



Australian Government

Australian Customs and  
Border Protection Service

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

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1. Notice of Objection Form – Copyright Act 1968 (B470)

**Australian Government  
Australian Customs Service**

**Copyright Act 1968  
NOTICE OF OBJECTION**

To: **The Chief Executive Officer  
Australian Customs Service  
Customs House  
CANBERRA ACT 2601**

Attention: **Intellectual Property Rights**

If this form was completed by a business with fewer than 20 employees, please provide estimate of the time taken to complete:  Hours  Minutes

**1. Full name of the Company lodging the Notice.**

**2. Company ABN or Customs Client ID (CCID), if known.**

**3. Full address of the Company lodging the Notice.**

**4. Indicate if the Company lodging the Notice is the Owner or the Exclusive Licensee of the Copyright Material being covered by the Notice. (Both boxes may be selected).**

**5. Signature, Title and Full Name of an appropriately authorised person on behalf of the Company lodging the Notice.**

**6. Details of the Legal Representative for the Company lodging the Notice, optional information.**

**7. Contact Details for the person and/or Company for any Seizures made on behalf of the Company lodging the Notice.**

**8. List of Companies and/or Individuals Authorised to import the Copyrighted Material.**

**SCHEDULE** (If insufficient space please refer to separate sheet)

Copyright Material	Importer's name and ABN/Owners Code

Notice: If this form is completed by an individual, then the Privacy Act 1988 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 to allow us to seize goods which are imported and may contravene s135(7) of that Act if not seized. The Australian Customs Service is not permitted to disclose this information or any supplementary information you give, except when required or authorized by law.

B470 (SEP 2005)

- 1.1. Details for completing the Notice of Objection Form B470:
  - 1.1.1. Full name of the Company lodging the Notice:
    - When the Notice is filed in the name of the Owner this should be the full name of the Company or Individual who is claiming the Copyright.
    - When the Notice is filed in the name of an exclusive licensee it should reflect the same name as appears in the Authorisation letter/s issued by the Copyright owner.
  - 1.1.2. Company ABN or Customs Client ID (CCID), if known:
    - Australian owned companies should have an ABN;
    - International companies will have a Customs Client ID (CCID).
  - 1.1.3. Full address of the Company lodging the Notice:
    - This must match the address registered against the ABN with the Taxation Office; or
    - The address registered with Customs against the CCID.
  - 1.1.4. Indicate if the Company lodging the Notice is the Owner or Exclusive Licensee of the Copyright material being covered by the Notice.
    - Select the box (boxes), which accurately reflect the ownership status of the copyright material. The Notice may cover material the Objector owns as well as material that they are licensed to use. In these instances both boxes should be selected.
  - 1.1.5. Signature, Title and Full Name of an appropriately authorised person on behalf of the Company lodging the Notice.
    - This may be the Legal Representative, however the Company Representative is always preferred.
  - 1.1.6. Details of the Legal Representative for the Company lodging the Notice:
    - Contact details for the Law Firm and contact person representing the Company lodging the Notice, where applicable.
    - The address provided must be the physical address.
  - 1.1.7. Details for the person and/or Company for any Seizures made on behalf of the Company lodging the Notice:
    - Details for the Company and contact person that should be advised by Customs of any seizures made.
    - The address provided must be the physical address.

## 2. Copyright Schedule

2.1. The Schedule should be listed on the reverse side of the Notice of Objection form (B470).

2.1.4. Information regarding the copyright material to be covered by the Notice should be listed. Include:

- A detailed description of the material to be covered (i.e. list of movie titles, artists, record labels etc)
- This list should then be emailed to [iprights@customs.gov.au](mailto:iprights@customs.gov.au).

## 3. Authorisation Letter/s

3.1. For any copyright material covered that is not owned by the Company lodging the Notice, a letter authorising them to file the Notice on the copyright owner's behalf will need to be provided to Customs. In some cases this may require several letters from the various copyright owners.

## 4. Security

4.1. The Objector must provide a Deed of Undertaking (Deed) to Customs. The Deed must be executed by the Company lodging the Notice;

4.1.4. The Deed is a formal undertaking from the Objector that they will pay any costs incurred by Customs while enforcing the Notice of Objection.

4.1.5. Details for completing the Deed of Undertaking Form (B466) (please refer to example on pages 6 & 7):

- The Date the Deed is signed (executed);
- Full name of the Company providing the Deed;
- Full address of the Company providing the Deed;
- There are four options in which to execute the Deed:

Option 1: If an individual is lodging the Notice of Objection and Deed;

Option 2: If the Company lodging the Notice has a sole Director that is also the sole Company Secretary;

Option 3: When the Company lodging the Notice has 2 Directors or 1 Director and a 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 a sole Director that is also the Company Secretary.

All signatures must be witnessed.



Copyright Act 1968

SECURITY UNDER SECTION 135 - DEED OF UNDERTAKING

1. The Date the Deed of Undertaking is executed.

2. Full name of the Company providing the Deed. MUST BE THE COMPANY LODGING THE NOTICE

3. Full address of the Company providing the Deed.

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 Chief Executive Officer of Customs (the CEO) 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 CEO may seize the copies.
- C. Pursuant to s135AA(1) of the Act, the CEO has decided not to seize the copies unless the Undertaking Giver has given a written undertaking, in terms of this Deed, to repay to the Commonwealth the expenses of seizing the copies.

The Deed Witnesses:

1. Where, after the date of the Deed, the CEO 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 CEO, 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 Customs Service (Customs) 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 in the name or address of the Undertaking Giver or their nominated legal representative, then the Undertaking Giver shall give to Customs 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 in 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 in the ownership or control of the Undertaking Giver, then the Undertaking Giver shall give to Customs 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 whether the Undertaking Giver is a natural or corporate person.
6. A reference in this Deed to a provision of the Copyright Act 1968 shall be read as a reference to that provision as in force as amended at the date of this Deed, and to any provision re-enacting or replacing the same.

Option 1

**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	
_____	Signature:
Name of witness	_____

Option 2

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	
_____	Signature:
Name of witness	_____
_____	Signature:
Name of Director / Secretary	_____
_____	Signature:
Name of witness	_____

Option 3

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	
_____	Signature:
Name of Director / Secretary (not required where executed by sole Director who is the company secretary)	_____

Option 4

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

5. Authorised Importers

5.1. A list of Companies or Individuals authorised to import goods incorporating the copyright material covered by the Notice of Objection should be provided.

5.1.4. This will assist Customs to target alleged infringing shipments on your behalf more effectively.

6. Infringing Information

6.1. If any information comes to hand, which may assist Customs to enforce this Notice (e.g. Companies or Individuals importing alleged infringing goods into Australia, including any particulars of shipments due to arrive), please email the details to [iprights@customs.gov.au](mailto:iprights@customs.gov.au).

7. Additional Assistance

7.1. If you require assistance or information regarding the lodgement of notices please contact [iprights@customs.gov.au](mailto:iprights@customs.gov.au) or phone (02) 6275 6157.