



Copyright (International Protection) Amendment Regulations 2004 (No. 2)¹

Statutory Rules 2004 No. 362²

I, PHILIP MICHAEL JEFFERY, 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 16 December 2004

P. M. JEFFERY
Governor-General

By His Excellency's Command

PHILIP RUDDOCK
Attorney-General

1 Name of Regulations

These Regulations are the *Copyright (International Protection) Amendment Regulations 2004 (No. 2)*.

2 Commencement

These Regulations commence on the commencement of Schedule 1 to the *US Free Trade Agreement Implementation Act 2004*.

3 Amendment of *Copyright (International Protection) Regulations 1969*

Schedule 1 amends the *Copyright (International Protection) Regulations 1969*.

Schedule 1 Amendments

(regulation 3)

[1] Subregulation 3 (1), after definition of *at a material time*

insert

Australian retransmission means a retransmission of a television broadcast:

- (a) over the Internet; and
- (b) made from a place in Australia.

Australian television broadcast means a television broadcast mentioned in section 91 of the Act.

[2] Subregulation 3 (1), after definition of *Berne Convention country*

insert

broadcaster, for an encoded broadcast, has the meaning given by section 135AL of the Act.

encoded broadcast has the meaning given by section 135AL of the Act.

[3] Subregulation 3 (1)

insert in correct alphabetical position determined on a letter-by-letter basis

US broadcaster means a broadcaster who:

- (a) is entitled, under the law of the United States of America, to make an encoded broadcast; and
- (b) is, at a material time:
 - (i) a citizen or national of the United States of America; or
 - (ii) a person resident in, or a body corporate that has its headquarters in, the United States of America.

US television broadcast means a television broadcast made from a place in the United States of America, at a material time, by a relevant broadcaster.

[4] Regulation 4, heading

substitute

4 Protection — Berne Convention countries, UCC countries, USA, Rome Convention countries, WPPT countries and WTO countries (Act s 184)

[5] After subregulation 4 (7)*insert**Australian retransmission of US television broadcasts*

- (7A) Subject to these Regulations, a provision of the Act that applies to an Australian retransmission of an Australian television broadcast applies in relation to an Australian retransmission of a US television broadcast:
- (a) in the same way as the provision applies, under the Act, in relation to an Australian retransmission of an Australian television broadcast; and
 - (b) as if the US television broadcast were an Australian television broadcast.

Encoded broadcast made from the USA

- (7B) Subject to these Regulations, a provision of Part VAA of the Act that applies to an encoded broadcast made from a place in Australia (an ***Australian encoded broadcast***) applies in relation to an encoded broadcast made at a material time by a US broadcaster from a place in the United States of America (a ***US encoded broadcast***):
- (a) in the same way as the provision applies, under the Act, in relation to an Australian encoded broadcast; and
 - (b) as if the US encoded broadcast were an Australian encoded broadcast.

Notes

1. These Regulations amend Statutory Rules 1969 No. 60, as amended by 1969 No. 65; 1974 No. 137; 1980 No. 276; 1981 No. 74; 1983 No. 127; 1984 No. 43; 1990 Nos. 356 and 357; 1991 Nos. 451 and 452; 1992 No. 124; 1993 No. 214; 1994 No. 114; 1995 Nos. 67 and 436; 1998 No. 360; 2001 No. 29; 2003 No. 337; 2004 No. 257.
2. Notified in the *Commonwealth of Australia Gazette* on 23 December 2004.