

1963/85

THE COPYRIGHT (CUSTOMS) REGULATIONS 1963

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 5th day of June 1963

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Copyright Act 1962, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. These regulations may be cited as the Copyright (Customs) Regulations 1963.

2. In these regulations—

- (a) "The Act" means the Copyright Act 1962;
- (b) Expressions defined in the Act have the meaning so defined.

3. (1) The notice required by subsection (1) of section 29 of the Act shall be in form No. 1 or form No. 2 set out in the Schedule hereto.

(2) A separate notice in the said form No. 1 shall be given in respect of each work.

(3) A separate notice in the said form No. 2 shall be given in respect of each importation, whether of one or more works.

4. Where the owner of the copyright in any published literary, dramatic, or musical work, or any published edition of such a work, or in any published artistic work has given such a notice, he shall notify the Minister of Customs in writing of any change in ownership or other change affecting the notice, within 28 days after the date of the change, and further notice shall be given as the Minister may require. On a change of ownership, whether notified to the Minister or not, any notice already given shall be deemed to have been withdrawn as from the expiry of 28 days from the date of the change of ownership.

5. The owner of the copyright in any work or edition, or any agent of his, who gives notice shall (in addition to the evidence furnished in the statutory declaration prescribed in clause 3) furnish to the Minister such further relevant evidence and information within such time and in such form as the Minister may require, and shall produce within such time as the Minister may specify such relevant books or other documents as he may require. If the further evidence and information

so required are not furnished, or if the books or other documents so required are not produced, as so required, the notice shall be deemed to have been withdrawn as from such time as the Minister shall specify.

6. The owner of the copyright in any work or edition, or any agent of his, who gives any such notice shall give to the Minister security or further security, within such time and in such manner as the Minister may require, against all actions, proceedings, claims, and demands whatsoever which may be taken or made against, or costs and expenses which may be incurred by, him in consequence of detention of any copy to which the notice relates. The security or further security shall be given at the time the notice is given or at such other time as the Minister may require. If the security or further security is not given within the time or in the manner required by the Minister, the notice shall be deemed to have been withdrawn as from the expiry of the time so required.

7. In every case—

- (a) In which the Minister of Customs has not required the security or further security referred to in regulation 6 hereof to be given; or
- (b) In which the Minister has taken security and that security is insufficient; or
- (c) In which the notice is deemed to have been withdrawn under any of the provisions of regulations 4 to 6 hereof—

the owner of the copyright in any work or edition, and any agent of his, who has given notice shall jointly and severally keep the Minister indemnified against all actions, proceedings, claims, and demands whatsoever which may be taken or made against him, and shall repay to the Minister all costs and expenses which may be incurred by him in consequence of the detention of, or anything done in relation to, any copy of the work or edition to which the notice related. Any such costs, expenses, damages, or other sums may be recovered as a debt due to the Crown.

8. The following regulations are hereby revoked:

- (a) The regulations relating to the importation into New Zealand of copies of books infringing copyright, dated 27 March 1914;*
- (b) Part I of the Copyright Regulations 1913†.

SCHEDULE

Form No. 1

Reg. 3

COPYRIGHT ACT 1962

Notice Relating to Copyright in any Published Literary, Dramatic, or Musical Work, or Published Edition of Such a Work, or Published Artistic Work

To the Minister of Customs.

I, (a) of (b) hereby give notice that copyright in the original work or published edition specified in the Schedule hereto now subsists under the Copyright Act 1962, and that (c) the owner of the copyright in the said work or edition and that (d)

*Gazette, 1914, Vol. 1, p. 1331

†Gazette, 1914, Vol. 1, p. 1325

SCHEDULE—continued

request(s) that the copies of the said work or edition made out of New Zealand shall be treated as prohibited imports, and shall not be imported into New Zealand for a period up to and including (e)

Dated this day of 19.....

.....
Signature (f)

SCHEDULE

- Title of work or edition (g)
- Description of work or edition (h)
- Full name(s) of author or authors of work (i)
- Statement whether author or authors are alive (j)
- If not, year of death (k)
- Full name of publisher of edition (l)
- Country and year of first publication of work or edition (m)
- Status of author(s) or publisher at time of first publication (n)

STATUTORY DECLARATION

I, (o) of (p) do solemnly and sincerely declare that the contents of this notice are true, and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Declared at, this day of 19....., before me—

.....
Justice of Peace
Solicitor
Notary Public
Registrar of the Supreme Court
Registrar of Magistrate's Court
Member of Parliament.

