

## Screenrights/CAG proposed amendments to Copyright Amendment Bill 2006

**Delete proposed s28A and insert after s28(4):**

### **28 Performance and communication of works or other subject-matter in the course of educational instruction**

(5) A communication of a literary, dramatic or musical work, broadcast, sound recording or cinematograph film, and of any work or other subject-matter included in the broadcast, recording or film made merely:

- (a) to perform a work in circumstances where the performance is deemed by this section not to be a performance in public; or
- (b) to cause a recording to be heard or a film to be seen or heard, in circumstances where the causing of the recording to be heard or the film to be seen or heard is deemed by this section not to be a performance in public,

is deemed not to be a communication to the public.

**Delete proposed s200AAA and replace with Screenrights/CAG proposed 200AAA and new 200AB**

### **200AAA Automated caching for educational purposes**

- (1) This section applies if:
  - (a) copyright subsists in a work or other subject-matter;
  - (b) an educational institution provides access to the Internet (in whole or in part) to its students or staff for educational purposes; and
  - (c) merely as an incidental aspect of the efficient technical provision of such Internet access, the educational institution caches a reproduction of the work or a copy of the other subject-matter (*the cache reproduction or cache copy*) on a server, system or network:
    - (i) that is operated by or on behalf of the body administering the educational institution; and
    - (ii) that makes the cache reproduction or the cache copy available to those staff and students in a way that limits its availability, using the server system or network, to those staff and students.
- (2) If subsection (1) applies, the copyright in the work or other subject-matter is not infringed by:
  - (a) the making of the cache reproduction or cache copy; or

- (b) the communication, using the server, system or network, of the cache reproduction or the cache copy to any of those staff or students.

- (3) In this section:

***caches*** means an act of reproducing, copying and/or communicating a work or other subject-matter made on a server, system or network connected to the Internet:

- (a) through an automatic process in response to an action by a user in order to facilitate efficient access to the work or other subject-matter by that user or other users; and
- (b) in a manner that does not make substantive modifications to the cached work or other subject-matter as it is transmitted to subsequent users (other than modifications made as part of a technical process); and
- (c) where the cache reproduction or cache copy is not purposefully retained after the copyright subject matter is no longer the subject of the communication from which it was derived.

## **200AAB Temporary storage for safe Internet browsing in certain educational institutions**

- (1) This section applies if:

- (a) copyright subsists in a work or other subject-matter that is made available on the Internet;
- (b) a reproduction of the work, or copy of the other subject-matter (*a safe copy*) is made:
  - (i) by, or on behalf of an educational institution providing primary education or education at pre-school or kindergarten standard; and
  - (ii) merely for the purpose of providing a safe Internet learning environment for pre-school, kindergarten or primary students who are receiving educational instruction;
- (c) the safe copy is communicated on a server, system or network that is operated by or on behalf of the educational institution in a way that limits its availability, using the server, system or network, to staff and students of the educational institution; and
- (d) the safe copy is not communicated for longer than 14 days from the date the safe copy was made.

- (2) If subsection (1) applies, the copyright in the work or other subject-matter is not infringed by:

- (a) the making of the safe copy; or
- (b) the communication, using the server, system or network, of the safe copy to any of those staff or students,

for the educational purposes of the institution.

- (3) Where a safe copy is communicated for longer than the 14 day period provided for in subsection (1), subsection (2) does not apply, and shall be taken never to have applied, to the making or the communication of the safe copy.