

WORLD TRADE ORGANIZATION

ORGANISATION MONDIALE DU COMMERCE

ORGANIZACIÓN MUNDIAL DEL COMERCIO

RESTRICTED

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of Intellectual Property Rights

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NOTIFICATION OF LAWS AND REGULATIONS
UNDER ARTICLE 63.2 OF THE AGREEMENT¹

Australia

Addendum

This addendum reproduces the text of the *Copyright Regulations*, reprinted as at 30 November 1993 and amending regulation No. 228 of 1993, which is part of Australia's notification of its copyright legislation in accordance with paragraph 2 of Article 63 of the Agreement on Trade-Related Aspects on Intellectual Property Rights, which was made by means of a communication from the Permanent Mission of Australia, dated 5 April 1995.

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

NOTIFICATION DES LOIS ET REGLEMENTATIONS
AU TITRE DE L'ARTICLE 63.2 DE L'ACCORD¹

Australie

Addendum

Par une communication de la Mission permanente de l'Australie en date du 5 avril 1995, l'Australie a notifié sa législation sur le droit d'auteur, conformément aux dispositions du paragraphe 2 de l'article 63 de l'Accord sur les aspects des droits de propriété intellectuelle qui touchent au commerce. Le présent addendum reproduit les textes de la *Copyright Regulations (Réglementation relative au droit d'auteur)*, republiée à la date du 30 novembre 1993, et du règlement modificatif n° 228 de 1993.

Consejo de los Aspectos de los Derechos de
Propiedad Intelectual relacionados con el Comercio

NOTIFICACIÓN DE LEYES Y REGLAMENTOS DE CONFORMIDAD
CON EL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO¹

Australia

Addendum

En el presente addendum se reproduce el texto del *Reglamento del Derecho de Autor*, reimpresión del 30 de noviembre de 1993, y del Reglamento de Modificación N° 228 de 1993, comprendidos en la notificación que, por medio de una comunicación de la Misión Permanente australiana de fecha 5 de abril de 1995, ha hecho Australia de su legislación en materia de derecho de autor de conformidad con el párrafo 2 del artículo 63 del Acuerdo sobre los Aspectos de los Derechos de Propiedad Intelectual relacionados con el Comercio.

¹English only/Anglais seulement/Inglés solamente.



REPRINT No. 3

COPYRIGHT REGULATIONS

In force under the *Copyright Act 1968*

Reprinted as at 30 November 1993

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COPYRIGHT REGULATIONS

In force under the *Copyright Act 1968*

PART 1—PRELIMINARY

Citation

1. These Regulations may be cited as the Copyright Regulations.¹

Commencement

2. These Regulations shall come into operation on the date fixed by Proclamation under section 2 of the Act.¹

Interpretation

3. (1) In these Regulations, unless the contrary intention appears:
“address for service in Australia” means an address at which service may be effected in accordance with regulation 27 of these Regulations;
“the Act” means the *Copyright Act 1968*;
“the previous Act” means the Copyright Act, 1911.

(2) For the purposes of these Regulations, a corporation shall be taken to reside in Australia if the corporation has a registered office in Australia under a law of a State or Territory of the Commonwealth and any such office shall be deemed to constitute a place of residence of the corporation.

(3) A reference in these Regulations to a record having been sold shall be read as including a reference to a record having been disposed of gratuitously in circumstances where, by virtue of section 60 of the Act, Division 6 of Part III of the Act applies as if that disposal were a sale of the record by retail.

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(4) Without limiting the application in relation to these Regulations of paragraph (a) of section 46 of the *Acts Interpretation Act 1901-1966*, an expression used in any of these Regulations that:

- (a) is also used in a section of the Act for the purposes of which, or of a provision of which, that regulation is made; and
- (b) has, in that section, a defined or other specified meaning;

has the same meaning in that regulation.

PART 2—COPYRIGHT IN ORIGINAL WORKS

Notices to be displayed

4B. For the purposes of paragraph 39A (b) of the Act:

- (a) a notice 297 millimetres long and 210 millimetres wide is a notice of the prescribed dimensions; and
- (b) the prescribed form of notice is the form in Schedule 3.

Sound broadcasts by holders of print-handicapped radio licences

4C. (1) For the purposes of subparagraph 47A (1) (b) (iii) of the Act, the following particulars are prescribed:

- (a) in the case where the work is the whole or part of an article contained in a periodical publication—the page numbers of the pages in that volume, or in that number of that volume, that have been broadcast, or, in a case where a page so broadcast does not bear a page number, such description of the page as will enable it to be identified; and
- (b) in any other case—the page numbers of the pages in the edition of the work that have been broadcast or, in a case where a page so broadcast does not bear a page number such description of the page as will enable it to be identified.

(2) For the purposes of paragraph 47A (2) (a) of the Act a record of the making of a broadcast may, instead of being made in writing, be made in any manner that permits the information in the record to be elicited by the use of a computer.

(3) Subject to subregulation (4), for the purposes of paragraph 47A (2) (b) of the Act, where a record of the making of a broadcast is made in writing, that record shall be made in accordance with:

- (a) in the case where the work is the whole or part of an article contained in a periodical publication—the form in Schedule 3A; and
- (b) in any other case—the form in Schedule 3B.

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(4) Strict compliance with the forms in Schedules 3A and 3B is not necessary and substantial compliance is sufficient.

(5) For the purposes of paragraph 47A (11) (a) of the Act, the prescribed retention period is 4 years.

Notice of intended publication of unpublished work kept in public library

5. For the purposes of paragraph (b) of subsection (1), and paragraph (b) of subsection (2), of section 52 of the Act, the prescribed notice of the intended publication of the new work is a notice given by advertisement published in the *Gazette* not earlier than three months, and not later than two months, before the date of the publication or subsequent publication, as the case may be, of the new work and:

- (a) stating the name, and the address of the place of residence or business, of the person intending to publish the new work and the intention of that person to publish the new work;
- (b) stating the title (if any) of the old work and, if that title is not sufficient to enable that work to be identified, containing a description of that work that is sufficient for that purpose;
- (c) stating the time, or an estimate of the time, when the old work was made or the period, or an estimate of the period, over which the making of the old work extended, as the case may be;
- (d) if the name of the author of the old work is known to the person intending to publish the new work—stating the name of that author;
- (e) stating the name and address of the library or other place in which a copy, or the manuscript, of the old work is kept;
- (f) stating the name of the person from whom the copy or manuscript of the old work was acquired for the purposes of that library or other place or, if the person intending to publish the new work does not know the name of the person from whom the copy or manuscript was acquired for those purposes, stating that fact;
- (g) stating that a person claiming to be the owner of the copyright in the old work may give notice of his claim to the person intending to publish the new work; and
- (h) stating, at the foot of the notice, the name of the person by whom the notice is given.

Countries in relation to which Division 6 of Part III of the Act applies

6. (1) For the purposes of subparagraphs (iii) and (iv) of paragraph (a) of subsection (1) of section 55, and subparagraphs (iii) and (iv) of paragraph (d) of subsection (1) of section 59, of the Act, Division 6 of Part III of the Act applies in relation to each country that constitutes, or forms part of, the territory of a Country specified in Schedule 8 to these Regulations.

(2) For the purposes of the last preceding subregulation:

- (a) the overseas Departments and Territories of France shall be deemed to form part of the territory of France;
- (ba) the Netherlands Antilles shall be deemed to form part of the territory of the Netherlands;
- (c) the Cook Islands (including Niue) and the Tokelau Islands shall be deemed to form part of the territory of New Zealand;
- (d) the overseas Provinces of Portugal shall be deemed to form part of the territory of Portugal;
- (e) the Channel Islands, the Isle of Man and the colonies of, and states associated with, the United Kingdom of Great Britain and Northern Ireland shall be deemed to form part of the territory of the United Kingdom of Great Britain and Northern Ireland; and
- (f) the Commonwealth of Puerto Rico, Guam and the Virgin Islands of the United States of America shall be deemed to form part of the territory of the United States of America.

Notice of intended making of record of musical work

7. (1) For the purposes of paragraph (b) of subsection (1) of section 55 of the Act, the prescribed notice of the intended making of a record of a musical work is a written notice given in accordance with this regulation by the person intending to make the record.

(2) Subject to the next two succeeding subregulations, if the owner of the copyright in the musical work resides or carries on business in Australia, the notice shall be given by service of the notice on the owner.

(3) Subject to the next succeeding subregulation, if the owner of the copyright in the musical work has appointed a person residing or carrying on business in Australia as his agent for the purpose of receiving notices under section 55 of the Act, the notice may be given by service of the notice on the agent.

(4) If the person intending to make the record does not know the name, or an address for service in Australia, of the owner of the copyright in the musical work or of a person appointed by the owner

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as his agent for the purpose of receiving notices under section 55 of the Act, the notice shall be given by publication of the notice in the *Gazette* and, if the notice does not include the information referred to in subregulation (6) of this regulation and the owner or his agent makes an application in accordance with subregulation (8) of this regulation, by the furnishing of that information to the owner or agent.

(5) The notice shall:

- (a) state that a person specified in the notice intends to make in Australia a record of the musical work or of part of the musical work;
- (b) state the address of the place of residence or business of the person intending to make the record;
- (c) state the title, if any, of the work and, if that title is not sufficient to enable the work to be identified, contain a description of the work that is sufficient to enable the work to be identified;
- (d) if the record is to comprise a performance of the work in which words are sung, or are spoken incidentally to or in association with the music—state that fact; and
- (e) if the identity of the author of the work is known to the person intending to make the record—state the name of the author.

(6) Where the notice is given in accordance with subregulation (2) or subregulation (3) of this regulation, the notice shall, and, where the notice is given in accordance with subregulation (4) of this regulation, the notice may, also:

- (a) set out any particulars known to the person intending to make the record that are necessary to enable the owner of the copyright to identify such a previous record of the musical work as is referred to in paragraph (a) of subsection (1) of section 55 of the Act;
- (b) state whether the record that is intended to be made is to be a disc, tape, paper or other device;
- (c) state the trade description that is intended to be placed on the label of the record and the proposed trade prefix and catalogue number of the record;
- (d) state the date on which it is proposed to offer or expose the record for sale to the public in Australia;
- (e) state the proposed selling price to the public of the record; and
- (f) state the amount of the royalty that the person intending to make the record estimates will be payable to the owner of the copyright in respect of the record.

