particular class or classes.
- “(4) The Minister must not recommend the making of an order applying any provision of this Act to any entity unless satisfied that—
  - “(a) The entity is a convention country; or
  - “(b) Provision is or will be made under the law of or applicable to the entity giving reciprocal protection to copyright owners in respect of works generally or (as the case requires) works or cases of the class or classes to which the order applies that provision of this Act.
- “(5) If the Government of a state is responsible for the international relations of 1 or more territories, an order may apply a provision to—
  - “(a) Both the state and the territory (or 1 or more of the territories) concerned; or
  - “(b) Just the state; or
  - “(c) Just the territory (or 1 or more of the territories) concerned.
- “(6) If—
  - “(a) An unpublished work is of unknown authorship, but there are reasonable grounds to suppose that the author was at the material time a citizen or subject of, or domiciled or resident in, an entity other than New Zealand; and
  - “(b) An order under this section has applied a provision of this Act to that entity so that it applies to persons who are citizens or subjects of the entity, or are domiciled or resident there, as it applies to persons who are citizens or subjects of, or domiciled or resident in, New Zealand; and
  - “(c) A person is authorised under the law of or applicable to the entity to represent the author, or protect and

enforce the rights of the author in relation to the work,—

the authorised person must be treated as if he or she were the author of the work for the purposes of the provision.”

(2) Section 2 (1) of the principal Act is amended by repealing the definition of the term “convention country”, and substituting the following definition:

“‘Convention country’, except in Part IX, means an entity that is a party to an international agreement or arrangement relating to copyright.”

(3) The substitution by subsection (1) of a new section 232 of the principal Act for the existing section does not affect any order made under the existing section; and any such order may be amended or revoked by an order made under the substituted section.

**4. Spent transitional provision repealed**—Section 203 of the principal Act is repealed.

---

This Act is administered in the Ministry of Commerce.

---