

Copyright (International Protection) Regulations (Amendment) 1995 No. 436

EXPLANATORY STATEMENT

STATUTORY RULES 1995 No. 436

Issued by the Authority of the Minister for Justice

Copyright Act 1968

Copyright (International Protection) Regulations (Amendment)

Sections 184 and 248U of the Copyright Act 1968 (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. Section 249 of the the Act provides that the Governor-General 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. The Copyright (International Protection) Regulations (the Regulations) apply provisions of the Act in the ways specified in sections 184 and 248U in relation to the countries listed in the Schedules of the Regulations.

The regulations amend the Regulations to update various of the lists of countries in Parts of Schedule 1 of the Regulations in consequence of new memberships and accessions to treaties or multilateral agreements of which Australia is a member. These Parts of Schedule 1 were last updated in April 1995.

Georgia, Haiti, Latvia, Moldova, St Vincent and Grenadines and Ukraine have all recently joined the Berne Convention for the Protection of Literary and Artistic Works (Berne Convention). The amending regulation adds these countries to the list of Berne Convention members in Part I of Schedule 1.

In consequence of their membership of the Berne Convention the amendment provides for the omission of Haiti, St Vincent and the Grenadines and Ukraine from the list in Part II of Schedule 1 of members of the Universal Copyright Convention that are not also members of the Berne Convention.

Part IV of Schedule 1 lists the members of the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations. This amendment adds Bulgaria and Moldova.

Part V of Schedule 1 lists members of the World Trade Organization (WTO). This amendment takes account of new accessions to the WTO since the inclusion of this Part of Schedule 1 in the Regulations in April 1995 by adding the following countries: Bolivia, Botswana, Burkina Faso, Burundi, Central African Republic, Colombia, Cuba, Cyprus, Djibouti, Egypt, El Salvador, Guatemala, Guinea, Guinea-Bissau, Israel, Lesotho, Liechtenstein, Malawi, Maldives, Mali, Mauritania, Mozambique, Nicaragua, Poland, Sierra Leone, Slovenia, Switzerland and Togo.