(7) Where the notice is given in accordance with subregulation (4) of this regulation and the notice published in the *Gazette* does not contain the information referred to in the last preceding subregulation, the notice shall also state the address of a place in Australia at which that information may be obtained.

(8) Upon personal or written application at the address specified in a notice referred to in the last preceding subregulation by the owner of the copyright in the musical work or a person appointed by him as his agent for the purpose of making such an application, the person intending to make the record shall, unless the information referred to in subregulation (6) of this regulation was included in the notice, furnish that information to the owner or agent.

Payment of royalty by manufacturer of records of musical works

8. Where sub-subparagraph 55 (1) (d) (ii) (B) of the Act applies, the prescribed royalty, within the meaning of section 55 of the Act, is to be paid in accordance with regulations 9 to 14, inclusive, of these Regulations.

Payment of royalty by affixing adhesive labels

9. (1) Where the owner of the copyright in a musical work makes available, for purchase by manufacturers of records of that work, adhesive labels of a kind referred to in this regulation, the affixing to, or to the container of, a record of that work in accordance with this regulation of an adhesive label or adhesive labels purchased from the owner of the copyright constitutes a manner of payment of the prescribed royalty in respect of the record.

(2) The label or labels shall be affixed to the record, or to the container of the record, before the record is sold or supplied by the manufacturer.

(3) Subject to any agreement to the contrary between the owner of the copyright and the manufacturer, the label or labels shall specify an amount that is, or amounts that in the aggregate are, equal to the royalty payable to the owner of the copyright in respect of the record of the work.

(4) A label shall be an adhesive paper label, square in shape, bearing a design enclosed with a circle and having a side of not more than one-half of one inch in length.

(5) A label:

- (a) shall not be in a form that resembles a postage stamp; and
- (b) shall not bear:
 - (i) an effigy of the sovereign or of any other person; or

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- (ii) any word, mark or design of such a nature as to suggest that the label was issued by, or under the authority of, the Commonwealth or a State for the purpose of specifying a tax payable to the Commonwealth or that State.

Payment of royalty where owner of copyright fails to supply adhesive labels

10. (1) This regulation applies for the purposes of sub-paragraph 55 (1) (d) (ii) (B) of the Act to the payment of a prescribed royalty by the manufacturer to the owner of the copyright in a musical work or musical works, other than an owner in relation to whom subregulation (1) of regulation 13 of these Regulations applies at the time when the notice referred to in the next succeeding subregulation is served, but applies only in respect of a record of the work or works sold or supplied at a time when the next succeeding regulation does not apply as between those persons.

(2) Where:

- (a) the manufacturer serves notice in writing on the owner of the copyright requesting him to make available for purchase by the manufacturer adhesive labels of a kind referred to in the last preceding regulation; and
- (b) the owner of the copyright refuses or fails to make the labels available for purchase by the manufacturer within seven days after the notice is served on him;

the royalty payable by the manufacturer to the owner of the copyright in respect of records of the work or works sold or supplied by the manufacturer during the period ascertained in accordance with subregulation (4) of this regulation may be paid as provided by this regulation.

(3) Before the expiration of twenty-eight days after the period ascertained in accordance with the next succeeding subregulation, the manufacturer shall:

- (a) serve on the owner of the copyright a statement in writing specifying the number of records sold or supplied by the manufacturer during that period that include a musical work or musical works the copyright in which is owned by the owner (other than any records in respect of which royalties have already been paid to the owner otherwise than in pursuance of this regulation) and specifying, in relation to each such record:
 - (i) the title (if any) of the musical work or of each of the musical works and a description of the work or of each of the works that is sufficient to enable the work to be identified;

- (ii) whether, in the performance of the musical work or musical works, words consisting or forming part of a literary or dramatic work in which copyright subsists are sung, or are spoken incidentally to or in association with the music;
 - (iii) whether the record also includes any musical works in which copyright does not subsist and, if so, the number of those works;
 - (iv) whether the record also includes any musical works the copyright in which is owned by other persons and, if so, the number of those works;
 - (v) the selling price to the public of the record; and
 - (vi) the amount considered by the manufacturer to be the amount of the royalty payable to the owner in respect of the record; and
- (b) pay to the owner of the copyright the amount of the royalties payable in respect of records sold or supplied by the manufacturer during that period.

(4) The period referred to in the last two preceding subregulations is the period commencing immediately after the date of service of the notice referred to in paragraph (a) of subregulation (2) of this regulation and ending at the expiration of three months after that date or at the time when the next succeeding regulation commences to apply as between the manufacturer and the owner of the copyright, whichever first happens.

Deposit of moneys by manufacturer of records with owner of copyright in musical work

11. (1) For the purposes of sub-subparagraph 55 (1) (d) (ii) (B) of the Act, the prescribed royalty payable to the owner of the copyright in a musical work, other than an owner in relation to whom subregulation (1) of regulation 13 of these Regulations applies, in respect of a record of that work may be paid as provided by this regulation.

(2) For the purposes of this regulation:

- (a) an accounting period, in relation to the owner of the copyright and the manufacturer, is:
 - (i) the period of one month, or such longer period as is agreed between those persons, immediately following the date on and from which a deposit made by the manufacturer with the owner under the next succeeding subregulation has effect; or

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- (ii) a period of one month, or such longer period as is agreed between those persons, immediately following the expiration of the period ascertained in accordance with the last preceding subparagraph or immediately following the expiration of a period that is an accounting period in relation to those persons by virtue of a previous application of this subparagraph;
- (b) the period of grace, in relation to a period that is an accounting period in relation to the owner of the copyright and the manufacturer, is the period of twenty-eight days, or such other period as is agreed between those persons, immediately following the expiration of that accounting period; and
- (c) a prescribed day, in relation to the owner of the copyright and the manufacturer, is any of the following days:
 - (i) the last day of the period of six months immediately following the date on and from which the deposit made by the manufacturer with the owner under the next succeeding subregulation had effect;
 - (ii) an anniversary of the date on and from which that deposit had effect;
 - (iii) the last day of the period of six months immediately following such an anniversary.

(3) The manufacturer shall make a deposit with the owner of the copyright, with effect on and from the date of the deposit, or, if the manufacturer by notice in writing served on the owner at the time when the deposit is made specifies a later date, with effect on and from the date so specified, of such amount as is agreed between them or, in the absence of agreement, as is equal to the amount ascertained in accordance with the formula:

$$\frac{A \times B}{C}$$

where:

A is the total amount of the royalties paid or payable under the Act or the previous Act by the manufacturer to the owner in respect of records of musical works sold or supplied by the manufacturer during the period of one year immediately preceding the date on and from which the deposit has effect; and

B is the number of whole months included in the first period that is an accounting period in relation to the owner and the manufacturer; and

C is the number of whole months of the year that are included in the period of one year immediately preceding the date on and from which the deposit has effect and during which the manufacturer sold or

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supplied records of musical works in respect of which royalties were paid or payable under the Act or the previous Act by him or her to the owner.

(3A) The manufacturer must, subject to this regulation, maintain the amount, ascertained in accordance with the formula in subregulation (3), on deposit with the owner of the copyright.

(4) Where the amount of the deposit to be made under the last preceding subregulation is not agreed between the manufacturer and the owner of the copyright, this regulation does not apply as between those persons unless the manufacturer sold or supplied records of musical works, being records in respect of which royalties were paid or payable under the Act or the previous Act by him to the owner of the copyright, during at least three of the months of the year included in the period of one year immediately preceding the date on and from which the deposit would, but for this subregulation, have effect.

(5) The owner of the copyright:

- (a) shall lodge amounts deposited with him by the manufacturer under this regulation in an account (in this regulation referred to as "**the account**") in their joint names in a bank in Australia, being an account in which no other moneys are lodged and in which the amounts deposited bear interest;
- (b) shall, forthwith after the expiration of each month of the year, cause a copy of the bank statement relating to the account to be sent to the manufacturer;
- (c) shall, at intervals of not more than six months, pay to the manufacturer out of the account an amount equal to the interest on the amounts from time to time standing to the credit of the account that accrued since the account was opened or the last payment was made by him to the manufacturer under this paragraph, as the case may be; and
- (d) shall not otherwise apply moneys standing to the credit of the account except as provided by the succeeding provisions of this regulation.

Penalty: One hundred dollars.

(6) Before the expiration of the period of grace in relation to an accounting period, the manufacturer shall:

- (a) serve on the owner of the copyright a statement in writing specifying the number of records sold or supplied by the manufacturer during that accounting period that include a musical work or musical works the copyright in which is owned by the owner (other than any records in respect of

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which royalties have already been paid to the owner otherwise than in pursuance of this regulation) and specifying, in relation to each such record:

- (i) the title (if any) of the musical work or of each of the musical works and a description of the work or of each of the works that is sufficient to enable the work to be identified;
 - (ii) whether, in the performance of the musical work or musical works, words consisting or forming part of a literary or dramatic work in which copyright subsists are sung, or are spoken incidentally to or in association with the music;
 - (iii) whether the record also includes any musical works in which copyright does not subsist and, if so, the number of those works;
 - (iv) whether the record also includes any musical works the copyright in which is owned by other persons and, if so, the number of those works;
 - (v) the selling price to the public of the record; and
 - (vi) the amount considered by the manufacturer to be the amount of the royalty payable to the owner in respect of the record; and
- (b) pay to the owner of the copyright the amount of the royalties payable in respect of records sold or supplied by the manufacturer during that accounting period.

(7) If, before the expiration of the period of grace in relation to an accounting period, the manufacturer does not pay to the owner of the copyright the amount of the royalties payable in respect of records sold or supplied by the manufacturer during that accounting period, the owner of the copyright may apply to his own use in respect of those royalties so much of the amount standing to the credit of the account as does not exceed the amount of those royalties.

