

NEW AUSTRALIAN COPYRIGHT LAWS

CUSTOMS SEIZURE OF IMPORTED INFRINGING COPIES

The process for dealing with pirated material at the border has been simplified.

Amendments dealing with the seizure of imported copies of copyright material make it easier for copyright owners to use the Notice of Objection scheme and are consistent with the Trade Marks Notice of Objection scheme under the *Trade Marks Amendment Act 2006*.

A Notice of Objection lodged by a copyright owner with the Australian Customs Service (Customs) authorises a Customs officer to seize copies of infringing copyright material where that copyright owner has objected to their importation.

Section 135

The period a Notice of Objection remains in force has been increased from two to four years.

Section 135AA

Rather than requiring the deposit of a sum of money, new s 135AA provides that an objector may give a written undertaking that expenses for the seizure will be repaid. Where an objector has previously defaulted on an undertaking to repay expenses, the Chief Executive Officer (CEO) of Customs may decide not to seize the infringing copies unless security has been provided.

Section 135AJ

New s 135AJ outlines the consequences of failing to meet the expenses incurred by the Commonwealth's seizure of the infringing copies. The CEO may decide not to seize copies under the Notice of Objection. Decisions made by the CEO under s 135AJ are subject to review by the Administrative Appeals Tribunal.

Transitional

The Schedule includes a transitional provision to clarify the application of the amendments to existing Notices of Objection and to deposit and security amounts.

This fact sheet provides general information only and is not a substitute for professional legal advice.



Australian Government
Attorney-General's Department