

## EXPLANATORY STATEMENT

1983 NO 127

### COPYRIGHT (INTERNATIONAL PROTECTION) REGULATIONS (AMENDMENT)

Section 249 of the Copyright Act 1968 ("the Act") provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters that are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Section 184 of the Act further provides that the regulations may make provisions applying any of the provisions of the Act specified in the regulations in relation to a country (other than Australia) specified in the regulations in several ways. These ways permit the application of the principle of "national treatment" which is adopted in the major international copyright conventions.

"National treatment" means giving to nationals of the specified country the same rights under Australian law as are enjoyed by Australian nationals; to treat literary, dramatic, musical or artistic works first published in that country as if first published in Australia; and in a similar way to cover foreign sound recordings, cinematograph films and sound and television broadcasts, and persons who are foreign residents or bodies corporate.

The Copyright (International Protection) Regulations ("the principal regulations") which were made in 1969 pursuant to these provisions, apply the Copyright Act in relation to countries which are members of either or both of the two international copyright conventions to which Australia belongs, namely the Universal Copyright Convention and the International (Berne) Convention for the Protection of Literary and Artistic Works. The relevant countries are listed in the two parts of the First Schedule to the principal regulations.

These regulations bring the First Schedule up to date by including countries which have joined either or both of the conventions since the principal regulations were last amended (1980) and by taking into account changes in the names of countries. This gives effect to Australia's current obligations under the two conventions.

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