

Defining the scope of liberalization of parallel importation of computer software: a possible approach (not in legal language)

Parallel importation of computer software is allowed save for the following situations:

(a) a copy of a work that is embodied in an article in which is also embodied a computer program, where -

- (i) the work is a work specified in (b) ("specified work"); and
- (ii) the article is an article that, if acquired, is likely to be so acquired primarily for the purpose of acquiring the specified work or any combination of the specified works embodied in the article, having regard to the contents of the specified work or works and the functions of the computer program in the article.

(b) The following works are specified for the purposes of (a)(i) –

- (i) a work or works (other than a computer program) contained in a book^{Note} in electronic form, whether or not the work or works is/are accompanied by
 - (1) a film other than a feature film, a television drama or musical visual recording; or
 - (2) a sound recording other than musical sound recording;

^{Note} a book includes a magazine, periodical, encyclopedia or dictionary

for the purpose of illustrating that work or those works.

- (ii) a feature film;
- (iii) a television drama;
- (iv) a musical sound recording; or
- (v) a musical visual recording.