**COPYRIGHT FORM 2 – EX OFFICIO SEIZURE OF COPIES**

NOTICE UNDER SECTION 338 OF THE COPYRIGHT ACT 2021 IN RESPECT OF COPYRIGHT MATERIAL

NOTICE UNDER SECTION 338 READ WITH SECTION 329 OF THE COPYRIGHT ACT 2021 IN RESPECT OF UNAUTHORISED RECORDING OF PERFORMANCE

*Please read the notes in italics before completing the notice*

*1. This notice may only be given by:*

1. *the owner of the copyright in copyright material. Here, “owner” includes an exclusive licensee of the copyright in the material, and “copyright material” refers to (i) a literary, dramatic, musical or artistic work; (ii) a sound recording; (iii) a cinematograph film; (iv) a published edition of a work; or (v) a television or sound broadcast (as recorded in a cinematograph film or a sound recording);*
2. *the performer of a performance embodied in an unauthorised recording; or*
3. *an agent for (a) or (b) above.*

*2. Unless otherwise indicated, the notice must contain sufficient particulars of all matters specified therein to enable the Director-General of Customs to act on it. Please follow the instructions when filling up the Notice.*

*3. The notice must be supported by the following documents and information:*

1. *a statutory declaration that the particulars of the notice are true; and*
2. *where the notice is given by a person as agent for the owner of the copyright in the copyright material or the performer of the performance embodied in an unauthorised recording, evidence of the authority of the person giving the notice.*

*4. The notice must be accompanied by the fee prescribed in the Copyright (Border Enforcement Measures Fees) Regulations 2021.*

*5. You are required to provide the Director-General of Customs with a deposit of a sum of money or with security (whether by way of an instrument of guarantee or otherwise) that is sufficient to —*

1. *reimburse the Government for any liability or reasonable expense it is likely to incur in relation to the seizure, storage or disposal of the copies; and*

*(b) pay such compensation as may be ordered by the court under section 344 or 347 of the Copyright Act 2021.*

*Please note that you will be responsible for any liability or reasonable expense which exceeds the amount of the deposit of money or security.*

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NOTICE

To the Director-General of Customs

1. I refer to the written notice from the Director General of Customs dated \_\_\_\_\_\_\_\_\_\_\_\_ under \*Section 337 of the Copyright Act 2021 / \*Section 337 read with Section 329 of the Copyright Act 2021. *(\*Delete whichever is inapplicable)*

2. I am \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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(*State the name and address of the person giving the notice.)*

3. I am \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(Choose one from (a) to (d) below)*:

1. the owner of the copyright in copyright material;
2. an agent for the owner of the copyright in copyright material;
3. the performer of a performance embodied in an unauthorised recording; or
4. an agent for the performer of a performance embodied in an unauthorised recording.

In this Notice, “owner” includes an exclusive licensee of copyright in the material, and “copyright material” refers to refers to (i) a literary, dramatic, musical or artistic work; (ii) a sound recording; (iii) a cinematograph film; (iv) a published edition of a work; or (v) a television or sound broadcast (as recorded in a cinematograph film or a sound recording).

4. *(To be completed if the notice is given in respect of copyright material. Otherwise, indicate “Not Applicable” to all the sub-paragraphs below.)* With regard to the seized copies identified in the written notice from the Director General of Customs, I hereby state:

1. that copyright in the copyright material(s) described below now subsists under the Copyright Act 2021.

*Note: Where more than one copyright material is involved, the information below must be given in respect of each copyright material. Use additional sheets if required.*

Type of copyright material: \*literary work /\*dramatic work / \*musical work / \*artistic work / \*sound recording / \*cinematograph film / \*published edition of a work / \*television broadcast / \*sound broadcast *(\*Delete whichever is inapplicable)*

Description of copyright material:

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Full name of owner of copyright in the copyright material:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of expiry of copyright:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. that the seized copies are infringing copies of the copyright material because:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(State the grounds on which it is claimed that that the seized copies are infringing copies.)*

5. *(To be completed if the notice is given in respect of unauthorised recording of performance(s). Otherwise, indicate “Not Applicable” to all the sub-paragraphs below.)* With regard to the seized copies identified in the written notice from the Director General of Customs, I hereby state:

1. that the performance(s) described below is protected under Part XII of the Copyright Act 2021 and the protection period in respect of the performance has not expired.

*Note: Where more than one performance is embodied in an unauthorised recording, the information below must be given in respect of each performance so embodied. Use additional sheets if required.*

Description of performance(s):

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Full name(s) of performer(s) in the performance(s):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of expiry of protection period of performance(s):

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1. that the seized copies are copies of an unauthorised recording which were made without the authorisation of the performer because:

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*(State the grounds on which it is claimed that that the seized copies are copies of an unauthorised recording which were made without the authorisation of the performer.)*

6. I hereby give notice to the Director-General (Choose one of the following):

\*to continue to detain the seized copies of the copyright material(s) so that the owner of the copyright may institute an action for infringement of copyright in relation to them.

\*to continue to detain the seized copies of an unauthorised recording of a performance so that the performer of the performance embodied in an unauthorised recording may institute an action for unauthorised use of a performance in relation to them.

*(\*Delete whichever is inapplicable)*

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| Date : |  |
| Signature : |  |
| Designation *(see notes below)*: |  |

*Notes:*

1. *In the case of copyright material, state the designation of the person giving the notice, i.e. “owner of the copyright”, “owner of the copyright (exclusive licensee)” , “agent of the owner of the copyright” or “agent of the owner of the copyright (exclusive licensee)”.*
2. *In the case of an unauthorised recording of a performance, state the designation of the person giving the notice, i.e. “the performer”, or “agent of the performer”.*
3. *If the notice is given on behalf of an entity, insert the name of the entity and the designation within the entity of the person giving the notice.*