

Adapting copyright material

Copyright owners have the right to make an adaptation of their work or to allow others to adapt or modify their work. There are no provisions or exceptions in the Copyright Act that cover adapting or modifying material. Permission is required from the copyright owner to make an adaptation.

In a literary or dramatic work, an adaptation would be:

- A translation of the work
- Conveying the story or action solely or principally by pictures, e.g. adapting a novel as a comic.
- Creating a dramatic form of a non-dramatic work or vice versa, e.g. adapting a book into a stage play.

For computer programs - which are considered literary works - an adaptation is a version of the work that is not a reproduction. The adaptation may or may not be in the same language, code or notation the work was originally expressed in.

For musical works, an adaptation is a new arrangement or transcription.

There is no right of adaptation for artistic works, cinematographic films or sound recordings. However, in making an adaptation of any of these works you would be making a reproduction. You would need to consider how much of the original work is used (and remains recognisable) in the modified version. Each case would need to be considered on its own merits, but it is likely that unless you can reproduce the work as permitted under the Copyright Act, you will need to seek permission from the copyright owner.

Once an adaptation is created, copyright exists in the adapted work. However, an adapted work does not have its own right of adaptation. You cannot make another adaptation from an adapted work.

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