



Copyright (International Protection) Regulations 1969

Statutory Rules No. 60, 1969

made under the

Copyright Act 1968

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About this compilation

This compilation

This is a compilation of the *Copyright (International Protection) Regulations 1969* that shows the text of the law as amended and in force on 1 January 2019 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name of regulations

These regulations are the *Copyright (International Protection) Regulations 1969*.

2 Authority

These regulations are made under the *Copyright Act 1968*.

3 Interpretation

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) broadcast;
- (b) cinematograph film;
- (c) sound broadcast;
- (d) sound recording;
- (e) television broadcast;
- (f) work.

(1) In these Regulations:

amending Regulations means the *Copyright (International Protection) Amendment Regulations 2003 (No. 1)*.

at a material time means:

- (a) in relation to, or in relation to the application of the Act in respect of, a work or subject matter other than a work that is unpublished:
 - (i) at the time when the work or subject-matter other than a work was made; or
 - (ii) if the making of the work or subject-matter other than a work extended over a period—over a substantial part of that period; and
- (b) in relation to, or in relation to the application of the Act in respect of, a work or subject-matter other than a work that has been published—at the time when the work or subject-matter other than a work was first published; and
- (c) in relation to a sound broadcast or a television broadcast—the time when that broadcast was made; and
- (d) in relation to a performance—the time when the performance was given.

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.

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Berne Convention country:

- (a) means a foreign country that is a party to the International Convention for the Protection of Literary and Artistic Works concluded at Berne on 9 September 1886 (the ***Berne Convention***); and
- (b) if application of the Berne Convention is extended, in accordance with international law, to a territory (however described) of the foreign country—includes that territory.

Note 1: For information as to which countries are parties to the Berne Convention, see, for example, the World Intellectual Property Organization website at www.wipo.int.

Note 2: For the application of these Regulations, before the commencement of the amending Regulations, to a territory of a foreign country, see subregulation 3 (4) before its repeal by the amending Regulations.

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.

foreign country means a country other than Australia.

foreign encoded broadcast: see subregulation 4(7C).

performance means a performance of a kind referred to in paragraph (a), (b), (c), (d) or (e) of the definition of ***performance*** in subsection 248A (1) of the Act but does not include a performance of a kind referred to in subsection 248A (2) of the Act.

relevant broadcaster, in relation to a sound broadcast or a television broadcast, means a person who:

- (a) is entitled, under the law of the country from which the sound broadcast or television broadcast is made, to make that sound broadcast or television broadcast; and
- (b) is, at a material time:
 - (i) a citizen or national of that country; or
 - (ii) a person resident in, or a body corporate that has its headquarters in, that country.

Rome Convention country:

- (a) means a foreign country that is a party to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations done at Rome on 26 October 1961 (the ***Rome Convention***); and
- (b) if application of the Rome Convention is extended, in accordance with international law, to a territory (however described) of the foreign country—includes that territory.

Note 1: For information as to which countries are parties to the Rome Convention, see, for example, the World Intellectual Property Organization website at www.wipo.int.

Note 2: For the application of these Regulations, before the commencement of the amending Regulations, to a territory of a foreign country, see subregulation 3 (4) before its repeal by the amending Regulations.

Schedule 3 country:

- (a) means a country that is specified in Schedule 3 as a country that provides rights for secondary uses of sound recordings; and
- (b) if a territory (however described) of the country also provides those rights—includes that territory.

Note: For the application of these Regulations, before the commencement of the amending Regulations, to a territory of a foreign country, see subregulation 3 (4) before its repeal by the amending Regulations.

subject-matter other than a work means any of the following:

- (a) a published edition of a work or works;
- (b) a sound recording;
- (c) a cinematograph film;
- (d) a sound broadcast;
- (e) a television broadcast.

the Act means the *Copyright Act 1968*.

UCC country:

- (a) means a foreign country that:
 - (i) is a party to the Universal Copyright Convention; and
 - (ii) is neither a Berne Convention country nor a WTO country; and
- (b) if application of the Universal Copyright Convention is extended, in accordance with international law, to a territory (however described) of the foreign country—includes that territory.

