

FACT SHEET

Copyright Amendment (Film Directors' Rights) Act 2005

The *Copyright Amendment (Film Directors' Rights) Act 2005* amends the *Copyright Act 1968* to give, for the first time, film directors a share of the copyright in the films that they direct. The Act provides for directors to share, as copyright owners, in remuneration payable by pay-TV services for the retransmission of films included in free-to-air broadcasts. These changes were brought into operation by proclamation on 19 December 2005.

The amendments to the Copyright Act provide for film directors to be joint copyright owners of their films, along with producers, for the purposes of the retransmission statutory licence in Part VC of the Copyright Act. The statutory licence allows free-to-air broadcasts to be retransmitted without permission from copyright owners of works, films and sound recordings included in the broadcasts, provided the retransmitter pays fair remuneration to the declared collecting society (Screenrights) for those copyright owners. Under the amendments, the directors and producers would share a right to part of this remuneration, as joint owners of the copyright in their films for this purpose.

If a director is employed to direct a film, the employer is entitled to the director's new right, subject to any agreement providing otherwise. The amendments do not change the longstanding law under which the copyright in a film made under commission is vested in the commissioning party, subject to any agreement to the contrary.

The amendments will apply to films that began production after the commencement of the amendments, but rights arising under contracts entered into before that date are preserved.