

116C Distribution to the public etc. of works whose electronic rights management information has been removed or altered

- (1) This section applies if:
 - (a) a person does any of the following acts in relation to a work or other subject-matter in which copyright subsists without the permission of the owner or exclusive licensee of the copyright:
 - (i) distributes a copy of the work or other subject-matter to the public;
 - (ii) imports into Australia a copy of the work or other subject-matter for distribution to the public;
 - (iii) communicates a copy of the work or other subject-matter to the public; and
 - (b) either:
 - (i) any electronic rights management information that relates to the work or other subject-matter has been removed from the copy of the work or subject-matter; or
 - (ii) any electronic rights management information that relates to the work or other subject-matter has been altered; and
 - (c) the person knew that the electronic rights management information had been so removed or altered without the permission of the owner or exclusive licensee of the copyright; and
 - (d) the person knew, or ought reasonably to have known, that the act referred to in paragraph (a) that was done by the person would induce, enable, facilitate or conceal an infringement of the copyright in the work or other subject-matter.
- (2) If this section applies, the owner or exclusive licensee of the copyright may bring an action against the person.
- (3) In an action under subsection (2), it must be presumed that the defendant:
 - (a) had the knowledge referred to in paragraph (1)(c); and
 - (b) knew, or ought reasonably to have known, that the doing of the act to which the action relates would have the effect referred to in paragraph (1)(d);unless the defendant proves otherwise.