Note 1: For information as to which countries are parties to the Universal Copyright Convention, see, for example, the United Nations Educational, Scientific and Cultural Organization website at www.unesco.org.

Note 2: For the application of these Regulations, before the commencement of the amending Regulations, to a territory of a foreign country, see subregulation 3 (4) before its repeal by the amending Regulations.

Universal Copyright Convention means the Universal Copyright Convention concluded at Geneva on 6 September 1952.

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.

WCT country means a foreign country that is a party to the WIPO Copyright Treaty concluded at Geneva on 20 December 1996.

Note: For information as to which countries are parties to the WIPO Copyright Treaty, see, for example, the World Intellectual Property Organization website at www.wipo.int.

WPPT country means a foreign country that is a party to the WIPO Performances and Phonograms Treaty concluded at Geneva on 20 December 1996.

Note: For information as to which countries are parties to the WIPO Performances and Phonograms Treaty, see, for example, the World Intellectual Property Organization website at www.wipo.int.

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WTO country:

- (a) means a foreign country (including a separate customs territory) that is a member of the World Trade Organization; and
- (b) if the foreign country's membership in the World Trade Organization is extended, in accordance with international law, to include a territory (however described) of the foreign country—includes that territory.

Note 1: For information as to which countries are members of the World Trade Organization, see, for example, the World Trade Organization website at www.wto.org.

Note 2: For the application of these Regulations, before the commencement of the amending Regulations, to a territory of a foreign country, see subregulation 3 (4) before its repeal by the amending Regulations.

- (3) Without limiting the application in relation to these Regulations of paragraph 46 (1) (a) of the *Acts Interpretation Act 1901*, 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.

- (5) For the purposes of these Regulations, protection in the nature of copyright shall be deemed to be conferred in relation to a work or subject-matter other than a work under the law of a country other than Australia if that law confers on the person entitled to the protection the exclusive right to do in that country in relation to the work or subject-matter other than a work any one or more of the acts that are comprised in the copyright in the work or subject-matter other than a work under the Act.

Part 2—Application of Act to works and subject-matter other than a work

4 Protection—application of the Act (other than Part XIA) to specified foreign countries

Scope

- (1AA) For the purposes of section 184 of the Act, this regulation applies certain provisions of the Act (other than Part XIA of the Act (performers' protection)) in relation to the foreign countries specified in this regulation, subject to the exceptions and modifications specified in this regulation.

Work, and subject-matter other than a work, made or first published in a foreign country

- (1) Subject to these Regulations, a provision of the Act that applies in relation to a literary, dramatic, musical or artistic work or edition first published, or a sound recording or cinematograph film made or first published, in Australia (an **Australian work or subject-matter**) applies in relation to a literary, dramatic, musical or artistic work or edition first published, or a sound recording or cinematograph film made or first published, in a Berne Convention country, a Rome Convention country, a UCC country, a WCT country, a WPPT country or a WTO country (a **foreign work or subject-matter**):
- (a) in the same way as the provision applies, under the Act, in relation to an Australian work or subject-matter; and
 - (b) as if the foreign work or subject-matter were made or first published in Australia.

Live performance incorporated in a sound recording and having connection with a foreign country

- (1A) For subregulation (1), and subject to subregulation (1B), a reference to a sound recording made or first published in a WPPT country is taken to include a reference to a sound recording (wherever made), incorporating a live performance given in a WPPT country.
- (1B) Subregulation (1A) applies only in relation to a person who is:
- (a) a maker of the sound recording; and
 - (b) a performer in the performance.

Artistic work that is a building, or is attached to or forms part of a building, in a foreign country

- (2) Subject to these Regulations, a provision of the Act that applies in relation to an artistic work that is a building (or that is attached to, or forms part of, a building) situated in Australia (an **Australian artistic work**) applies in relation to an artistic

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work that is a building (or that is attached to, or forms part of, a building) situated in a Berne Convention country, a UCC country, a WCT country or a WTO country (a **foreign artistic work**):

- (a) in the same way as the provision applies, under the Act, in relation to an Australian artistic work; and
- (b) as if the foreign artistic work were situated in Australia.

