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**Council for Trade-Related Aspects
of Intellectual Property Rights**

Original: English/anglais/inglés

**MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND
REGULATIONS NOTIFIED UNDER ARTICLE 63.2
OF THE AGREEMENT**

AUSTRALIA

This document reproduces the text¹ of the Copyright Amendment Regulations 2010 (No. 1), as notified by Australia on 22 May 2013 under Article 63.2 of the Agreement (see document IP/N/1/AUS/5).

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À
LA PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE
DE L'ARTICLE 63:2 DE L'ACCORD**

AUSTRALIE

Le présent document contient le texte¹ du Règlement de 2010 portant modification du Règlement sur le droit d'auteur (n° 1), notifié par l'Australie le 22 mai 2013 au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/AUS/5).

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA
PROPIEDAD INTELLECTUAL NOTIFICADOS EN VIRTUD
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

AUSTRALIA

En el presente documento se reproduce el texto¹ del Reglamento de 2010 que modifica el Reglamento sobre el derecho de autor (Nº 1), notificado por Australia el 22 de mayo de 2013 en virtud de lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/AUS/5).

¹ In English only./En anglais seulement./En inglés solamente.

PP 3-18 - Offset (Pdf file attached)
PP 3 à 18 - Offset (fichier Pdf joint)
PP 3-18 - Offset (fichero Pdf adjunto)



Copyright Amendment Regulations 2010 (No. 1)¹

Select Legislative Instrument 2010 No. 249

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Copyright Act 1968*.

Dated 27 October 2010

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

ROBERT McCLELLAND
Attorney-General

Regulation 1

1 Name of Regulations

These Regulations are the *Copyright Amendment Regulations 2010 (No. 1)*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Amendment of *Copyright Regulations 1969*

Schedule 1 amends the *Copyright Regulations 1969*.

Schedule 1 Amendments

(regulation 3)

[1] Regulations 8 to 14

omit

[2] Regulation 25B

omit

[3] After regulation 27

insert

28 Transitional — application of repealed regulation 25B

Despite the repeal of regulation 25B by the *Copyright Amendment Regulations 2007 (No. 1)*, that regulation continues to have effect for acts done before the commencement of item 23 of Schedule 1 to the *Copyright Amendment Act 2006*.

[4] Schedules 3, 3A, 3B, 4, 8 and 9*substitute***Schedule 3 Prescribed form of notice to be displayed**

(regulations 4B and 17A)

Commonwealth of Australia

*Copyright Act 1968***Notice about the reproduction of works and the copying of published editions****Warning**

Copyright owners are entitled to take legal action against persons who infringe their copyright. A reproduction of material that is protected by copyright may be a copyright infringement. Certain dealings with copyright will not constitute an infringement, including:

- a reproduction that is a fair dealing under the *Copyright Act 1968* (the *Act*), including a fair dealing for the purposes of research or study; or
- a reproduction that is authorised by the copyright owner.

It is a fair dealing to make a reproduction for research or study, of one or more articles in a periodical publication for the same research or same course of study or, for any other work, of a reasonable portion of a work.

For a published work in hardcopy form that is not less than 10 pages and is not an artistic work, 10% of the number of pages, or one chapter, is a reasonable portion.

For a published work in electronic form only, a reasonable portion is not more than, in the aggregate, 10% of the number of words in the work.

More extensive reproduction may constitute fair dealing. To determine whether it does, it is necessary to have regard to the criteria set out in subsection 40 (2) of the Act.

A court may impose penalties and award damages in relation to offences and infringements relating to copyright material.

Higher penalties may apply, and higher damages may be awarded, for offences and infringements involving the conversion of material into digital or electronic form.

Schedule 3A Prescribed form of record for an article in a periodical publication

(paragraph 4C (3) (a))

Commonwealth of Australia

Copyright Act 1968

Record of making of broadcast by or on behalf of a holder of a print disability radio licence of the whole or part of an article contained in a periodical publication

Item	Matter	Particulars
1	The time and date of the making of the broadcast	
2	If the International Standard Serial Number for the periodical publication is recorded in the periodical publication — that number	
3	If the International Standard Serial Number for the publication is not so recorded — the name of the periodical publication	
4	The title or description of the article	
5	The name of the author of the article (if that name is known)	
6	The volume, or volume and number, as the case requires, of the periodical publication containing the article	
7	The page numbers of the pages in that volume, or in that number of that volume, that have been broadcast, or, if a page so broadcast does not bear a page number, a description of the page that will enable it to be identified	

Schedule 3B Prescribed form of record for a work not in a periodical publication

(paragraph 4C (3) (b))

Commonwealth of Australia

Copyright Act 1968

Record of making of broadcast by or on behalf of a holder of a print disability radio licence of the whole or part of a work not being an article contained in a periodical publication