(8) After each prescribed day in relation to the manufacturer and the owner of the copyright, the succeeding provisions of this regulation have effect.

(9) The amount to be maintained on deposit by the manufacturer with the owner after the expiration of twenty-eight days after a prescribed day is such amount as is agreed between them or, in the absence of agreement, as is equal to the amount ascertained in accordance with the formula:

$$\frac{A \times B}{C}$$

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where:

A is the total amount of the royalties paid or payable under the Act or the previous Act by the manufacturer to the owner in respect of records of musical works sold or supplied by the manufacturer during the period of one year (in this subregulation referred to as “**the relevant period**”) immediately preceding that day; and

B is the number of whole months included in the last period that was an accounting period in relation to the owner and the manufacturer and ended on or before that day; and

C is the number of whole months of the year that are included in the relevant period and during which the manufacturer sold or supplied records of musical works in respect of which royalties were paid or payable under the Act or the previous Act by him or her to the owner.

(10) If the amount standing to the credit of the account on a prescribed day exceeds the amount ascertained in accordance with the last preceding subregulation, the owner of the copyright shall pay an amount equal to the excess to the manufacturer out of the account before the expiration of twenty-eight days after that prescribed day and, if the amount is not so paid, the manufacturer may recover that amount in a court of competent jurisdiction from the owner as a debt due to the manufacturer.

(11) Where the amount to be maintained on deposit under subregulation (9) of this regulation after the expiration of twenty-eight days after a prescribed day is not agreed between the manufacturer and the owner of the copyright, this regulation ceases to apply as between those persons upon the expiration of that period unless the manufacturer sold or supplied records of musical works, being records in respect of which royalties were paid or payable under the Act or the previous Act by him to the owner of the copyright, during at least three of the months of the year included in the period of one year immediately preceding that prescribed day.

(12) Where this regulation ceases to apply as between the manufacturer and the owner of the copyright by reason of the last preceding subregulation, the owner of the copyright shall, at the expiration of the period of grace in relation to the accounting period during which this regulation so ceased to apply, when the manufacturer has served a statement referred to in paragraph (a) of subregulation (6) of this regulation in relation to that accounting period, pay to the manufacturer so much of the amount standing to the credit of the account as does not exceed the amount of any royalties payable by the manufacturer to the owner in respect of records sold or supplied by the manufacturer during that accounting period or any previous account-

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ing period and, if the amount is not so paid, the manufacturer may recover the amount in a court of competent jurisdiction from the owner as a debt due to the manufacturer.

(13) Nothing in the last two preceding subregulations prevents the manufacturer making a further deposit with the owner of the copyright in accordance with subregulation (3) of this regulation if this regulation again applies as between those persons.

Payment of royalty where owner of copyright cannot be found

12. (1) If the owner of the copyright in a musical work or musical works cannot be found by reasonable inquiry by the manufacturer of records of that work or those works, payment in respect of those records of that work or those works of the prescribed royalty referred to in sub-subparagraph 55 (1) (d) (ii) (B) of the Act is taken to be constituted by the manufacturer:

- (a) before the expiration of twenty-eight days after each accounting period, depositing the amount of the royalties in respect of records sold or supplied during that accounting period in a bank account in which no other moneys are deposited except:
 - (i) royalties payable in respect of other records of the same work or works or of other works the copyright in which is owned by the owner;
 - (ii) royalties payable in respect of other works the owner of the copyright in which cannot be found by reasonable inquiry; or
 - (iii) royalties in relation to which the next succeeding regulation applies;
- (b) subject to the next succeeding paragraph, maintaining each such amount on deposit in that account until the expiration of a period of six years from the date of making of the deposit; and
- (c) if the owner of the copyright is found before the expiration of that period—within one month after the owner is found, paying to the owner the amount so maintained on deposit and serving on the owner or, if the owner is outside Australia, serving by post on the owner, a statement in relation to the records as provided by subregulation (3) of regulation 10 of these Regulations.

(2) For the purposes of this regulation, an accounting period, in relation to the owner of the copyright in a musical work or musical works and the manufacturer, is:

- (a) the period of three months immediately following:

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- (i) the date on which the manufacturer first sells or supplies a record of the work or of any of the works; or
 - (ii) if the manufacturer fixes an earlier date—that earlier date; or
- (b) a period of three months immediately following the expiration of the period referred to in the last preceding paragraph or immediately following the expiration of a period that is an accounting period in relation to those persons by virtue of a previous application of this paragraph.

Payment of royalties to certain overseas copyright owners

13. (1) Where the owner of the copyright in a musical work or musical works is known to the manufacturer but does not have a place of residence or business in Australia and has not appointed a person residing or carrying on business in Australia as his agent for the purpose of doing acts and things required or permitted to be done by owners of copyrights under these Regulations, the royalties payable to the owner in respect of records of that work or those works may be paid as provided by this regulation.

(2) The manufacturer shall, before the expiration of twenty-eight days after each accounting period:

- (a) serve by post on the owner of the copyright a statement in relation to the records sold or supplied by the manufacturer during that accounting period as provided by subregulation (3) of regulation 10 of these Regulations; and
- (b) send to the owner of the copyright an amount equal to the amount of the royalties payable in respect of those records.

(3) If the owner of the copyright refuses or fails to accept payment of an amount in respect of any royalties, the prescribed royalty referred to in sub-subparagraph 55 (1) (d) (ii) (B) of the Act is taken to be constituted by the manufacturer:

- (a) depositing an amount equal to the amount of the royalties forthwith after the refusal or failure in the bank account referred to in the last preceding regulation;
- (b) serving by post on the owner of the copyright a notice informing him of the making of the deposit and requesting his instructions as to the manner in which the amount is to be paid;
- (c) subject to the next succeeding paragraph, maintaining that amount on deposit in that account until the expiration of a period of six years from the date of making of the deposit; and

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- (d) if the owner of the copyright furnishes instructions before the expiration of that period as to the manner of payment of the amount, complying with those instructions.
- (4) For the purposes of this regulation, an accounting period, in relation to the owner of the copyright in a musical work or musical works and the manufacturer, is:
 - (a) the period of three months immediately following:
 - (i) the date on which the manufacturer first sells or supplies a record of the work or of any of the works; or
 - (ii) if the manufacturer fixes an earlier date—that earlier date; or
 - (b) a period of three months immediately following the expiration of the period referred to in the last preceding paragraph or immediately following the expiration of a period that is an accounting period in relation to those persons by virtue of a previous application of this paragraph.

Certification of statements

14. (1) The correctness of a statement that is required to be served on the owner of the copyright in a musical work in pursuance of paragraph (a) of subregulation (3) of regulation 10, paragraph (a) of subregulation (6) of regulation 11, paragraph (c) of subregulation (1) of regulation 12 or paragraph (a) of subregulation (2) of regulation 13 of these Regulations shall:

- (a) be certified in writing by an officer of the manufacturer appointed for the purpose; and
- (b) if the owner of the copyright, by notice in writing served on the manufacturer at least one month before the last day before which the statement is required to be served, so requests—be certified in writing by a person who is a registered company auditor under the law of a State or Territory of the Commonwealth, being a person agreed upon by the owner and the manufacturer or, in the absence of agreement, appointed by the manufacturer.

(2) A statement referred to in the last preceding subregulation that is served on the owner of the copyright shall be accompanied by the certificate given in relation to the statement in accordance with paragraph (a) of that subregulation and, if a certificate is required to be given in relation to the statement in accordance with paragraph (b) of that subregulation, shall also be accompanied by that last-mentioned certificate.

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Prescribed period in relation to making of records of musical works

15. For the purpose of subsection (3) of section 55 of the Act, the prescribed period is one month.

Inquiries in relation to previous records of musical works

16. (1) The inquiries for the purposes of section 61 of the Act shall be made in accordance with this regulation.

(2) The inquiries shall:

- (a) in relation to a record of a musical work to which the next succeeding paragraph does not apply—be made of the owner of the copyright in the musical work; and
- (b) in relation to a record of a musical work in which words consisting or forming part of a literary or dramatic work were sung or spoken—be made of the owner of the copyright in the musical work and of the owner of the copyright in the literary or dramatic work.

(3) The inquiries shall be in writing and shall:

- (a) state the name, and the address of the place of residence or business, of the person making the inquiries;
- (b) state the title (if any) of the musical work, or of the literary or dramatic work, as the case may be, and, if the title is not sufficient to enable the work to be identified, contain a description of the work sufficient for that purpose;
- (c) if the identity of the author of the musical work, or of the literary or dramatic work, is known to the person making the inquiries—state the name of the author;
- (d) if the inquiries relate to a particular record—contain sufficient information to enable the record to be identified; and
- (e) inquire whether a record of the musical work, or of the musical work in which words consisting or forming part of the literary or dramatic work were sung or spoken, has previously been made in, or imported into, Australia by, or with the licence of, the owner of the copyright in the musical work or in the literary or dramatic work, as the case may be, for the purpose of retail sale or for use in making other records for the purpose of retail sale.

(4) Subject to the next two succeeding subregulations, if the owner of the copyright in the musical work or in the literary or dramatic work resides or carries on business in Australia, the inquiries of that owner shall be made by service of the instrument containing the inquiries on the owner.

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(5) Subject to the next succeeding subregulation, if the owner of the copyright in the musical work or in the literary or dramatic work has appointed a person residing or carrying on business in Australia as his agent for the purpose of answering inquiries made under section 61 of the Act, the inquiries of that owner may be made by service of the instrument containing the inquiries on the agent.

(6) If a person wishing to make inquiries of the owner of the copyright in a musical work or in a literary or dramatic work does not know the name, or an address for service in Australia, of the owner or of a person appointed by the owner as his agent for the purpose of answering inquiries under section 61 of the Act, the inquiries of that owner shall be made by publishing the instrument containing the inquiries in the *Gazette*.

(7) For the purposes of paragraph (b) of section 61 of the Act, the prescribed period in relation to receiving an answer to inquiries is:

- (a) in the case of inquiries made by the personal delivery of an instrument containing the inquiries—ten days after delivery of the instrument;
- (b) in the case of inquiries made by sending such an instrument by post—ten days after the date when the instrument would be delivered in the ordinary course of post; and
- (c) in the case of inquiries made by publication of such an instrument in the *Gazette*—ten days after the date of the *Gazette* in which the instrument is published.