Work and subject-matter other than a work—citizen or national of a foreign country

- (3) Subject to these Regulations, a provision of the Act relating to a work or subject-matter other than a work that applies in relation to a person who, at a material time, is an Australian citizen applies in relation to a person who, at a material time, is a citizen or national of a Berne Convention country, a Rome Convention country, a UCC country, a WCT country, a WPPT country or a WTO country (a **foreign citizen**):
 - (a) in the same way as the provision applies, under the Act, in relation to an Australian citizen; and
 - (b) as if the foreign citizen were an Australian citizen.

Work and subject-matter other than a work—person resident in a foreign country

- (4) Subject to these Regulations, a provision of the Act relating to a work or subject-matter other than a work that applies in relation to a person who, at a material time, is resident in Australia (an **Australian resident**) applies in relation to a person who, at a material time, is resident in a Berne Convention country, a Rome Convention country, a UCC country, a WCT country, a WPPT country or a WTO country (a **foreign resident**):
 - (a) in the same way as the provision applies, under the Act, in relation to an Australian resident; and
 - (b) as if the foreign resident were an Australian resident.

Work and subject-matter other than a work—body incorporated under the law of a foreign country

- (5) Subject to these Regulations, a provision of the Act relating to a work or subject-matter other than a work that applies in relation to a body incorporated, at a material time, under the law of the Commonwealth or of a State (an **Australian body corporate**) applies in relation to a body incorporated, at a material time, under the law of a Berne Convention country, a Rome Convention country, a UCC country, a WCT country, a WPPT country or a WTO country (a **foreign body corporate**):
 - (a) in the same way as the provision applies, under the Act, in relation to an Australian body corporate; and
 - (b) as if the foreign body corporate were an Australian body corporate.

Sound broadcast or television broadcast made from a place in a foreign country

- (6) Subject to these Regulations, a provision of the Act that applies in relation to a sound broadcast, or a television broadcast, referred to in section 91 of the Act (an **Australian broadcast**) applies in relation to a sound broadcast, or a television broadcast, made at a material time by a relevant broadcaster from a place in a Rome Convention country (a **foreign broadcast**):
- (a) in the same way as the provision applies, under the Act, in relation to an Australian broadcast; and
 - (b) as if the foreign broadcast were an Australian broadcast.

Broadcasts made before 1 January 1992

- (7) Copyright does not, under subregulation (6), subsist in Australia in a sound broadcast or a television broadcast made from a place outside Australia before 1 January 1992.

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 broadcasts made from Malaysia and the United States of America

- (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 a foreign 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 foreign encoded broadcast were an Australian encoded broadcast.
- (7C) A **foreign encoded broadcast** is an encoded broadcast made at a material time by a broadcaster if:
- (a) the broadcast is made from a place in:
 - (i) Malaysia; or
 - (ii) the United States of America; and
 - (b) the broadcaster:
 - (i) is entitled, under the law of the country from which the broadcast is made, to make that broadcast; and
 - (ii) is, at the material time, a citizen or national of that country, or a person resident in, or a body corporate that has its headquarters in, that country.
- (7D) For the purposes of paragraph 184(3)(a) of the Act, the following international agreements are specified:

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- (a) in relation to the application of a provision of Part VAA of the Act to a broadcast made from a place in Malaysia—the Malaysia-Australia Free Trade Agreement, done at Kuala Lumpur on 22 May 2012;
- (b) in relation to the application of a provision of Part VAA of the Act to a broadcast made from a place in the United States of America—the Australia-United States Free Trade Agreement done at Washington DC on 18 May 2004.

Note: In 2018, the text of these Agreements was accessible through the Australian Treaties Library on the AustLII website (www.austlii.edu.au).

Modification of Act

- (8) To the extent that this regulation is inconsistent with the Act, the application of the Act by these Regulations is modified.

5 Copyright not to subsist in overseas editions in certain cases

- (1) Copyright that, under the Act, subsists in a published edition of a work or works by reason only of the operation of these Regulations subsists only so long as protection in the nature of copyright subsists in relation to the edition under the law of a relevant country.

