

STATUTORY INSTRUMENTS

1989 No. 1178
COPYRIGHT

The Copyright (Customs) Regulations 1989

<i>Made</i>	<i>10th July 1989</i>
<i>Laid before Parliament</i>	<i>11th July 1989</i>
<i>Coming into force</i>	<i>1st August 1989</i>

The Commissioners of Customs and Excise, in exercise of the powers conferred on them by section 112(1), (2) and (3) of the Copyright, Designs and Patents Act 1988¹ and of all other powers enabling them in that behalf, hereby make the following Regulations:

1. These Regulations may be cited as the Copyright (Customs) Regulations 1989 and shall come into force on 1st August 1989.

2.—

(1) Notice given under section 111(1) of the Copyright, Designs and Patents Act 1988 shall be in the form set out in Schedule 1 or a form to the like effect approved by the Commissioners; and a separate notice shall be given in respect of each work.

(2) Notice given under section 111(3) of that Act shall be in the form set out in Schedule 2 or a form to the like effect approved by the Commissioners; and a separate notice shall be given in respect of each work and in respect of each expected importation into the United Kingdom.

(3) In regulations 3 to 9 “notice” means a notice given under either of those subsections.

3. The notice shall contain full particulars of the matters specified therein and shall contain a declaration by the signatory that the information given by him in the notice is true.

4. A fee of £30 (plus value added tax) in respect of the notice shall be paid to the Commissioners at the time it is given.

5. The person giving the notice shall furnish to the Commissioners a copy of the work specified in the notice at the time the notice is given and at that time or at the time the goods to which the notice relates are imported shall furnish to them such evidence as they may reasonably require to establish—

- (a) his ownership of the copyright in such work;
- (b) that goods detained are infringing copies; or
- (c) that a person who has signed the notice as agent is duly authorised.

6. The person giving the notice shall give security or further security within such time and in such manner, whether by bond or by deposit of a sum of money, as the Commissioners may require, in respect of any liability or expense which they may incur in consequence of the notice by reason of the detention of any article or anything done to an article detained.

7. In every case, whether any security or further security is given or not, the person who has given the notice shall keep the Commissioners indemnified against all such liability and expense as is mentioned in regulation 6.

¹1988 c.48.



8. The person giving the notice shall notify the Commissioners in writing of any change in the ownership of the copyright in the work specified in the notice or other change affecting the notice within fourteen days of such change.

9. The notice shall be deemed to have been withdrawn—

- (a) as from the expiry of fourteen days from any change in ownership of the copyright specified in the notice, whether notified to the Commissioners in accordance with regulation 8 or not; or
- (b) if the person giving the notice has failed to comply with any requirement of these Regulations.

10. The Copyright (Customs) Regulations 1957² and the Copyright (Customs) (Amendment) Regulations 1982³ are revoked.

New King's Beam House
22 Upper Ground, London SE1 9PJ
10th July 1989

Philip Nash
Commissioner of Customs and Excise

²S.I. 1957/875.

³S.I. 1982/766.



Schedule 1



SCHEDULE 1

Regulation 2(1)
C&E 996

Notice under the Copyright, Designs & Patents Act 1988 Requesting Infringing Copies of a Literary, Dramatic or Musical Work to be treated as Prohibited Goods.

Please read these notes before completing this notice.

1. This notice may only be given by the owner of the copyright in a published literary, dramatic or musical work or a person acting on his behalf. A separate notice must be given for each work.
2. The period specified in part 1 shall not exceed 5 years and shall not extend beyond the period for which copyright is to subsist.
3. A fee of £30(plus VAT) is payable. Please enclose a cheque for the required amount made payable to "Commissioners of Customs and Excise".
4. A copy of the work specified in part 2 should be enclosed.
5. The person who has given the notice shall keep the Commissioners of Customs and Excise indemnified against any liability or expense which they may incur as a result of detaining any article or anything done to an article detained because of this notice. You may need to provide the Commissioners with security to cover this indemnity. You will be informed when this is required.
6. **Part 3 is not obligatory, but please give as many details as possible.**

Part 1.

