

# Part IX—Moral rights of authors of literary, dramatic, musical or artistic works and cinematograph films

## Division 1—Preliminary

### 189 Definitions

In this Part, unless the contrary intention appears:

*act of false attribution* has the meaning given by subsection 195AC(2).

*artistic work* means an artistic work in which copyright subsists.

*attributable act* has the meaning given by subsection 193(2).

*attributor* has the meaning given by subsection 195AC(2).

*author*, in relation to a cinematograph film, means the maker of the film.

*cinematograph film* means the complete and final version of a cinematograph film in which copyright subsists.

*deal* means sell, let for hire, by way of trade offer or expose for sale or hire, exhibit in public, or distribute and, in Division 3, includes publish.

Note : A film is based on a screenplay ... and which screenplay in turn is based on an **original story**. How on earth, then, can the maker of a film be said to be an “author” when a film is not an **ORIGINAL artistic work**?

According to the provisions of the ORIGINAL Australian Copyright Act, 1968 it is the *author* of the **ORIGINAL artistic work** who is the person entitled to financial remunerations in the form of ROYALTIES when the *true author's ORIGINAL artistic work* is exploited in the form of a cinematographic film.

When the maker of a film buys the rights to exploit an original artistic work with the view to make a film based on the said original artistic work, the maker of the film buys ONLY the rights but certainly DOES NOT BUY the title of AUTHOR included.

Isn't it evident that the displacement and replacement of the title of the person who is the veritable author of an **ORIGINAL artistic work** by the person who is the maker of the film ... was intended – BY DESIGN – in this amendment to the original Australian Copyright Act, 1968 ... to misappropriate the royalties entitlement owing to the veritable author of the **ORIGINAL artistic work** ... to the maker of the film instead?