Australian Customs Notice 2000 02

**COPYRIGHT ACT 1968 AMENDMENTS RELATING TO PACKAGING AND LABELLING**

*Copyright Amendment Act (No.1) 1998, made a number of amendments to the* Copyright Act 1968 including provisions relating to packaging and labelling.

This Australian Customs Notice is to remind copyright owners who have lodged Notices of Objection with Customs of these amendments. Significant amendments, which have effect from *1 February 2000,* include:

amending the definition of an 'infringing copy'; defining an 'accessory';

defining a 'non-infringing accessory';

exempting the Olympic rings symbol (within the meaning of the *Olympic Insignia Protection Act 1987*) from the changes; and exempting manuals sold with computer software from the changes.

The definition of 'accessory' includes labels, packaging and instructions. 'Non-infringing accessory' means accessories made in WTO member countries (current list attached) where the owner of the copyright in that country authorised the making of the accessory.

The copyright in a work a copy of which is on, or embodied in, a non-infringing accessory to an article is not infringed by importing the accessory with the article.

In essence, the amendments will allow the importation of goods with copyright packaging or labelling without the permission of the copyright owner, if the owner of the copyright had agreed to the use of the copyright material with the goods. The amendments will not, however, affect the operation of the law governing trade marks, insofar as the packaging or labelling includes a trade mark.

Copyright owners who are uncertain about the impact of these amendments on their Notices of Objection are advised to seek legal advice. Copies of the *Copyright Amendment Act (No.1) 1998*, and the *Copyright Act 1968,* are available from the Australian Government Printing Service. Further information about copyright may be obtained by contacting:

the Intellectual Property Branch in the Attorney-General's Department which has produced a booklet on copyright law entitled 'Copyright Law in Australia: A Short Guide'. Copies may be obtained by phoning (02) 6250 6875 or by accessing the booklet electronically at the Attorney-General's Department website, Window on the

Law: <https://www.ag.gov.au/RightsAndProtections/Pages/default.aspx>

the Australian Copyright Council who may be contacted on telephone (02) 9318 1788 or at [http://www.copyright.org.au](http://www.copyright.org.au/). (P. Gulbransen) Acting National Manager Import/Export Management Branch

January 2000

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