

REPUBLIC OF VANUATU

BILL FOR THE

COPYRIGHT ACT NO. OF 1999

Explanatory Note

This note does not form part of the Bill.

The purpose of the Bill is to provide for the protection of copyright. It deals with works, sound recordings, performances and broadcasts.

The Bill conforms with the minimum standards and principles prescribed for copyright and related rights in the International Agreement on Trade-Related Aspects of Intellectual Property Rights.

PART 1 – PRELIMINARY MATTERS

This Part contains the definitions used throughout the Bill. The Bill applies to new and existing works, sound recordings, performances and broadcasts.

PART 2 – RIGHTS PROTECTED BY COPYRIGHT

This Part sets out the economic and moral rights protected by copyright. Economic rights include the right to reproduce a work, publish a work and broadcast the work. Moral rights exist independently of economic rights and can not be assigned during the author's life. However, an author may waive his or her moral rights.

PART 3 – ACTS NOT CONSTITUTING INFRINGEMENT OF COPYRIGHT IN WORKS

This Part sets out the acts that do not constitute infringements of copyright. They include using works for personal purposes, temporary reproductions, reproductions for teaching and importing for personal purposes.

PART 4 – DURATION, NATURE AND ASSIGNMENT OF COPYRIGHT

This Part sets out the duration and nature of copyright. As a general rule it lasts during the lifetime of the author and for 50 years after the author's death. The author who has created a work is the original owner of the economic rights in a work. However, if a person creates a work in the course of his or her employment, the employer is the owner of the economic rights. Economic rights are assignable and may also be subject to a licence.

PART 5 – PROTECTION OF PERFORMERS, PRODUCERS OF SOUND RECORDINGS AND BROADCASTING ORGANISATIONS

This Part deals with the protection of performers, sound recording and broadcasting organisations. A performer has the exclusive right to broadcast his or her performances and to record them. The producer of a sound recording has the exclusive right to reproduce the sound recording and to import copies of it. A broadcasting organisation has the exclusive right to rebroadcast its broadcasts and to record them. Each of them has other exclusive rights.

PART 6 – ENFORCEMENT OF RIGHTS

This Part provides that the Supreme Court has jurisdiction in respect of criminal and civil matters under this Act. The Court may grant damages for breach of copyright, and grant injunctions to prevent infringements. It is a criminal offence for a person to intentionally and for profit making purposes infringe a right protected under this Act. There are also provisions providing for the protection of expressions of indigenous culture.

PART 7 – REQUIREMENTS FOR PROTECTIONS

This Part sets out the requirements for authors, works, sound recordings, performers and broadcasters to be protected, that is, there must be a connection with Vanuatu e.g. works of authors who are nationals of Vanuatu are protected

PART 9 – MISCELLANEOUS

This Part deals with treaties affecting copyright and contains a regulation making power. The Act commences when it is published in the Gazette.