

CAYMAN ISLANDS



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**THE COPYRIGHT (CAYMAN ISLANDS) ORDER 2015
(S.I. 2015 NO. 795)**

THE COPYRIGHT (CUSTOMS) REGULATIONS, 2016

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ARRANGEMENT OF REGULATIONS

1. Citation and commencement
 2. Definitions
 3. Form of notices
 4. Contents of notice
 5. Fee
 6. Copy of work and documents required by Collector
 7. Security may be required
 8. Indemnification of Collector
 9. Notification of change in ownership and other changes
 10. Deemed withdrawal of notice
- Schedule 1: Notice Requesting Infringing Copies of a Published Literary, Dramatic or Musical Work to be Treated as Prohibited Goods
- Schedule 2: Notice Requesting Infringing Copies of a Sound Recording or Film to be Treated as Prohibited Goods

CAYMAN ISLANDS

**THE COPYRIGHT (CAYMAN ISLANDS) ORDER 2015
(S.I. 2015 NO. 795)**

THE COPYRIGHT (CUSTOMS) REGULATIONS, 2016

In exercise of the powers conferred by section 112 of the Copyright, Design and Patents Act 1988, as extended to the Cayman Islands by the Copyright (Cayman Islands) Order 2015, the Minister responsible for the Customs Department makes the following Regulations -

1. These Regulations may be cited as the Copyright (Customs) Regulations 2016 and shall come into force on the 30th day of June, 2016.

Citation and commencement

2. In these Regulations -

Definitions

“Act” means the Copyright, Design and Patents Act 1988, as extended to the Cayman Islands by the Copyright (Cayman Islands) Order 2015;

“Minister” means the member of Cabinet charged with responsibility for the Customs Department; and

“notice” means a notice given under section 111(1) or 111(3) of the Act.

3. (1) Notice given under section 111(1) of the Act shall be in the form set out in Schedule 1 (or a form to the like effect approved by the Minister) and a separate notice shall be given in respect of each work.

Form of notice
Schedule 1

(2) Notice given under section 111(3) of the Act shall be in the form set out in Schedule 2 (or a form to the like effect approved by the Minister) and a separate notice shall be given in respect of each work and in respect of each expected importation into the Islands.

Schedule 2

Contents of notice	4. The notice shall contain full particulars of the matters specified in it and shall contain a declaration by the signatory that the information given by the signatory in the notice is true.
Fee	5. A fee of \$200 in respect of the notice shall be paid to the Collector at the time the notice is given.
Copy of work and documents required by Collector	6. The person giving the notice shall - <ul style="list-style-type: none">(a) at the time the notice is given, furnish to the Collector a copy of the work specified in the notice; and(b) at the time the notice is given or at the time the goods to which the notice relates are imported, furnish to the Collector such evidence as the Collector may reasonably require to establish -<ul style="list-style-type: none">(i) the person's ownership of the copyright in the work;(ii) that goods detained are infringing copies; and(iii) in the case of a person who has signed the notice as agent, that the person is duly authorized.
Security may be required	7. The person giving the notice shall give security or further security within the time and in the manner, whether by bond or by deposit of a sum of money, that the Collector may require, in respect of any liability or expense which the Collector may incur in consequence of the notice by reason of the detention of any article or anything done to an article detained.
Indemnification of Collector	8. In every case, whether any security or further security is given or not, the person who has given the notice shall keep the Collector indemnified against all such liability and expense as mentioned in regulation 7.
Notification of change in ownership and other changes	9. The person giving the notice shall notify the Collector 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 fourteen days of such change.
Deemed withdrawal of notice	10. The notice is deemed to have been withdrawn - <ul style="list-style-type: none">(a) on the expiry of fourteen days from any change in ownership of the copyright specified in the notice, whether notified to the Collector in accordance with regulation 9 or not; or

- (b) immediately, upon failure of the person giving the notice to comply with any requirement of these Regulations.

SCHEDULE 1

(Regulation 3(1))

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 \$200 is payable. Please enclose a cheque, draft or money order for the required amount made payable to the "Collector of Customs".
- 4. A copy of the work specified in Part 2 must be enclosed with this notice.
- 5. The person giving the notice shall indemnify the Collector of Customs against any liability or expense which the Collector 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 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: Request

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 Act and I request that any infringing copies of this work be treated as prohibited goods for the period starting on and ending on

Part 2 : Particulars of Work

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.*

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

Collector of Customs
H.M. Customs Department
P.O. Box 898
H.M. Customs Cayman Islands Government
Grand Cayman KY 1-1103, Cayman Islands

SCHEDULE 2

(Regulation 3(2))

**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 \$200 is payable. Please enclose a cheque, draft or money order for the required amount made payable to the “Cayman Islands Government” or arrange payment with the Collector of Customs.
3. A copy of the work specified in Part 2 must be enclosed with this notice.
4. The person giving the notice shall indemnify the Collector against any liability or expense which the Collector 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 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: Request

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 Act 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

Title:.....
Label, marking or statement on work:
.....
Date copyright expires:

Part 3: Expected arrival in Cayman Islands

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)

**Delete whichever is inappropriate.*

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

Collector of Customs
H.M. Customs Department
P.O. Box 898
H.M. Customs Cayman Islands Government
Grand Cayman KY 1-1103, Cayman Islands

Made this 27th day of June, 2016.

Marco Archer

Minister responsible for the Customs Department