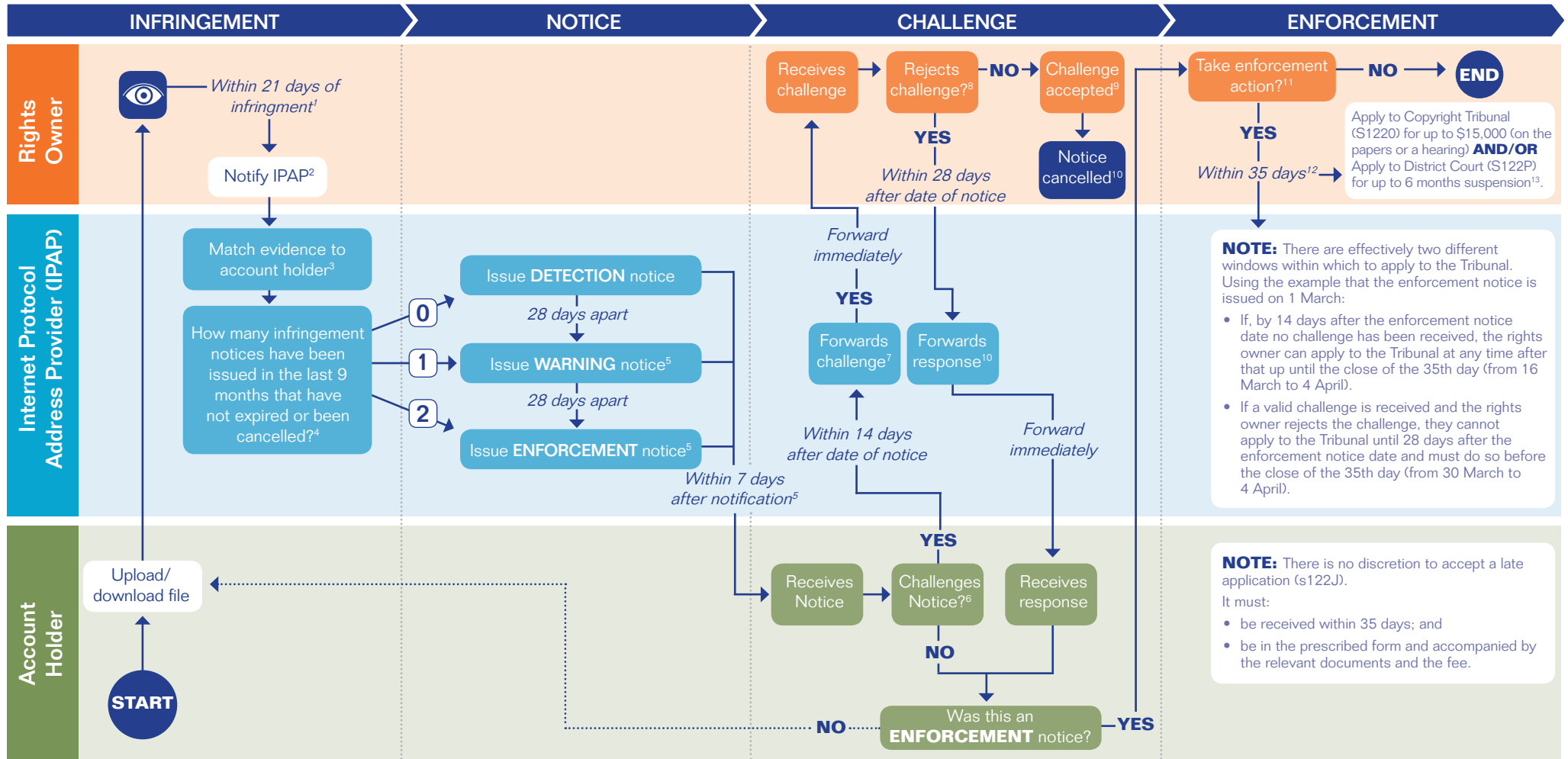


COPYRIGHT ACT 1994 3 Infringement Notice Process



REFERENCES

1. Must notify IPAP within 21 days of infringement 122c(3)(a).
2. Rights Owner pays fee to IPAP 122C(3)(e). Comply with Act and Regulations 122C(3)(d). Infringement did not occur over a cellular mobile network 122S(1).
3. Match evidence to account holder using the IP address 122C(1)(a).
4. Detection and Warning notices expire 9 months after date on the detection notice 122D(3), 122E(3). An Enforcement Notice and the preceding detection and warning notices expire 35 days after the date of the enforcement notice 122F(3) and (4). If a notice is successfully challenged, it is cancelled.
5. Must be at least 28 days between issuing of infringement notices 122E(b), 122F(b). Must be issued within 7 days after receiving notification from the Rights Owner 122C(1)(b).

6. Challenge must be within 14 days of notice date 122G(1) and (2).
7. Challenge must be forwarded immediately to the Rights Owner 122G(3)(b).
8. A challenge is deemed to be accepted if not rejected before the close of the 28th day after the date of the infringement notice to which it relates 122H(1). A rejection of challenge must be forwarded immediately to the Account Holder 122G(4)(b).
9. A notice is cancelled and treated as if it had not been issued 122H(2)(a) and 122H(3)(a).
10. If the challenge related to an infringement that triggered a detection notice all infringements between the notice date and cancellation date may not be included in an infringement notice 122H(2)(b). If the challenge related to an infringement that did not trigger a warning or enforcement notice, the infringement is removed from the notice 122H(3)(b).

11. Rights Owner may seek award by applying to the Tribunal 122J.
12. 35 days after the date of the enforcement notice (the 'quarantine period') the enforcement notice, and the preceding detection and warning notices expire. Applications must be lodged within the quarantine period 122f(3).
13. This part of the act is not yet in force. Suspension orders are not available until date set by Order in Council (s122R).

DISCLAIMER

The above diagram and references are provided by the Ministry of Justice as a guide only and do not constitute legal advice. You should consult the Ministry of Economic Development for clarification on aspects of the Copyright Legislation. For enquiries about the Copyright Tribunal contact the Tribunals Unit.