Circumstances in which design is taken to be applied industrially

17. (1) For the purposes of section 77 of the Act, a design is taken to be applied industrially if it is applied:

- (a) to more than 50 articles; or
- (b) to one or more articles (other than hand-made articles) manufactured in lengths or pieces.

(2) For the purposes of paragraph (1) (a), any 2 or more articles:

- (a) that are of the same general character; and
- (b) that are intended for use together; and
- (c) to which the same design, or substantially the same design, is applied;

are taken to constitute a single article.

(3) For the purposes of this regulation, a design is taken to be applied to an article if:

- (a) the design is applied to the article by a process (whether a process of printing, embossing or otherwise); or

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- (b) the design is reproduced on or in the article in the course of the production of the article.

PART 3—COPYRIGHT IN SUBJECT-MATTER OTHER THAN WORKS

Prescribed persons for the purposes of subparagraph 91 (a) (iii) of the Act

17A. For the purposes of subparagraph 91 (a) (iii) of the Act, the following persons are prescribed:

- (a) Satellite Leisure Services Pty Limited;
- (b) Sky Channel Pty Ltd.

Prescribed persons for the purposes of subparagraph 91 (c) (iii) of the Act

17B. For the purposes of subparagraph 91 (c) (iii) of the Act, the following persons are prescribed:

- (a) Soundcom Pty Ltd.

Prescribed period in relation to public performance of recordings first published outside Australia

18. For the purposes of paragraph (b) of subsection (1) of section 108 of the Act, the prescribed period is seven weeks.

Prescribed period in relation to broadcasts of recordings not published in Australia

19. For the purposes of subsection (3) of section 109 of the Act, the prescribed period is seven weeks.

PART 4—REMEDIES FOR INFRINGEMENTS OF COPYRIGHT

Restriction of importation into Australia of printed copies of works

21. (1) A notice to the Comptroller-General under subsection (2) of section 135 of the Act by the owner of the copyright in a work shall be in accordance with the form in Schedule 9 to these Regulations.

(2) The owner of the copyright in a work may appoint another person to act as his agent for the purpose of the giving of a notice by the owner under subsection (2) of section 135 of the Act.

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(3) A person who has given a notice to the Comptroller-General in relation to a work under subsection (2) of section 135 of the Act shall, as and when required by the Comptroller-General, give to the Comptroller-General such information and evidence as the Comptroller-General requires for the purpose of enabling him to satisfy himself as to the subsistence of copyright in the work as to the ownership of that copyright and, where the notice was given by a person as agent for the owner of the copyright, as to the authority of the person to give the notice.

(4) The Comptroller-General may from time to time require a person who has given a notice in relation to a work under subsection (2) of section 135 of the Act to give to the Comptroller-General security (whether by way of deposit of money, of an instrument of guarantee or otherwise), as the Comptroller-General specifies, in respect of any liability or expense that may be incurred by the Comptroller-General as a result of the seizure of any copy of the work.

(5) A person who has given a notice to the Comptroller-General in relation to a work under subsection (2) of section 135 of the Act is liable to indemnify the Comptroller-General against any liability or expense that may be incurred by the Comptroller-General as a result of the seizure of any copy of the work to the extent to which any security given by the person to the Comptroller-General in respect of that liability or expense is insufficient.

(6) The Comptroller-General may refuse to seize copies imported into Australia of a work to which a notice under subsection (2) of section 135 of the Act relates if the person who gave the notice has failed to comply with any requirement by the Comptroller-General under this regulation or has failed to indemnify the Comptroller-General against a liability or expense as provided by the last preceding subregulation.

Restriction of importation into Norfolk Island of printed copies of works

23. (1) In this regulation:

- (a) a reference to the Territory is a reference to Norfolk Island; and
- (b) a reference to importation into the Territory does not include importation from Australia or from another Territory not forming part of the Commonwealth.

(2) The owner of the copyright in a published literary, dramatic or musical work may give notice in writing to the Collector of Customs of the Territory (in this regulation referred to as "**the Collector**") stating:

- (a) that he is the owner of the copyright in the work; and

- (b) that he objects to the importation into the Territory, during a period specified in the notice, of copies of the work to which this regulation applies.

(3) A notice under the last preceding subregulation is of no effect unless the period specified in the notice does not exceed five years and does not extend beyond the end of the period for which the copyright in the work to which the notice relates is to subsist.

(4) For the purposes of subregulation (2), a notice to the Collector shall be in accordance with Schedule 11.

(5) The owner of the copyright in a work may appoint another person to act as his agent for the purpose of the giving of a notice by the owner under subregulation (2) of this regulation.

(6) This regulation applies, in relation to a work, to any printed copy of the work made outside Australia and the Territories of the Commonwealth not forming part of the Commonwealth the making of which would, if it had been made in the Territory by the person who imported it into the Territory, have constituted an infringement of the copyright in the work.

(7) Where a notice has been given under subregulation (2) of this regulation in respect of a work and has not been withdrawn, the importation of copies of the work to which this regulation applies into the Territory for the purpose of:

- (a) selling, letting for hire, or by way of trade offering or exposing for sale or hire, the copies;
- (b) distributing the copies:
 - (i) for the purpose of trade; or
 - (ii) for any other purpose to an extent that will affect prejudicially the owner of the copyright in the work; or
- (c) by way of trade exhibiting the copies in public;

is prohibited and any such copies, if imported into the Territory for any such purpose, may, subject to this regulation, be seized as forfeited to the Administration of the Territory.

(8) The Collector, or on appeal from him the Administrator of the Territory, may direct that copies of a work that are liable to be or have been seized as forfeited under this regulation be delivered to the owner or importer if security has been given to the satisfaction of the Collector that the copies will be forthwith exported from the Territory.

(9) A person who has given a notice to the Collector in relation to a work under subregulation (2) of this regulation shall, as and when required by the Collector, give to the Collector such information and evidence as the Collector requires for the purpose of enabling him to

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satisfy himself as to the subsistence of copyright in the work, as to the ownership of that copyright and, where the notice was given by a person as agent for the owner of the copyright as to the authority of the person to give the notice.

(10) The Collector may from time to time require a person who has given a notice in relation to a work under subregulation (2) of this regulation to give to the Collector security (whether by way of deposit of money, of an instrument of guarantee or otherwise), as the Collector specifies, in respect of any liability or expense that may be incurred by the Collector as a result of the seizure of any copy of the work.

(11) A person who has given a notice to the Collector in relation to a work under subregulation (2) of this regulation is liable to indemnify the Collector against any liability or expense that may be incurred by the Collector as a result of the seizure of any copy of the work to the extent to which any security given by the person to the Collector in respect of that liability or expense is insufficient.

(12) Where a person who gave a notice under subregulation (2) of this regulation has failed to comply with any requirement by the Collector under this regulation or has failed to indemnify the Collector against a liability or expense as provided by the last preceding subregulation, the Collector may direct that copies imported into the Territory of a work to which the notice relates are not to be seized as forfeited.

**PART 5—COPYING BY EDUCATIONAL AND OTHER
INSTITUTIONS OF BROADCASTS**

Interpretation

23A. For the purposes of this Part, “administering body”, “broadcast”, “collecting society”, “institution”, “relevant copyright owner” and “rules” have the same meaning respectively as in Part VA of the Act.

Marking of copies etc.—paragraph 135K (1) (a) of the Act

23B. (1) For the purposes of paragraph 135K (1) (a) of the Act, the administering body must mark, or cause to be marked, each copy, or any container in which such copy is kept, in the following way, namely, by specifying, in relation to the copy, or, where a container is marked, in relation to each copy contained in the container:

(a) the following particulars:

(i) the name of the institution for which the administering body made the copy or caused it to be made;

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- (ii) a reference to Part VA of the Act;
- (iii) the day on which the broadcast that was copied commenced;
- (iv) where the copy was made on a day other than the day on which the broadcast commenced—the day on which the copy of that broadcast was made; or
- (b) the relevant identifying number of the copy; or
- (c) where particulars other than the particulars referred to in paragraph (a) have been agreed upon between the administering body and the collecting society—those other particulars.

(2) In this regulation, “**relevant identifying number**”, in relation to each copy made by, or on behalf of, an administering body for an institution, means the number or other reference code used by the body that will enable the collecting society conveniently to:

- (a) identify the institution; and
- (b) locate, in relation to each such copy made, a copy of the copying record made by the body, being a record made, or caused to be made, under paragraph 135K (1) (b) of the Act.

Prescribed particulars—paragraph 135K (1) (b) of the Act

23C. For the purposes of paragraph 135K (1) (b) of the Act, the following particulars are prescribed:

- (a) the name of the institution for which the administering body made the copy or caused the copy to be made;
- (b) the Part of the Act in reliance on which the copying was carried out;
- (c) the day on which the copying was carried out;
- (d) the title, or other identification, of the program, or of each of the programs, included in the broadcast that was copied;
- (e) the name or call sign of the broadcasting station that made the broadcast;
- (f) the day on which, and the time when, the broadcast commenced;
- (g) the number of copies of the broadcast made by the administering body.

Prescribed retention period—paragraph 135K (1) (c) of the Act

23D. For the purposes of paragraph 135K (1) (c) of the Act, a retention period of 2 years is prescribed.

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Sending of copies of records—paragraph 135K (1) (d) of the Act

23E. Copies of all records that relate to any copying of a broadcast carried out by, or on behalf of, the administering body during a period of 3 months commencing on 1 January, 1 April, 1 July or 1 October in any year (being copies that are to be sent to the collecting society under paragraph 135K (1) (d) of the Act) must be sent by registered or certified mail not later than 21 days after the end of that 3 month period.

Prescribed manner of keeping records—paragraph 135K (2) (a) of the Act

23F. For the purposes of paragraph 135K (2) (a) of the Act, a record of the copying of a broadcast may be kept in any manner that permits the information in the record to be elicited by the use of a computer.

