

Copyright (International Protection) Regulations (Amendment) 1993 No. 214

EXPLANATORY STATEMENT

STATUTORY RULES 1993 No. 214

Issued by the Authority of the Minister of Justice

Copyright Act 1968

Copyright (International Protection) Regulations (Amendment)

Section 249 of the *Copyright Act 1968* (the Act) provides that the GovernorGeneral may make regulations, not inconsistent with the Act, prescribing all matters that are required or permitted by the Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to the Act. Sections 184 and 248U of the Act provide that, subject to certain limitations, regulations may be made applying the provisions of the Act in relation to foreign countries in certain specified ways. The Copyright (International Protection) Regulations (the Regulations) apply provisions of the Act in the ways specified in ss. 184 and 248U in relation to the countries listed in the Schedules of the Regulations.

The changes to the Regulations made by this amendment add to, and make one omission from, the list of countries in Parts I, II, III and IV of Schedule 1 of the Regulations. The countries in Part 1 of Schedule 1 of the Copyright (International Protection) Regulations represent the members of the Berne Convention for the Protection of Literary and Artistic Works 1886. The countries in Part 11 of Schedule 1 represent the member of the Universal Copyright Convention 1952. The countries in Part III represent countries with whom Australia has concluded an agreement for the reciprocal protection and enforcement of copyright. The countries in Part IV of Schedule 1 represent the members of the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations 1961.

The amendments to the Regulations are necessary because of changes to the membership of the above mentioned conventions and to give effect to an agreement for the reciprocal protection and enforcement of copyright between Australia and Indonesia.

Details of the amendments are set out in the Attachment.

Attachment

Details of Copyright (International Protection) Regulations (Amendment):

These Regulations commence on gazettal.

Regulation 1: Amendment

Subregulation 1.1 provides that the Copyright (International Protection) Regulations are amended as set out in the Copyright (International Protection) Regulations (Amendment).

Regulation 2: Schedule 1 (Countries to which the provisions of the Act apply)

Subregulations 2.1 and 2.2 provide that the following names of countries be inserted in Part 1 of Schedule 1 (which represents membership of the Berne Convention for the Protection of Literary and Artistic Works 1886): "China, People's Republic of", "Croatia, Republic of", "Ecuador", "Ghana", "Guinea-Bissau", "Kenya, Republic of", "Malawi", "Paraguay", "Slovenia, Republic of", "The Gambia, Republic of" and "Zambia".

Subregulation 2.3 provides that "Union of Soviet Socialist Republics" be omitted from Part 11 of Schedule 1 (which represents membership of the Universal Copyright Convention 1952).

Subregulation 2.4 provides that the following names of countries be inserted in Part H of Schedule 1: "Bolivia", "China, People's Republic of", "Croatia, Republic of" and "Russian Federation".

Subregulation 2.5 provides that "Indonesia" be inserted in Part III of Schedule 1 (which represents countries with whom Australia has concluded an agreement for the reciprocal protection and enforcement of copyright).

Subregulation 2.6 provides that "Greece" be inserted in Part IV of Schedule 1 (which represents membership of the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations 1961).