



ANALYSIS

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1990, No. 71

An Act to amend the Copyright Act 1962

[1 August 1990

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

1. Short Title—This Act may be cited as the Copyright Amendment Act 1990, and shall be read together with and deemed part of the Copyright Act 1962 (hereinafter referred to as the principal Act).

2. Infringement by importation, sale, and other dealings—Section 10 of the principal Act is hereby amended by adding the following subsection:

“(5) Nothing in this section applies in relation to a literary work or an artistic work that—

“(a) Relates to a medicine that has been imported by the Crown pursuant to section 32A of the Medicines Act 1981; and

“(b) Has been made, reproduced, published, adapted or distributed in an overseas country by or with the licence of the owner of the copyright in the work in that country.”

3. Penalties and summary proceedings in respect of dealings which infringe copyright—Section 28 of the principal Act is hereby amended by adding the following subsection:

“(5) Nothing in subsection (1) of this section applies in relation to a literary work or an artistic work that—

“(a) Relates to a medicine that has been imported by the Crown pursuant to section 32A of the Medicines Act 1981; and

“(b) Has been made, reproduced, published, adapted or distributed in an overseas country by or with the licence of the owner of the copyright in the work in that country.”

4. Provisions for restricting importation of printed copies—Section 29 of the principal Act is hereby amended by adding the following subsection:

“(7) Nothing in this section applies in relation to a literary work or an artistic work that—

“(a) Relates to a medicine that has been, or is proposed to be, imported by the Crown pursuant to section 32A of the Medicines Act 1981; and

“(b) Has been made, reproduced, published, adapted or distributed in an overseas country by or with the licence of the owner of the copyright in the work in that country.”

5. Special exceptions from protection of literary and artistic works relating to medicines—The principal Act is hereby amended by inserting, after section 20B (as inserted by section 5 (1) of the Copyright Amendment Act 1985), the following section:

“20c. The reproduction or adaptation or publication of a literary or an artistic work does not infringe the copyright in that work if that work—

“(a) Relates to a medicine that has been imported by the Crown pursuant to section 32A of the Medicines Act 1981; and

“(b) Has been made, reproduced, published, adapted or distributed in New Zealand or in an overseas country by or with the licence of the owner of the copyright in the work in New Zealand or in that overseas country.”