

WORLD TRADE ORGANIZATION

ORGANISATION MONDIALE DU COMMERCE

ORGANIZACIÓN MUNDIAL DEL COMERCIO

IP/N/1/NZL/C/2/Add.1

24 March 1997

(97-1208)

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

Original: English/
anglais/
inglés

**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 Copyright (Border Protection) Regulations 1994, Amendment No. 1, as notified by New Zealand under Article 63.2 of the Agreement (see document IP/N/1/NZL/2).

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET REGLEMENTATIONS CONSACREES A LA
PROPRIETE INTELLECTUELLE NOTIFIEES AU TITRE DE
L'ARTICLE 63:2 DE L'ACCORD**

Nouvelle-Zélande

Le présent document contient le texte¹ de l'Amendement n° 1 à la Réglementation de 1994 sur le droit d'auteur (Protection à la frontière), notifié par la Nouvelle-Zélande au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/NZL/2).

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA
PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

Nueva Zelanda

En el presente documento se reproduce¹ el texto de la Modificación N° 1 del Reglamento del Derecho de Autor (Protección en Frontera) de 1994, notificado por Nueva Zelanda en virtud de lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/NZL/2).

¹In English only/anglais seulement/inglés solamente.

1996 / 240



**THE COPYRIGHT (BORDER PROTECTION) REGULATIONS
1994, AMENDMENT NO. 1**

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

REGULATIONS

1. Title and commencement—These regulations may be cited as the Copyright (Border Protection) Regulations 1994, Amendment No. 1, and shall be read together with and deemed part of the Copyright (Border Protection) Regulations 1994* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of October 1996.

2. Form of notice under section 136 (1)—Regulation 3 of the principal regulations is hereby amended by revoking subclause (2).

*S.R. 1994/309

*Copyright (Border Protection) Regulations 1994, 1996/240
Amendment No. 1*

3. Evidence in support of claim—Regulation 4 (1) of the principal regulations is hereby amended by inserting, after the word “work”, the words “, or items are works, as the case may be,”.

4. Notice of transmission and other matters—(1) Regulation 5 (a) of the principal regulations is hereby amended by inserting, after the word “work”, the words “or works”.

(2) Regulation 5 (b) of the principal regulations is hereby amended by inserting, after the word “work”, the words “, or items are works, as the case may be,”.

5. Agents—Regulation 7 (1) of the principal regulations is hereby amended by inserting, after the word “work”, the words “or works”.

6. New Schedule inserted—The principal regulations are hereby amended by revoking the Schedule, and substituting the Schedule set out in the Schedule to these regulations.

1996/240 *Copyright (Border Protection) Regulations 1994,*
Amendment No 1

SCHEDULE

Reg 6

NEW SCHEDULE SUBSTITUTED IN PRINCIPAL REGULATIONS

“SCHEDULE

Reg 3

FORM OF NOTICE UNDER SECTION 136 (1) OF COPYRIGHT ACT 1994

The Copyright Act 1994

NOTICE REQUESTING DETENTION OF PIRATED COPIES

To: The Chief Executive of the New Zealand Customs Service

[Where this notice relates to more than one work, the details required by this notice can be included in a schedule in the manner described below.]

(a), of (b), claims that (c) is a work (are works) in which (a) owns the copyright.

The title(s) of the work(s) is (are): (d)

In relation to a literary, dramatic, musical, or artistic work that is (literary, dramatic, musical, or artistic works that are) not computer-generated, the full name(s) of the author(s) is (are): (e)

In relation to a published edition (published editions), the full name(s) of the publisher(s) is (are):

In relation to a literary, dramatic, musical, or artistic work that is (literary, dramatic, musical, or artistic works that are) computer-generated, or in relation to a sound recording (sound recordings) or a film (films), the full name(s) of the author(s) is (are): (f)

In relation to a literary, dramatic, musical, or artistic work that is (literary, dramatic, musical or artistic works that are) not computer-generated, the author(s) is (are) still living. (g)

In relation to a literary, dramatic, musical, or artistic work that is (literary, dramatic, musical, or artistic works that are) not computer-generated, the year(s) of the death(s) of the author(s) was (were): (h)

In relation to a literary, dramatic, musical, or artistic work that is (literary, dramatic, musical, or artistic works that are) computer-generated, the year(s) in which the work(s) was (were) made was (were):

In relation to a sound recording (sound recordings) or a film (films), the year(s) in which the work(s) was (were) made and the year(s) in which the work(s) was (were) made available to the public by an authorised act (authorised acts) was (were).

The country (countries) and year(s) of first publication of the work(s) were: (i)

The status of the author(s) or publisher(s) at the time(s) of first publication was (were): (j)

It is hereby requested that the Chief Executive of the New Zealand Customs Service detain any pirated copies of (c) that are in, or at any time come into, the control of the Customs.

This notice shall be in force for the period(s): (k)

The business/residential address, postal address, and facsimile number of (l) for the service of notices are:

Copyright (Border Protection) Regulations 1994, 1996/240
Amendment No. 1

SCHEDULE—*continued*

NEW SCHEDULE SUBSTITUTED IN PRINCIPAL REGULATIONS—*continued*

“SCHEDULE—*continued*

FORM OF NOTICE UNDER SECTION 136 (1) OF COPYRIGHT ACT 1994—
continued

Business/residential address

Postal address

Facsimile no.

Dated this day of 19

(m)

- (a) State the full name of the owner of the copyright.
- (b) State the address of the owner of the copyright.
- (c) Describe the work(s) in which copyright is claimed.
- (d) State the title(s) under which the work(s) has (have) been published.
- (e) If the work(s) is (are) of unknown authorship, insert words to that effect.
- (f) If the work(s) is (are) of unknown authorship, insert words to that effect. If the author(s) is (are) a company (companies), insert the name(s) of the company (companies), and the division(s) within the company (companies), that produced the work(s).
- (g) Delete if the work(s) is (are) of unknown authorship or if no author(s) is (are) still living.
- (h) Delete if the author(s) is (are) still living or, if the work(s) is (are) a work (works) of joint authorship, if any of the authors is (are) still living. If neither is the case, state the year(s) of the death of the author(s) or the last surviving author(s).
- (i) If there was simultaneous publication in more than one country, state all countries.
- (j) State the citizenship and domicile or residence of the author(s) of the work(s) or the publisher(s) of the edition(s) or, if the author(s) or publisher(s) is (are) a company (companies), the name(s) of the country (countries) where the company is (companies are) incorporated.
- (k) Insert a period that is not longer than 5 years from the date of the notice or, if the copyright in the work (any of the works) will expire within 5 years from the date of the notice, not longer than the period for which the copyright in that work (those works) will last.
- (l) Insert name of the owner of the copyright or authorised agent.
- (m) Signature.

1996/240 *Copyright (Border Protection) Regulations 1994,
Amendment No. 1*

SCHEDULE—*continued*

NEW SCHEDULE SUBSTITUTED IN PRINCIPAL REGULATIONS—*continued*

“SCHEDULE—*continued*

FORM OF NOTICE UNDER SECTION 136 (1) OF COPYRIGHT ACT 1994—
continued

SCHEDULE

The works to which this notice relates are:

1. Listed below; or
2. Supplied in an electronic medium as agreed with the New Zealand
Customs Service; or
3. Detailed in some other manner [*Specify.*]

[*Delete the options which are not applicable.*]

.....
.....
.....
.....
.....”

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect

These regulations, which come into force on 1 October 1996, amend the Copyright (Border Protection) Regulations 1994. The amendments are consequential upon the coming into force of 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
These regulations are administered in the Ministry of Commerce