

Copyright (Importation Restriction) Regulations

SAINT LUCIA

STATUTORY INSTRUMENT, 2000, No. 113

[27th May, 2000]

The Minister responsible for Copyright, in exercise of the powers conferred on him by section 51 of the Copyright Act, 1995 (No. 10 of 1995), hereby makes the following Regulations:

Short title

1. These Regulations may be cited as the Copyright (Importation Restriction) Regulations, 2000.

Interpretation

2. In these Regulations:

“The Act” means the Copyright Act, 1995;

“The Comptroller” means the Comptroller of Customs appointed under the Customs (Control and Management) Act, 1990;

“notice” means a notice given by a copyright owner to the Comptroller under section 51 (1); and

“section” means section of the Act.

Notice

3. A notice shall be in the form set out in the Schedule or a form to the like effect approved by the Comptroller; and a separate notice shall be given in respect of each work, film or sound recording.

Declaration

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

Fee

5. A fee of one hundred dollars (\$100.00) in respect of the notice shall be paid to the Comptroller at the time it is given.

6. The person giving the notice shall furnish to the Comptroller a copy of the work, film or sound recording 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 him such evidence as he may reasonably require to establish:

- (a) the person's ownership of the copyright in the work, film or sound recording;
- (b) that goods detained are infringing copies;
- (c) that a person who has signed the notice as agent is duly authorised.

Security

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

Indemnity

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

Change

9. The person giving the notice shall notify the Comptroller in writing of any change in the ownership of the copyright in the work, film or sound recording specified in the notice or any other change affecting the notice within fourteen days of such change.

Withdrawal

10. The notice shall be deemed to have been withdrawn:
- (a) as from the expiry of fourteen days from any change of ownership of the copyright specified in the notice, whether notified to the Comptroller in accordance with 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)

NOTICE

Requesting that infringing copies of a literary or musical work, film, sound recording or computer programme be treated as prohibited goods.

PART 1

I given 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, film or sound recording specified below which subsists under the Copyright Act, 1995 and I request that any infringing copies of the said work, film or sound recording be treated as prohibited goods for a period starting on and ending on

PART 2

Title

Full name/names of author/s

.....
Label, marking or statement borne by film or sound recording or its container.

Date copyright expires

PART 3

Expected arrival of film or sound recording in Saint Lucia

Date

Place

PART 4

Declaration

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

Signature Date

(Owner of copyright/authorised agent)

*Delete as appropriate

NOTES

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 or musical work, or in a film or sound recording, or by a person acting on his behalf.
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 \$100.00 is payable. Where payment is by cheque such cheque should be made payable to the **Accountant General**.
4. A copy of the work, film or sound recording specified in Part 2 should be enclosed.
5. The person who has given the notice shall keep the Comptroller of Customs indemnified against 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 Comptroller of Customs 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.
7. Send the completed notice, enclosing fee and a copy of the work, film or sound recording to —

The Comptroller of Customs
Customs House
Jeremie Street
Castries
Saint Lucia

Dated the 19th day of May, 2000.

PETRUS COMPTON,
Minister responsible for Copyright.