Prescribed form—paragraph 135K (2) (b) of the Act

23G. For the purposes of paragraph 135K (2) (b) of the Act, the form in Schedule 11AA is prescribed.

Marking of copies etc.—subsection 135K (3) of the Act

23H. For the purposes of subsection 135K (3) of the Act, the administering body must mark, or cause to be marked, each copy, or any container in which such copy is kept, in the following way, namely, by specifying, in relation to the copy, or, where a container is marked, in relation to each copy contained in the container:

- (a) the particulars referred to in paragraph 23B (1) (a); or
- (b) where other particulars have been agreed upon between the administering body and the collecting society—those other particulars.

Prescribed provisions—paragraph 135P (3) (d) of the Act

23J. (1) For the purposes of paragraph 135P (3) (d) of the Act, in relation to the rules of the collecting society, the following provisions are prescribed, namely:

- (a) that accounting periods be determined, in accordance with the rules, by the collecting society for accounting purposes and that no such period extend beyond 30 June in any year;
- (b) that a consistent practice be followed with regard to attributing the receipts and expenditure of the collecting society to a particular accounting period;

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- (c) that the collecting society exercise reasonable diligence in the collection of amounts of equitable remuneration, having regard to the expenses likely to be incurred in the collection of such amounts;
- (d) that the total amount of any gifts for cultural or benevolent purposes made by the collecting society in respect of any accounting period be an amount not exceeding such percentage of the total amount of equitable remuneration received by the society in respect of that period as is specified in the rules;
- (e) that the administrative costs and other outgoings of the collecting society paid by the society out of the amounts of equitable remuneration collected by it be reasonable;
- (f) that the distributable amount, in respect of each accounting period of the collecting society, be allocated in accordance with a scheme of allocation (in this regulation called “**the scheme**”) that:
 - (i) is determined in accordance with the rules; and
 - (ii) includes criteria for allocation that are specified in the rules; and
 - (iii) provides for the allocation of potential shares in the distributable amount to qualified persons;
- (g) that, in relation to each potential share in the distributable amount allocated in accordance with the scheme of the collecting society, an amount representing that potential share:
 - (i) where the qualified person to whom that share was allocated is, at the time of the allocation, a member of the society—be distributed, as soon as is reasonably possible after the allocation, to that qualified person; or
 - (ii) where the qualified person to whom that share was allocated is not, at the time of the allocation, a member of the society:
 - (A) be paid, as soon as is reasonably possible after the allocation, into a trust fund operated by the society for purposes referred to in paragraph (h); and
 - (B) subject to sub-subparagraph (C), be held in that fund in accordance with the rules of the society; and
 - (C) if the qualified person, or that person’s agent, becomes a member while the amount representing that person’s potential share is held in the trust fund—be distributed to that person or that person’s agent, whichever first becomes the

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member, as soon as is reasonably possible after that person, or that person's agent, as the case may be, becomes a member;

- (h) that a trust fund be operated by the collecting society for purposes that include the holding on trust for any relevant copyright owner who is not a member of the society, and whose agent is not a member, of any potential share allocated to that owner in accordance with the scheme;
- (i) that any part of a distributable amount, being a part that, in relation to an accounting period, cannot for any reason be allocated or distributed, be held on trust in the trust fund referred to in paragraph (h) until distribution becomes possible or until the end of a specified period of not less than 4 years, whichever happens first;
- (j) that a member of the collecting society, including a member who is a relevant copyright owner or the agent of a relevant copyright owner, be entitled to reasonable access to the records of the society.

(2) In this regulation:

"distributable amount", in relation to an accounting period of the collecting society, means the amount of equitable remuneration received by the society that is:

- (a) attributable to that period (in accordance with the practice of the society); or
- (b) otherwise available for distribution;

after the payment or reservation, out of that amount, of:

- (c) amounts attributable to that period, including:
 - (i) gifts made by the society; and
 - (ii) administrative costs and other outgoings of the society; and
- (d) amounts to be carried forward, in accordance with the rules of the society, to the next accounting period;

"equitable remuneration" means the equitable remuneration payable by administering bodies under section 135H or 135J of the Act;

"potential share", in relation to a distributable amount, means a share in that amount in relation to which share the distribution of an amount representing that share will take place in the circumstances referred to in subparagraph (1) (g) (i) or (ii);

"qualified person", in relation to a collecting society, means:

- (a) a member of the collecting society who is a relevant copyright owner or the agent of a relevant copyright owner; or
- (b) a relevant copyright owner who is not a member of the collecting society and whose agent, if any, is not a member.

**PART 5A—COPYING BY EDUCATIONAL AND OTHER
INSTITUTIONS OF WORKS ETC.**

Interpretation

23JA. For the purposes of this Part, “administering body”, “collecting society”, “eligible item”, “institution”, “licensed copy”, “relevant collecting society”, “relevant copyright owner” and “rules” have the same meaning respectively as in Part VB of the Act.

Prescribed message—subsection 135ZQ (3) of the Act

23JB. For the purposes of subsection 135ZQ (3) of the Act, the following message is prescribed, namely, a message to the following effect:

“This is a sound recording made on (*day on which the recording was made*) in reliance on section 135ZQ of the *Copyright Act 1968* that is to be destroyed, in accordance with that section, not later than 3 months after the day on which it was made.”

Marking of relevant reproductions—subsection 135ZQ (4) of the Act

23JC. (1) For the purposes of subsection 135ZQ (4) of the Act, the administering body must mark, or cause to be marked, each relevant reproduction in the following way, namely, by specifying on the reproduction:

- (a) where particulars have been agreed upon between the administering body and the collecting society—those particulars; and
- (b) in any other case:
 - (i) the following particulars:
 - (A) the name of the institution for which the administering body made the reproduction or caused it to be made;
 - (B) a reference to section 135ZQ of the Act;
 - (C) the day on which the reproduction was made; and
 - (ii) that the reproduction is to be destroyed not later than 3 months after the day on which it was made.

Prescribed message—subsection 135ZT (3) of the Act

23JD. For the purposes of subsection 135ZT (3) of the Act, the following message is prescribed, namely, a message to the following effect:

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“This is a sound recording made on (*day on which the recording was made*) in reliance on section 135ZT of the *Copyright Act 1968*, that is to be destroyed, in accordance with that section, not later than 3 months after the day on which it was made.”

Marking of copies—subsection 135ZT (4) of the Act

23JE. (1) For the purposes of subsection 135ZT (4) of the Act, the administering body must mark, or cause to be marked, each copy in the following way, namely, by specifying on the copy:

- (a) where particulars have been agreed upon between the administering body and the collecting society—those particulars; and
- (b) in any other case:
 - (i) the following particulars:
 - (A) the name of the institution for which the administering body made the copy or caused it to be made;
 - (B) a reference to section 135ZT of the Act;
 - (C) the day on which the copy was made; and
 - (ii) that the copy is to be destroyed not later than 3 months after the day on which it was made.

Marking of licensed copies etc.—paragraph 135ZX (1) (a) of the Act

23JF. (1) For the purposes of paragraph 135ZX (1) (a) of the Act, the administering body must mark, or cause to be marked, each licensed copy, or any container in which such copy is kept, by specifying on the copy, or on the container in relation to each copy contained in the container:

- (a) the following particulars:
 - (i) the name of the institution for which the administering body made the copy or caused it to be made;
 - (ii) a reference to the section of the Act in reliance on which the copy was made;
 - (iii) the day on which the copy was made; or
- (b) the relevant identifying number of the licensed copy; or
- (c) where a remuneration notice has been given and particulars other than the particulars referred to in paragraph (a) have been agreed upon between the administering body and the relevant collecting society—those other particulars.

(2) In this regulation, “**relevant identifying number**”, in relation to each licensed copy made by, or on behalf of, an administering body for an institution, while a remuneration notice is in force, means the number or other reference code used by the body that will enable the relevant collecting society conveniently to:

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- (a) identify the institution; and
- (b) locate, in relation to each such copy made, a copy of the copying record made by the body, being a record made, or caused to be made, under paragraph 135ZX (1) (b) of the Act.

Prescribed particulars—paragraph 135ZX (1) (b) of the Act

23JG. (1) For the purposes of paragraph 135ZX (1) (b) of the Act, the following particulars are prescribed in relation to the making of a licensed copy of the whole or a part of an article contained in a periodical publication:

- (a) the name of the institution for which the administering body made the licensed copy or caused the copy to be made;
- (b) the section of the Act in reliance on which the making of that copy was carried out;
- (c) the day on which the making of that copy was carried out;
- (d) the full name or the surname and initials of the author of the article (if that name is known);
- (e) the name of that periodical publication;
- (f) the International Standard Serial Number of that periodical publication;
- (g) the name of the publisher of the issue of the periodical publication containing the article;
- (h) the volume and number, if any, or the date of publication, or other identification, of the issue of the periodical publication containing the article;
- (i) the number of pages copied;
- (j) the number of copies made of each page copied;
- (k) where the licensed copy, not being a reprographic reproduction, was in the form of:
 - (i) a record embodying a sound recording of the whole or a part of the article; or
 - (ii) a Braille version, a large-print version, or a photographic version, of the whole or a part of the article;

a reference to that form.

(2) For the purposes of paragraph 135ZX (1) (b) of the Act, the following particulars are prescribed in relation to the making of a licensed copy of the whole or a part of a work, not being an article contained in a periodical publication:

- (a) the name of the institution for which the administering body made the licensed copy or caused the copy to be made;
- (b) the section of the Act in reliance on which the making of that copy was carried out;

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- (c) the day on which the making of that copy was carried out;
- (d) the full name, or the surname and initials, of the author of the work (if that name is known);
- (e) the title or other identification of the work;
- (f) the International Standard Book Number of the published edition containing the work;
- (g) the name of the publisher of the edition containing the work;
- (h) the year of publication of that edition;
- (i) the number of pages copied;
- (j) the number of copies made of each page copied;
- (k) where the licensed copy, not being a reprographic reproduction, was in the form of:
 - (i) a record embodying a sound recording of the whole or a part of the work; or
 - (ii) a Braille version, a large-print version, or a photographic version, of the whole or a part of the work;

a reference to that form.

