



**Australian
BORDER FORCE**

For Official Use Only

**Guide to lodging a
Notice of Objection
under the
*Copyright Act 1968***

For Official Use Only

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1. Requirements to lodge a Notice of Objection under the *Copyright Act 1968*

1.1. This guide provides information to assist copyright owners and/or authorised importers to complete the required information for a Notice of Objection (Notice) to be lodged with the Australian Border Force (ABF).

1.2. For a Notice to be registered, the following must be provided:

1.2.1. A completed Copyright Act 1968 Notice of Objection form (B470).

1.2.2. A completed Copyright Act 1968 Security Under Section 135 – Deed of Undertaking (Deed) form (B466).

1.2.3. A letter of authorisation, if required (see section 4), and

1.2.4. Copyright Schedule regarding the copyright material to be covered by the Notice. An example that may be used to cover your goods may include:

NOTE: All literary, artistic works and packaging for which [Company Name], is the owner. The claim includes all images and representations of [Company Name], (detailed in the Schedule) and appearing on social media platforms, website pages, catalogues, posters and any other online platforms or in any other print material.' The literary and artistic works owned by [Company Name]

PLEASE NOTE: YOU ARE NO LONGER REQUIRED TO PROVIDE ORIGINAL DOCUMENTS.

2. Completing the *Copyright Act 1968* Notice of Objection form (B470)

2.1. Details for completing the Notice of Objection form B470

2.1.1. Full name of the company lodging the Notice:

- When completing the Notice, the name of the owner should be the full name of the company or individual who is claiming the copyright.
- When completing the Notice, the name of an exclusive licensee or authorised user should reflect the name that appears in the authorisation letter/s issued for the copyright owner.
- Completed documents should be emailed to IPRights@abf.gov.au

2.1.2. Full address of the company lodging the Notice must match the address registered:

- Against the ABN with the Australian Taxation Office.

2.1.3. Indicate if the company lodging the Notice is the owner or authorised user of the copyright material being covered by the Notice:

- Place an x in the box/es which accurately reflects the ownership status of the copyright material. The Notice may cover material the objector owns, as well as material that they are authorised to use. In these instances, both boxes should be selected.

2.1.4. Signature, title, and full name of an appropriately authorised person on behalf of the company lodging the Notice:

- This may be the legal representative or company representative.

2.1.5. Details of the legal representative for the company lodging the Notice:

- Name of the company and the contact name of the person representing the company lodging the Notice.
- The address provided must be the physical address, not a Post Office Box number.
- Provide a current/valid email address.

2.1.6. Contact details for the person and company for any seizures made on behalf of the company lodging the Notice:

- Name of the company and contact name of the person to be notified by the ABF of any seizures made.
- The address provided must be the physical address of the firm/organisation, not just a Post Office Box number.
- Provide a current/valid email address.

2.1.7. Authorised importers.

- If there are businesses that are authorised importers of the goods incorporating the copyright material covered under the Notice the details should be provided in a separate document. Be sure to include:
 - Name of the business
 - Street address
 - Phone number

NOTE: This information will assist the ABF to target any alleged infringements on your behalf more effectively.



Australian BORDER FORCE

Copyright Act 1968 NOTICE OF OBJECTION

To: Australian Border Force
PO Box 25
BELCONNEN ACT 2616

Attention: Intellectual Property Rights

Please open this form using Adobe Acrobat Reader. Either type in the fields provided or print this form and complete it using a pen and BLOCK LETTERS.

Tick where applicable

I, <input type="text" value="Full name of person or company"/>	<input type="text" value="ABN, CAC or CCID (if applicable)"/>
of <input type="text" value="Address"/>	
<i>(tick applicable)</i>	
being <input type="checkbox"/> the copyright owner as defined under the <i>Copyright Act 1968</i> (the Act)	
<input type="checkbox"/> the exclusive licensee in Australia	
of certain copyright material described in the schedule overleaf hereby notify you, pursuant to subsection 135(2) of the <i>Copyright Act 1968</i> , that I object to the importation of copies of that material without my permission and request that you seize any such goods and cause action to be taken under that Act.	

