

Reprint
as at 5 April 2018



Copyright (General Matters) Regulations 1995 (SR 1995/146)

Catherine A Tizard, Governor-General

Order in Council

At Wellington this 10th day of July 1995

Present:

Her Excellency the Governor-General in Council

Pursuant to section 234 of the Copyright Act 1994, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

Contents

	Page
1 Title and commencement	2
2 Interpretation	2
3 Prescribed judicial bodies for purposes of Act	2
4 Prescribed classes of libraries for purposes of section 50 of Act	3
5 Prescribed bodies for purposes of section 69 of Act	3
5A Prescribed bodies, broadcasts or cable programmes, for purposes of section 90 of Act	4
5B Notice to Internet service provider of infringement	4
5BA Form of warrant of appointment of enforcement officer	5

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

5BB	Form of warrant to search place or thing	5
5BC	Form of order to produce documents under section 134Y of Act	5
5BD	Form of notice to produce documents concerning goods in control of Customs	5
5BE	Form of notice to appear and answer questions concerning goods in control of Customs	6
5BF	Form of application by Customs officer for order to produce documents	6
5BG	Form of order to produce documents under section 144D of Act	6
5BH	Form of application by Customs officer for search warrant	6
5BI	Form of warrant to Customs officer to search place or thing	6
5C	Declaration by qualified person in relation to TPM circumvention device	6
6	Revocations	7
	Schedule	8
	Forms relating to enforcement officers and Customs officers	

Regulations

1 Title and commencement

- (1) These regulations may be cited as the Copyright (General Matters) Regulations 1995.
- (2) These regulations shall come into force on 15 August 1995.

2 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Copyright Act 1994

interloan scheme means the scheme of that name jointly administered by the National Library of New Zealand established by the National Library Act 1965 and the New Zealand Library and Information Association: Te Rau Herenga o Aotearoa Incorporated, a society incorporated under the Incorporated Societies Act 1908.

3 Prescribed judicial bodies for purposes of Act

The following bodies are hereby declared to be judicial bodies for the purposes of the Act:

- (a) the Advertising Standards Complaints Appeal Board appointed by the Advertising Standards Authority Incorporated, a society incorporated under the Incorporated Societies Act 1908:

- (b) the Advertising Standards Complaints Board appointed by the Advertising Standards Authority Incorporated, a society incorporated under the Incorporated Societies Act 1908.

4 Prescribed classes of libraries for purposes of section 50 of Act

The following classes of library are prescribed classes of libraries for the purposes of section 50 of the Act:

- (a) libraries that are members of the interloan scheme:
- (b) libraries of Crown entities, as that term is defined in section 2 of the Public Finance Act 1989.

Regulation 4: substituted, on 1 November 1998, by regulation 2 of the Copyright (General Matters) Amendment Regulations 1998 (SR 1998/281).

5 Prescribed bodies for purposes of section 69 of Act

The following bodies are hereby declared to be prescribed bodies for the purposes of section 69 of the Act:

- (aaa) Blind and Low Vision Education Network NZ:
 - (a) Elevate Christian Disability Trust:
 - (ab) *[Revoked]*
 - (b) New Zealand Radio for the Print Disabled Incorporated, a society incorporated under the Incorporated Societies Act 1908:
 - (c) the Royal New Zealand Foundation of the Blind Incorporated, a society incorporated under the Incorporated Societies Act 1908:
 - (ca) Te Aho o Te Kura Pounamu:
 - (d) the University of Auckland constituted under the University of Auckland Act 1961.
 - (e) *[Revoked]*

Regulation 5(aaa): inserted, on 5 April 2018, by regulation 4(1) of the Copyright (General Matters) Amendment Regulations 2018 (LI 2018/37).

Regulation 5(a): replaced, on 5 April 2018, by regulation 4(2) of the Copyright (General Matters) Amendment Regulations 2018 (LI 2018/37).

Regulation 5(ab): revoked, on 5 April 2018, by regulation 4(3) of the Copyright (General Matters) Amendment Regulations 2018 (LI 2018/37).

