

2. Interpretation – The Principal Act is amended by inserting in correct alphabetical order the following new terms and their definitions:

“**Copyright Collecting Society Committee**” or “**Committee**” means the Committee established under section 33A.

3. Replacement of term “Expressions of folklore” – (1) The Principal Act is amended by replacing the phrase “expressions of folklore” wherever it appears in the Principal Act with the phrase “traditional cultural expressions”.

(2) The word “folklore” where it appears in the heading of section 30 is deleted and replaced with the words “traditional cultural expressions”.

4. Economic rights – Section 6(1)(f) of the Principal Act is repealed.

5. Private reproduction for personal purposes – Section 8 of the Principal Act is amended as follows:

(a) by inserting after the figure “(2)” in subsection (1), the words “and subsection (3)”; and

(b) by inserting after subsection (2) as follows:

“(3) The permission under subsecti

- (a) be distributed, whether by way of business or otherwise, to any person outside the family of the person who made it; or
- (b) be performed in public.

8G. Acts done under statutory authority - The copyright in a work shall not be infringed by the doing of anything that is specifically authorised by any enactment.

8H. Prescribed dealings in copyright works - In addition to any other reproduction permitted in terms of this Act, the reproduction of a work shall be permitted in such manner and circumstances as may be prescribed: Provided that –

- (a) regulations made under section 35 shall not permit any such reproduction to be in conflict with a normal exploitation of the work or unreasonably prejudice the legitimate interests of the owner of the copyright;
- (b) in making any regulations referred to in paragraph (a), the Head of State, acting on the advice of Cabinet, shall have regard to the obligations of Samoa under any international convention, treaty or agreement.”.

7. Injunctions and other remedies – For section 25(3) of the Principal Act, substitute:

“(3) The provisions of the Customs Act 1977 dealing with border protection measures shall apply to articles and implements protected under this Act.”

8. Insertion of new sections – After section 33 of the Principal Act insert:

“33A. Copyright Collecting Society Committee – (1) The Minister may establish a Copyright Collecting Society Committee (‘the Committee’) for the purpose of benefiting Samoan copyright owners

- (2) The functions of the Committee are to:
 - (a) prepare a scheme for determining the quantum of remuneration payable to individual owners of rights;
 - (b) obtain the approval of owners of rights for its procedures of collection and distribution of fees;
 - (c) obtain the approval of owners for the utilisation of any amounts collected as fees for any purpose other than distribution to the owner of rights; and
 - (d) provide owners regular, full and detailed information concerning all its activities, in relation to the administration of their rights.
- (3) The Committee shall consist of 3 members as follows:
 - (a) a representative from the Ministry responsible for Copyright who is to be the chairperson;
 - (b) a representative from the Institute of Accountants to be appointed by the CEO; and
 - (c) a representative from the Samoa Law Society to be appointed by the CEO.
- (4) The Committee shall be remunerated by the Ministry in accordance with Cabinet directives.

(3) Except as otherwise provided in this section, where the subsistence of the copyright in a work is proved or admitted, or is presumed under subsection (2), the plaintiff shall be presumed to be the owner or, as the case may be, the exclusive licensee of the copyright, until the contrary is proved.

(4) Where:

- (a) a name purporting to be that of the author of a work or of the owner or exclusive licensee of the copyright, as the case may be, appears on copies of the work; or
- (b) a copy of a work bears or incorporates a statement, label or

- (a) that the work is an original work; and
- (b) that the claims made by the plaintiff as to the date on which the work was first lawfully made available to the public and as to the country, territory, state or area in which the work was first so made available are correct.

(9) The presumptions set out in subsections (2) to (8) shall apply to the same extent in any actions relating to an infringement which occurred before the date on which copies of a work were first lawfully made available to the public.”.

9. Criminal sanctions – Section 27(4) of the Principal Act is repealed.

10. Application of international treaties – Section 33 of the Principal Act is repealed.

11. Miscellaneous provisions – Subsection (2) of section 34 of the Principal Act is repealed.