



Copyright (Application to Other Countries) Amendment Order 2016

Patsy Reddy, Governor-General

Order in Council

At Wellington this 7th day of November 2016

Present:

Her Excellency the Governor-General in Council

This order is made under sections 204 and 232 of the Copyright Act 1994—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Commerce and Consumer Affairs made in accordance with those sections of that Act.

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Order

1 Title

This order is the Copyright (Application to Other Countries) Amendment Order 2016.

2 Commencement

This order comes into force on 1 January 2017.

3 Principal order

This order amends the Copyright (Application to Other Countries) Order 1995 (the **principal order**).

4 Clause 2 amended (Interpretation)

In clause 2, definition of **foreign work**, replace “20(1)(a), 20(2)(a)” with “20(a)”.

5 Cross-heading above clause 4 amended

In the cross-heading above clause 4, replace “, *broadcasts, and cable programmes*” with “*and communication works*”.

6 Clause 9 amended (Application of Act to sound recordings)

In clause 9(2)(a), replace “33(b)” with “33”.

7 Clause 10 and cross-heading above clause 10 replaced

Replace clause 10 and the cross-heading above clause 10 with:

Copyright in foreign works that are communication works

10 Application of Act to communication works

(1) In—

(a) section 18(2) of the Act, the term **work** includes a foreign work that is a communication work made on or after 1 January 1995:

(b) sections 18(2) and 20(b) of the Act, the term **prescribed foreign country**, in relation to a foreign work that is a communication work made on or after 1 January 1995, means a country specified in Schedule 2.

(2) Where, in accordance with subclause (1), a foreign work that is a communication work made on or after 1 January 1995 qualifies for copyright under section 18(2) or 20(b) of the Act, the provisions of the Act apply to that work, except that,—

- (a) for the purposes of section 24(2) of the Act, there is no copyright in a repeated communication work made on or after 1 January 1995 where the initial communication work was made before that date:
- (b) the provisions of Part 9 of the Act do not apply.

8 Schedule 1 amended

- (1) In the Schedule 1 heading, replace “**broadcasts and cable programmes**” with “**communication works**”.
- (2) In Schedule 1, revoke the items relating to Cape Verde, European Communities, and Netherlands (and the Netherlands Antilles).
- (3) In Schedule 1, insert in their appropriate alphabetical order:

Armenia
Bhutan
Cabo Verde
Comoros
European Union
Korea, Democratic People’s Republic of
Micronesia, Federated States of
Montenegro
Nepal
Netherlands
Niue
Samoa
São Tomé and Príncipe
Serbia
Seychelles
Sudan
Syrian Arab Republic
Tonga
Turkmenistan
Uzbekistan
Vanuatu
Vietnam
Yemen

9 Schedule 2 amended

- (1) In the Schedule 2 heading, replace “**broadcasts**” with “**communication works**”.
- (2) In Schedule 2, revoke the items relating to European Communities and Netherlands (and the Netherlands Antilles).
- (3) In Schedule 2, insert in their appropriate alphabetical order:

Albania
Armenia
Cabo Verde
Cambodia
China
Croatia
European Union
Lao People’s Democratic Republic
Lithuania
Macedonia, Former Yugoslav Republic of
Moldova, Republic of
Montenegro
Nepal
Netherlands
Oman
Russian Federation
Samoa
Saudi Arabia
Seychelles
Tajikistan
Tonga
Ukraine
Vanuatu
Vietnam
Yemen

10 Schedule 3 amended

- (1) In Schedule 3, revoke the items relating to European Communities and Netherlands (and the Netherlands Antilles).
- (2) In Schedule 3, insert in their appropriate alphabetical order:

Albania
Algeria
Armenia
Azerbaijan
Belarus
Bosnia and Herzegovina
Cabo Verde
Cambodia
China
Croatia
European Union
Kazakhstan
Lao People's Democratic Republic
Lithuania
Macedonia, Former Yugoslav Republic of
Moldova, Republic of
Monaco
Montenegro
Nepal
Netherlands
Oman
Russian Federation
Samoa
Saudi Arabia
Serbia
Seychelles
Tajikistan
Tonga
Ukraine
Vanuatu
Vietnam
Yemen

Michael Webster,
Clerk of the Executive Council.

Explanatory note

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

This order, which comes into force on 1 January 2017, amends the Copyright (Application to Other Countries) Order 1995 (the **principal order**).

This order—

- updates references to the Copyright Act 1994 (the **Act**) to reflect changes to the numbering in that Act;
- updates terminology to reflect terminology changes in the Act, in particular replacing references to broadcasts and cable programmes with references to communication works;
- amends the list of countries in each of the schedules of the principal order to reflect changes in the membership of the relevant international organisations and treaties.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 10 November 2016.

This order is administered by the Ministry of Business, Innovation, and Employment.