Regulation 5(b): substituted, on 21 October 1996, by regulation 2 of the Copyright (General Matters) Regulations 1995, Amendment No 1 (SR 1996/251).

Regulation 5(c): replaced, on 30 August 2016, by section 4 of the Royal New Zealand Foundation of the Blind Act Repeal Act 2016 (2016 No 2 (P)).

Regulation 5(ca): inserted, on 5 April 2018, by regulation 4(4) of the Copyright (General Matters) Amendment Regulations 2018 (LI 2018/37).

Regulation 5(d) : added, on 21 October 1996, by regulation 2 of the Copyright (General Matters) Regulations 1995, Amendment No 1 (SR 1996/251).

Regulation 5(e): revoked, on 5 April 2018, by regulation 4(5) of the Copyright (General Matters) Amendment Regulations 2018 (LI 2018/37).

5A Prescribed bodies, broadcasts or cable programmes, for purposes of section 90 of Act

- (1) The following bodies are prescribed bodies for the purposes of section 90 of the Act:
 - (a) Radio New Zealand Limited:
 - (ab) the National Library of New Zealand:
 - (b) Archives New Zealand (Te Rua Mahara o te Kāwanatanga):
 - (c) the New Zealand Cartoon Archive Trust:
 - (d) the New Zealand Film Archive:
 - (e) Sound Archives Nga Taonga Korero Limited.
- (2) The following classes are prescribed classes of broadcasts or cable programmes for the purposes of section 90 of the Act:
 - (a) broadcasts or cable programmes broadcast or transmitted in New Zealand that—
 - (i) feature New Zealand or New Zealanders; or
 - (ii) are produced or made, in whole or in part, in New Zealand; or
 - (iii) are produced or made, in whole or in part, by 1 or more New Zealanders, or that feature 1 or more New Zealand actors, writers, artists, or other participants; or
 - (iv) feature a royal event, or a sport played in New Zealand; or
 - (v) otherwise contain subject matter of particular relevance to New Zealand or New Zealanders:
 - (b) broadcasts or cable programmes that are broadcast or transmitted in New Zealand during any 24-hour period and that are recorded for that period to establish the programmes and broadcasts that were sent out to New Zealanders on a particular day.

Regulation 5A: inserted, on 1 November 1998, by regulation 3 of the Copyright (General Matters) Amendment Regulations 1998 (SR 1998/281).

Regulation 5A(1)(a): substituted, on 15 August 2003, by regulation 3 of the Copyright (General Matters) Amendment Regulations 2003 (SR 2003/162).

Regulation 5A(1)(ab): inserted, on 15 August 2003, by regulation 3 of the Copyright (General Matters) Amendment Regulations 2003 (SR 2003/162).

Regulation 5A(1)(b): substituted, on 21 April 2005, by section 67(2) of the Public Records Act 2005 (2005 No 40).

5B Notice to Internet service provider of infringement

A notice to an Internet service provider under section 92C(3) of the Act must be in the form of a notice that—

- (a) contains the following information:

- (i) the name of the person signing the notice and the name of the copyright owner or the copyright owner's duly authorised agent (if different from the person signing the notice):
 - (ii) the contact details of the persons referred to in subparagraph (i), which must include telephone number, postal address, email address, and fax number (if a fax number is available):
 - (iii) the date and time when the alleged infringement was discovered:
 - (iv) a description of the specific material that is alleged to be infringing:
 - (v) the nature of the alleged infringement:
 - (vi) the online location where the allegedly infringing material is found; and
- (b) is signed by—
- (i) the copyright owner; or
 - (ii) the copyright owner's duly authorised agent.

Regulation 5B: inserted, on 31 October 2008, by regulation 4 of the Copyright (General Matters) Amendment Regulations 2008 (SR 2008/352).

5BA Form of warrant of appointment of enforcement officer

A warrant of appointment issued to an enforcement officer under section 134B of the Act must be in form 1 of the Schedule.

Regulation 5BA: inserted, on 7 October 2011, by regulation 4 of the Copyright (General Matters) Amendment Regulations 2011 (SR 2011/340).

5BB Form of warrant to search place or thing

A search warrant issued under section 134F of the Act must be in form 2 of the Schedule.

