

# REGULATIONS

---

## COPYRIGHT REGISTRATION

---

### OFFICE OF THE ATTORNEY GENERAL REPUBLIC OF PALAU

In accordance with the Administrative Procedure Act, 6 PNC §§ 101-161, the Office of the Attorney General of the Republic of Palau hereby promulgates the following regulations:

**SECTION 1. Title.** These regulations may be cited as the “Copyright Registration Regulations.”

**SECTION 2. Authority.** These regulations are promulgated pursuant to Sections 5(c), 5(f), 23, and 25 of the Palau Copyright Act of 2003, RPPL No. 6-38, as amended by RPPL No. 6-53. The regulations, and amendments thereto, shall have the full force and effect of law.

**SECTION 3. Purpose.** The purpose of these regulations is to implement certain provisions of the Palau Copyright Act of 2003, as amended, and thereby establish a cost-effective, efficient, and fair copyright registration system. The Attorney General’s Office shall keep and maintain a Registry of Copyrights, which is hereby established.

**SECTION 4. Definitions.** Except as provided for below, the definitions of terms as specified in Section 2 of the Palau Copyright Act of 2003, as amended (“Act” or “the Act”) shall apply herein. Otherwise, words shall have their ordinary and usual meanings given proper consideration to context. That being stated, the following definitions shall apply only to these regulations:

- (a) “Applicant” means a person applying for copyright registration under the Act and these regulations.
- (b) “Copyrightable Work” means a work fixed in a tangible medium of expression that is eligible for copyright protection under the Act.
- (c) “Depository Copy” is the copy of the work the applicant wishes to register for a copyright, which is deposited with the Registry of Copyrights within the Attorney General’s Office.
- (d) “National” means citizen.
- (e) “Resident” (and “Palauan resident”) means anyone that is in Palau, or if

## COPYRIGHT REGISTRATION REGULATIONS

Adopted July 7, 2005

applicable was in the U.N. Trust Territory of the Pacific Islands - Palau District, legally and is not a (1) tourist, (2) business visitor, (3) competition, conference, festival, or meeting participant/attendee who is in Palau temporarily, or (4) person in Palau on such a temporary, transitory, or ephemeral basis that there is no good faith basis to consider that person as a resident. To add clarity to the above definition, "Resident" includes Palauan citizens that live in Palau, and also includes legal foreign workers not on a temporary or provisional visa/permit, missionaries in Palau legally that maintain a home in Palau, employees of the Republic of Palau or any of its States whose primary post is within the Republic, those holding legal spouse or dependent visas, U.S. Armed Forces or U.S. Government personnel with orders or assignments to stay in Palau over four months, holders of legal residence visas, holders of legal investor visas that live in Palau for at least 183 days per year, and diplomats and their staff and families living in Palau.

**SECTION 5. Registration Form.** All copyright registration applicants must complete a Registration Form provided for by the Registry in the Attorney General's Office. The forms must be typed or legibly written. At a minimum the form shall require:

- (1) Name, address, phone number, fax (if available), and email (if available) of the applicant;
- (2) Name, address, phone number, fax (if available), and email (if available) of the author(s), and if the author is anonymous or a pseudonym, as much information as readily is available shall be required;
- (3) An indication whether the author is living or dead and the date of death, if applicable;
- (4) If the applicant is not the author, a statement as to the legal basis of ownership (e.g., purchase, legal heir, work for hire, etc.);
- (5) The date and location the work was first fixed in a tangible medium;
- (6) A statement whether or not the work has been published, and if so where it was first published and when, as well as the form of publication and the name and address of the publisher,
- (7) A statement whether or not the work has been published in Palau, and if so when,

## **COPYRIGHT REGISTRATION REGULATIONS**

Adopted July 7, 2005

as well as the form of publication and the address of the publisher,

- (8) Citizenship of author,
- (9) Current resident status of the author and if not Palau, indicate where;
- (10) Resident status of the author at the time the work was first fixed;
- (11) Resident status of the author at the time the work was first published;
- (12) Title of work;
- (13) A short description of the work; and
- (14) Registration/copyright status of the work outside Palau.

