

**Reprint
as at 31 October 2008**



**Copyright (General Matters)
Regulations 1995**
(SR 1995/146)

Catherine A Tizard, Governor-General

Order in Council

At Wellington this 10th day of July 1995

Present:
Her Excellency the Governor-General in Council

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

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Economic Development.

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Regulations

- 1 Title and commencement**
- (1) These regulations may be cited as the Copyright (General Matters) Regulations 1995.
- (2) These regulations shall come into force on 15 August 1995.
- 2 Interpretation**
- In these regulations, unless the context otherwise requires,—
- Act** means the Copyright Act 1994
- interloan scheme** means the scheme of that name jointly administered by the National Library of New Zealand established by the National Library Act 1965 and the New Zealand Library and Information Association: Te Rau Herenga o Aotearoa Incorporated, a society incorporated under the Incorporated Societies Act 1908.
- 3 Prescribed judicial bodies for purposes of Act**
- The following bodies are hereby declared to be judicial bodies for the purposes of the Act:
- (a) the Advertising Standards Complaints Appeal Board appointed by the Advertising Standards Authority Incorporated, a society incorporated under the Incorporated Societies Act 1908:

- (b) the Advertising Standards Complaints Board appointed by the Advertising Standards Authority Incorporated, a society incorporated under the Incorporated Societies Act 1908.

4 Prescribed classes of libraries for purposes of section 50 of Act

The following classes of library are prescribed classes of libraries for the purposes of section 50 of the Act:

- (a) libraries that are members of the interloan scheme:
- (b) libraries of Crown entities, as that term is defined in section 2 of the Public Finance Act 1989.

Regulation 4: substituted, on 1 November 1998, by regulation 2 of the Copyright (General Matters) Amendment Regulations 1998 (SR 1998/281).

5 Prescribed bodies for purposes of section 69 of Act

The following bodies are hereby declared to be prescribed bodies for the purposes of section 69 of the Act:

- (a) the Christian Ministries with Disabled Trust, a trust incorporated under the Charitable Trusts Act 1957:
- (ab) the Correspondence School Te Kura ā-Tuhi:
- (b) New Zealand Radio for the Print Disabled Incorporated, a society incorporated under the Incorporated Societies Act 1908:
- (c) the Royal New Zealand Foundation of the Blind constituted under the Royal New Zealand Foundation of the Blind Act 2002:
- (d) the University of Auckland constituted under the University of Auckland Act 1961:
- (e) the Wellington Braille Club Incorporated, a society incorporated under the Incorporated Societies Act 1908.

Regulation 5(a): substituted, on 21 October 1996, by regulation 2 of the Copyright (General Matters) Regulations 1995, Amendment No 1 (SR 1996/251).

Regulation 5(ab): inserted, on 17 January 2008, by regulation 4 of the Copyright (General Matters) Amendment Regulations 2007 (SR 2007/397).

Regulation 5(b): substituted, on 21 October 1996, by regulation 2 of the Copyright (General Matters) Regulations 1995, Amendment No 1 (SR 1996/251).

Regulation 5(c): substituted, on 30 April 2003, by section 28(2) of the Royal New Zealand Foundation of the Blind Act 2002 (2002 No 3 (P)).

Regulation 5(d) : added, on 21 October 1996, by regulation 2 of the Copyright (General Matters) Regulations 1995, Amendment No 1 (SR 1996/251).

Regulation 5(e) : added, on 21 October 1996, by regulation 2 of the Copyright (General Matters) Regulations 1995, Amendment No 1 (SR 1996/251).

5A Prescribed bodies, broadcasts or cable programmes, for purposes of section 90 of Act

- (1) The following bodies are prescribed bodies for the purposes of section 90 of the Act:
 - (a) Radio New Zealand Limited:
 - (ab) the National Library of New Zealand:
 - (b) Archives New Zealand (Te Rua Mahara o te Kāwanatanga):
 - (c) the New Zealand Cartoon Archive Trust:
 - (d) the New Zealand Film Archive:
 - (e) Sound Archives Nga Taonga Korero Limited.
- (2) The following classes are prescribed classes of broadcasts or cable programmes for the purposes of section 90 of the Act:
 - (a) broadcasts or cable programmes broadcast or transmitted in New Zealand that—
 - (i) feature New Zealand or New Zealanders; or
 - (ii) are produced or made, in whole or in part, in New Zealand; or
 - (iii) are produced or made, in whole or in part, by 1 or more New Zealanders, or that feature 1 or more New Zealand actors, writers, artists, or other participants; or
 - (iv) feature a royal event, or a sport played in New Zealand; or
 - (v) otherwise contain subject matter of particular relevance to New Zealand or New Zealanders:
 - (b) broadcasts or cable programmes that are broadcast or transmitted in New Zealand during any 24-hour period and that are recorded for that period to establish the programmes and broadcasts that were sent out to New Zealanders on a particular day.

