

Original: English

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

**MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS
NOTIFIED UNDER ARTICLE 63.2 OF THE AGREEMENT**

New Zealand

The present document reproduces¹ the text of the following laws and regulations, as notified by New Zealand under Article 63.2 of the Agreement (see document IP/N/1/NZL/2):

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¹In English only.

1996

Copyright Amendment

No. 28



ANALYSIS

Title

1. Short Title and commencement
2. Notice may be given to Chief Executive

1996, No. 28

An Act to amend the Copyright Act 1994

[4 June 1996]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Copyright Amendment Act 1996, and shall be read together with and deemed part of the Copyright Act 1994 (in this Act referred to as the principal Act).

(2) This Act shall come into force on a date to be appointed by the Governor-General by Order in Council.

2. Notice may be given to Chief Executive—The principal Act is hereby amended by repealing section 136, and substituting the following section:

“136. (1) A person who owns the copyright in any one or more literary, dramatic, musical, or artistic works, or one or more typographical arrangements of a published edition, or one or more sound recordings or films may give a notice in writing to the Chief Executive—

“(a) Claiming that an item is a work, or items are works, as the case may be, in which the person owns the copyright; and

“(b) Requesting the Chief Executive to detain any pirated copies of the item or items, as the case may be, that are in, or at any time come into, the control of the Customs.

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- “(2) A notice under subsection (1) of this section shall—
- “(a) Contain such particulars in support of the claim that the item is a pirated copy, or items are pirated copies, as the case may be, as may be prescribed in regulations made under this Act; and
- “(b) Specify the period for which the notice is to be in force, which period shall be—
- “(i) Not longer than 5 years from the date of the notice; or
- “(ii) If the copyright in the work or any of the works to which the notice relates will expire within the period of 5 years from the date of the notice, not longer than the period for which that copyright will last.
- “(3) The Chief Executive shall, in relation to any notice given under subsection (1) of this section,—
- “(a) Accept the notice if the claimant and the notice given by the claimant comply with the requirements of this section and any regulations made under this Act:
- “(b) Decline the notice if the claimant or the notice given by the claimant does not comply with the requirements of this section and any regulations made under this Act,—
- and shall within a reasonable period of receiving the notice advise the claimant whether the notice has been accepted or declined.
- “(4) A notice accepted under subsection (3) (a) of this section remains in force for the period specified in the notice unless—
- “(a) It is revoked by the claimant by notice in writing; or
- “(b) The Court orders, in proceedings under section 141 (1) of this Act, that the notice be discharged.”

This Act is administered in the Ministry of Commerce.

1996/239



**THE COPYRIGHT AMENDMENT ACT COMMENCEMENT
ORDER 1996**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 26th day of August 1996

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 1 (2) of the Copyright Amendment Act 1996, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. Title—This order may be cited as the Copyright Amendment Act Commencement Order 1996.

2. Commencement of Copyright Amendment Act 1996—The Copyright Amendment Act 1996 shall come into force on the 1st day of October 1996.

MARIE SHROFF,
Clerk of the Executive Council.

Copyright Amendment Act Commencement Order 1996/239
1996

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

This order brings into force, on 1 October 1996, the Copyright Amendment Act 1996.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 29 August 1996.
This order is administered in the Ministry of Commerce.