Signature		Title/Position of Signatory	
Printed Name		Date / / 20	
Legal Representatives (provide person and company name)		Email address	
Address		Phone/Fax Number	
Contact for Seizures (provide person's name)		Email address (provide generic email if possible)	
Address		Phone/Fax Number	

SCHEDULE (If insufficient space please provide attachment)

This list of material covered by this Notice may be provided by way of catalogue or on an electronic medium subject to prior consultation with the Australian Border Force.

To assist with the detection of infringing goods, additional material, such as drawings or photographs, should be provided with this form. If it is not appropriate to provide information in this manner please set out all the information which fully identifies the copyright material covered by this Notice. If you have authorised an importer to import some of the copyright material, indicate which material is subject to that authorisation.

Copyright Material	Importer's name and ABN/Owners Code

Notice: If this form is completed by an individual, then the *Privacy Act 1988* (the Privacy Act) says we must tell you why we are collecting this information, how we will use it and whether you have to give it to us. We require this information under the *Copyright Act 1968* (the Act) to allow us to seize goods which are imported and may contravene s135(7) of that Act if not seized. The Australian Border Force is not permitted to disclose this information or any supplementary information you give, except when required or authorised by law.

SCHEDULE

This list of material covered by this Notice may be provided by way of catalogue or on an electronic medium subject to prior consultation with the Australian Border Force.

In all cases, to assist with the detection of infringing goods, additional material, where appropriate, such as drawing or photographs, should be annexed separately.

If the information on the copyright material is not to be presented in the above form please set out hereunder all the information which fully identifies the copyright material covered by this Notice.

Section 134B of the *Copyright Act 1968* (the Act) defines copyright material as: a work, or a sound recording, or a cinematograph film, a published edition of a work, or a television or sound broadcast as recorded in a cinematograph film or a sound recording.

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3. Copyright Schedule

3.1. The Schedule should be listed on page 2 of the Notice of Objection form (B470):

3.1.1. Information regarding the copyright details and description of goods for each copyright to be covered by the Notice should be included.

4. Authorisation letter/s

4.1. For any copyright material covered that is not owned by the company lodging the Notice, a letter of authorisation to file the Notice on the copyright owner's behalf must be provided to the ABF. In some cases, this may require several letters from the various copyright owners.

5. Completing the Security under Section 135 – Deed of Undertaking (Deed) (B466)

5.1. The company must provide a Copyright Act 1968 Security under Section 135 - Deed of Undertaking form (B466). The Deed must be executed by the company lodging the Notice.

5.1.1. The Deed is a formal undertaking from the company acknowledging that they will pay costs incurred by the ABF while enforcing the Notice.

5.1.2. Details for completing the Deed (B466) include:

- The date the Deed is signed (executed),
- Full name of the company providing the Deed, and
- Full address of the company providing the Deed.

5.1.3. There are four options on the second page of the form for executing the Deed:

- Option 1: If a company owner is lodging the Notice and Deed (i.e. a natural person),
- Option 2: If the company lodging the Notice has a sole director who is also the sole company secretary,
- Option 3: If the company lodging the Notice has two company directors or one company director and one company secretary, or
- Option 4: If the company lodging the Notice has a common seal; or the company is a proprietary company with a seal and has a sole director who is also the company secretary.

NOTE: Under Section 123 of the *Corporations Act 2001* (Cth) (the Act), a company may have a company seal (or common seal) to execute documents. The common seal is, in its physical manifestation, a rubber stamp carrying the words 'Common Seal' and the name and business number of the association or company.

NOTE: If the signatory is not a company director or a company secretary, a letter of authorisation must be provided stipulating who is nominated as Power of Attorney to sign on their behalf.

5.1.4. All signatures must be witnessed.

IMPORTANT: Persons witnessing the Deed of Undertaking cannot in any way be a party to or have any financial or other interest in the agreement except in the circumstance where the Deed is executed by a Proprietary company with a common seal (option 4).



**Australian
BORDER FORCE**

Copyright Act 1968
**SECURITY UNDER SECTION 135
– DEED OF UNDERTAKING**

Please open this form using Adobe Acrobat Reader.
Either type in the fields provided or print this form and complete it using a pen and BLOCK LETTERS.

