



COPYRIGHT ACT REVIEW – OVERVIEW

The government is reviewing the Copyright Act and we want to hear from you.

View the full issues paper and find out how to have your say at www.mbie.govt.nz/copyright-review

Submissions close at 5pm on Friday 5 April 2019.

■ WHY WE'RE REVIEWING THE COPYRIGHT ACT

There have been significant technological developments since the *Copyright Act 1994* was last reviewed in 2004. These new technologies impact the way we create, distribute and consume creative works. We want to make sure New Zealand copyright law keeps pace with the rapidly changing digital world.

■ THE REVIEW PROCESS

The release of the Issues Paper is the first stage of public consultation for the *Copyright Act review*. Your feedback on the Issues Paper will help inform our understanding of how the copyright regime is currently working, including any potential problems and the size of those problems. There will be a further round of consultation on potential options for change.

The Issues Paper has been informed by the Ministry of Business, Innovation and Employment's (MBIE) **Copyright and Creative Sector report**. This report outlined the findings of MBIE's Creative Sector Study, which considered how the creative sector interacts with the copyright and the registered designs regime in the context of a changing technological environment.

■ PROPOSED OBJECTIVES FOR NEW ZEALAND'S COPYRIGHT REGIME

- 1 Provide incentives for the creation and dissemination of works, where copyright is the most efficient mechanism to do so
- 2 Permit reasonable access to works for use, adaption and consumption, where exceptions to exclusive rights are likely to have net benefits for New Zealand
- 3 Ensure that the copyright regime is effective and efficient, including providing clarity and certainty, facilitating competitive markets, minimising transaction costs, and maintaining integrity and respect for the law
- 4 Meet New Zealand's international obligations
- 5 Ensure that the *copyright system* is consistent with the Crown's obligations under the Treaty of Waitangi.

We're seeking your input on a variety of issues with the way the Copyright Act is currently operating, or opportunities to improve its operation. We're also keen to hear where the Act is working well.

■ ISSUES



RIGHTS (PART 4) We're seeking your views on whether the rights provided by the *Copyright Act* and rules of ownership provide the right incentives for the creation and dissemination of works. This includes:

- › the criteria for protection and protected works
- › allocation of rights, term of protection, exclusive rights and infringement provisions
- › specific issues with current rights (e.g communication to the public and communications works)
- › moral rights, performers rights and technological protection measures



EXCEPTIONS (PART 5) We're seeking your views on whether our exceptions and limitations appropriately balance the interests of copyright owners against the importance of allowing reasonable use of works. This includes:

- › fair dealing, exceptions for incidental and transient copying and exceptions to facilitate non-expressive uses & freedom of expression
- › exceptions for libraries and archives
- › exceptions for educational institutions
- › exceptions relating to computer programmes, format shifting, time shifting, free public playing exceptions, reception and re-transmission of broadcast content
- › contracting out of exceptions
- › internet service provider liability



TRANSACTIONS (PART 6) We're seeking your views on whether the transaction provisions (which govern the buying, selling and licensing of copyright) create efficient market conditions for copyright works. This includes:

- › licensing and assignment
- › the role of Collective Management Organisations
- › the role of the Copyright Tribunal in licensing disputes
- › orphan works



ENFORCEMENT (PART 7) We're seeking your views on what barriers copyright owners face to effective enforcement of their rights. This includes:

- › groundless threats of legal action
- › border protection measures
- › issues with the infringing file sharing regime
- › online infringements
- › Internet Services Providers' liability
- › criminal liability



OTHER ISSUES (PART 8) We're seeking your views on other issues, including:

- › whether industrial designs should have dual protection under the Copyright Act and the Design Act 1953
- › how the Government should approach the recommendations on taonga works in the Waitangi Tribunal's report on the Wai 262 inquiry.

Your feedback on the issues paper will help us decide whether changes to our copyright laws are needed, and help inform our thinking about what those changes should be.

Questions? Contact the copyright review team at copyrightactreview@mbie.govt.nz



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