- (2) In this regulation:

relevant country means a Berne Convention country, a UCC country, a WCT country or a WTO country:

- (a) in which the edition was first published; or
 - (b) of which the publisher of the edition was a citizen or national at a material time; or
 - (c) in which the publisher, being an individual, was resident at a material time; or
 - (d) under the law of which the publisher, being a body corporate, was incorporated at a material time.
- (3) To the extent that this regulation is inconsistent with the Act, the application of the Act by these Regulations is modified.

6 Copyright in certain sound recordings may include right to cause the recording to be heard in public

- (1) This regulation applies to a published sound recording if:
 - (a) under the Act, copyright subsists in the recording by reason only of the operation of these Regulations, or the operation of these Regulations and subsection 89 (3) of the Act; and
 - (b) either:
 - (i) the recording has been published in Australia; or
 - (ii) a period of 7 weeks has elapsed from the date of the first publication of the recording.

Note: A sound recording first published in a foreign country could, under subsection 29 (5) of the Act, be a sound recording that is taken to be first published in Australia, to which subsection 89 (3) of the Act applies.

- (2) Copyright that subsists in the recording includes the exclusive right to cause the recording to be heard in public, only if:
 - (a) the maker of the recording was, at the time when the recording was made:
 - (i) a citizen or national of a Schedule 3 country; or
 - (ii) a person resident in, or a body corporate incorporated under the law of, a Schedule 3 country; or
 - (b) the recording was made in a Schedule 3 country.
- (3) The application of section 105 of the Act by these Regulations is modified by the operation of this regulation.

7 Copyright in certain sound recordings may include right to broadcast the recording

- (1) This regulation applies to a published sound recording if:
 - (a) under the Act, copyright subsists in the recording by reason only of the operation of these Regulations, or the operation of these Regulations and subsection 89 (3) of the Act; and
 - (b) either:
 - (i) the recording has been published in Australia; or
 - (ii) a period of 7 weeks has elapsed from the date of the first publication of the recording and the recording is not a performance-related recording.

Note: A sound recording first published in a foreign country could, under subsection 29 (5) of the Act, be a sound recording that is taken to be first published in Australia, to which subsection 89 (3) of the Act applies.

- (2) Copyright that subsists in the recording includes the exclusive right to broadcast the recording, only if:
 - (a) the maker of the recording was, at the time when the recording was made:
 - (i) a citizen or national of a Schedule 3 country; or
 - (ii) a person resident in, or a body corporate incorporated under the law of, a Schedule 3 country; or
 - (b) the recording was made in a Schedule 3 country.
- (3) For this regulation, a recording is a ***performance-related recording*** if:
 - (a) the recording consists of, or includes, a musical work in which copyright subsists; and
 - (b) the musical work:
 - (i) was made for the purpose of being performed, or has been performed, in association with a dramatic work; or
 - (ii) has been included in a cinematograph film; and
 - (c) recordings of the musical work have not been supplied (whether by sale or otherwise) to the public in Australia.

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- (4) For paragraph (3) (c), a supply of recordings of a musical work is disregarded if the supply was done otherwise than by, or with the licence of, the owner of the copyright in the work.
- (5) The application of section 105 of the Act by these Regulations is modified by the operation of this regulation.

Part 3—Application of Act to performances

8 Protection—application of Part XIA of the Act to specified foreign countries

Scope

- (1A) For the purposes of section 248U of the Act, this regulation applies certain provisions of Part XIA of the Act (performers' protection) in relation to the foreign countries specified in this regulation, subject to the exceptions and modifications specified in this regulation.

Definitions

- (1) In this regulation:

applicable provision, in relation to a participating country, means:

- (a) if the participating country is a WTO country or a WPPT country but not a Rome Convention country—a provision of Part XIA of the Act relating to sound recordings, or communication to the public of live performances; and
- (b) in any other case—each provision of Part XIA of the Act.

participating country means:

- (a) a Rome Convention country; or
- (b) a WPPT country; or
- (c) a WTO country.

Performance given in a foreign country

- (2) An applicable provision applies in relation to a performance given in a participating country (a ***foreign performance***):
- (a) in the same way as the provision applies, under the Act, in relation to a performance given in Australia; and
 - (b) as if the foreign performance were given in Australia.