Regulation 5BB: inserted, on 7 October 2011, by regulation 4 of the Copyright (General Matters) Amendment Regulations 2011 (SR 2011/340).

5BC Form of order to produce documents under section 134Y of Act

An order to produce documents under section 134Y of the Act must be in form 3 of the Schedule.

Regulation 5BC: inserted, on 7 October 2011, by regulation 4 of the Copyright (General Matters) Amendment Regulations 2011 (SR 2011/340).

5BD Form of notice to produce documents concerning goods in control of Customs

A notice under section 144A of the Act to produce documents concerning goods in the control of Customs must be in form 4 of the Schedule.

Regulation 5BD: inserted, on 7 October 2011, by regulation 4 of the Copyright (General Matters) Amendment Regulations 2011 (SR 2011/340).

5BE Form of notice to appear and answer questions concerning goods in control of Customs

A notice under section 144B of the Act requiring a person to appear and answer questions concerning goods in the control of Customs must be in form 4 of the Schedule.

Regulation 5BE: inserted, on 7 October 2011, by regulation 4 of the Copyright (General Matters) Amendment Regulations 2011 (SR 2011/340).

5BF Form of application by Customs officer for order to produce documents

An application by a Customs officer under section 144C of the Act for an order to produce documents under section 144D of the Act must be in form 5 of the Schedule.

Regulation 5BF: inserted, on 7 October 2011, by regulation 4 of the Copyright (General Matters) Amendment Regulations 2011 (SR 2011/340).

5BG Form of order to produce documents under section 144D of Act

An order to produce documents made under section 144D of the Act must be in form 6 of the Schedule.

Regulation 5BG: inserted, on 7 October 2011, by regulation 4 of the Copyright (General Matters) Amendment Regulations 2011 (SR 2011/340).

5BH Form of application by Customs officer for search warrant

An application by a Customs officer under section 144F of the Act for a search warrant to be issued under that section must be in form 7 of the Schedule.

Regulation 5BH: inserted, on 7 October 2011, by regulation 4 of the Copyright (General Matters) Amendment Regulations 2011 (SR 2011/340).

5BI Form of warrant to Customs officer to search place or thing

A search warrant issued to a Customs officer under section 144F of the Act must be in form 8 of the Schedule.

Regulation 5BI: inserted, on 7 October 2011, by regulation 4 of the Copyright (General Matters) Amendment Regulations 2011 (SR 2011/340).

5C Declaration by qualified person in relation to TPM circumvention device

A declaration by a qualified person under section 226D(4) of the Act must be in the form of a statement that—

- (a) contains the following information:
 - (i) the name of the qualified person:
 - (ii) the contact details of the qualified person, which must include telephone number, postal address, email address, and fax number (if a fax number is available):
 - (iii) the basis on which the person making the declaration is a qualified person and authorised to make the declaration:

- (iv) the name and postal address of the supplier of the TPM circumvention device;
 - (v) the date of the request for the qualified person to use the TPM circumvention device;
 - (vi) a description of the purpose for which the use of the TPM circumvention device has been requested; and
- (b) states that it is the qualified person's intention to use the TPM circumvention device strictly in accordance with the Act; and
- (c) is signed by the qualified person.

Regulation 5C: inserted, on 31 October 2008, by regulation 4 of the Copyright (General Matters) Amendment Regulations 2008 (SR 2008/352).

6 Revocations

The following regulations are hereby consequentially revoked:

- (a) the Copyright (Prescribed Body) (Christian Ministries with Disabled Trust) Regulations 1995 (SR 1995/95);
- (b) the Copyright (Prescribed Body) (Royal New Zealand Foundation for the Blind) Regulations 1995 (SR 1995/42).

Schedule**Forms relating to enforcement officers and Customs officers**

Schedule: added, on 7 October 2011, by regulation 5 of the Copyright (General Matters) Amendment Regulations 2011 (SR 2011/340).

