



# Copyright Amendment Regulations 2010 (No. 1)<sup>1</sup>

**Select Legislative Instrument 2010 No. 249**

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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

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**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**28 Transitional — application of repealed regulation 25B**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*.

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[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**

<b>Item</b>	<b>Matter</b>	<b>Particulars</b>
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	

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## **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**

<b>Item</b>	<b>Matter</b>	<b>Particulars</b>
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	

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## **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

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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

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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***

<b>Item</b>	<b>Matter</b>	<b>Particulars</b>
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***

<b>Item</b>	<b>Matter</b>	<b>Particulars</b>
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	

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## **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*

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**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 <sup>(1)</sup>	
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 <sup>(1)</sup>	
7	The name of the publisher of *the issue of the periodical publication in which the article appeared/ *the edition containing the work <sup>(1)</sup>	
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 <sup>(1)</sup>	
9	The number of pages copied <sup>(1)</sup>	
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 <sup>(2)</sup>	

*\*Omit if not applicable.*

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

<sup>(2)</sup> 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.

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## **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

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**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>.