

THE COPYRIGHT ACT

REGULATIONS
(under section 50 (6))

THE COPYRIGHT (CUSTOMS) REGULATIONS, 1995

(Made by the Commissioner of Customs on the 6th day of L.N. 39c/95
March, 1995)

1. These Regulations may be cited as the Copyright (Customs) Regulations, 1995.

2. In these Regulations—

“Commissioner” means Commissioner of Customs;

“notice” means a notice referred to in paragraph (1) or (2) of regulation 3.

3.—(1) In relation to a literary, dramatic or musical work, a notice given to the Commissioner pursuant to section 50 (1) of the Act shall be in the form set out as Form 1 in the Schedule hereto; and a separate notice shall be given in respect of each work.

Schedule.
Form 1.

(2) In relation to a sound recording or film, a notice given to the Commissioner pursuant to section 50 (3) of the Act shall be in the form set out as Form 2 in the Schedule hereto; and a separate notice shall be given in respect of each work and in respect of each expected importation into Jamaica.

Form 2.

4. A fee of five hundred dollars shall be paid to the Commissioner in connection with the giving of a notice.

5. A notice—

(a) shall contain full particulars of the matters specified therein; and

(b) shall be accompanied by a copy of the work to which the notice relates and the fee specified in regulation 4.

6. The person giving the notice shall furnish to the Commissioner at the time the notice is given or at the time the goods to which the notice relates are imported, such evidence as the Commissioner may reasonably require to establish any or all of the following—

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

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

8. Whether any security or further security is given to the Commissioner or not, the person giving the notice shall keep the Commissioner indemnified against all liability and expense referred to in regulation 7.

9. Within fourteen days of the occurrence of a change in the ownership of copyright in the work specified in the notice or of any other change affecting the notice, the person giving the notice shall, in writing, notify the Commissioner of such change.

10. 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 Commissioner as required under regulation 9 or not; or
- (b) if the person giving the notice has failed to comply with any requirement of these Regulations.

SCHEDULE

(Regulation 3)

FORM 1

Notice under the Copyright Act Requesting Infringing Copies of a Literary Dramatic or Musical Work to be treated as Prohibited Goods

(PLEASE READ THE NOTES APPEARING AT THE END OF THE NOTICE BEFORE COMPLETING IT.)

SECTION A.

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 Act, and I request that any infringing copies of the said work be treated as prohibited goods for a period starting on and ending on

SECTION B. Particulars of Work

Title:

Full name of author/authors:

.....

.....

Date copyright expires:

SECTION C. 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

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SCHEDULE, contd.

(h) Name and address of importer/ consignee

(i) Tariff classification

SECTION D. Declaration

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

Signature.....
(*Owner of Copyright/Authorized Agent)

Date.....

* Delete as necessary.

NOTES

1. This notice may be given only 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 in respect of each work.

2. The period specified in Section A shall not exceed five years and shall not extend beyond the period for which copyright is to subsist.

3. A fee of \$500 is payable to the Commissioner of Customs and such fee together with a copy of the work specified in Section B shall be submitted with the notice.

4. The person who has given the notice shall keep the Commissioner of Customs indemnified against any liability or expense which he 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 Commissioner with security to cover this indemnity. You will be informed when this is required.

5. You are not obliged to provide the information in Section C but you should give as many details as possible.

FORM 2

Notice under the Copyright Act Requesting Infringing Copies of a Sound Recording or Film to be Treated as Prohibited Goods

(PLEASE READ THE NOTES APPEARING AT THE END OF THE NOTICE BEFORE COMPLETING IT.)

SECTION A.

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

.....
.....
(Name and address of Owner of Copyright)

SCHEDULE, *contd.*

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

SECTION B. Particulars of Work

Title:

Label, marking or statement borne by work:

Date copyright expires:

SECTION C. Expected Arrival in Jamaica

Date

Place

SECTION D. 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**

(g) **Name and address of importer/consignee**

(h) **Tariff classification**

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SCHEDULE, *contd.*SECTION E. *Declaration*

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

Signature.....
 (*Owner of Copyright/Authorized Agent)

Date.....

• Delete as necessary.

NOTES

1. This notice may be given only 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 \$500 is payable to the Commissioner of Customs and such fee together with a copy of the work specified in Section B shall be submitted with the notice.

3. The person who has given the notice shall keep the Commissioner of Customs indemnified against any liability or expense which he 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 Commissioner with security to cover this indemnity. You will be informed when this is required.

4. You are not obliged to provide the information in Section C but you should give as many details as possible.