Regulation 5A: inserted, on 1 November 1998, by regulation 3 of the Copyright (General Matters) Amendment Regulations 1998 (SR 1998/281).

Regulation 5A(1)(a): substituted, on 15 August 2003, by regulation 3 of the Copyright (General Matters) Amendment Regulations 2003 (SR 2003/162).

Regulation 5A(1)(ab): inserted, on 15 August 2003, by regulation 3 of the Copyright (General Matters) Amendment Regulations 2003 (SR 2003/162).

Regulation 5A(1)(b): substituted, on 21 April 2005, by section 67(2) of the Public Records Act 2005 (2005 No 40).

5B Notice to Internet service provider of infringement

A notice to an Internet service provider under section 92C(3) of the Act must be in the form of a notice that—

- (a) contains the following information:
 - (i) the name of the person signing the notice and the name of the copyright owner or the copyright owner's duly authorised agent (if different from the person signing the notice):
 - (ii) the contact details of the persons referred to in subparagraph (i), which must include telephone number, postal address, email address, and fax number (if a fax number is available):
 - (iii) the date and time when the alleged infringement was discovered:
 - (iv) a description of the specific material that is alleged to be infringing:
 - (v) the nature of the alleged infringement:
 - (vi) the online location where the allegedly infringing material is found; and
- (b) is signed by—
 - (i) the copyright owner; or
 - (ii) the copyright owner's duly authorised agent.

Regulation 5B: inserted, on 31 October 2008, by regulation 4 of the Copyright (General Matters) Amendment Regulations 2008 (SR 2008/352).

5C Declaration by qualified person in relation to TPM circumvention device

A declaration by a qualified person under section 226D(4) of the Act must be in the form of a statement that—

- (a) contains the following information:
 - (i) the name of the qualified person:
 - (ii) the contact details of the qualified person, which must include telephone number, postal address, email address, and fax number (if a fax number is available):

- (iii) the basis on which the person making the declaration is a qualified person and authorised to make the declaration:
 - (iv) the name and postal address of the supplier of the TPM circumvention device:
 - (v) the date of the request for the qualified person to use the TPM circumvention device:
 - (vi) a description of the purpose for which the use of the TPM circumvention device has been requested; and
- (b) states that it is the qualified person's intention to use the TPM circumvention device strictly in accordance with the Act; and
- (c) is signed by the qualified person.

Regulation 5C: inserted, on 31 October 2008, by regulation 4 of the Copyright (General Matters) Amendment Regulations 2008 (SR 2008/352).

6 Revocations

The following regulations are hereby consequentially revoked:

- (a) the Copyright (Prescribed Body) (Christian Ministries with Disabled Trust) Regulations 1995 (SR 1995/95):
- (b) the Copyright (Prescribed Body) (Royal New Zealand Foundation for the Blind) Regulations 1995 (SR 1995/42).

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 13 July 1995.

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Notes

1 *General*

This is a reprint of the Copyright (General Matters) Regulations 1995. The reprint incorporates all the amendments to the regulations as at 31 October 2008, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint
(most recent first)***

Copyright (General Matters) Amendment Regulations 2008 (SR 2008/352)

Copyright (General Matters) Amendment Regulations 2007 (SR 2007/397)

Public Records Act 2005 (2005 No 40): section 67(2)

Copyright (General Matters) Amendment Regulations 2003 (SR 2003/162)

Royal New Zealand Foundation of the Blind Act 2002 (2002 No 3 (P)): section 28(2)

Copyright (General Matters) Amendment Regulations 1998 (SR 1998/281)

Copyright (General Matters) Regulations 1995, Amendment No 1 (SR 1996/251)

