



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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WINDHOEK - 27 June 2001

No.2562

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Government Notice

MINISTRY OF FOREIGN AFFAIRS, INFORMATION AND BROADCASTING

No. 127

2001

EXTENSION OF COPYRIGHT PROTECTION IN RELATION
TO MEMBERS OF THE BERNE COPYRIGHT UNION:
COPYRIGHT AND NEIGHBOURING
RIGHTS PROTECTION ACT, 1994

Under the powers vested in me by section 63(1) of the Copyright and Neighbouring Rights Protection Act, 1994 (Act No. 6 of 1994), I hereby determine that the provisions of that Act specified in the Schedule shall apply in relation to the countries of the Berne Copyright Union set out in the Annexure to that Schedule.

THEO-BEN GURIRAB
MINISTER OF FOREIGN AFFAIRS,
INFORMATION AND BROADCASTING

Windhoek, 13 June 2001

SCHEDULE

Definitions

1. In this Schedule, a word or expression to which a meaning has been assigned in the Act has that meaning and, unless the context otherwise indicates -

“material time” means -

- (a) in relation to an unpublished work, other than a programme-carrying signal, the time at which such work was made or, if the making thereof extended over a period, a substantial part of that period;
- (b) in relation to a published work, the time of first publication;
- (c) in relation to a programme-carrying signal, the time at which the signal is emitted to a satellite.

“published” means the making available of copies of a work to the public in reasonable quantities for sale, hire, public lending or for other transfer of the ownership or possession of the copies with the consent of the owner of copyright in that work;

“published simultaneously” means published in two or more countries within a period of 30 days;

“the Act” means the Copyright and Neighbouring Rights Protection Act, 1994 (Act No. 6 of 1994); and

“Union” means the Berne Copyright Union constituted by the Berne Convention for the Protection of Literary and Artistic Works signed on 9 September 1886 and completed at Paris on 4 May 1896, revised by the Berlin Convention on 13 November 1908 and completed at Berne on 20 March 1914, revised by the Rome Convention on 2 June 1928 and revised by the Brussels Convention on 26 June 1948, revised by the Stockholm Convention on 14 July 1967 and revised at Paris on 24 July 1971; and “country of the Union” means any country which ratified or acceded to any one or more of the said Conventions and is mentioned in the Annexure.

Extension of copyright protection in relation to countries of the Union

2. Chapters 1 and 2 of Part I and all other provisions of the Act relevant to works that are eligible for copyright protection under the Act apply with regard to a country of the Union specified in the Annexure to this Schedule and -

- (a) in relation to literary, musical or artistic works, computer programs, cinematograph films, sound recordings or published editions first published in that country, in the same manner as they apply in relation to literary, musical or artistic works, computer programs, cinematograph films, sound recordings or published editions first published in Namibia;
- (b) in relation to persons who at a material time are citizens or subjects of that country, in the same manner as they apply in relation to persons who at such a time are Namibian citizens;
- (c) in relation to persons who at a material time are domiciled or resident in that country, in the same manner as they apply in relation to persons who at such a time are domiciled or resident in Namibia;
- (d) in relation to bodies incorporated under the laws of that country, in the same manner as they apply in relation to bodies incorporated under the laws of Namibia;
- (e) in relation to broadcasts made or programme-carrying signals emitted to a satellite from places in that country, in the same manner as they apply in relation to broadcasts made and programme-carrying signals emitted to a satellite from a place in Namibia.

Repeal of Proclamations

3. Proclamations No. R. 73 of 18 March 1966 and No. R. 171 of 15 August 1966 are repealed.

Coming into operation of notice

4. This notice shall be deemed to have come into operation on 15 March 1996.

ANNEXURE

Countries of the Union		
A	Denmark Dominica Dominican Republic	J Jamaica Japan Jordan
Albania Algeria Antigua and Barbuda Argentina Armenia Australia Austria Azerbaijan	E Ecuador Egypt El Salvador Equatorial Guinea Estonia	K Kazakhstan Kenya Kyrgyzstan
B Bahamas Bahrain Bangladesh Barbados Belarus Belgium Belize Benin Bolivia Bosnia and Herzegovina Botswana Brazil Bulgaria Burkina Faso	F Fiji Finland France	L Latvia Lebanon Lesotho Liberia Libya Liechtenstein Lithuania Luxembourg
C Cameroon Canada Cape Verde Central African Republic Chad Chile China Colombia Congo Costa Rica Côte d'Ivoire Croatia Cuba Cyprus Czech Republic	G Gabon Gambia Georgia Germany Ghana Great Britain Greece Grenada Guatemala Guinea Guinea-Bissau Guyana	M Macedonia Madagascar Malawi Malaysia Mali Malta Mauritania Mauritius Mexico Moldavia Monaco Mongolia Morocco
D Democratic Republic of the Congo	H Haiti Holy See Honduras Hungary	N Namibia Netherlands New Zealand Nicaragua Niger Nigeria Norway
	I Iceland India Indonesia Ireland Israel Italy	

O Oman	U Ukraine United States of America	
P Pakistan Panama Paraguay Peru Philippines Poland Portugal	Uruguay V Venezuela	
Q Qatar	Y Yugoslavia	
R Romania Russian Federation Rwanda	Z Zambia Zimbabwe	
S Saint Kitts and Nevis Saint Lucia Saint Vincent and the Grenadines Senegal Singapore Slovakia Slovenia South Africa South Korea Spain Sri Lanka Sudan Suriname Swaziland Sweden Switzerland		
T Tajikistan Tanzania Thailand Togo Trinidad and Tobago Tunisia Turkey		