

# Copyright Amendment Act 2006

Banki Haddock Fiora

# Overview of amendments

- Library provisions
- Enforcement
- Copyright Tribunal
- TPMs
- Private copying
- Parody and satire

# Libraries, archives and educational institutions

- Definition of library
- Concept of key cultural institutions
- Extension of statutory licences to deal with internet activities

# Enforcement

- Criminal provisions comprehensively redrafted in form
- S115 amended to deal with electronic infringements (peer to peer) - proven infringements and likely infringements together being “on a commercial scale”

# Copyright Tribunal

- Jurisdiction now includes all collective licences administered by collecting societies
- Jurisdiction also extended to distribution rules
- ACCC can be made a party to proceedings

# Technological protection measures

- Prohibitions on circumvention of TPMs now extended to access control TPMs

# Private copying

- Time shifting - for viewing at a more convenient time
- Format shifting s109A - provided the original copy is owned and legal, not from a downloaded broadcast, solely for private and domestic use, and the device is owned
- Copies can be lent to family/household

# Parody and satire

- Section 41A (& 103A)

[a] fair dealing with a literary, dramatic, musical or artistic work, does not constitute an infringement of the copyright in the work if it is for the purpose of parody or satire.

# US cases

JibJab

# US cases

- 2 Live Crew songs

# US cases

- [ComedyZine-parody](#)

# Parody and satire in Australia

- A proud Australian tradition (P Ruddock)
- To be a fair dealing, must otherwise be an infringement
- Purpose and character of the dealing; nature of the work; commercial availability; effect of the dealing; amount and substantiality of part taken

# Parody and satire in Australia

- Case study - Six, Jugs, & Rock n Roll
  - Infringement?
  - Purpose & character of dealing
  - Nature of work
  - Commercial availability
  - Effect of dealing on market
  - Amount and substantiality of part taken