Form 1

Warrant of appointment of enforcement officer

r 5BA

*Section 134B, Copyright Act 1994****(Front of warrant)******Enforcement officer******Warrant of appointment***

Full name:

Identification number:

[*Photo of warrant holder*]

Signature:

(Back of warrant)**Warrant of appointment issued under section 134B of the Copyright Act 1994**

This is to certify that the person whose name, photograph, and signature appear on this warrant—

- is an enforcement officer appointed under section 134A of the Copyright Act 1994; and
- may enter and examine a place described in section 134D of that Act without a search warrant; and
- may exercise the other powers conferred on enforcement officers by that Act.

Date:

Signature:

Chief executive, Ministry of Economic Development

Schedule form 1: added, on 7 October 2011, by regulation 5 of the Copyright (General Matters) Amendment Regulations 2011 (SR 2011/340).

Form 2
Search warrant to enter and search place or thing

r 5BB

Section 134F, Copyright Act 1994

To every enforcement officer appointed under section 134A of the Copyright Act 1994 and every member of the Police

1 I am satisfied, on an application made in accordance with sections 134G and 134H of the Copyright Act 1994 by *[full name of applicant]*, that, in relation to *[specify address or description of place or thing that may be entered and searched]*, there are reasonable grounds for believing that—

*(a) an offence against the Copyright Act 1994, namely *[specify offence provision]*, has been, or is being, committed at that place/committed involving that thing*:

(b) there is at, in, on, over, or under that place/that thing some thing that is evidence of an offence against *[specify offence provision]* of the Copyright Act 1994:

(c) there is at, in, on, over, or under that place/that thing some thing that is intended to be used for the purposes of committing an offence against *[specify offence provision]* of the Copyright Act 1994.

*Select those that apply.

2 This warrant authorises you, pursuant to section 134F of the Copyright Act 1994, to—

(a) enter and search *[address or description of place or thing]* at any time that is reasonable in the circumstances; and

(b) use any assistance that is reasonable in the circumstances; and

(c) use any force that is reasonable in the circumstances to enter or break open or access any place being searched, or any area within that place, or any thing being searched or thing found; and

(d) seize *[describe, in reasonable detail, what may be seized]*; and

(e) bring and use in or on the place/thing* searched any equipment, to use any equipment found on the place/thing*, and to extract any electricity from the place/thing* to operate the equipment that is reasonable to use in the circumstances, for the purpose of carrying out the entry and search; and

(f) copy any document, or part of any document, that may lawfully be seized; and

(g) take photographs or sound or video recordings of the place/thing* and of any thing found in that place if you have reasonable grounds to believe that the photographs or sound recordings may be relevant in any proceedings related to the entry and search; and

- (h) do the following in a manner and for a duration that is reasonable for the purposes of carrying out the search:
 - (i) secure the place/thing* searched, or any area within that place/thing*, or any thing found within that place/thing*:
 - (ii) exclude any person from that place/thing*, or from any area within the place/thing*, or give any other reasonable direction to that person if you have reasonable grounds to believe that the person will obstruct or hinder the exercise of your powers under this warrant.

*Select one.

3 A person assisting you (other than a member of the Police) is subject to your control and has the power to do any of the following:

- (a) enter the place/thing* to be searched:
- (b) while in your company and under your direction, use reasonable force in respect of any property for the purposes of carrying out the entry and search:
- (c) search areas within the place/thing* that you determine may lawfully be searched:
- (d) seize any thing that you determine may lawfully be seized:
- (e) take photographs and sound and video recordings of the place/thing* and things found in the place/thing* if you determine that those things may lawfully be done:
- (f) bring in or on to the place/thing* and use any equipment, make use of equipment found on the place/thing*, or extract electricity from the place/thing* for the purposes of operating the equipment that you determine may lawfully be used:
- (g) copy any document, or part of a document, that you determine may lawfully be copied.

*Select one.

4 This warrant may be executed [*specify period in accordance with section 134I(4)(g) of the Copyright Act 1994*] from the date of issue of the warrant.

5 This warrant is subject to the following conditions: [*specify any conditions*].

6 This warrant may be executed on 1 occasion/[*specify number*] occasions*.

*Select one.

Date:

Signature:

Name of issuing officer:

(District Court Judge/Justice of the Peace/Community Magistrate/Registrar of a District Court*)

*Select one.

