

Kiribati - Legislation

Commencement: 13 June 1917

LAWS OF KIRIBATI

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CHAPTER 16

COPYRIGHT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Penalties for dealing with infringing copies, etc.
3. Restriction of importation of printed copies
4. Regulations
5. Section 22 of the U.K. Act

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An ordinance relating to copyright

4 of 1917

4 of 1918

(Cap. 62 of 1952)

L.N. 16/72

(Cap. 60 of 1973)

L.N. 5/80

Short title

1. This Ordinance may be cited as the Copyright Ordinance.

Penalties for dealing with infringing copies etc.

2. (1) If in Kiribati any person knowingly-

- (a) makes for sale or hire any infringing copy of a work in which copyright subsists; or
- (b) sells or lets for hire, or by way of trade exposes or offers for sale or hire any infringing copy of any such work; or
- (c) distributes infringing copies of any such work either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or
- (d) by way of trade exhibits in public any infringing copy of any such work; or
- (e) imports for sale or hire any infringing copy of any such work;

he shall be liable to a fine of \$4 for every copy dealt with in contravention of this section, but not exceeding \$ 100 in respect of the same transaction; or in the case of a second or subsequent offence either to such fine or to imprisonment for 2 months.

(2) If any person knowingly makes, or has in his possession, any plate for the purpose of making infringing copies of any work in which copyright subsists, or knowingly and for his private profit causes any such work to be performed in public without the consent of the owner of the copyright, he shall be liable to a fine of \$100 or in the case of a second offence either to such fine or to imprisonment for 2 months.

(3) The court before which any such proceedings are taken may, whether the alleged offender is convicted or -not, order that all copies of the work or all plates in the possession of the alleged offender, which appear to it to be infringing copies, be destroyed or delivered up to the owner of the copyright or otherwise dealt with as the court may think fit.

#### Restriction of importation of printed copies

3. (1) This section applies in the case of a literary, dramatic or musical work made outside Kiribati which, if it had been published in Kiribati, would be an infringing copy of the work within the meaning of section 18 (3) of the Copyright Act 1956 of England, in its application as a law of Kiribati.

(2) The owner of the copyright in any published literary, dramatic or musical work may give notice in writing to the Minister that-

- (a) he is the owner of the copyright in the work; and
- (b) subject to subsection (3), he requests the Government to treat as prohibited goods, during a period specified in the notice, copies of the work to which this section applies.

(3) The period specified in a notice under subsection (2)-

- (a) shall not exceed 5 years; and

(b) shall not extend beyond the end of the period for which the copyright is to subsist.

(4) Where a notice has been given under subsection (2) in respect of a work and has not been withdrawn, the importation, at a time before the end of the period specified in the notice, of a copy of the work is, subject to subsection (5) and to the regulations, prohibited, and copies of the work are restricted imports within the meaning of the Customs Ordinance accordingly.

(5) Subsection (4) does not apply to the importation of an article by a person for his private and domestic use.

(6) Notwithstanding anything in the Customs Ordinance, a person is not liable to a penalty under that Ordinance (other than forfeiture of goods by reason of subsection (4)).

#### Regulations

4. (1) The Beretitenti, acting in accordance with the advice of the Cabinet, may make regulations-

(a) prescribing the form in which notices are to be given under section 3(2); and

(b) requiring a person giving such a notice-

(i) to give to the Minister the prescribed evidence; and

(ii) to comply with such conditions (if any) as are prescribed,

either at the-time of the giving of the notice or at the time when a copy of the work the subject of the notice is imported,

and the regulations may include incidental and supplementary provisions.

(2) Without prejudice to the generality of subsection (1), the regulations may make provision for requiring a person who has given a notice under section 3 (2), or a notice purporting to be such a notice-

(a) to pay the prescribed fee; and

(b) to give to the Republic the prescribed security in respect of any liability or expense that the Republic may incur in consequence of-

(i) the detention, at any time during the period specified in the notice, of a copy of the work the subject of the notice; or

(ii) anything done in relation to a copy so detained; and

(c) whether or not a security referred to in paragraph (b) is given, to keep the Republic indemnified against any liability or expense referred to in that paragraph.