

THE COPYRIGHT (PROHIBITED IMPORTATION) ACT

Date of commencement: 20th September, 1918.

An Act to make provision for the operation within Swaziland of section 14 of the Copyright Act, 1911, of the United Kingdom.

Short title.

1. This Act may be cited as the Copyright (Prohibited Importation) Act.

Giving of notice.

2. (1) The notice prescribed by section 14(1) of the Copyright Act, 1911, of the United Kingdom shall be given to the Prime Minister:

Provided that such notice may instead of being so given be given to the Commissioners of Customs and Excise of the United Kingdom and if so given and communicated by the said Commissioners to the Prime Minister shall be deemed to have been given to the Prime Minister.

(2) The Minister for Commerce, Industry and Mines may in respect of any copies imported into Swaziland in contravention of section 14 of the said Act exercise all the powers conferred on the Commissioners of Customs and Excise under sub-section (2) of that section.

Publication of notices.

3. (1) The Minister for Commerce, Industry and Mines shall in the month of January of every year publish in the Gazette and otherwise as may be prescribed by regulation a list of all works in respect of which notice has been received by him as is herein provided and shall from time to time throughout the year notify in the Gazette any additions to the list in force for the time being since its publication.

(2) Such lists and notices shall also show the date when the copyright of the respective works named therein will expire.

Form of notice.

4. (1) The notices under section 2(1) shall be in the form prescribed in the Schedule or as near thereto as circumstances permit and the facts stated therein shall be verified by the oath or affirmation of the person giving such notice.

(2) The forms prescribed may be altered from time to time by regulation.

(3) In addition to any facts stated in the notice the Minister for Commerce, Industry and Mines may require further information to be given and verified by oath or affirmation by the person giving the notice before making any order for the detention of the copies.

Regulations.

5. (1) The power to make regulations conferred on the Commissioners of Customs and Excise under section 14 of the said Act shall as regards the operation of the section in Swaziland be exercised by the Minister for Commerce, Industry and Mines.

(2) On publication in the Gazette such regulations shall have force and effect as if they were part of this Act.

SCHEDULE

FORM No. 1

NOTICE

Relating to Copyright Books and other Printed Works

To the Minister for Commerce, Industry and Mines.

I, _____ of _____ hereby give you notice that copyright in the original work¹ _____ mentioned in the schedule hereto now subsists under the Copyright Act, 1911, of the United Kingdom, and that² _____ the owner of the copyright in the said work¹ _____ and that³ _____ desirous that copies of the said work¹ _____ printed or reprinted out of Swaziland shall not be imported into Swaziland.

Dated this _____ day of _____ 19 _____

Signature⁴

SCHEDULE

Title of book⁵

Description of printed work, if not a book

Full name of author or authors

Whether author or authors alive; if not, date of death

When and where⁶ book or printed work first published

NOTE. — Where advantage has been taken of the provisions of the Copyright Act, 1911, as to simultaneous publication, the date and place stated should be those which entitle the work to copyright in Swaziland.

¹Or works.

²If notice is given by the owner, insert "I am"; if given by an agent insert name of owner and the word "is".

³"I am" or "he is".

⁴If an agent insert "agent of owner".

⁵The notice may apply to a number of books or printed works, in which case the particulars in the schedule must be given as respects each book or printed work.

⁶It is sufficient to state the country of first publication.

FORM No. 2

NOTICE

Relating to Copyright Works other than Books or other Printed Works

To the Minister for Commerce, Industry and Mines.

I, _____ of _____ hereby give you notice that copyright in the original work mentioned in the schedule hereto now subsists under the Copyright Act, 1911, of the United Kingdom, and that¹ _____ the owner of the copyright in the said work, and that² _____ desirous that copies of the said work made out of Swaziland shall not be imported into Swaziland.

Dated the _____ day of _____ 19 _____

Signature³

SCHEDULE

Title of work (if any)

Full description of work

Initials or marks (if any) usually placed on copies of work

Full name of author or authors

Whether author or authors alive; if not, date of death

When and where⁴ work first published.

NOTE. — Where advantage has been taken of the provisions of the Copyright Act, 1911, as to simultaneous publication, the date and place stated should be those which entitled the work to copyright in Swaziland.

If work not published:

Whether author British subject or not

If not a British subject, name of country in which author was resident or domiciled at date of the making of the work

In the case of photographs, phonographic records, and music rolls, date of making the original negative or original plate

¹If notice is given by the owner insert "I am"; if given by an agent insert name of owner and the word "is".

²"I am" or "he is".

³If an agent insert "agent of owner".

⁴It is sufficient to state the country of first publication.

FORM No. 3

NOTICE

Relating to a Particular Importation

To the Minister for Commerce, Industry and Mines.

I, _____ of _____, hereby give you notice that I am the owner¹ of the copyright in a certain original work as to which copyright now subsists under the Copyright Act, 1911, of the United Kingdom, and that the undermentioned goods, that is to say,² _____ are about to be imported into Swaziland through the port of _____ on or about the _____ day of _____ next in the³ _____ from _____

That such goods are liable to detention and forfeiture as being⁴

And I request that the said goods may be detained and dealt with accordingly, and I hereby undertake to reimburse the Government of Swaziland all expenses and damages to be incurred in respect of the detention and of any proceedings for forfeiture which may be subsequently taken.

Dated this _____ day of _____ 19____

Signature⁵

¹Or agent for the owner.

²Describe the goods, number of packages, marks used, and any other particulars necessary for their identification.

³Describe the ship and give name or indication.

⁴State if the goods are copies of the original work made out of Swaziland or how otherwise the goods are liable to detention and forfeiture.

⁵If an agent insert "agent of owner".
