

[LEGAL NOTICE NO. 27]

COPYRIGHT ACT  
(ACT NO. 11 OF 1999)

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COPYRIGHT (PRESCRIBED COUNTRIES) REGULATIONS 2003

In exercise of the powers conferred upon me by section 229 of the Copyright Act 1999, I make these Regulations—

*Citation*

1. These Regulations may be cited as the Copyright (Prescribed Countries) Regulations 2003.

*Qualification by reference to author*

2.—(1) A country which is a party to the Conventions listed in Schedule 1 is prescribed for the purpose of section 18(2) of the Act and article 4 of the Berne Convention in respect of the following—

- (a) the author is, at the material time, a citizen or subject of that country;
- (b) the author is, at the material time, an individual domiciled or resident in that country;
- (c) the author is a body incorporated under the law of that country;
- (d) the author is, at the material time, in respect of an audio-visual work – a body which has its headquarters in that country;
- (e) the author of a cinematographic work the maker of which has his or her headquarters or habitual residence in that country;
- (f) the author of a work of architecture erected in that country or of other artistic works incorporated in a building or other structure located in that country.

*Qualification by reference to place of first publication*

3.—(1) A country which is a party to the Conventions listed in Schedule 1 is prescribed for the purpose of section 19(1)(b) of the Act, in respect of a work (being a literary, dramatic, musical, artistic, sound recording, an audio visual or a typographical arrangement of a published edition) which qualifies for copyright if it is first published in a place outside the Fiji Islands.

(2) Pursuant to article 5(3) of the Rome Convention, the criterion of fixation in respect of a phonogram under paragraph 1(b) of article 5 of the Convention does not apply.

*Qualification by reference to place of transmission*

4.—(1) A country which is a party to the Conventions listed in Schedule 2 is prescribed for the purposes of a broadcast which qualifies for copyright under section 20(1)(b) of the Act if it is transmitted from a transmitter situated in any of the countries which are parties to the Conventions listed in Schedule 2.

(2) Pursuant to article 6(2) of the Rome Convention, a broadcast qualifies for copyright if the headquarters of the broadcasting organisation is situated in a country which is a party to the Conventions listed in Schedule 2 and the broadcast was transmitted from a transmitter situated in such country.

*Qualification in respect of performance*

5. Pursuant to article 4 of the Rome Convention, a performance qualifies for copyright if the performance takes place in a country which is a party to the Rome Convention.

SCHEDULE 1  
(Regulation 2)

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PRESCRIBED COUNTRIES

Berne Convention for the Protection of Literary and Artistic Works, 1886

Marrakech Agreement

Phonograms Convention, Convention for the Protection of Producers of Phonograms Against Unauthorised Duplication of their Phonograms, 1971

Rome Convention, International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations, 1961

Universal Copyright Convention

SCHEDULE 2  
(Regulation 4)

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PRESCRIBED COUNTRIES

Berne Convention for the Protection of Literary and Artistic Works, 1886

Phonograms Convention, Convention for the Protection of Producers of Phonograms Against Unauthorised Duplication of their Phonograms, 1971

Rome Convention, International Convention on the Protection of Performers, Producers of Phonograms and Broadcasting Organisations, 1961

Trade – Related Aspects of Intellectual Property Rights (TRIPS) Agreement, 1994

Made at Suva this 13th day of June 2003.

Q. BALE  
Attorney General and  
Minister for Justice