

Copyright (Parody and Satire) Amendment Bill

Member's Bill

Explanatory note

General policy statement

The purpose of this Bill is to introduce into New Zealand copyright law the authority to use a copyright work for the purpose of parody or satire, which brings New Zealand's law in line with the laws of other developed countries, including Australia, the United States, Belgium, France, the Netherlands, Spain, and Germany. The amendment will also bring New Zealand into the 21st Century with its attitude towards copyright and freedom of speech. It introduces an amendment to section 42(1) of the Copyright Act 1994 that explicitly permits using copyright work for parody or satire. The amendment follows the Australian Copyright Act 1968, section 41A, which provides:

A fair dealing with a literary, dramatic, musical or artistic work, or with an adaptation of a literary, dramatic or musical work, does not constitute an infringement of the copyright in the work if it is for the purpose of parody or satire.

This amendment allows for a much wider interpretation of current copyright law in favour of the public wishing to use copyright works through parody or satire to promote an issue freely under our understanding of freedom of speech. Democratic societies such as New Zealand are built on the foundation of this concept, and a part of this

concept is to allow for criticism to be heard. Parody and satire are among the oldest forms of criticism, and play an important role in making light of an issue members of the public may feel strongly about. Therefore, it deserves a place in our legal system.

The amendment recognises the fact that our current copyright legislation is very much outdated in the 21st Century world of internet accessibility and freedom of information. The availability and forms of copyright works now take on far more forms than when the Copyright Act was first written, and New Zealand must adapt to this changing world.

The addition of parody or satire into New Zealand law allows for us to recognise the rightful place of this form of freedom of speech, for copyright exists to provide a balance between artistic and public rights. Making parody and satire not an infringement of copyright work serves to promote New Zealand as a fairer, more democratic, and modern society.

This Bill also has the potential to increase public respect of copyright as an institution, fulfilling broader goals in copyright legislation.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides that the Bill comes into force on the day after it receives the Royal Assent.

Clause 3 provides that the Bill amends the Copyright Act 1994 (the **principal Act**).

Clause 4 amends section 42(1) to include that fair dealing with a work for criticism or review does not infringe copyright if the purpose is for parody or satire.

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the **Copyright (Parody and Satire) Amendment Act 2011**.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Principal Act amended**
This Act amends the **Copyright Act 1994**.
- 4 Criticism, review, and news reporting**
Section 42 is amended by repealing subsection (1) and substituting the following subsection:

“(1) Fair dealing with a work for the purposes of criticism or review, of that or another work or a performance of a work, does not infringe copyright in the work if such fair dealing is accompanied by a sufficient acknowledgement, or if the purpose is for parody or satire.”