Schedule form 2: added, on 7 October 2011, by regulation 5 of the Copyright (General Matters) Amendment Regulations 2011 (SR 2011/340).

Form 3
Order to produce documents

r 5BC

Section 134Y, Copyright Act 1994

To [*name (full name if known) of person required to produce document(s)*]

- 1 An application under section 134X of the Copyright Act 1994 for an order requiring you to produce documents under section 134Y of that Act was made to me by [*full name of applicant*], enforcement officer, on [*date*].
- 2 I am satisfied that there are reasonable grounds for believing that you [*name (full name if known)*] have possession, custody, or control of a document that is/documents that are* evidence of, or may be of significant relevance to the investigation of, an offence against section 131/section 198/section 226C* of the Copyright Act 1994.
*Select those that apply.
- 3 You are required by this order to produce to the enforcement officer named in paragraph 4 the following document that is/documents that are* in your possession, custody, or control: [*specify the document or documents to be produced*].
*Select one.
- 4 The document/documents* must be produced to [*full name*], enforcement officer, at [*time*] on [*day, date*] at [*place*].
*Select one.
- 5 This order is subject to the following conditions: [*specify any conditions*].
- 6 This order to produce documents is made under section 134Y of the Copyright Act 1994.

Date:

Signature:

(District Court Judge)

Note

- 1 Under section 2(1) of the Copyright Act 1994, a **document** means—
 - (a) any material, whether or not it is signed or otherwise authenticated, that bears symbols (including words and figures), images, or sounds, or from which symbols, images, or sounds can be derived, and includes—
 - (i) a label, marking, or other writing that identifies or describes a thing of which it forms a part, or to which it is attached:
 - (ii) a book, map, plan, graph, or drawing:
 - (iii) a photograph, film, or negative; and

- (b) information electronically recorded or stored, and information derived from that information.
- 2 The enforcement officer to whom you produce any document for inspection under this order may, under section 134Z of the Copyright Act 1994, do 1 or more of the following:
- (a) inspect the document:
 - (b) take extracts from the document:
 - (c) make copies of the document.
- 3 It is an offence against section 134ZA of the Copyright Act 1994 to fail, without reasonable excuse, to comply with an order to produce documents made under section 134Y of that Act.

An individual who commits an offence against section 134ZA of the Copyright Act 1994 is liable on conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding \$10,000.

A body corporate that commits an offence against section 134ZA of the Copyright Act 1994 is liable to a fine not exceeding \$50,000.

Schedule form 3: added, on 7 October 2011, by regulation 5 of the Copyright (General Matters) Amendment Regulations 2011 (SR 2011/340).

Schedule form 3: amended, on 1 July 2015, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2015 (LI 2015/104).

Form 4

Notice to produce documents/to appear and answer questions/to produce documents and appear and answer questions* concerning goods in control of Customs

rr 5BD, 5BE

Section 144A/Section 144B/Sections 144A and 144B, Copyright Act 1994*

*Select one.

To [*name (full name if known) of person required to produce documents/appear and answer questions*]

- 1 A Customs officer believes on reasonable grounds that—
- (a) the goods in the control of Customs specified in paragraph 2 have been imported in breach of section 131(1)(b)/section 198(1)(b)/section 226C(1)* of the Copyright Act 1994; and
 - (b) you imported the specified goods or acted as agent of the person who imported those goods.

*Select those that apply.

- 2 The goods in the control of Customs are: [*set out particulars of the goods to which this notice relates*].

- 3 You are required, at [*time*] on [*day, date*] at [*place*],—

**(a)* to produce to [*full name of Customs officer*], Customs officer, the following document that is/documents that are* in your possession or control that the Customs officer considers relevant to determining whether the goods should be seized under section 144 of the Copyright Act 1994 or released: [*specify and, if more than 1, number (a), (b) etc, the document(s) to be produced*]:

**(b)* to appear and answer questions that [*full name of Customs officer*], Customs officer, considers relevant to determining whether the goods should be seized under section 144 of the Copyright Act 1994 or released.

*Select those that apply.

- 4 This notice is given under section 144A/section 144B/sections 144A and 144B* of the Copyright Act 1994.