Item	Matter	Particulars
1	The time and date of the making of the broadcast	
2	If the International Standard Book Number in respect of the work is recorded in the edition of the work copied — that number	
3	If the International Standard Book Number in respect of the work is not so recorded:	
	(a) the title or description of the work; and	
	(b) the name of the publisher of the edition of the work; and	
	(c) the name of the author of the work (if that name is known)	
4	The page numbers of the pages in the edition of the work that have been broadcast or, if a page so broadcast does not bear a page number, a description of the page that will enable it to be identified	

Schedule 4 Prescribed form of notice to library user making request

(regulation 4D)

Commonwealth of Australia

Copyright Act 1968

Notice for paragraph 49 (7A) (c) of the *Copyright Act 1968*

Warning

This material has been provided to you under section 49 of the *Copyright Act 1968* (the *Act*) for the purposes of research or study. The contents of the material may be subject to copyright protection under the Act.

Further dealings by you with this material may be a copyright infringement. To determine whether such a communication would be an infringement, it is necessary to have regard to the criteria set out in Division 3 of Part III of the Act.

Schedule 8 Countries to which Division 6 of Part III of the Act applies

(regulation 6)

Algeria
Andorra
Argentina
Austria
Bahamas
Bangladesh
Barbados
Belgium
Belize
Benin
Bolivia
Bosnia and Herzegovina
Brazil
Bulgaria

Burkina Faso
Cambodia
Cameroon
Canada
Central African Republic
Chad
Chile
Colombia
Congo
Congo, Democratic Republic of the
Costa Rica
Côte d'Ivoire
Croatia
Cuba
Cyprus
Czech Republic
Denmark
Dominican Republic
Ecuador
Egypt
El Salvador
Fiji
Finland
France
Gabon
Germany
Ghana
Greece
Guatemala
Guinea
Guinea-Bissau
Haiti
Holy See
Honduras
Hungary
Iceland
India
Ireland
Israel
Italy
Japan
Kenya
Korea, Republic of

Kosovo, Republic of
Lao People's Democratic Republic
Lebanon
Lesotho
Liberia
Libyan Arab Jamahiriya
Liechtenstein
Luxembourg
Macedonia, former Yugoslav Republic of
Madagascar
Malawi
Malaysia
Mali
Malta
Mauritania
Mauritius
Mexico
Monaco
Montenegro
Morocco
Netherlands
New Zealand
Nicaragua
Niger
Nigeria
Norway
Pakistan
Panama
Paraguay
Peru
Philippines
Poland
Portugal
Romania
Russian Federation
Rwanda
Saint Vincent and the Grenadines
Senegal
Serbia
Singapore
Slovenia
South Africa
Spain

Sri Lanka
Suriname
Sweden
Switzerland
Thailand
Togo
Trinidad and Tobago
Tunisia
Turkey
United Kingdom
United States of America
Uruguay
Venezuela
Zambia
Zimbabwe

Schedule 9 Prescribed form of notice to be displayed for copying of audio-visual items

(regulation 17A)

Commonwealth of Australia

Copyright Act 1968

Notice about the copying of audio-visual items

Warning

Copyright owners are entitled to take legal action against persons who infringe their copyright. Unless otherwise permitted by the *Copyright Act 1968* (the *Act*), unauthorised use of audio-visual items in which copyright subsists may infringe copyright in that item.

It is not an infringement of copyright in an audio-visual item to use that item in a manner that is a fair dealing under section 103C of the Act.

Section 103C of the Act relates to fair dealing for the purpose of research or study and sets out the matters that must be considered in determining whether a reproduction of an audio-visual item is a fair dealing.

A court may impose penalties and award damages in relation to offences and infringements relating to copyright material.

Higher penalties may apply, and higher damages may be awarded, for offences and infringements involving the conversion of material into digital or electronic form.

[5] Schedules 11, 11AA, 11AB, 11AC, 11A, and 11B
substitute

**Schedule 11 Prescribed form of notice to
Collector of Customs of
Norfolk Island**

(subregulation 23 (4))

Commonwealth of Australia

Copyright Regulations 1969

Notice for regulation 23

To the Collector of Customs of Norfolk Island.

I, _____, of _____, being the owner [*or agent of the owner*] of the copyright in the work [*or works*] specified in the Schedule to this notice give you notice that I object [*or, where notice is given by the agent, that* _____ objects] to the importation into Norfolk Island [*here specify the period during which importation is objected to*] of copies of the work [*or works*] to which regulation 23 of the *Copyright Regulations 1969* applies.

