
Commonwealth Copyright Act (1968)

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Location selected

Cinema or Theatre

Related law

Cinema or Theatre relates to the Commonwealth Copyright Act (1968)

The Commonwealth Copyright Act (1968) establishes the legal framework for the copying and distribution of print, electronic, and audio-visual items at the University of Notre Dame Australia. Both staff and student research and teaching are covered by the act's requirements. Producers and other copyright owners of original 'works' have the sole right to reproduce, advertise, distribute, alter, licence, transfer, and sell their content under the Copyright Act. Nearly all written works in whatever format, involving photography, music, and other sound recordings, as well as films and other visual media, are protected by copyright (Ktena et al., 2004).

Works of literature, theatre, music, or art

(1) Any reference to the time when, or the period during which, a literary, dramatic, musical, or artistic work was created will be construed as a reference to the time when, or the period during which, the work was first transformed to writing or some other material form, as the case may be, in this Act.

(2) A literary, dramatic, or musical work that occurs in the form of sounds included in an item or thing is presumed to have been changed to a material form for the purposes of this Act at the moment those sounds were incorporated in that object or thing (Lewis, 1991).

Audio recordings

(3) The following purposes apply to this Act:

(a) A sound recording, other than a live performance sound recording, is assumed to have been recorded when the first record containing the recording is manufactured; and

(b) the sound recording's creator is the person who possessed the record at the time.

(3A) A sound recording of a live performance for the intentions of this Act is made by:

(a) the person or individuals who own the record on which the recording is made at the time of the recording; and

(b) the performer or performers (other than those named in paragraph (a)) who took part in the performance (Ricketson, 1981).

Under section 116AAA, a performer may be obliged to repay the owner of the record on which the recording is made

If: (3B)

(a) a live performance is recorded in sound; and

(b) If a performer participates in such performance under the conditions of his or her work by another person (the employer) under a contract of service or training, the employer is considered a maker for the objectives of paragraph (3A)(b). (3C) By contract between the performer and the employer, subsection (3B) may be omitted or amended.

Films in cinematograph

(4) The following purposes apply to this Act:

(a) When a reference to the creation of a cinematograph film is made, it refers to the activities required to produce the first copy of the film; and

(a) The person who made the required agreements for the film's production is the maker of the cinematograph film (Ktena et al., 2004).

Transmissions and various forms of communication

(5) A broadcast is presumed to have been created by the person who supplied the broadcasting service over which it was transmitted for the purposes of this Act.

(6) For the intents of this Act, a communication that is not a broadcast is deemed to have been created by the person in charge of verifying the content of the communication.

(6A) To prevent ambiguity, a person is not accountable for identifying the substance of a communication for the purposes of paragraph (6) simply because the person takes one or more measures to:

(a) obtaining access to what someone else in the communication has made public online; or

(b) obtaining the electronic broadcast that makes up the communication (Guan and Zhu, 2001).

Legal authorities

The Australian Cinematic Commission (AFC) was established in 1975 with the purpose of encouraging the development and distribution of films in Australia while also preserving the country's film heritage. It also had a production branch that was in charge of producing and commissioning government films. From July 1, 2008, it was replaced by Screen Australia.

How did I find the law?

I looked for online websites and simply typing the keywords I was looking for. I found that a search or viewing the table of contents are the two major methods to discover a specific state or federal legislation on a state/country website.

Discovering something new

Even for legal specialists, finding the law is not always straightforward; nonetheless, there are numerous credible internet sources of free legal materials. Many organisations also have legal papers printed in plain English on their websites, and courts and government agencies typically make their decisions, laws, and publications available to the public. See our Legal Research Links for further information.

References

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