I,give notice that
Full name of signatory in BLOCK LETTERS

.....
Name and address of Owner of Copyright

.....
.....

is the owner of the copyright in the work specified below which subsists under the Copyright, Designs and Patents Act 1988 and I request that any infringing copies of the said work be treated as prohibited goods for a period starting

on.....and ending on.....

Part 2.

Particulars of Work

Title:

Full name of author/authors:

Date copyright expires:

C&E 996

CD 1632/N1(7.89)

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Part 3.
Details of expected importation

- a) Date of importation
- b) Place of customs declaration
- c) Place of unloading
- d) Country of origin
- e) Country from which goods consigned
- f) Bill of lading / airway bill / consignment reference number
- g) Name of ship / aircraft flight number / vehicle registration number
- h) Name and address of importer / consignee
-
- i) Tariff classification and commodity code

Part 4.
Declaration

I declare that the information given by me in this notice is true.

Signature Date
(*Owner of copyright / Authorised agent)

* Delete as necessary

Part 5.

Please send the completed notice,
enclosing fee and a copy of the work, to:-

HM Customs and Excise
CDB3(B)
Dorset House
Stamford Street
LONDON SE1 9PS

CD 1632/R/N1(7.89)



Schedule 2



SCHEDULE 2

Regulation 2(2)
C&E 997

Notice under the Copyright, Designs & Patents Act 1988 Requesting Infringing Copies of a Sound Recording or Film to be treated as Prohibited Goods.

Please read these notes before completing this notice.

1. This notice may only be given by the owner of the copyright in a sound recording or film or a person acting on his behalf. A separate notice must be given in respect of each work and each expected importation of infringing copies of the work.
2. A fee of £30(plus VAT) is payable. Please enclose a cheque for the required amount made payable to "Commissioners of Customs and Excise".
3. A copy of the work specified in part 2 should be enclosed.
4. The person who has given the notice shall keep the Commissioners of Customs and Excise indemnified against any liability or expense which they may incur as a result of detaining any article or anything done to an article detained because of this notice. You may need to provide the Commissioners with security to cover this indemnity. You will be informed when this is required.
5. **Part 4 is not obligatory, but please give as many details as possible.**

Part 1.

I,give notice that
Full name of signatory in BLOCK LETTERS

.....
Name and address of Owner of Copyright
.....
.....

is the owner of the copyright in the work specified below which subsists under the Copyright, Designs and Patents Act 1988 and that infringing copies of the work are expected to be imported into the United Kingdom and I request that these copies be treated as prohibited goods.

Part 2. Particulars of Work

Title:

Label, marking or statement borne by work:

Date copyright expires:

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Part 3.
Expected arrival in United Kingdom

Date

Place.....

Part 4.
Details of expected importation

- a) Place of customs declaration
- b) Place of unloading
- c) Country of origin
- d) Country from which goods consigned
- e) Bill of lading / airway bill / consignment reference number
- f) Name of ship / aircraft flight number / vehicle registration number
- g) Name and address of importer / consignee
-
- h) Tariff classification and commodity code

Part 5.
Declaration

I declare that the information given by me in this notice is true.

Signature Date
(*Owner of copyright / Authorised agent)

* Delete as necessary

Part 6.

Please send the completed notice,
enclosing fee and a copy of the work, to:-
HM Customs and Excise
CDB3(B)
Dorset House
Stamford Street
LONDON SE1 9PS

CD 1633/R/N1(7.89)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the forms in which an owner of the copyright in a published literary, dramatic or musical work or in a sound recording or film may give notice to the Commissioners requesting infringing copies of the work which are imported to be treated as prohibited goods. They also specify the fee to be paid and conditions to be observed by the person giving such a notice.



The Regulations revoke the Copyright (Customs) Regulations 1957 made under section 22 of the Copyright Act 1956 (c.74) which was repealed by the Copyright, Designs and Patents Act 1988.