

REPUBLIC OF VANUATU

**BILL FOR THE
COPYRIGHT AND RELATED RIGHTS (AMENDMENT)
ACT NO. OF 2017**

Explanatory Note

This Bill amends the Copyright and Related Rights Act 2000 (the Principal Act) primarily to give effect to Vanuatu's FATF Action Plan to meet FATF Recommendations*. The Vanuatu FATF Action Plan requires piracy of products to be criminalised as a predicate offence. A predicate offence refers to an underlying criminal offence that gives rise to funds used for money laundering. Pirated goods are where you make an unauthorised copy of an item protected by intellectual property rights. For example, if you buy a DVD and then make a copy and sell it to other people, then this is piracy.

An amendment to the Copyright and Related Rights Act creates the new offence of piracy of products, that is, making, importing, exporting, selling, hiring, offering for sale or hire, exhibiting, distributing or possessing an infringing copy of a work. It complements the other new predicate offence of counterfeit goods created by clause 146C of the Penal Code Amendment Bill.

The penalty for the new piracy of products offence varies as set out in the table below:

Up to 15 years imprisonment and/or VT25 million	Piracy of products (if done intentionally or knowingly)
Up to 5 years imprisonment and/or VT15 million	Piracy of products (if done negligently)

*The Financial Action Task Force (FATF) is an independent inter-governmental body that develops and promotes policies to protect the global financial system against money laundering, terrorist financing and the financing of proliferation of weapons of mass destruction. The FATF Recommendations are recognised as the global anti-money laundering (AML) and counter-terrorist financing (CTF) standard.

Deputy Prime Minister and Minister of Tourism, Trade, Commerce and Ni-Vanuatu Business



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BILL FOR THE COPYRIGHT AND RELATED RIGHTS (AMENDMENT) ACT NO. OF 2017

An Act to amend the Copyright and Related Rights Act No. 42 of 2000.

Be it enacted by the President and Parliament as follows-

1 Amendments

The Copyright and Related Rights Act No. 42 of 2000 is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

AMENDMENTS OF COPYRIGHT AND RELATED RIGHTS ACT NO. 42 OF 2000

1 Subsection 35(2)

Repeal the subsection, substitute

- “(2) A person who for profit making purposes infringes a right protected under this Act is guilty of an offence punishable on conviction by:
- (a) if the person commits the act knowingly or intentionally - a fine not exceeding VT 25 million or imprisonment for not more than 15 years, or both; or
 - (b) if the person commits the act negligently - a fine not exceeding VT 15 million or imprisonment for not more than 5 years, or both.
- (3) A person who for profit making purposes makes, imports into Vanuatu, exports from Vanuatu, sells, hires, offers for sale or hire, exhibits in public, distributes or possesses an infringing copy of a work is guilty of an offence punishable on conviction by:
- (a) if the person commits the act knowingly or intentionally - a fine not exceeding VT 25 million or imprisonment for not more than 15 years, or both; or
 - (b) if the person commits the act negligently - a fine not exceeding VT 15 million or imprisonment for not more than 5 years, or both.”