Sound recording made in a foreign country of a performance

- (2A) An applicable provision applies in relation to a sound recording, made in a participating country (a ***foreign sound recording***), of a performance:
- (a) in the same way as the provision applies, under the Act, in relation to a sound recording of a performance given in Australia; and
 - (b) as if the foreign sound recording were made in Australia.

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Broadcast made in a foreign country of a performance

- (2B) An applicable provision applies in relation to a broadcast, made by a relevant broadcaster from a place in a participating country (a **foreign broadcast**), of a performance:
- (a) in the same way as the provision applies, under the Act, in relation to a broadcast of a performance given in Australia; and
 - (b) as if the foreign broadcast were made in Australia.

Sound recording made by a citizen, national or resident of a foreign country of a performance

- (2C) An applicable provision applies in relation to a sound recording, made by a person who is a citizen, national or resident of a participating country (a **foreign person**), of a performance:
- (a) in the same way as the provision applies, under the Act, in relation to a sound recording of a performance given in Australia; and
 - (b) as if the foreign person were an Australian citizen or resident.

Citizen or national of a foreign country

- (3) An applicable provision applies in relation to a person who, at a material time, is a citizen or national of a participating country (a **foreign citizen**):
- (a) in the same way as the provision applies, under the Act, in relation to a person who, at a material time, is an Australian citizen; and
 - (b) as if the foreign citizen were an Australian citizen.

Person resident in a foreign country

- (4) An applicable provision applies in relation to a person who, at a material time, is resident in a participating country (a **foreign resident**):
- (a) in the same way as the provision applies, under the Act, in relation to a person who, at a material time, is resident in Australia; and
 - (b) as if the foreign resident were resident in Australia.

Performance given before 2 January 1992

- (6) Subject to subregulation (7), no rights arising under this regulation subsist in Australia in relation to a performance given before 2 January 1992 if the performance relates to a Rome Convention country.
- (7) Subregulation (6) does not apply if:
- (a) the country is also a WTO country or a WPPT country; and
 - (b) the rights arising under this regulation are in relation to a provision of Part XIA of the Act relating to sound recordings, or communication to the public of live performances.

Modification of Act

- (8) To the extent that this regulation is inconsistent with the Act, the application of the Act by these Regulations is modified.

Part 4—Application, savings and transitional provisions

9 Works made before 1 July 1912

- (1) This regulation applies to a work that was made before 1 July 1912 if:
 - (a) the work was first published or performed in a country that is a Berne Convention country, a WCT country or a WTO country; or
 - (b) the author of the work was, at a material time, a citizen or national of, or resident in, a country that is a Berne Convention country, a WCT country or a WTO country.
- (2) Division 5 of Part XI of the Act applies to the work as if:
 - (a) for the purpose of determining whether a right (*existing right*) subsisted immediately before the commencement of the Copyright Act, 1911:
 - (i) the work was first published or performed in Australia; or
 - (ii) the author of the work was, at a material time, an Australian citizen or resident in Australia; and
 - (b) any right that, by virtue of section 24 of the Copyright Act, 1911, would have been conferred in place of any existing right were a right conferred by the Copyright Act, 1911.

10 Works first published before 1 May 1969

- (1) This regulation applies to a work that was first published, before the commencement of the Act, in a country that is a Berne Convention country, a WCT country or a WTO country.
- (2) Section 210 of the Act applies to the work as if, for the purpose of determining whether copyright subsisted under the Copyright Act, 1911, the work was first published in Australia.

11 Sound recording made before 1 May 1969—UCC countries

- (1) This regulation applies to a sound recording in which copyright subsists, under the Act, by reason only of either, or both, of the following:
 - (a) the maker of the sound recording having been, at the time when the recording was made:
 - (i) a citizen or national of a country that is a UCC country; or
 - (ii) a person resident in, or a body corporate incorporated under the law of, a country that is a UCC country;
 - (b) the first publication of the recording having taken place in a country that is a UCC country.
- (2) Section 89 of the Act, as applied by regulation 4, does not apply to the sound recording if the recording was made before 1 May 1969.

