



Refer to page 28 and 29 of *Copyright Royalties and Publishing*.

The Latest Changes to the Copyright Act: Fair Dealing December 2006

Since the Copyright Royalties and Publishing book was published, the Australian Government has made a number of changes to the copyright act – some of which we predicted would occur on page 28-29 under the heading “Fair Dealing.” There are a number of other interesting changes that are noted below as well as some slightly different interpretations to the points we predicted.

- Time Shifting stays the same as we outline in the book (p28)
- Format Shifting of music is now comes with an exception to allow for “space-shifting” as well. This means that the owner of a copy of a sound recording is permitted to make copies of the sound recording to play on any device owned by that person. This means that finally you can make a copy of a sound recording from a CD to an iPod and on your computer and on your USB key without breaking copyright laws. The original ‘format shifting’ proposal would only allow for one copy and that one copy had to be in a different format. The Act calls this “Copying sound recordings for private and domestic use.”
- The use of copyright protected work for the purpose of parody or satire becomes clearer. The amendments state that:

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

And in the case of sound recordings:

“A fair dealing with an audio-visual item does not constitute an infringement of the copyright in the item or in any work or other audio-visual item included in the item if it is for the purpose of parody or satire.”

You can download a full list of the Senate Amendments at:

<http://parlinfoweb.aph.gov.au/piweb/Repository/Legis/Amend/Linked/28110604.pdf>

Future changes:

We will post another article when the full list of law changes have been passed by both houses of the Federal parliament and put into law.