

[LEGAL NOTICE NO. 26]

COPYRIGHT ACT 1999

COPYRIGHT (BORDER PROTECTION) REGULATIONS 2003

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

*Citation*

1. These Regulations may be cited as the Copyright (Border Protection) Regulations 2003.

*Form of Notice*

2. A notice required under section 128 must be in the form set out in the Schedule to these Regulations.

*Evidence in support of claim*

3.—(1) A person giving a notice under section 128 must provide to the Comptroller evidence in support of the claim that an item is a work in which the person owns the copyright.

2. The Comptroller may direct that the evidence be provided at the time the notice is given or at any later time.

*Particulars in support of claim that item is a pirated copy*

4.—(1) A person who has given a notice under section 128 may provide to the Comptroller particulars in support of the claim that an item is a pirated copy.

2. The Comptroller may request the person to submit further information if necessary.

*Notice of Transmission and other matters*

5. A person giving a notice under section 128 must inform the Comptroller, in writing, of—

- (a) a transmission of copyright in the work to which the notice relates;
- (b) a change in the particulars contained in the notice or in an evidence given to the Comptroller in support of the claim that an item is a work or items are works as the case may be in which the person owns the copyright.

*Security and indemnity*

6.—(1) A person giving notice under section 128 must give security or an indemnity of an amount and on terms and conditions as the Comptroller determines.

(2) The Comptroller may direct that security or indemnity be given at the time the notice is given or at a later time.

(3) A person to whom an item is to be or has been released from detention under section 132 must give security or an indemnity of amount and on terms and conditions as the Comptroller determines.

(4) If the Comptroller is required under section 128(3) to advise, or cause a notice to be served on the person who has given a notice under section 128, that advice or notice may be served on the appointed agent.

*Agents*

7.—(1) Notice under section 128 may be given to the Comptroller by an agent of the claimant appointed in writing by the owner of the copyright in the work.

(2) The Comptroller's advice to the claimant under section 128(3), may be served on the appointed agent appointed under subregulation (1).

SCHEDULE  
(Regulation 2)

NOTICE REQUESTING DETENTION OF PIRATED COPIES

To : The Comptroller of Customs

[If this notice relates to more than one work, the details required by this notice can be included in a schedule in the manner as prescribed below]

(a)....., of (b)....., claims that (c) ..... is a work in which (a)..... owns the copyright.

1. Titles of the work: (d) .....
2. In relation to a literary, dramatic, musical or artistic work that is not computer generated, the full name of the author: (e)
3. In relation to a published edition, the full name of the publisher:
4. In relation to a literary, dramatic, musical or artistic work that is computer generated or in relation to a sound recording or film, the name of the author: (f)
5. In relation to a literary, dramatic, musical or artistic work that is not computer generated or in relation to a sound recording or film, the name of the author if still living: (g)
6. In relation to a literary, dramatic, musical or artistic work that is not computer generated or in relation to a sound recording or film, the year of the death of the author: (h)
7. In relation to a literary, dramatic, musical or artistic work that is computer generated or in relation to a sound recording or film, the year in which the work was made:
8. In relation to 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:
9. The country and year of first publication of the work: (i)
10. The status of the author or publisher at the time of first publication: (j)  
It is requested that the Comptroller of Customs detain any pirated copy or copies of (c)..... that are in, or at any time come into control of the Customs.
11. Particulars in support of claim that item is a pirated copy (if applicable) .....  
.....  
.....
12. This notice is valid until (k).....

The business/residential address, postal address, and facsimile number of business/residential address:

Postal address:

Facsimile No:

Dated this ..... day of ..... 20.....

(m) .....

Signature.

*Note:*

- (a) Full name of the owner of the copyright.
- (b) Address of the owner of the copyright.
- (c) Description of the work in which copyright is claimed.
- (d) Full name of the agent.
- (e) If the work is of unknown authorship, insert word to the effect. .
- (f) If the work published is unknown, insert the words to the effect. If the publisher is a company, insert the name of the company and the division within the company that produced the work.
- (g) Delete if the work is of unknown authorship if no author is still living.
- (h) Delete if author is still living or, if the work is a work of joint authorship, if any of the authors is still living. If neither is the case, state the year of death of the author or the last surviving author.
- (i) If there was simultaneous publications in more than one country, state all countries.
- (j) 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.
- (k) Insert a period that is no 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 to not more than the period for which the copyright in the work will last.
- (l) Insert name of the owner of the copyright or the authorised agent.
- (m) Signature of the owner or the agent.

The works to which this notice relates are—

1. listed below; or
2. supplied in an electronic medium as agreed with the Comptroller;
3. detailed in some other manner (specify)

(Delete the options which are not applicable)

.....  
 .....  
 .....

Dated at Suva this 13th day of June 2003.

Q. BALE  
 Attorney General and  
 Minister for Justice