12 Published works etc relating to post-1969 UCC countries

- (1) This regulation applies to:
 - (a) a literary, dramatic, musical or artistic work or edition that was first published in a country that is a post-1969 UCC country; and
 - (b) a published sound recording or a published cinematograph film that was made or first published in a country that is a post-1969 UCC country; and
 - (c) a published artistic work that is a building (or that is attached to, or forms part of, a building) situated in a post-1969 UCC country; and
 - (d) a published work the author of which, an edition the publisher of which, or a published sound recording or a published cinematograph film the maker of which, was at a material time:
 - (i) a citizen or national of a country that is a post-1969 UCC country; or
 - (ii) a person resident in, or a body corporate incorporated under the law of, a country that is a post-1969 UCC country.
- (2) Copyright that, under the Act, subsists in a work, edition, recording or film by reason of the operation of these Regulations does not subsist in a work, edition, recording or film mentioned in subregulation (1), if the work, edition, recording or film was first published before the day on which the country became a party to the Universal Copyright Convention.
- (3) In this regulation:

post-1969 UCC country means a UCC country that became a party to the Universal Copyright Convention after 1 May 1969.
- (4) To the extent that this regulation is inconsistent with the Act, the application of the Act by these Regulations is modified.

13 Action taken in relation to works etc before a foreign country becomes a country to which these Regulations apply

- (1) This regulation applies if:
 - (a) a person (the *affected person*) has taken any action in relation to a work, a subject-matter other than a work or a performance at any time before the date of a relevant event; and
 - (b) the affected person has, because of the action, incurred expenditure or liability; and
 - (c) either:
 - (i) the action, being a use of the work, subject-matter or performance, was at the time lawful; or
 - (ii) the action was taken for the purpose of, or with a view to, a use of the work, subject-matter or performance at a time when the use would, but for the relevant event, have been lawful.
- (2) The affected person continues to be entitled to any right and interest, arising in connection with the action, that is subsisting and valuable immediately before the

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date of the relevant event, unless the exclusive right holder has agreed to pay reasonable compensation to the affected person.

(3) In this regulation:

convention country means:

- (a) a Berne Convention country; or
- (b) a UCC country; or
- (c) a Rome Convention country; or
- (d) a WCT country; or
- (e) a WPPT country; or
- (f) a WTO country.

exclusive right holder means the person who, as a result of the relevant event, has the exclusive right over the use of the work, subject-matter or performance.

relevant event means:

- (a) the commencement of the amending Regulations; or
- (b) after that commencement, an event that results in a foreign country (or a territory of a foreign country) becoming a convention country in relation to which these Regulations apply in relation to the work, subject-matter or performance.

- (4) To the extent that this regulation is inconsistent with the Act, the application of the Act by these Regulations is modified.
- (5) Despite subregulation (4), subregulation (2) applies subject to section 248QA of the Act as applied by these Regulations.

Note: A person of the kind described in subregulation (1) who took an action described in that subregulation may, if regulation 11, 12 or 13 of these Regulations (as in force before the commencement of the amending Regulations) applied to the person, continue, in the absence of reasonable compensation, to be entitled, under that regulation, to a right or interest arising in connection with the action.

14 Saving

Nothing in regulation 13 affects any right or interest preserved, or liability arising, under any of regulations 11, 12 and 13 as in force before the commencement of the amending Regulations.

15 Amendments made by the *Copyright (International Protection) Amendment Regulations 2018*

- (1) The repeal of subregulation 4(7B) of these Regulations and its substitution with new subregulations 4(7B), (7C) and (7D) made by Part 1 of Schedule 1 to the *Copyright (International Protection) Amendment Regulations 2018* applies in relation to a foreign encoded broadcast made on or after the commencement of this regulation.

- (2) The repeal and substitution of Schedule 3 to these regulations made by Part 2 of Schedule 1 to the *Copyright (International Protection) Amendment Regulations 2018* applies in relation to:
- (a) a recording heard in public on or after 1 January 2019; and
 - (b) a broadcast made on or after 1 January 2019.

Note: Part 2 of Schedule 1 to the *Copyright (International Protection) Amendment Regulations 2018* commences on 1 January 2019.

Schedule 3—Secondary uses of sound recordings

Note: See the definition of *Schedule 3 country* in subregulation 3(1) and subregulations 6(2) and 7(2).