THE DEED IS MADE

on the _____ day of _____ 20 _____

BY _____
Company

of _____ hereinafter referred to as the Undertaking Giver.
Address

Recital

- A. The Undertaking Giver has given to the Comptroller-General of Customs a written notice, under s135(2) of the *Copyright Act 1968* (the Act) that they are the owner of the copyright in the 'copyright material' as defined in s134B of the Act and listed in the Schedule to the written notice, and that they object to the importation into Australia of copies of that copyright material to which s135 of the Act applies.
- B. Pursuant to s135(7) of the Act the Comptroller-General of Customs must seize the copies.
- C. Pursuant to s135AA(1) of the Act, the Comptroller-General of Customs has decided not to seize the copies unless the Undertaking Giver has given a written undertaking, in the terms of this Deed, to repay the Commonwealth the expenses of seizing the copies.

The Deed Witnesses:

- 1. Where, after the date of the Deed, the Comptroller-General of Customs seizes the copies pursuant to s135(7) of the Act, the Undertaking Giver shall, upon demand, pay to the Commonwealth the expenses of seizing the copies.
- 2. The expenses of seizing the copies are as defined in s135AA(4) of the Act as being the expenses that may be incurred by the Commonwealth if the copies were seized.
- 3. Any demand made under this Deed upon the Undertaking Giver shall be deemed to have been duly made if it is in writing and signed by the Comptroller-General of Customs, or a delegate, and sent by prepaid post as a letter to the Undertaking Giver, or their nominated legal representative, or left by hand, at the address set forth in this Deed or at the address last notified to the Australian Border Force under clause 5 hereof. Any such demand sent by prepaid post shall be deemed to have been received by the Undertaking Giver, at the time when such demand could in the ordinary course of post have been delivered.
- 4. Pursuant to s135AJ(2) of the Act the amount payable under Clause 1 hereof is a debt due to the Commonwealth and may be recovered by an action taken in a court of competent jurisdiction.
- 5. If there is an alteration to the name or address of the Undertaking Giver or their nominated legal representative, then the Undertaking Giver shall give to the Australian Border Force written notice of the fact within seven working days after the date on which the alteration takes place.

OR

- 5. If there is an alteration to the name or address of the Undertaking Giver or their nominated legal representative, or if the Undertaking Giver ceases to carry on business, or there is an alteration to the ownership or control of the Undertaking Giver, then the Undertaking Giver shall give to the Australian Border Force written notice of the fact within seven working days after the date on which the alteration or cessation takes place.

NOTE: This clause 5 may vary depending on whether the Undertaking Giver is a natural or corporate person.

- 6. A reference in this Deed to a provision of the Act shall be read as a reference to that provision as in force as amended at the date of execution of this Deed, and to any provision re-enacting or replacing the same.

Executed as a Deed

[Note: Where Undertaking Giver is a natural person]

Signed, sealed and delivered by:

Signature:

Name of Undertaking Giver

In the presence of:

Signature:

Name of witness

OR**Executed as a Deed**

[Note: Where executed for a proprietary company that has a sole Director where that Director is also the sole Company Secretary]

Signed, sealed and delivered by:

Signature:

Name of sole Director / Company Secretary

In the presence of:

Signature:

Name of witness

OR**Executed as a Deed**

[Note: Where executed by 2 Directors of a company, or a Director and a Company Secretary]

Signed, sealed and delivered by:

Signature:

Name of Director

In the presence of:

Signature:

Name of witness

In the presence of:

Signature:

Name of Director / Company Secretary

In the presence of:

Signature:

Name of witness

OR**Executed as a Deed**

[Note: Where executed by a proprietary company with a common seal or where executed by a proprietary company with a common seal that has a sole Director who is the Company Secretary]

Signed, sealed and delivered by:

Company Seal

Witnessed By:

Signature:

Name of Director or sole Director / Company Secretary

Name of Director / Company Secretary (not required where executed by sole Director who is the Company Secretary)

Signature:

Note: Please check advice on the correct form of execution on a case basis.

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6. Information on suspected infringing goods

6.1. If any information comes to hand which may assist the ABF to enforce the Notice (e.g. companies or individuals importing alleged infringing goods into Australia, including any particulars of shipments due to arrive), please complete the form B253 'Intellectual Property and Commerce Labelling Referral Details' and email it to IPRights@abf.gov.au.

6.2. To access the B253 form, use this link: [Form B253](#)

7. Additional assistance

7.1. If you require assistance or information regarding the lodgement of the Notice, or Deed, please contact IPRights@abf.gov.au.