2008/352

Copyright (General Matters) Amendment Regulations 2008

Anand Satyanand, Governor-General

Order in Council

At Wellington this 29th day of September 2008

Present:
His Excellency the Governor-General in Council

Pursuant to sections 92D(a), 226D(4), and 234 of the Copyright Act 1994, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Contents

			Page
1	Title		2
2	Commencement		2
3	Principal regulations amended		2
4	New regulations 5B and 5C inserted		2
	5B	Notice to Internet service provider of infringement	2
	5C	Declaration by qualified person in relation to TPM circumvention device	3

Regulations

1 Title

These regulations are the Copyright (General Matters) Amendment Regulations 2008.

2 Commencement

These regulations come into force on 31 October 2008.

3 Principal regulations amended

These regulations amend the Copyright (General Matters) Regulations 1995.

4 New regulations 5B and 5C inserted

The following regulations are inserted after regulation 5A:

"**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.

"**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."

Rebecca Kitteridge,
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 31 October 2008, prescribe the form of a notice and of a declaration provided for in amendments to the Copyright Act 1994 contained in the Copyright (New

Technologies) Amendment Act 2008. Those amendments come into force on the same date as these regulations.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 2 October 2008.
These regulations are administered by the Ministry of Economic Affairs.

Wellington, New Zealand:
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