Countries that provide rights for secondary uses of sound recordings

Albania
Algeria
Andorra
Argentina
Armenia
Austria
Azerbaijan
Bahamas, The
Bahrain
Bangladesh
Barbados
Belarus
Belgium
Benin
Bermuda
Bolivia
Bosnia and Herzegovina
Botswana
Brazil
Brunei Darussalam
Bulgaria
Burkina Faso
Cabo Verde
Canada
Chile
Colombia
Costa Rica
Croatia
Cyprus
Czech Republic
Denmark
Dominica
Dominican Republic
Ecuador
El Salvador
Estonia

Countries that provide rights for secondary uses of sound recordings

Fiji
 Finland
 Former Yugoslav Republic of Macedonia
 France
 Georgia
 Germany
 Ghana
 Greece
 Guatemala
 Guinea
 Holy See, The
 Honduras
 Hungary
 Iceland
 India
 Indonesia
 Ireland
 Israel
 Italy
 Jamaica
 Japan
 Kazakhstan
 Kyrgyzstan
 Latvia
 Lebanon
 Lesotho
 Liberia
 Liechtenstein
 Lithuania
 Luxembourg
 Malaysia
 Mali
 Malta
 Mauritius
 Mexico
 Moldova, Republic of
 Monaco
 Mongolia
 Montenegro
 Morocco

Schedule 3 Secondary uses of sound recordings

Countries that provide rights for secondary uses of sound recordings

Netherlands
New Zealand
Nicaragua
Nigeria
Norway
Oman
Pakistan
Panama
Paraguay
Peru
Philippines
Poland
Portugal
Qatar
Republic of Korea
Romania
Russian Federation
Saint Lucia
Saint Vincent and the Grenadines
Serbia
Slovak Republic
Slovenia
Spain
Sweden
Switzerland
Tajikistan
Thailand
Togo
Trinidad and Tobago
Turkey
Ukraine
United Arab Emirates
United Kingdom
Uruguay
Venezuela
Vietnam

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	Gazettal or FRLI registration	Commencement	Application, saving and transitional provisions
1969 No. 60	28 Apr 1969	1 May 1969 (<i>see</i> r. 2 and <i>Gazette</i> 1969, p. 2543)	
1969 No. 65	1 May 1969	1 May 1969	—
1974 No. 137	8 Aug 1974	8 Aug 1974	r. 4 (2)
1980 No. 276	25 Sept 1980	25 Sept 1980	—
1981 No. 74	15 Apr 1981	15 Apr 1981	—
1983 No. 127	5 Aug 1983	5 Aug 1983	—
1984 No. 43	29 Mar 1984	29 Mar 1984	—
1990 No. 356	30 Nov 1990	30 Nov 1990	—
199 No. 357	30 Nov 1990	1 Dec 1990	—
1991 No. 451	19 Dec 1991	1 Jan 1992	—
1991 No. 452	19 Dec 1991	2 Jan 1992	—
1992 No. 124	14 May 1992	14 May 1992	—
1993 No. 214	3 Aug 1993	3 Aug 1993	—
1994 No. 114	3 May 1994	3 May 1994	—
1995 No. 67	11 Apr 1995	rr. 4–8, 10.1 and 10.10: 1 July 1995 Remainder: 11 Apr 1995	—
1995 No. 436	22 Dec 1995	22 Dec 1995	—
1998 No. 360	22 Dec 1998	22 Dec 1998	—
2001 No. 29	1 Mar 2001	1 Mar 2001	—
2003 No. 337	23 Dec 2003	23 Dec 2003	—
2004 No. 257	26 Aug 2004	1 Jan 2005 (<i>see</i> r. 2)	—
2004 No. 362	23 Dec 2004	1 Jan 2005 (<i>see</i> r. 2)	—
134, 2013	28 June 2013 (<i>see</i> F2013L01220)	1 July 2013	—