The form must be completely filled out and be accompanied by a notarized oath or affirmation stating that (1) the information contained in the registration form is true and correct to the best of the applicant's knowledge and belief and (2) that the applicant is the owner of the intellectual property in the work that is the subject of the copyright registration application. The format of the form may change from time to time according to the requirements of the Attorney General's Office. Each completed form will be given a Registry number.

**SECTION 6. Depositing a copy of work.** A depository copy must be provided for each copyrightable work the applicant wishes to register. The copy must be a true and accurate depiction of the original. In the case that size, media, or format present a practical obstacle to deposit, the Registry of Copyrights may accept a reduced or appropriately altered version of the original. Applicants are forewarned that the Registry is the only official depository of copyrightable works, and in the case of a later dispute with another applicant or an alleged infringer, it behooves the applicant to have provided the best available copy to the Registry. Each depository copy will be assigned a unique numerical identifier. Depository copies shall be maintained by the Registry.

**SECTION 7. Form of payment.** Any payment or fee required by the Act or these regulations must be made to the National Treasury while clearly informing the personnel at the National Treasury the purpose of the payment. Acceptable forms of payment are limited to cash, money order, or cashiers check from a licensed financial institution. Except as provided for in Section 16, proof of required payments must be provided to the Registry before the Registry can accept any forms, depository copies, certificate requests, or recordation instruments.

# **COPYRIGHT REGISTRATION REGULATIONS**

Adopted July 7, 2005

**SECTION 8. Voluntary Registration of the Act's Section 5(b) Works Created on or after November 26, 2003.** A copyrightable work that is published on or after November 26, 2003 under these circumstances - (1) one or more of the authors is or was on the date of first publication a national or resident of the Republic of Palau, (2) the work was initially published in the Republic of Palau, (3) the work was initially published in another country and also published in the Republic of Palau within 30 days on the initial publication, or (4) the work is an architectural work erected in the Republic of Palau or is an artistic work incorporated into a building or other structure located in Palau - may be registered voluntarily by an applicant provided the applicant follows the procedures set forth in these regulations and pays a fee of \$20.00 per work.

**SECTION 9. Registration of Palauan National or Resident Works Fixed or Published before November 26, 2003.** The only manner a work that was fixed or published before November 26, 2003 can receive copyright protection under the Act is through the registration procedures and requirements set forth in these regulations. If and only if (1) the pre-November 26, 2003 work was first fixed or published by a person who was a resident or national of Palau or the U.N. Trust Territory of the Pacific Islands, Palau District, at the time the work was first published or fixed and (2) the work was first fixed or published within the Republic of Palau or the U.N. Trust Territory of the Pacific Islands, Palau District, then that work is eligible for protection under Act if it is registered. Such an applicant wishing to register the pre-November 26, 2003 work must pay a fee of \$20.00 per work.

**SECTION 10. Mandatory registration, if protection is sought, for works falling under Section 5(c) of the Act.** Works fixed or published on or after November 26, 2003 that do not meet the requirements of Section 5(b) of the Act and Section 8 of these regulations must be registered in order to receive protection under the Act. The requisite fee for such registration is \$200.00 per work, or a flat fee of \$3,000.00 for 31 to 50 works, or a flat fee of \$4,000.00 for the registration of 51 or more works. The flat fee is good for the calendar year during which it was paid, therefore, assuming the total number of works registered does not exceed the number permitted for a particular flat fee, additional works may be added at no charge during the same calendar year.

**SECTION 11. Denial of Registration.** Registration applications shall be denied or not accepted for any of the following reasons:

- (a) Failure to use the proper forms;
- (b) Illegibility;

# COPYRIGHT REGISTRATION REGULATIONS

Adopted July 7, 2005

- (c) Incompleteness;
- (d) Lack of supporting oath or affirmation;
- (e) Failure to make required payment;
- (f) Failure to deposit a copy of the work;
- (g) Poor quality of depository copy;
- (h) False or misleading information on the application;
- (i) That the work is facially or obviously uncopyrightable; or
- (j) As applied in a nondiscriminatory manner, any other fair, equitable, and/or logical reason for which the acceptance of an application would be prejudicial to the efficient or effective management of the copyright registration system.

