



Copyright (Border Protection) Amendment Regulations 2003

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 25th day of August 2003

Present:

Her Excellency the Governor-General in Council

Pursuant to section 234 of the Copyright Act 1994, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Contents

		Schedule
1	Title	
2	Commencement	
3	New regulation 8 added	
	8 Disposal of forfeited goods	
4	New Schedule substituted	New Schedule substituted

Regulations

1 Title

- (1) These regulations are the Copyright (Border Protection) Amendment Regulations 2003.
- (2) In these regulations, the Copyright (Border Protection) Regulations 1994¹ are called “the principal regulations”.

¹ SR 1994/309

2 Commencement

These regulations come into force on 29 September 2003.

3 New regulation 8 added

The principal regulations are amended by adding the following regulation:

“8 Disposal of forfeited goods

“(1) Pirated copies forfeited to the Crown under section 141A of the Act must be sold, destroyed, or otherwise disposed of in the manner that the Chief Executive directs.

“(2) However, the Chief Executive must not direct a step to be taken under subclause (1) without first having regard to the need to ensure that the step to be taken does not adversely affect the owner of the copyright in the work or the owner’s licensee.”

4 New Schedule substituted

The principal regulations are amended by revoking the Schedule, and substituting the Schedule set out in the Schedule of these regulations.

Schedule
New Schedule substituted

r 4

Schedule
Form of notice under section 136(1) of Copyright
Act 1994

r 3

Notice requesting detention of pirated copies

To: The Chief Executive of the New Zealand Customs Service

[State full name of the owner of the copyright] of *[state the address of the owner of the copyright]* claims that *[describe the work in which copyright is claimed]* is a work in which *[state full name of the owner of the copyright]* owns the copyright.

The title of the work is *[state the title under which the work has been published or attach a list of works as a schedule]*.

Schedule—continued

The full name of the author is [*if the work is of unknown authorship, insert words to that effect. If the author is a company, insert the name of the company, and the division within the company, that produced the work*].

In relation to a published edition, the full name of the publisher is [*full name*].

*The author is still living.

†The year of the death of the author was [*state the year of death of the author or the last surviving author*].

The year in which the work was made was [*date*].

In relation to a sound recording or film, the year in which the work was made and the year in which the work was made available to the public by an authorised act was [*date*].

The country and year of first publication of the work was [*state country and year and, if there was simultaneous publication in more than 1 country, state all countries*].

The status of the author or publisher at the time of first publication was [*state the citizenship and domicile or residence of the author of the work or the publisher of the edition or, if the author or publisher is a company, the name of the country where the company is incorporated*].

The Chief Executive of the New Zealand Customs Service is requested to detain any pirated copies of [*describe the work in which copyright is claimed*] that are in, or at any time come into, the control of the New Zealand Customs Service.

This notice is in force for the period [*insert a period that is not longer than 5 years from the date of the notice or, if the copyright in the work will expire within 5 years from the date of the notice, not longer than the period for which the copyright will last*].

*Delete if the work is of unknown authorship or if no author is still living.

†Delete if the author is still living or, if the work is a work of joint authorship, if one of the authors is still living.

Schedule—continued

Details of the person and contact address for the service of any notice are:

- Name
- Business/residential address
- Postal address
- Telephone No
- Facsimile No
- Email

Dated this day of 20.....

[signature]

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 29 September 2003, give the Chief Executive of the New Zealand Customs Service the power to dispose of pirated copies that have been forfeited to the Crown with the consent of the importer or the consignee of the goods under section 141A of the Copyright Act 1994.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 28 August 2003.
These regulations are administered in the Ministry of Economic Development.