(3) For the purposes of paragraph 135ZX (1) (b) of the Act, the following particulars are prescribed in relation to the making of a licensed copy of an eligible item, being a published sound recording or cinematograph film:

- (a) the name of the institution for which the administering body made the licensed copy or caused it to be made;
- (b) the section of the Act in reliance on which the making of the licensed copy was carried out;
- (c) the day on which the making of that copy was carried out;
- (d) the title of the recording or film, as the case may be, or other identification of the recording or film;
- (e) the number of copies made of the recording or film;
- (f) the form in which the copies were made, being a record embodying a sound recording or a copy of a cinematograph film.

Prescribed retention period—paragraph 135ZX (1) (c) of the Act

23JH. For the purposes of paragraph 135ZX (1) (c) of the Act, a retention period of 2 years is prescribed.

Sending of copies of records—paragraph 135ZX (1) (d) of the Act

23JJ. Copies of all records that relate to the making of licensed copies carried out by, or on behalf of, the administering body during a period of 3 months commencing on 1 January, 1 April, 1 July or 1 October in any year (being copies that are to be sent to the collecting

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society under paragraph 135ZX (1) (d) of the Act) must be sent by registered or certified mail not later than 21 days after the end of that 3 month period.

Prescribed manner of keeping records—paragraph 135ZX (2) (a) of the Act

23JK. For the purposes of paragraph 135ZX (2) (a) of the Act, a record of the making of a licensed copy may be kept in any manner that permits the information in the record to be elicited by the use of a computer.

Prescribed form—paragraph 135ZX (2) (b) of the Act

23JL. For the purposes of paragraph 135ZX (2) (b) of the Act, the form in Schedule 11A is prescribed.

Prescribed provisions—paragraph 135ZZB (3) (d) of the Act

23JM. (1) For the purposes of paragraph 135ZZB (3) (d) of the Act, in relation to the rules of a collecting society that is declared, under subsection 135ZZB (1) of the Act, to be the collecting society for all relevant copyright owners, or for such classes of relevant copyright owners as are specified in the notice referred to in subsection 135ZZB (1), the following provisions are prescribed, namely:

- (a) that accounting periods be determined, in accordance with the rules, by the collecting society for accounting purposes and that no such period extend beyond 30 June in any year;
- (b) that a consistent practice be followed with regard to attributing the receipts and expenditure of the collecting society to a particular accounting period;
- (c) that the collecting society exercise reasonable diligence in the collection of amounts of equitable remuneration, having regard to the expenses likely to be incurred in the collection of such amounts;
- (d) that the total amount of any gifts for cultural or benevolent purposes made by the collecting society in respect of any accounting period be an amount not exceeding such percentage of the total amount of equitable remuneration received by the society in respect of that period as is specified in the rules;
- (e) that the administrative costs and other outgoings of the collecting society paid by the society out of the amounts of equitable remuneration collected by it be reasonable;
- (f) that the distributable amount, in respect of each accounting period of the collecting society, be allocated in accordance with a scheme of allocation (in this regulation called “**the scheme**”) that:

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- (i) is determined in accordance with the rules; and
 - (ii) includes criteria for allocation that are specified in the rules; and
 - (iii) provides for the allocation of potential shares in the distributable amount to qualified persons;
- (g) that, in relation to each potential share in the distributable amount allocated in accordance with the scheme of the collecting society, an amount representing that potential share:
 - (i) where the qualified person to whom that share was allocated is, at the time of the allocation, a member of the society—be distributed, as soon as is reasonably possible after the allocation, to that qualified person; or
 - (ii) where the qualified person to whom that share was allocated is not, at the time of the allocation, a member of the society:
 - (A) be paid, as soon as is reasonably possible after the allocation, into a trust fund operated by the society for purposes referred to in paragraph (h); and
 - (B) subject to sub-subparagraph (C), be held in that fund in accordance with the rules of the society; and
 - (C) if the qualified person, or that person's agent, becomes a member while the amount representing that person's potential share is held in the trust fund—be distributed to that person or that person's agent, whichever first becomes the member, as soon as is reasonably possible after that person, or that person's agent, as the case may be, becomes a member;
- (h) that a trust fund be operated by the collecting society for purposes that include the holding on trust for any relevant copyright owner who is not a member of the society, and whose agent is not a member, of any potential share allocated to that owner in accordance with the scheme;
- (i) that any part of a distributable amount, being a part that, in relation to an accounting period, cannot for any reason be allocated or distributed, be held on trust in the trust fund referred to in paragraph (h) until distribution becomes possible or until the end of a specified period of not less than 4 years, whichever happens first;
- (j) that a member of the collecting society, including a member who is a relevant copyright owner or the agent of a relevant copyright owner, be entitled to reasonable access to the records of the society.

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(2) In this regulation:

“distributable amount”, in relation to an accounting period of the collecting society, means the amount of equitable remuneration received by the society that is:

- (a) attributable to that period (in accordance with the practice of the society); or
- (b) otherwise available for distribution;

after the payment or reservation, out of that amount, of:

- (c) amounts attributable to that period, including:
 - (i) gifts made by the society; and
 - (ii) administrative costs and other outgoings of the society; and
- (d) amounts to be carried forward, in accordance with the rules of the society, to the next accounting period;

“equitable remuneration” means the equitable remuneration payable by administrative bodies under section 135ZV or 135ZW of the Act;

“potential share” in relation to a distributable amount, means a share in that amount in relation to which share the distribution of an amount representing that share will take place in the circumstances referred to in subparagraph (1) (g) (i) or (ii);

“qualified person”, in relation to a collecting society, means:

- (a) a member of the collecting society who is a relevant copyright owner or the agent of a relevant copyright owner; or
- (b) a relevant copyright owner who is not a member of the collecting society and whose agent, if any, is not a member.

**PART 6—USE OF BLANK TAPES FOR PRIVATE AND DOMESTIC
COPYING**

Interpretation

23K. For the purposes of this Part, **“blank tape”**, **“collecting society”**, **“relevant copyright owner”**, **“royalty”**, **“rules”** and **“vendor”** have the same meaning respectively as in Part VC of the Act.

Prescribed organisations—sections 135ZZR, 135ZZS and 135ZZT of the Act

23L. For the purposes of sections 135ZZR, 135ZZS and 135ZZT of the Act, the following organisations are prescribed:

- (a) the Australian Broadcasting Corporation;
- (b) the Special Broadcasting Service;

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- (c) any other organisation that is included in one of the following classes of organisations:
- (i) bodies, whether incorporated or not, constituted by a law of the Commonwealth or of a State or Territory;
 - (ii) bodies administering archives;
 - (iii) bodies administering libraries, other than libraries that are conducted for the profit, direct or indirect, of an individual or individuals;
 - (iv) bodies administering museums or art galleries;
 - (v) bodies administering educational institutions, institutions assisting handicapped readers or institutions assisting intellectually handicapped persons;
 - (vi) organisations that are the holders of licences or permits granted under the *Broadcasting Act 1942*;
 - (vii) organisations that are persons prescribed for the purposes of subparagraph 91 (a) (iii) of the Act;
 - (viii) organisations that are persons prescribed for the purposes of subparagraph 91 (c) (iii) of the Act.

Prescribed particulars of sale—paragraph 135ZZR (a) of the Act

23M. For the purposes of paragraph 135ZZR (a) of the Act, the following particulars of the sale are prescribed:

- (a) the name of the vendor;
- (b) the date of the sale;
- (c) the reference number of the invoice, if any, made out by the vendor in respect of the sale.

Prescribed particulars of purchase—paragraph 135ZZS (1) (b) and subparagraph 135ZZS (3) (b) (i) of the Act

23N. (1) For the purposes of paragraph 135ZZS (1) (b) of the Act, the following particulars of the purchase are prescribed:

- (a) the name of the vendor;
- (b) the date of the purchase;
- (c) the name and address of the organisation or body that purchased the tape and the exemption number, if any, of that organisation or body;
- (d) the reference number of the invoice, if any, given by the vendor to the purchaser in respect of the purchase.

(2) For the purposes of subparagraph 135ZZS (3) (b) (i) of the Act, the following particulars of the purchase are prescribed:

- (a) the name of the vendor;
- (b) the date of the purchase;

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- (c) the name and address of the person or body that purchased the tape.

Prescribed provisions—paragraph 135ZZU (3) (d) of the Act

23P. (1) For the purposes of paragraph 135ZZU (3) (d) of the Act, in relation to the rules of the collecting society, the following provisions are prescribed, namely:

- (a) that accounting periods be determined, in accordance with the rules, by the collecting society for accounting purposes and that no such period extend beyond 30 June in any year;
- (b) that a consistent practice be followed with regard to attributing the receipts and expenditure of the collecting society to a particular accounting period;
- (c) that the collecting society ensure that amounts of royalties are collected, in so far as is practicable, having regard to the expenses likely to be incurred in the collection of such amounts;
- (d) that the total amount of any gifts for cultural or benevolent purposes made by the collecting society in respect of any accounting period be an amount not exceeding such percentage of the total amount of the royalties received by the society in respect of that period as is specified in the rules;
- (e) that the administrative costs and other outgoings of the collecting society paid by the society out of the amounts of royalties collected by it be reasonable;
- (f) that the distributable amount, in respect of each accounting period of the collecting society, be allocated in accordance with a scheme of allocation (in this regulation called “**the scheme**”) that:
 - (i) is determined in accordance with the rules; and
 - (ii) includes criteria for allocation that are specified in the rules; and
 - (iii) provides for the allocation of potential shares in the distributable amount to qualified persons;
- (g) that, in relation to each potential share in the distributable amount allocated in accordance with the scheme of the collecting society, an amount representing that potential share:
 - (i) where the qualified person to whom that share was allocated is, at the time of the allocation, a member of the society—be distributed, as soon as is reasonably possible after the allocation, to that qualified person; or
 - (ii) where the qualified person to whom that share was allocated is not, at the time of the allocation, a member of the society:

