

BERMUDA

COPYRIGHT (CUSTOMS) REGULATIONS 2014

BR / 2014

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The Minister of Finance, in exercise of the powers conferred by section 140 of the Copyright and Designs Act 2004, makes the following Regulations:

Citation

1 These Regulations may be cited as the Copyright (Customs) Regulations 2014.

Form of notice

2 (1) Notice given under section 139(1) of the Act shall be in Form A of the Schedule and a separate notice shall be given in respect of each work.

(2) Notice given under section 139(3) of the Act shall be in Form B of the Schedule and a separate notice shall be given in respect of each work and in respect of each expected importation into Bermuda.

(3) In regulations 3 to 9, "notice" means a notice given under section 139(1) or (3) of the Act.

Contents of notice

3 The notice shall contain—

- (a) full particulars of the matters specified in the notice; and
- (b) a declaration by the signatory that the information given by him in the notice is true.

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Fee

4 The person giving the notice shall pay a fee of \$250 in respect of the notice to the Accountant-General at the time the notice is given.

Copy of work and evidence

- 5 The person giving the notice shall furnish to the Collector of Customs—
- (a) at the time the notice is given, a copy of the work specified in the notice; and
 - (b) at the time the notice is given and at the time the goods to which the notice relates are imported, such evidence as the Collector of Customs may require to establish—
 - (i) his ownership of the copyright in such work;
 - (ii) that goods detained are infringing copies; or
 - (iii) that a person who has signed the notice as agent of the owner of the copyright in the work is duly authorized.

Security

6 The person giving the notice shall give security or further security within such time and in such manner, whether by bond or by deposit of a sum of money, as the Collector of Customs may require, in respect of any liability or expense which the Collector of Customs may incur in consequence of the notice by reason of the detention of any article or anything done to an article detained.

Indemnification

7 The person who has given the notice shall indemnify the Collector of Customs against any liability or expense mentioned in regulation 6, whether any security or further security has been given or not.

Notification of changes

8 The person giving the notice shall notify the Collector of Customs in writing of any change in the ownership of the copyright in the work specified in the notice or other change affecting the notice within 14 days of the change.

Deemed withdrawal of notice

- 9 The notice shall be deemed to have been withdrawn—
- (a) as from the expiry of 14 days from any change in the ownership of the copyright in the work specified in the notice, whether notified to the Collector of Customs in accordance with regulation 8 or not; or
 - (b) if the person giving the notice has failed to comply with any requirement of these Regulations, as from when the failure to comply occurred.

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Revocation of Copyright (Customs) Regulations 1964

10 The Copyright (Customs) Regulations 1964 are revoked.

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SCHEDULE

FORM A

(regulation 2(1))

COPYRIGHT AND DESIGNS ACT 2004

Notice Requesting Infringing Copies of a Published Literary, Dramatic or Musical Work to be Treated as Prohibited Goods

Please read these notes before completing this notice.

- 1 This notice may only be given by the owner of the copyright in a published literary, dramatic or musical work or the authorized agent of the owner. A separate notice must be given in respect of each work.
- 2 The period specified in Part 1 shall not exceed five years and shall not extend beyond the period for which copyright is to subsist.
- 3 A fee of \$250 is payable. Please enclose a cheque for the required amount made payable to "Accountant-General".
- 4 A copy of the work specified in Part 2 must be enclosed with this notice.
- 5 The person who has given the notice shall indemnify the Collector of Customs against any liability or expense which the Collector of Customs may incur as a result of detaining any article or anything done to an article detained because of this notice. You may need to give the Collector of Customs security in respect of any such liability or expense. You will be informed when this is required.
- 6 Part 3 is not obligatory, but please give as many details as possible.

Part 1

I, give notice that
[Full name of signatory in BLOCK LETTERS]

.....
[Name and address of owner of copyright]

is the owner of the copyright in the work specified below which subsists under the Copyright and Designs Act 2004 and I request that any infringing copies of this work be treated as prohibited goods for a period starting on and ending on

Part 2 : Particulars of Work

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Title

Full name of author/authors:

.....

Date copyright expires:

Part 3 : Details of expected importation

(a) Date of expected importation

(b) Place of customs declaration

(c) Place of unloading

(d) Country of origin

(e) Country from which goods consigned.....

(f) Bill of lading/air waybill/consignment reference number

(g) Name of ship/aircraft flight number/vehicle registration number
.....

(h) Name and address of importer/consignee

.....

(i) Tariff classification and commodity code

Part 4: Declaration

I declare that the information given by me in this notice is true.

Signature Date

(*Owner of copyright/Authorized agent of owner of copyright)

**Delete whichever is inappropriate.*

Part 5

Please send the completed notice, enclosing the fee and a copy of the work, to:
Collector of Customs

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H.M. Customs
P.O. Box HM 2084
Hamilton HM HX
Bermuda

FORM B

(regulation 2(2))

COPYRIGHT AND DESIGNS ACT 2004

Notice Requesting Infringing Copies of a Sound Recording or Film to be Treated as Prohibited Goods

Please read these notes before completing this notice.

- 1 This notice may only be given by the owner of the copyright in a sound recording or film or the authorized agent of the owner. A separate notice must be given in respect of each work and in respect of each expected importation of infringing copies of the work.
- 2 A fee of \$250 is payable. Please enclose a cheque for the required amount made payable to "Accountant-General".
- 3 A copy of the work specified in Part 2 must be enclosed with this notice.
- 4 The person who has given the notice shall indemnify the Collector of Customs against any liability or expense which the Collector of Customs may incur as a result of detaining any article or anything done to an article detained because of this notice. You may need to give the Collector of Customs security in respect of any such liability or expense. You will be informed when this is required.
- 5 Part 4 is not obligatory, but please give as many details as possible.

Part 1

I, give notice that
[Full name of signatory in BLOCK LETTERS]

.....
[Name and address of owner of copyright]

is the owner of the copyright in the work specified below which subsists under the Copyright and Designs Act 2004 and that infringing copies of the work are expected to arrive in Bermuda and I request that these copies be treated as prohibited goods.

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Part 2: Particulars of Work

Title:

Label, marking or statement on work:

.....

Date copyright expires:

Part 3: Expected arrival in Bermuda

Time:

Place:

Part 4: Details of expected importation

(a) Place of customs declaration

(b) Place of unloading

(c) Country of origin

(d) Country from which goods consigned.....

(e) Bill of lading/air waybill/consignment reference number

(f) Name of ship/aircraft flight number/vehicle registration number
.....

(g) Name and address of importer/consignee

.....

(h) Tariff classification and commodity code

Part 5: Declaration

I declare that the information given by me in this notice is true.

Signature Date

(*Owner of copyright/Authorized agent of owner of copyright)

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**Delete whichever is inappropriate.*

Part 6

Please send the completed notice, enclosing the fee and a copy of the work, to:

Collector of Customs

H.M. Customs

P.O. Box HM 2084

Hamilton HM HX

Bermuda

Made this 6th day of February 2014


Minister of Finance