(a) Insert full name of copyright owner or agent. (b) Insert full address of owner or agent. (c) If notice is given by the owner insert "I am", or if a company name of the company and the word "is"; if notice is given by an agent, insert the name of the owner and the word "is". (d) Insert "I", or "he", or name of company respectively. (e) Insert period applied for. The period shall not exceed five years or extend beyond the period for which copyright subsists. (f) If an agent, insert "Agent of owner", or if a company, insert name of the company and status of the signatory in the company. (g) Insert the title under which the work or edition has been published. (h) Describe the work or edition: book, sheet music, drawing, etc. (i) Insert full name or names of author or authors. If the publication is anonymous or pseudonymous, insert words to that effect. (j) Delete if publication is anonymous or pseudonymous. (k) Delete if any one author is still alive. If not, state year of death of last surviving author. (l) Delete if not applicable. (m) If simultaneous publication in more than one country, state all countries. (n) Insert nationality and domicile or residence of author or publisher of edition. (o) Insert full name of declarant. (p) Insert full address of declarant.

SCHEDULE—*continued*

Form No. 2

Reg. 3

COPYRIGHT ACT 1962

Notice Relating to a Particular Importation

To the Minister of Customs.

I, (a) of (b) hereby give you notice that copyright in the original work(s) or published edition(s) specified in the Schedule hereto now subsists under the Copyright Act 1962, and that (c) the owner(s) of the copyright in the said work(s) or edition(s), and that the undermentioned copies of the said work(s) or edition(s) made out of New Zealand, that is to say (d) are about to be imported into the port/airport (e) of (f) on or about the (g) in the (h) from (i)

And I request that the said copies be treated as prohibited imports and dealt with accordingly.

Dated this day of 19....

.....
Signature (k)

SCHEDULE

Title of work(s) or edition(s) (l)

Description of work(s) or edition(s) (m)

Full name(s) of author or author(s) of work(s) (n)

Statement whether author or authors are alive (o)

If not, year of death (p)

Full name of publisher of edition(s) (q)

Country and year of first publication of work or edition (r)

Status of author(s) or publisher at the time of first publication (s)

STATUTORY DECLARATION

I, (t) of (u) do solemnly and sincerely declare that the contents of this notice are true, and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Declared at, this day of 19...., before me—

.....
Justice of Peace
Solicitor
Notary Public
Registrar of the Supreme Court
Registrar of Magistrate's Court
Member of Parliament.

(a) Insert full name of owner of copyright or agent. (b) Insert full address of owner or agent. (c) If notice is given by the owner, insert "I am", or if a company insert name of the company and the word "is"; if notice is given by an agent, insert the name of the owner and the word "is". (d) Describe the copies, number of packages, marks used,

SCHEDULE—*continued*

and any particulars necessary for their identification. (e) Delete that which is not applicable. (f) Insert name of port or airport. (g) Insert presumed date of arrival. (h) Insert name or indication of ship or aircraft. (i) Insert country of origin. (k) If an agent, insert "Agent of owner", or if a company, insert name of the company and the status of the signatory in the company. (l) Insert the title(s) under which the work(s) or edition(s) has/have been published. (m) Describe the work or edition: book, sheet music, drawing, etc. (n) Insert full name or names of author or authors. If the publication is anonymous or pseudonymous, insert words to that effect. (o) Delete if publication is anonymous or pseudonymous. (p) Delete if any one author is still alive. If not, state year of death of last surviving author. (q) Delete if not applicable. (r) If simultaneous publication in more than one country, state all countries. (s) Insert nationality and domicile or residence of author(s) or publisher(s) of edition. (t) Insert full name of declarant. (u) Insert full address of declarant.

T. J. SHERRARD,
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 govern matters which, by section 29 of the Copyright Act 1962, are left to be prescribed in connection with the provisions under which the owner of the copyright may give notice in writing to the Minister of Customs restricting the importation of copies of a work or edition.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 6 June 1963.

These regulations are administered in the Customs Department.