

WORLD TRADE ORGANIZATION

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**Council for Trade-Related Aspects
of Intellectual Property Rights**

Original: English

NOTIFICATION OF LAWS AND REGULATIONS UNDER ARTICLE 63.2 OF THE AGREEMENT

NEW ZEALAND

The following communication, dated 18 January 1999, has been received from the Permanent Mission of New Zealand.

In accordance with Article 63.2 of the TRIPS Agreement, attached is information concerning recent amendments to New Zealand laws and regulations pertaining to the TRIPS Agreement.

These amendments are listed in the order used in New Zealand's original Article 63.2 notification (document IP/N/1/NZL/1).

Copies of the texts of these amending laws and regulations are enclosed, together with explanatory background notes for each.

**NOTIFICATION OF AMENDMENTS TO LAWS AND REGULATIONS
UNDER ARTICLE 63.2 OF THE AGREEMENT**

NEW ZEALAND

Copyright

Copyright Amendment Act 1997
Copyright (Application to Other Countries) Amendment Order 1997
Copyright (Removal of Prohibition on Parallel Importing) Amendment Act 1998
Copyright (General Matters) Amendment Regulations 1998

Patents

Patents, Designs and Trade Marks Convention Amendment Order 1997

Plant Variety Protection

Plant Variety Rights (Grantees' Rights) Order 1997

NOTIFICATION TO TRIPS COUNCIL BY NEW ZEALAND OF AMENDING LEGISLATION

BACKGROUND INFORMATION

Name of legislation

Copyright Amendment Act 1997¹

Type of legislation

Amendment of the Copyright Act 1994

Date of entry into force

28 July 1997

Purpose of legislation

To replace the word "Collector" with the words "Chief Executive" in sections 137-139 of the Copyright Act in order to align the terminology with that contained in the Customs Act 1996.

Contact for enquiries

Intellectual Property Rights Group, Ministry of Commerce, Wellington, New Zealand.

¹ The text of this law is circulated in document IP/N/1/NZL/C/1/Add.2.

NOTIFICATION TO TRIPS COUNCIL BY NEW ZEALAND OF AMENDING LEGISLATION

BACKGROUND INFORMATION

Name of legislation

Copyright (Application to Other Countries) Amendment Order 1997²

Type of legislation

Order in Council

Date of entry into force

18 April 1997

Purpose of the legislation

The amendment Order adds a number of countries to each of the Schedules to the Order which were not in the previous 1995 Order. These countries have become members of the WTO since the 1995 Order.

Contact for enquiries

Intellectual Property Rights Group, Ministry of Commerce, Wellington, New Zealand.

² The text of this law is circulated in document IP/N/1/NZL/C/3/Add.2.

NOTIFICATION TO TRIPS COUNCIL BY NEW ZEALAND OF AMENDING LEGISLATION

BACKGROUND INFORMATION

Name of legislation

Copyright (Removal of Prohibition on Parallel Importing) Amendment Act 1998³

Type of legislation

Act of Parliament

Date of entry into force

19 May 1998

Purpose of the legislation

The amendment removes the prohibition on parallel importing of copyright goods.

Contact for enquiries

Intellectual Property Rights Group, Ministry of Commerce, Wellington, New Zealand.

³ The text of this law is circulated in document IP/N/1/NZL/C/4.

NOTIFICATION TO TRIPS COUNCIL BY NEW ZEALAND OF AMENDING LEGISLATION

BACKGROUND INFORMATION

Name of legislation

Copyright (General Matters) Amendment Regulations 1998⁴

Type of legislation

Statutory regulations promulgated in terms of Copyright Act 1994 ("the Act"). The regulations give effect to section 90 of the Act and prescribe a new class of libraries for the purposes of section 50(e) of the Act.

Date of entry into force

1 November 1998

Purpose of legislation

The regulations prescribe classes of broadcasts and cable programmes that certain bodies prescribed in the regulations may record for archival purposes without the permission of copyright owners.

The regulations also prescribe a new class of libraries for the purposes of section 50(e) of the Act. A prescribed library may do the acts specified in sections 51-56 of the Act. These acts are as follows:

- copying by librarians of parts of published works;
- copying by librarians of articles in periodicals;
- copying by librarians for user of other libraries;
- copying by librarians for collections of other libraries;
- copying by librarians or archivists of certain unpublished works; and
- copying by librarians or archivists to replace copies of works.

Contact for enquiries

Intellectual Property Rights Group, Ministry of Commerce, Wellington, New Zealand.

⁴ The text of this law is circulated in document IP/N/1/NZL/C/3/Add.2.

NOTIFICATION TO TRIPS COUNCIL BY NEW ZEALAND OF AMENDING LEGISLATION

BACKGROUND INFORMATION

Name of legislation

Patents, Designs and Trade Marks Convention Amendment Order 1997⁵

Type of legislation

Order in Council

Date of entry into force

15 January 1998

Purpose of legislation

The Order amends the 1996 Order by amending the names of some countries contained in the 1996 Order where circumstances have led to changes in their official name, and by adding a number of countries to the Order which have either recently acceded to the Paris Convention for the Protection of Industrial Property or have become Members of the WTO. The Explanatory Note to the Order provides more detail on the changes.

Contact for enquiries

Intellectual Property Rights Group, Ministry of Commerce, Wellington, New Zealand.

⁵ The text of this law is circulated in document IP/N/1/NZL/I/1/Add.2.

NOTIFICATION TO TRIPS COUNCIL BY NEW ZEALAND OF AMENDING LEGISLATION

BACKGROUND INFORMATION

Name of legislation

Plant Variety Rights (Grantees' Rights) Order 1997⁶

Type of legislation

Order in Council

Date of entry into force

15 January 1998

Purpose of legislation

This Order replaces the 1988 Order. It adds a new category to clause 2, namely "Vegetatively propagated vegetable-producing plants". Further detail is provided in the Explanatory Note to the Order.

Contact for enquiries

Intellectual Property Rights Group, Ministry of Commerce, Wellington, New Zealand.

⁶ The text of this law is circulated in document IP/N/1/NZL/P/4/Add.1.