

Parody, Satire and the Copyright Amendment Act 2006 – What am I allowed to do?

Recent amendments to the Copyright Act introduced a new, free exception – fair dealing for parody or satire.

What are we allowed to do?

You, or your students, can use copyright material for the purposes of parody or satire, if that use is fair.

What kind of copyright material can we use?

You, or your students, can potentially use any kind of copyright material. That includes literary works, dramatic works, pictures, musical works, computer games, sound recordings, films and broadcasts.

What kind of uses can we make?

As long as your use is fair and for parody or satire, you, or your students, can do any of the acts comprised in the copyright. That includes copying, adapting, performing and communicating, such as making it available online.

What do you mean by fair?

There is no strict rule as to what will be fair. There are some factors that might help you make an assessment though.

Your, or your student's use, is **likely** to be fair if:

- You have, or your student has, only used enough of the source copyright material that is necessary to make the intended parodic or satirical point. For example:
 - if you want to make a satirical comment about a film director's portrayal of women, it is more likely to be fair if you have only used one relevant scene of the film, not the film in its entirety, to create a piece with subtitles or voiceover.
 - if a student wants to make a satirical comment about the health issues around underweight models in fashion photography, it may be possible to use part of a fashion photograph, for example of a very skinny model's back, as opposed to an entire magazine article.

- In some cases, it will be okay to use the whole of the source material. For example, a student might perform the whole of a popular song in a way that 'sends up' the popular singer. This may cease to be fair, however, if it were sold or widely distributed.
- Yours, or your students' use is also more likely to be fair if it is closely linked to a course syllabus.

Yours, or your students' use is **unlikely** to be fair if your parody or satire creates an item that might be a market substitute for the source copyright material. For example, changing the lyrics to a popular song and then selling the recording.

What do you mean by parody?

The Macquarie Dictionary defines parody as humorous or satirical *imitation* of a serious piece of literature, a caricature, a poor imitation, to imitate so as to *ridicule or takeoff*.

Here are some examples:

- Students in a drama class re-enact a scene from the movie 'Rocky Balboa' in an exaggerated, parodic way.
- A student in an art class draws his own version of AstroBoy, using elements in both the drawing of AstroBoy and the setting that parody AstroBoy as a robot.
- A teacher wants to critique a novel in which the protagonist has chauvinistic attitudes. She writes her own version of one chapter, exaggerating the chauvinistic attitudes so as to ridicule them.

What do you mean by satire?

The Macquarie Dictionary defines 'satire' as the *use of irony, sarcasm or ridicule in exposing vice or folly*.

Here are some examples:

- A student in a performance night performs a rendition of a popular rap song that replaces the original lyrics with their own lyrics that comment satirically on the popular singer's performance at the MTV Awards.
- A teacher creates lyrics to be sung to the tune of a popular song. The lyrics comment on a current political issue in a satirical way.
- For an assignment, a student wants to make a satirical point about a current event in a creative way. She decides to tell the story in the style of Dr Seuss, borrowing phrases from a Dr Seuss book.

What can I do with my parodic or satirical item?

You and your students can perform, copy, publish and communicate the parodic or satirical item that has been created.

Note: if you or your students are going to put the parodic or satirical item online, it should generally be put on an Intranet that only students and staff can access.

For further information see the SmartCopying website at www.smartcopying.edu.au or contact your local copyright manager. You can also contact the National Copyright Unit on (02) 9561 1204 or at email delia.browne@det.nsw.edu.au.