The Attorney General's Office shall make reasonable efforts to contact the Applicant in the case of non-acceptance or denial.

**SECTION 12. No Merit Examination of Copyright Registration Application.** The copyright registration system of Palau is a registration system, not an examination system. While under Section 11(i) of these regulations, if possible, the Attorney General's Office will try to prevent the registration of facially or obviously uncopyrightable works, in general, the Attorney General's Office does not have the time, resources, and personnel to examine the registration applications for worthiness or merit. Therefore, registration of a work does not mean that a work is copyrightable. Nevertheless, each registered work shall be designated a unique copyright registration number.

**SECTION 13. Registration Certificate.** An applicant that has successfully registered a work may request a Registration Certificate for that work. The fee for each certificate shall be \$10.00. The certificate shall bear the seal of the Office of the Attorney General and shall include the author's and owner's full names, the title of the work, date of registration, date of certificate issuance, the registration number, the corresponding depository work number, and a description of the type of work (e.g., painting, photograph, poem, play, novella, video, movie, etc.).

**SECTION 14. Registration Cancellation.** Registration may be cancelled if the Registry obtains credible and sound information that the registered work is (a) uncopyrightable, (b) the



**COPYRIGHT REGISTRATION FORM**  
*“Republic of Palau Copyright Act of 2003”*

All copyright registration applicants must complete a Registration Form provided for by the Registry in the Attorney General's Office. The forms must be typed or legibly written.

---

---

No. \_\_\_\_\_

1. \_\_\_\_\_  
Name of Applicant

2. \_\_\_\_\_  
Address \_\_\_\_\_  
Zip Code

3. \_\_\_\_\_  
Phone \_\_\_\_\_ Fax No. \_\_\_\_\_ E-Mail Address

4. \_\_\_\_\_  
Name of Author

5. \_\_\_\_\_  
Address \_\_\_\_\_  
Zip Code

6. \_\_\_\_\_  
Phone \_\_\_\_\_ Fax No. \_\_\_\_\_ E-Mail Address

7. Is the Author anonymous or a pseudonym? \_\_\_\_\_  
And state as much information about the author if possible! \_\_\_\_\_

9. Is the Author dead or alive? \_\_\_\_\_ Dead \_\_\_\_\_ Alive. And if the Author is dead, state date of death:  
\_\_\_\_\_

10. If the applicant is not the Author, a statement as to the legal basis of ownership is required (e.g., purchase, legal heir, work for hire, etc.).

11. Date and location the work was first fix in a tangible medium. \_\_\_\_\_  
Date \_\_\_\_\_ Location

12. A statement whether or not the work has been published, and if so where it was first published and when, as well as ft form of publication and the name and address of the publisher.  
\_\_\_\_\_  
\_\_\_\_\_

13. A statement whether or not the work has been published in Palau, and if so when, as well as the form of publication and the address of the publisher.  
\_\_\_\_\_  
\_\_\_\_\_

14. Citizenship of the Author and current resident status of the author and if not Palau, indicate where.  
\_\_\_\_\_
15. Resident status of the author at the time the work was first fixed \_\_\_\_\_
16. Resident status of the author at the time the work was first published \_\_\_\_\_
17. Title of work & a short description of the work \_\_\_\_\_  
\_\_\_\_\_
18. Registration/copyright status of the work outside Palau \_\_\_\_\_

Certification

The information contained in the registration form is true and correct to the best of the applicant's knowledge and belief and that the applicant is the owner of the intellectual property in the work that is the subject of the copyright registration.

\_\_\_\_\_  
Signature of Applicant and/or Author

Date: \_\_\_\_\_

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ .

\_\_\_\_\_  
Clerk of Courts