Name	Registration	Commencement	Application, saving and transitional provisions
Copyright (International Protection) Amendment Regulations 2018	26 Nov 2018 (F2018L01609)	Sch 1 (item 13): 1 Jan 2019 (s 2(1) item 3) Remainder: 27 Nov 2018 (s 2(1) items 1, 2)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
Heading to Part 1	ad. 2003 No. 337
r. 1	rs. 1998 No. 360
r. 2	rep LA s 48D ad F2018L01609 ed C12
r. 3	am. 1974 No. 137; 1980 No. 276; 1990 No. 357; 1991 Nos. 451 and 452; 1995 No. 67; 1998 No. 360; 2001 No. 29; 2003 No. 337; 2004 Nos. 257 and 362; F2018L01609
Part 2	
Part 2	ad. 2003 No. 337
Heading to r. 4	rs. 2004 Nos. 257 and 362
r. 4	am. 1980 No. 276; 1990 No. 357; 1991 No. 451; 1995 No. 67; 1998 No. 360; 2001 No. 29 rs. 2003 No. 337 am. 2004 Nos. 257 and 362; F2018L01609
r. 4A	ad. 1991 No. 452 am. 2001 No. 29 rep. 2003 No. 337
r. 4B	ad. 1994 No. 114 rs. 1995 No. 67 am. 2001 No. 29 rep. 2003 No. 337
r. 5	rep. 1998 No. 360 ad. 2003 No. 337 am. 2004 No. 257
r. 6	am. 1969 No. 65 rs. 1974 No. 137 am. 1980 No. 276 rs. 2003 No. 337
r. 7	am. 1969 No. 65 rs. 1974 No. 137 am. 1980 No. 276 rs. 2003 No. 337
r. 7A	ad. 1969 No. 65 rep. 1974 No. 137
Part 3	
Part 3	ad. 2003 No. 337
Heading to r. 8	rs. 2004 No. 257

Endnote 4—Amendment history

Provision affected	How affected
r. 8	am. 1980 No. 276; 1990 No. 357; 1995 No. 67; 1998 No. 360; 2001 No. 29 rs. 2003 No. 337 am. 2004 No. 257; F2018L01609
Part 4	
Part 4 heading	rs F2018L01609
Part 4	ad. 2003 No. 337
Heading to r. 9	am. 1998 No. 360 rs. 2003 No. 337
r. 9	am. 1980 No. 276; 1990 No. 357; 1995 No. 67; 1998 No. 360; 2001 No. 29 rs. 2003 No. 337 am. 2004 No. 257
r. 10	rs. 1974 No. 137 am. 1980 No. 276; 1991 No. 451; 2001 No. 29 rs. 2003 No. 337 am. 2004 No. 257
r. 10A	ad. 1991 No. 451 rep. 2003 No. 337
r. 10B	ad. 1991 No. 452 rep. 2003 No. 337
r. 11	am. 1974 No. 137; 1980 No. 276; 1990 No. 357; 1991 No. 451 rs. 2003 No. 337
r. 12	ad. 1991 No. 451 am. 2001 No. 29 rs. 2003 No. 337
r. 13	ad. 1991 No. 452 am. 1995 No. 67; 2001 No. 29 rs. 2003 No. 337 am. 2004 No. 257
r. 14	ad. 2003 No. 337
r. 15	ad F2018L01609
Heading to the Schedules	rep. 1995 No. 67
First Schedule	am. 1974 No. 137 rep. 1980 No. 276
Heading to Schedule 1	rs. 1995 No. 67 rep. 2003 No. 337
Schedule 1	ad. 1980 No. 276 am. 1983 No. 127; 1990 Nos. 356 and 357; 1991 No. 451; 1993 No. 214; 1994 No. 114; 1995 Nos. 67 and 436; 1998 No. 360 rs. 2001 No. 29 rep. 2003 No. 337

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Second Schedule.....	am. 1974 No. 137 rep. 1980 No. 276
Heading to Third Schedule	rep. 1980 No. 276
Third Schedule	rs. 1974 No. 137
Heading to Schedule 3	ad. 1980 No. 276 rs. 1995 No. 67; 2003 No. 337
Schedule 3	
Schedule 3	rs No 74, 1981; No 43, 1984 am No 451, 1991; No 67, 1995; No 360, 1998 rs No 29, 2001; No 134, 2013; F2018L01609