*Select one.

Date:

Signature:

Chief executive, New Zealand Customs Service

Note

- *1 Under section 2(1) of the Copyright Act 1994, a **document** means—

- (a) any material, whether or not it is signed or otherwise authenticated, that bears symbols (including words and figures), images, or sounds, or from which symbols, images, or sounds can be derived, and includes—
 - (i) a label, marking, or other writing that identifies or describes a thing of which it forms a part, or to which it is attached:
 - (ii) a book, map, plan, graph, or drawing:
 - (iii) a photograph, film, or negative; and
- (b) information electronically recorded or stored, and information derived from that information.

*Delete if not applicable.

*2 The Customs officer to whom you produce any document for inspection under this notice may, under section 144E of the Copyright Act 1994, do 1 or more of the following:

- (a) inspect the document:
- (b) take extracts from the document:
- (c) copy the document.

*Delete if not applicable.

3 It is an offence against section 144I(4) of the Copyright Act 1994—

- (a) to refuse or fail, without reasonable excuse, to comply with a notice to produce documents given under section 144A of that Act; or
- (b) for a person who is required by a notice given under section 144B of that Act to appear before a Customs officer and to answer questions—
 - (i) to refuse or fail, without reasonable excuse, to appear before a Customs officer in accordance with the notice; or
 - (ii) to refuse, without reasonable excuse, to answer any question.

An individual who commits an offence against section 144I(4) of the Copyright Act 1994 is liable on conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding \$10,000.

A body corporate that commits an offence against section 144I(4) of the Copyright Act 1994 is liable to a fine not exceeding \$50,000.

Schedule form 4: added, on 7 October 2011, by regulation 5 of the Copyright (General Matters) Amendment Regulations 2011 (SR 2011/340).

Schedule form 4: amended, on 1 July 2015, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2015 (LI 2015/104).

Form 5
Application by Customs officer for order to produce documents

r 5BF

Section 144C, Copyright Act 1994

To a District Court Judge

1 I, [*full name of applicant*], Customs officer, by this document apply on oath for an order under section 144D of the Copyright Act 1994 that [*name (full name if known)*] be required to produce for inspection by a Customs officer in accordance with the requirements specified in paragraph 2 the following document that is/documents that are* in that person's possession, custody, or control: [*specify and, if more than 1, number (a), (b), etc, the document(s) sought*].

*Select one.

2 The document is/documents are* to be produced to [*full name of Customs officer*], Customs officer, at [*time*] on [*day, date*] at [*place*].

*Select one.

3 The ground on which the order is sought is that I have reasonable grounds to believe that [*name (full name if known)*] has possession, custody, or control of a document that is/documents that are* evidence of, or may be of significant relevance to the investigation of, an offence against section 131/section 198/section 226C* of the Copyright Act 1994 in respect of imported goods.

*Select those that apply.

4 The evidence relied on for the purpose of this application is as follows: [*set out in reasonable detail, in numbered paragraphs, all relevant information in support of the ground stated in paragraph 3*].

Sworn/Affirmed* at [*place, date*]

Before me: [*full name, signature*]

(a solicitor of the High Court of New Zealand *or* Registrar/Deputy Registrar* of a District/the High* Court *or* Justice of the Peace*)

*Select one.

Schedule form 5: added, on 7 October 2011, by regulation 5 of the Copyright (General Matters) Amendment Regulations 2011 (SR 2011/340).

Form 6
Order to produce documents

r 5BG

Section 144D, Copyright Act 1994

To *[name (full name if known) of person required to produce document(s)]*

- 1 An application under section 144C of the Copyright Act 1994 for an order requiring you to produce documents under section 144D of that Act was made to me by *[full name of applicant]*, Customs officer, on *[date]*.
- 2 I am satisfied that there are reasonable grounds for believing that you *[name (full name if known)]* have possession, custody, or control of a document that is/documents that are* evidence of, or may be of significant relevance to the investigation of, an offence against section 131/section 198/section 226C* of the Copyright Act 1994 in respect of imported goods.
*Select those that apply.
- 3 You are required by this order to produce to the Customs officer named in paragraph 4 the following document that is/documents that are* in your possession, custody, or control: *[specify the document or documents to be produced]*.
*Select one.
- 4 The document/documents* must be produced for inspection to *[full name of Customs officer]*, Customs officer, at *[time]* on *[day, date]* at *[place]*.
*Select one.
- 5 This order is subject to the following conditions: *[specify any conditions]*.
- 6 This order to produce documents is made under section 144D of the Copyright Act 1994.

