

STATUTORY INSTRUMENTS

1995 No. 1445

COPYRIGHT

The Copyright (EC Measures Relating to Pirated Goods and Abolition of Restrictions on the Import of Goods) Regulations 1995

<i>Made</i>	<i>7th June 1995</i>
<i>Laid before Parliament</i>	<i>8th June 1995</i>
<i>Coming into force</i>	<i>1st July 1995</i>

The Secretary of State, being a Minister designated^[1] for the purposes of section 2(2) of the European Communities Act 1972^[2] in relation to the abolition of restrictions on the import or export of goods and in relation to measures relating to counterfeit and pirated goods, in exercise of the powers conferred by section 2(2) and (4) of the said Act of 1972, and of all other enabling powers, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Copyright (EC Measures Relating to Pirated Goods and Abolition of Restrictions on the Import of Goods) Regulations 1995 and shall come into force on 1st July 1995.

Amendment of the Copyright, Designs and Patents Act 1988

2.—(1) Section 111 of the Copyright, Designs and Patents Act 1988^[3] shall be amended as follows.

(2) After subsection (3) insert—

" (3A) The Commissioners may treat as prohibited goods only infringing copies of works which arrive in the United Kingdom—
(a) from outside the European Economic Area, or
(b) from within that Area but not having been entered for free circulation.

(3B) This section does not apply to goods entered, or expected to be entered, for free circulation, export, re-export or for a suspensive procedure in respect of which an application may be made under Article 3(1) of Council Regulation (EC) No. 3295/94^[4] laying down measures to prohibit the release for free circulation, export, re-export or entry for a suspensive procedure of counterfeit and pirated goods." .

(3) In subsection (4), for the words "is prohibited" substitute "subject to subsections (3A) and (3B), is prohibited".

Ian Taylor

Parliamentary Under Secretary of State for Trade and Technology,
Department of Trade and Industry

7th June 1995

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations under section 2(2) of the European Communities Act 1972 give effect in the United Kingdom to the Community obligation to establish within the Community the internal market as an area without internal frontiers in accordance with Articles 8(a) and 30 of the EC Treaty taking into account Article 9(1) of the European Economic Area Agreement. The effect of those articles is that goods arriving in the United Kingdom which originate in any of the EEA States or goods which have been released into free circulation in the European Community cannot be treated as prohibited goods under section 111.

The Regulations modify section 111 of the Copyright, Designs and Patents Act 1988 which entitles a copyright owner to give notice to the Commissioners of Customs and Excise of infringing printed copies of literary, dramatic or musical works or infringing copies of sound recordings or films which he wishes to be treated as prohibited. It restricts such requests to goods which arrive in the United Kingdom from outside the European Economic Area or from within that Area but which have not been entered for free circulation.

Excluded from the application of section 111, are goods entered for free circulation, export, re-export or for a suspensive procedure in respect of which an application may be made under Article 3(1) of Council Regulation (EC) No. 3295/94 laying down measures to prohibit the release for free circulation, export, re-export or entry for a suspensive procedure of counterfeit and pirated goods (O.J. No. L341, 30.12.94, p.8) which comes into force on 1st July 1995.

A compliance cost assessment is available, copies of which have been placed in the libraries of both Houses of Parliament. Copies of the assessment are also available from the Intellectual Property Policy Directorate of the Patent Office, Room 3/13, Hazlitt House, 45 Southampton Buildings, London WC2A 1AR.