

**SAMOA**

Arrangement of Provisions

1. Short title and commencement
2. Interpretation
3. Replacement of term  
Expressions of folklore

- (b) after the word satellite in the definition of **Broadcasting** insert or via the internet ; and
- (c) after the definition of **Broadcasting** , insert:

**CEO** means the Chief Executive Officer of the Ministry responsible for Commerce, Industry and Labour and includes any person who is duly authorised to act on his or her behalf;

**Channel provider** means a person who:

- (a) packages a channel (which might include programs produced by the person); and
- (b) supplies a broadcaster with the channel; and

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

**4. Economic rights** After section 6(2) of the Principal Act, insert:

(3) The rights under this section do not extend to acts in respect of works which have been put on the market anywhere in

work, a sound recording, an audio-visual work or a broadcast or by the publication, playing, performance or other use of the work.

(2) Despite subsection (1), if a musical work or words spoken or sung to music are deliberately included in another work, that act is not to be regarded as being incidentally included.

**8D. Use of work for demonstration purposes** - Despite section 6(1)(a), the copyright in a literary or musical work is not infringed by the use of the

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(i) anyone with an interest in the copyright in the broadcast;

(ii) anyone with an interest in the copyright in any content of the broadcast;

(iii) the channel provider who supplied the broadcaster with the channel for the broadcast; and

(b) the person knows, or ought reasonably to know, that the use is not authorised by the broadcaster.

(2) Any interested person may initiate proceedings in the Supreme Court in order to prevent a contravention of subsection (1) or seek any other remedy arising out of a contravention of subsection (1).

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

(3) Part VIIIA of the Customs Act 1977



(i) a name purporting to be that of the person who first lawfully made available to the public the work appears on copies of the work as first so made available; or

(ii) copies of the work bear or incorporate a statement, label or other mark indicating that a