Date:

Signature:

(District Court Judge)

Note

- 1 Under section 2(1) of the Copyright Act 1994, a **document** means—
 - (a) any material, whether or not it is signed or otherwise authenticated, that bears symbols (including words and figures), images, or sounds, or from which symbols, images, or sounds can be derived, and includes—
 - (i) a label, marking, or other writing that identifies or describes a thing of which it forms a part, or to which it is attached:
 - (ii) a book, map, plan, graph, or drawing:
 - (iii) a photograph, film, or negative; and

- (b) information electronically recorded or stored, and information derived from that information.
- 2 The Customs officer to whom you produce any document for inspection under this order may, under section 144E of the Copyright Act 1994, do 1 or more of the following:
- (a) inspect the document:
 - (b) take extracts from the document:
 - (c) make copies of the document.

- 3 It is an offence against section 144I(4) of the Copyright Act 1994 to fail, without reasonable excuse, to comply with an order to produce documents made under section 144D of that Act.

An individual who commits an offence against section 144I(4) of the Copyright Act 1994 is liable on conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding \$10,000.

A body corporate that commits an offence against section 144I(4) of the Copyright Act 1994 is liable to a fine not exceeding \$50,000.

Schedule form 6: added, on 7 October 2011, by regulation 5 of the Copyright (General Matters) Amendment Regulations 2011 (SR 2011/340).

Schedule form 6: amended, on 1 July 2015, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2015 (LI 2015/104).

Form 7
Application by Customs officer for search warrant

r 5BH

Section 144F, Copyright Act 1994

- 1 I [*full name of applicant*], Customs officer, apply under section 144F of the Copyright Act 1994 for a search warrant to be issued authorising every Customs officer to enter and search [*specify address or description of place or thing*] at any time that is reasonable in the circumstances.
- 2 The ground on which the application is made is that there are reasonable grounds for believing that there is/there are* in, on, over, or under that place/that thing* a thing that is/things that are* evidence of, or of significant relevance to the investigation of, an offence against section 131/section 198/section 226C* in respect of imported goods, namely [*describe as specifically as possible the item or items believed to be in, on, over, or under the place or thing*].
*Select those that apply.
- 3 I rely on the following in support of this application: [*set out in reasonable detail all relevant information in support of the ground referred to in paragraph 2*].
- 4 The period of time, in accordance with section 134I(4)(g) of the Copyright Act 1994, for which the warrant is sought is: [*specify*].
- 5 The number of occasions on which the warrant is sought to be exercised is 1/ [*specify number*]*.
*Select one.
- 6 *Omit this paragraph if it does not apply*
The grounds on which the execution of the warrant on more than 1 occasion is believed to be necessary are: [*set out in reasonable detail all relevant information concerning the grounds on which execution of the warrant more than once is believed to be necessary*].
- 7 Within the 3 months immediately preceding this application, in respect of [*address or description of place or thing to be searched*], the following application(s) for a search warrant has/have* been made: [*set out the details of any other relevant application(s) for a search warrant, including the result of that application/those applications*].
- or**
- Having made reasonable inquiries within the agency in which I am employed/engaged*, I am not aware of any other application for a search warrant in respect of [*address or description of place or thing to be searched*] being made within the 3 months immediately preceding this application.
*Select one.

Date:

Signature:

(Customs officer)

Schedule form 7: added, on 7 October 2011, by regulation 5 of the Copyright (General Matters) Amendment Regulations 2011 (SR 2011/340).