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- (A) be paid, as soon as is reasonably possible after the allocation, into a trust fund operated by the society for purposes referred to in paragraph (h); and
 - (B) subject to sub-subparagraph (C), be held in that fund in accordance with the rules of the society; and
 - (C) if the qualified person, or that person's agent, becomes a member while the amount representing that person's potential share is held in the trust fund—be distributed to that person or that person's agent, whichever first becomes the member, as soon as is reasonably possible after that person, or that person's agent, as the case may be, becomes a member;
- (h) that a trust fund be operated by the collecting society for purposes that include the holding on trust for any relevant copyright owner who is not a member of the society, and whose agent is not a member, of any amount allocated to that owner in accordance with the scheme;
- (i) that any part of a distributable amount, being a part that, in relation to an accounting period, cannot for any reason be allocated or distributed, be held on trust in the trust fund referred to in paragraph (h) until distribution becomes possible or until the end of a specified period of not less than 4 years, whichever happens first;
- (j) that a member of the collecting society, including a member who is a relevant copyright owner or the agent of a relevant copyright owner, be entitled to reasonable access to the records of the society.
- (2) In this regulation:
- “distributable amount”**, in relation to an accounting period of the collecting society, means the amount of royalties received by the society that is:
- (a) attributable to that period (in accordance with the practice of the society); or
 - (b) otherwise available for distribution;
- after the payment or reservation, out of that amount, of:
- (c) amounts attributable to that period, including:
 - (i) gifts made by the society; and
 - (ii) administrative costs and other outgoings of the society; and
 - (d) amounts to be carried forward, in accordance with the rules of the society, to the next accounting period;

“potential share”, in relation to a distributable amount, means a share in that amount in relation to which share the distribution of an amount representing that share will take place in the circumstances referred to in subparagraph (1) (g) (i) or (ii);

“qualified person”, in relation to a collecting society, means:

- (a) a member of the collecting society who is a relevant copyright owner or the agent of a relevant copyright owner; or
- (b) a relevant copyright owner who is not a member of the collecting society and whose agent, if any, is not a member.

PART 7—MISCELLANEOUS

Effect of suspension of orders of Copyright Tribunal

- 24.** Where an order of the Copyright Tribunal is suspended:
- (a) paragraph (a) of subsection (6) of section 154, and subsections (8) and (10) of section 155, of the Act operate during the period of the suspension as if the order had not been made;
 - (b) paragraph (b) of subsection (6) of section 154 of the Act operates as if the order had not been suspended; and
 - (c) section 159 of the Act does not operate in relation to the order in respect of the period of the suspension.

Notification of use of copyright material for services of the Crown

25. (1) For the purposes of subsection (4) of section 183 of the Act, the owner of a copyright shall be informed of the doing of any act comprised in the copyright by means of a notice given in accordance with this regulation.

(2) If the person giving the notice on behalf of the Commonwealth or the State knows the name, and an address for service in Australia, of the owner of the copyright or, where a copyright owner has authorized an agent to deal on behalf of that copyright owner with the copyright in the work, or other subject-matter, that is the subject of the notice, of that owner or agent, that notice shall be given by service of the notice on that owner, or that owner or agent, as the case requires.

(3) If the person giving the notice on behalf of the Commonwealth or the State:

- (a) knows the name of the owner of the copyright or, where a copyright owner has authorized an agent to deal on behalf of the copyright owner with the copyright in the work, or other subject-matter, that is the subject of the notice, of that owner or agent; and

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- (b) knows an address outside Australia of a place of residence or business, but no address for service in Australia, of that owner, or that owner or agent as the case requires;

the notice shall be given by service of the notice by post on that owner, or on that owner or agent, as the case requires, at that address outside Australia.

(4) If the person giving the notice on behalf of the Commonwealth or the State does not know the name or address, or knows the name, but no address of a place of residence or business, of the owner of the copyright or, where a copyright owner has authorized an agent to deal on behalf of the copyright owner with the copyright in the work, or other subject-matter, that is the subject of the notice, of that owner or agent, the notice shall be given by being published in the *Commonwealth of Australia Gazette* or *Government Gazette* of the State, as the case requires.

(5) A notice under this regulation shall:

- (a) be given in the name of the Commonwealth or the State, as the case may be;
- (b) state:
 - (i) the International Standard Book Number (if any) in respect of the work or other subject-matter concerned where that International Standard Book Number can be ascertained from that work or other subject-matter; and
 - (ii) where no such International Standard Book Number can be so ascertained, or where that International Standard Book Number is insufficient to enable the work or other subject-matter concerned to be identified, as the case may be—the title, if any of that work or other subject-matter and, if that title is not sufficient to enable the work or other subject-matter to be identified, description of the work or other subject-matter that is sufficient to enable it to be so identified;
- (c) specify the act to which the notice relates;
- (d) state whether the act has been done by the Commonwealth or the State or by a person authorized by the Commonwealth or the State;
- (e) where the act has been done by a person authorized by the Commonwealth or the State—state the name of that person; and
- (f) state that the purpose of the notice is to inform the owner in pursuance of subsection (4) of section 183 of the Act of the doing of the act.

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Prescribed retention period for the purposes of Part X of the Act

25A. The prescribed retention period for the purposes of Part X of the Act in relation to a copy of the whole or a part of a work is a period of 4 years after the making of that copy in reliance on section 49, 50, 51A or 110B, as the case requires, of the Act.

International organizations to which the Act applies

26. The organizations specified in Schedule 12 to these Regulations are declared to be international organizations to which the Act applies.

Service of documents in Australia

27. (1) A document that is required or permitted by these Regulations to be served on a person in Australia may be served on the person:

- (a) if the person is a corporation—by delivering the document personally to the manager or secretary of the corporation, or, if the corporation has a registered office in Australia under a law of a State or Territory of the Commonwealth, by leaving it at that office or by sending it by post addressed to the corporation at that office or, if the corporation does not have such a registered office, by sending it by post addressed to the corporation at its principal place of business in Australia; or
- (b) if the person is not a corporation—by delivering the document to the person personally or by sending it by post addressed to the person at the address of the place of residence or business in Australia of the person last known to the person sending the document.

(2) In the application of the last preceding subregulation in relation to a notice under paragraph (a) of subregulation (2) of regulation 10 of these Regulations, a reference to post shall be read as a reference to registered post.

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SCHEDULE 3

Regulation 4B

**PRESCRIBED FORM OF NOTICE FOR THE PURPOSES OF PARAGRAPH 39A (b) OF THE
COPYRIGHT ACT 1968**

COMMONWEALTH OF AUSTRALIA

Copyright Regulations

WARNING

A copyright owner is entitled to take legal action against a person who infringes his copyright. Unless otherwise permitted by the *Copyright Act 1968*, unauthorized copying of a work in which copyright subsists may infringe the copyright in that work.

Where making a copy of a work is a fair dealing under section 40 of the *Copyright Act 1968*, making that copy is not an infringement of the copyright in the work.

It is a fair dealing to make a copy, for the purpose of research or study, of one or more articles on the same subject matter in a periodical publication or, in the case of any other work, of a reasonable portion of a work. In the case a published work that is of not less than 10 pages and is not an artistic work, 10% of the total number of pages, or one chapter, is a reasonable portion.

More extensive copying may constitute fair dealing for the purpose of research or study. To determine whether it does, it is necessary to have regard to the criteria set out in sub-section 40 (2) of the *Copyright Act 1968*.

SCHEDULE 3A

Paragraph 4C (3) (a)

COMMONWEALTH OF AUSTRALIA

**RECORD OF MAKING OF BROADCAST BY OR ON BEHALF OF A HOLDER OF A PRINT
HANDICAPPED 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 in respect of the periodical publication is recorded in the periodical publication—that number	
3	If the International Standard Serial Number in respect of 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, in a case where a page so broadcast does not bear a page number, such description of the page as will enable it to be identified	

SCHEDULE 3B

Paragraph 4C (3) (b)

COMMONWEALTH OF AUSTRALIA

RECORD OF MAKING OF BROADCAST BY OR ON BEHALF OF A HOLDER OF A PRINT
HANDICAPPED 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; (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, in a case where a page so broadcast does not bear a page number, such description of the page as will enable it to be identified	

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SCHEDULE 8

Regulation 6

COUNTRIES IN RELATION TO WHICH DIVISION 6 OF PART III OF THE ACT APPLIES

Algeria	Ghana	Nigeria
Andorra	Greece	Norway
Argentina	Guatemala	Pakistan
Austria	Guinea	Panama
Bahamas	Guinea-Bissau	Paraguay
Bangladesh	Haiti	Peru
Barbados	Holy See	Philippines
Belgium	Honduras	Poland
Belize	Hungary	Portugal
Benin	Iceland	Romania
Bolivia	India	Rwanda
Brazil	Ireland	Saint Vincent and the Grenadines
Bulgaria	Israel	Senegal
Burkina Faso	Italy	Singapore
Cambodia	Japan	South Africa
Cameroon, Republic of	Kenya	Spain
Canada	Korea, Republic of	Sri Lanka
Central African Republic	Lao People's Democratic Republic	Suriname
Chad	Lebanon	Sweden
Chile	Lesotho, Kingdom of	Switzerland
Colombia	Liberia	Thailand
Congo	Libyan Arab Jamahiriya	The Russian Federation
Costa Rica	Liechtenstein	The United Kingdom
Côte d'Ivoire	Luxembourg	Togo
Cuba	Madagascar	Trinidad and Tobago
Cyprus	Malawi	Tunisia
Czech and Slovak Federal Republic	Malaysia	Turkey
Denmark	Mali	United States of America
Dominican Republic	Malta	Uruguay
Ecuador	Mauritania	Venezuela
Egypt, Arab Republic of	Mauritius	Yugoslavia
El Salvador	Mexico	Zaire
Fiji	Monaco	Zambia
Finland	Morocco	Zimbabwe
France	Netherlands	
Gabon	New Zealand	
Germany, Federal Republic of	Nicaragua	
	Niger	

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SCHEDULE 9

Regulation 21

COMMONWEALTH OF AUSTRALIA

Copyright Regulations

NOTICE FOR PURPOSES OF SECTION 135 OF THE COPYRIGHT ACT 1968

To the Comptroller-General of Customs.