Dated

[*Signature*]

[*If an agent, insert 'Agent of Owner'*]

THE SCHEDULE

Title (if any) of work —
 Description of work —
 Full name of author or authors —
 Whether author or authors alive —
 If the author, or any one or more of the authors, is dead, date or dates of death —
 Date and place of first publication of work —

Schedule 11AA Prescribed form of record for copying of a broadcast

(paragraph 23G (a))

Commonwealth of Australia

Copyright Act 1968

Record of the copying of a broadcast in reliance on Part VA of the *Copyright Act 1968*

Item	Matter	Particulars
1	The name of the institution for which the broadcast was copied	
2	The day on which the copying was carried out	
3	The title, or other identification, of the program or programs included in the broadcast	
4	The name or call sign of the broadcasting station that made the broadcast	
5	The day on which the broadcast commenced	
6	The time when the broadcast commenced	
7	The number of copies made of the broadcast	

Schedule 11AB Prescribed form of record for communication of a copy of a broadcast

(paragraph 23G (b))

Commonwealth of Australia

Copyright Act 1968

Record of the communication of a copy of a broadcast in reliance on Part VA of the *Copyright Act 1968*

Item	Matter	Particulars
1	The name of the institution for which the communication of a copy of a broadcast was made	
2	The day on which the communication was first made	
3	The title, or other identification, of the program or programs included in the copy communicated	
4	The name or call sign of the broadcasting station that made the broadcast	
5	The day on which the broadcast commenced	
6	The time when the broadcast commenced	
7	The number of times the copy of the broadcast was communicated	

Schedule 11AC Prescribed form of notice for communication by administering body

(regulation 23HB)

Commonwealth of Australia

Copyright Act 1968

Form of notice for paragraph 135KA (a) of the *Copyright Act 1968*

Warning

This material has been copied and communicated to you by or on behalf of [*insert name of institution*] under Part VA of the *Copyright Act 1968* (the *Act*).

The material in this communication may be subject to copyright under the Act. Any further copying or communication of this material by you may be the subject of copyright or performers' protection under the Act.

Do not remove this notice.

Schedule 11A Prescribed form of record for making a licensed copy

(regulation 23JL)

Commonwealth of Australia

Copyright Act 1968

**Record of the making of a licensed copy in reliance on
Part VB of the *Copyright Act 1968***

Item	Matter	Particulars
1	The name of the institution for which the licensed copy was made	
2	The section of the <i>Copyright Act 1968</i> in reliance on which the copy was made	
3	The day on which the copy was made	
4	The full name or the surname and initials of the author/*s of the article or other work ⁽¹⁾	
5	*The name of the periodical publication in which the article appeared/*The title or other identification of the work/*The title or other identification of the sound recording or cinematograph film	
6	*The International Standard Serial Number of the periodical publication in which the article appeared/*The International Standard Book Number of the edition containing the work ⁽¹⁾	
7	The name of the publisher of *the issue of the periodical publication in which the article appeared/ *the edition containing the work ⁽¹⁾	
8	*The volume and number or the date of publication or other identification of the issue of the periodical publication in which the article appeared/ *The year of publication of the edition containing the work ⁽¹⁾	
9	The number of pages copied ⁽¹⁾	
10	The number of copies made of *each page/*the sound recording/*the cinematograph film/copied	
11	The form in which the copy was made ⁽²⁾	

**Omit if not applicable.*

⁽¹⁾ Questions 4, 6, 7, 8 and 9 should not be answered if the item copied is a sound recording or cinematograph film.

⁽²⁾ Specify the form of the copy: for example, a Braille, large-print or photographic version, a sound recording or a cinematograph film. Question 11 should not be completed if the form of the copy is a facsimile reproduction.

Schedule 11B Prescribed form of notice for electronic use notices

(regulation 23JLA)

Commonwealth of Australia

Copyright Act 1968

Notice for paragraph 135ZXA (a) of the *Copyright Act 1968*

Warning

This material has been reproduced and communicated to you by or on behalf of [*insert name of institution*] under Part VB of the *Copyright Act 1968* (the *Act*).

The material in this communication may be subject to copyright under the Act. Any further reproduction or communication of this material by you may be the subject of copyright protection under the Act.

Do not remove this notice.

[6] Schedule 12

substitute

Schedule 12 International organizations to which the Act applies

(regulation 26)

United Nations

- Food and Agriculture Organization of the United Nations
- International Bank for Reconstruction and Development
- International Civil Aviation Organization
- International Court of Justice
- International Development Association
- International Finance Corporation
- International Labour Organization
- International Maritime Organization
- International Monetary Fund

International Telecommunication Union
United Nations Educational, Scientific and Cultural Organization
Universal Postal Union
World Health Organization
World Meteorological Organization
Asian Development Bank
Cultural and Social Centre for the Asian and Pacific Region
European Space Agency
International Atomic Energy Agency
International Coffee Council
International Criminal Police Organization — Interpol
International Hydrographic Bureau
International Institute of Refrigeration
International Organization for Migration
International Organization of Legal Metrology
International Sugar Council
International Wheat Council
Organization of American States
Secretariat of the Pacific Community
World Customs Organization

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.