Form 8
Search warrant to enter and search place or thing

r 5BI

Section 144F, Copyright Act 1994

To every Customs officer

1 I am satisfied on an application made in accordance with section 144F of the Copyright Act 1994 by [*full name of applicant*], Customs officer, that, in relation to [*specify address or description of place or thing that may be entered or searched*], there are reasonable grounds to believe that there is in, on, over, or under that place/that thing* some thing that is evidence of, or of significant relevance to the investigation of, an offence against section(s) 131/198/226C* of the Copyright Act 1994 in respect of imported goods.

*Select those that apply.

2 This warrant authorises you, pursuant to section 144F of the Copyright Act 1994, to—

- (a) enter and search [*address or description of place or thing*] at any time that is reasonable in the circumstances; and
- (b) use any assistance that is reasonable in the circumstances; and
- (c) use any force that is reasonable in the circumstances to enter or break open or access any place being searched, or any area within that place, or any thing being searched or thing found; and
- (d) seize [*describe, in reasonable detail, what may be seized*]; and
- (e) bring and use in or on the place/thing* searched any equipment, to use any equipment found on the place/thing*, and to extract any electricity from the place/thing* to operate the equipment that is reasonable to use in the circumstances, for the purpose of carrying out the entry and search; and
- (f) copy any document, or part of any document, that may lawfully be seized; and
- (g) take photographs or sound or video recordings of the place/thing* and of any thing found in that place if you have reasonable grounds to believe that the photographs or sound or video recordings may be relevant in any proceedings related to the entry and search; and
- (h) do the following in a manner and for a duration that is reasonable for the purposes of carrying out the search:
 - (i) secure the place/thing* searched, or any area within that place/thing*, or any thing found within that place/thing*:
 - (ii) exclude any person from that place/thing* or from any area within the place/thing* or give any other reasonable direction to that per-

son if you have reasonable grounds to believe that the person will hinder or obstruct the exercise of your powers under this warrant.

*Select one.

3 A person assisting you is subject to your control and has the power to do any of the following:

- (a) enter the place/thing* to be searched:
- (b) while in your company and under your direction, use reasonable force in respect of any property for the purposes of carrying out the entry and search:
- (c) search areas within the place/thing* that you determine may lawfully be searched:
- (d) seize any thing that you determine may lawfully be seized:
- (e) take photographs and sound and video recordings of the place/thing* and things found in the place/thing* if you determine that those things may lawfully be done:
- (f) bring in or on to the place/thing* and use any equipment, make use of equipment found on the place/thing*, or extract electricity from the place/thing* for the purposes of operating the equipment that you determine may lawfully be used:
- (g) copy any document, or part of a document, that you determine may lawfully be copied.

*Select one.

4 This warrant may be executed [*specify period in accordance with section 134I(4)(g) of the Copyright Act 1994*] from the date of issue of the warrant.

5 This warrant is subject to the following conditions: [*specify any conditions*].

6 This warrant may be executed on 1 occasion/[*specify number*] occasions*.

*Select one.

Date:

Signature:

Name of issuing officer:

(District Court Judge/Justice of the Peace/Community Magistrate/Registrar of a District Court*)

*Select one.

Schedule form 8: added, on 7 October 2011, by regulation 5 of the Copyright (General Matters) Amendment Regulations 2011 (SR 2011/340).

Reprinted as at
5 April 2018

Copyright (General Matters) Regulations 1995

Schedule

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 13 July 1995.

Reprints notes

1 *General*

This is a reprint of the Copyright (General Matters) Regulations 1995 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Copyright (General Matters) Amendment Regulations 2018 (LI 2018/37)

Royal New Zealand Foundation of the Blind Act Repeal Act 2016 (2016 No 2 (P)): section 4

Criminal Procedure (Consequential Amendments) Regulations 2015 (LI 2015/104): regulation 3(2)

Copyright (General Matters) Amendment Regulations 2011 (SR 2011/340)

Copyright (General Matters) Amendment Regulations 2008 (SR 2008/352)

Public Records Act 2005 (2005 No 40): section 67(2)

Copyright (General Matters) Amendment Regulations 2003 (SR 2003/162)

Copyright (General Matters) Amendment Regulations 1998 (SR 1998/281)

Copyright (General Matters) Regulations 1995, Amendment No 1 (SR 1996/251)