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 Australia [here specify the period during which importation is objected to] of copies of the work [or works] to which section 135 of the Copyright Act 1968 applies.

Dated the _____ day of _____, 19 _____

[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 11

Regulation 23

COMMONWEALTH OF AUSTRALIA

Copyright Regulations

NOTICE FOR PURPOSES OF 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 applies.

Dated the _____ day of _____, 19 _____

[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—

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SCHEDULE 11AA

Regulation 23G

Copyright Act 1968

**RECORD OF THE COPYING OF A BROADCAST IN RELIANCE ON PART VA OF THE
COPYRIGHT ACT 1968**

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 11A

Regulation 23JL

Copyright Act 1968

**RECORD OF THE MAKING OF A LICENSED COPY IN RELIANCE ON PART VB OF THE
COPYRIGHT ACT 1968**

1. The name of the institution for which the licensed copy was made:
2. The section of the *Copyright Act 1968* 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:

SCHEDULE 11A—continued

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 where 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 where the form of the copy is a facsimile reproduction.

SCHEDULE 12

Regulation 26

INTERNATIONAL ORGANIZATIONS TO WHICH THE COPYRIGHT ACT 1968 APPLIES

United Nations

Food and Agriculture Organization of the United Nations
Inter-Governmental Maritime Consultative Organization
International Bank for Reconstruction and Development
International Civil Aviation Organization
International Court of Justice
International Development Association
International Finance Corporation
International Labour Organisation
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
Customs Co-operation Council
European Launcher Development Organization
Intergovernmental Committee on European Migration
International Atomic Energy Agency
International Coffee Council
International Criminal Police Organization
International Hydrographic Bureau
International Institute of Refrigeration
International Organization of Legal Metrology
International Sugar Council
International Tin Council
International Wheat Council
Organization of American States
South East Asia Treaty Organization
South Pacific Commission

Copyright Regulations

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NOTE

1. The Copyright Regulations (in force under the *Copyright Act 1968*) as shown in this reprint comprise Statutory Rules 1969 No. 58 amended as indicated in the Tables below.

Table of Statutory Rules

Year and number	Date of notification in Gazette	Date of commencement	Application, saving, or transitional provisions
1969 No. 58 (a)	28 Apr 1969	1 May 1969 (see r. 2 and <i>Gazette</i> 1969, p. 2543)	
1981 No. 148	23 June 1981	23 June 1981	—
355	18 Dec 1981	18 Dec 1981	—
1982 No. 65	12 Mar 1982	12 Mar 1982	—
1983 No. 126	5 Aug 1983	5 Aug 1983	—
128	5 Aug 1983	5 Aug 1983	—
293	1 Dec 1983	1 Dec 1983	—
1984 No. 175	1 Aug 1984	1 Aug 1984	—
275	5 Oct 1984	5 Oct 1984	—
1987 No. 34	12 Mar 1987	12 Mar 1987	—
1988 No. 125	24 June 1988	24 June 1988	—
1990 No. 4	25 Jan 1990	25 Jan 1990	—
5	25 Jan 1990	25 Jan 1990	—
76	23 Mar 1990	23 Mar 1990	—
301	28 Sept 1990	1 Oct 1990 (see r. 1 and <i>Gazette</i> 1990, No. S261)	—
1992 No. 165	25 June 1992	25 June 1992	—
1993 No. 228	26 Aug 1993	26 Aug 1993	—

- (a) The form of introductory words used to make Statutory Rules 1969 No. 58 was as follows:

"WHEREAS it is provided by subsection (5) of section 55 of the *Copyright Act 1968* that regulations made for the purposes of paragraph (d) of subsection (1) of that section may provide that the doing of such acts as are specified in the regulations, being such acts as the Governor-General considers convenient for ensuring the receipt by the owner of the copyright in musical work of the royalties in respect of records of that work or, if the owner of the copyright cannot be found by reasonable inquiry, as the Governor-General considers reasonable in the circumstances, is to be deemed to constitute payment of the royalties:

"AND WHEREAS I consider that the doing of the acts referred to in regulation 9, and subregulation (3) of regulation 13, of the following Regulations is convenient for ensuring the receipt by the owner of the copyright in a musical work of the royalties in respect of records of that work:

"AND WHEREAS I consider that, where the owner of the copyright in a musical work cannot be found by reasonable inquiry, the doing of the acts referred to in regulation 12 of the following Regulations is reasonable in the circumstances:

"AND WHEREAS it is provided by subsection (1) of section 186 of the *Copyright Act 1968* that, where it appears to the Governor-General that it is desirable that that Act should apply in relation to an organization:

NOTE—continued

Table of Statutory Rules—continued

- (a) of which two or more countries, or the Governments of two or more countries, are members; or
- (b) that is constituted by persons representing two or more countries, or representing the Governments of two or more countries;
- the regulations under that Act may declare that organization to be an international organization to which that Act applies:
- "AND WHEREAS each of the organizations specified in the Fifth Schedule to the following Regulations is an organization:
- (a) of which two or more countries, or the Governments of two or more countries, are members; or
- (b) that is constituted by persons representing two or more countries, or representing the Governments of two or more countries:
- "AND WHEREAS it appears to me that it is desirable that the *Copyright Act 1968* should apply in relation to each of those organizations:
- "NOW THEREFORE I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Copyright Act 1968*."

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Heading to Part 1	ad. 1990 No. 5
R. 3A	ad. 1983 No. 128 rep. 1990 No. 76
R. 4	rs. 1981 No. 148 am. 1981 No. 355 rep. 1990 No. 4
R. 4A	ad. 1981 No. 148 am. 1981 No. 355 rep. 1990 No. 4
Heading to Part 2	ad. 1990 No. 5
R. 4B	ad. 1981 No. 148
R. 4C	ad. 1987 No. 34
R. 5A	ad. 1981 No. 148 am. 1984 No. 175 rep. 1990 No. 76
R. 6	am. 1981 Nos. 148 and 355; 1983 No. 126; 1992 No. 165
R. 8	rs. 1992 No. 165
Rr. 9-13	am. 1992 No. 165
R. 15A	ad. 1983 No. 293 rep. 1992 No. 165
R. 17	rs. 1990 No. 301
Heading to Part 3	ad. 1990 No. 5

Copyright Regulations

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NOTE—continued
Table of Amendments—continued

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 17A	ad. 1988 No. 125
R. 17B	ad. 1993 No. 228
R. 20	rep. 1981 No. 148
Heading to Part 4	ad. 1990 No. 5
R. 21	am. 1981 Nos. 148 and 355
R. 22	am. 1981 No. 148 rep. 1981 No. 355
R. 23	am. 1981 Nos. 148 and 355
Part 5 (rr. 23A-23J)	ad. 1990 No. 5
Rr. 23A-23J	ad. 1990 No. 5
Part 5A (rr. 23JA-23JM) ...	ad. 1990 No. 76
Rr. 23JA-23JM	ad. 1990 No. 76
Part 6 (rr. 23K-23P)	ad. 1990 No. 5
Rr. 23K-23P	ad. 1990 No. 5
Heading to Part 7	ad. 1990 No. 5
R. 25	am. 1983 No. 126
R. 25AA	ad. 1987 No. 34 rep. 1990 No. 76
R. 25A	ad. 1981 No. 148 am. 1984 No. 175; 1990 No. 76
R. 25B	ad. 1981 No. 148 rep. 1990 No. 76
R. 26	am. 1981 Nos. 148 and 355
Heading to The Schedules	rep. 1981 No. 148
Schedule 1	ad. 1981 No. 148 rs. 1981 No. 355 am. 1983 No. 128; 1984 No. 275 rep. 1990 No. 4
Schedule 1A	ad. 1981 No. 355 rep. 1990 No. 4
Schedule 2	ad. 1981 No. 148 rs. 1981 No. 355 am. 1982 No. 65; 1983 No. 128; 1984 No. 275 rep. 1990 No. 4
Schedule 3	ad. 1981 No. 148
Schedules 3A, 3B	ad. 1987 No. 34
Schedules 4-7	ad. 1981 No. 148 rep. 1990 No. 76

NOTE—continued
Table of Amendments—continued

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Heading to First Schedule	rep. 1981 No. 148
Renumbered Schedule 8	1981 No. 148
Schedule 8	rs. 1983 No. 126 rs. 1992 No. 165
Heading to Second Schedule	rep. 1981 No. 148
Renumbered Schedule 9	1981 No. 148
Heading to Third Schedule	rep. 1981 No. 148
Renumbered Schedule 10	1981 No. 148
Schedule 10	rep. 1981 No. 355
Heading to Fourth Schedule	rep. 1981 No. 148
Renumbered Schedule 11	1981 No. 148
Schedule 11AA	ad. 1990 No. 5
Schedule 11A	ad. 1990 No. 34 rs. 1990 No. 76
Schedules 11B, 11C	ad. 1987 No. 34 rep. 1990 No. 76
Heading to Fifth Schedule	rep. 1981 No. 148
Renumbered Schedule 12	1981 No. 148

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Statutory Rules 1993 No. 228¹

Copyright Regulations² (Amendment)

I, THE 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 19 August 1993.

BILL HAYDEN
Governor-General

By His Excellency's Command,

D. KERR
Minister for Justice

1. Amendment

1.1 The Copyright Regulations are amended as set out in these Regulations.

[NOTE: These Regulations commence on gazettal: see *Acts Interpretation Act 1901*, s. 48.]

2 Copyright 1993 No. 228

2. New regulation 17B

2.1 After regulation 17A, insert:

Prescribed persons for the purposes of subparagraph 91 (c) (iii) of the Act

“17B. For the purposes of subparagraph 91 (c) (iii) of the Act, the following persons are prescribed:

(a) Soundcom Pty Ltd.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 26 August 1993.
2. Statutory Rules 1969 No. 58 as amended by 1981 Nos. 148 and 355; 1982 No. 65; 1983 Nos. 126, 128 and 293; 1984 Nos. 175 and 275; 1987 No. 34; 1988 No. 125; 1990 Nos. 4, 5, 76, and 301; 1992 No. 165.

