



## COVERSHEET

<b>Minister</b>	Hon Cameron Brewer	<b>Portfolio</b>	Commerce and Consumer Affairs
<b>Title of Cabinet paper</b>	Policy decisions on copyright including free trade agreement obligations	<b>Date to be published</b>	4 June 2026

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
May 2026	Policy decisions on copyright including free trade agreement obligations	Office of Minister of Commerce and Consumer Affairs
20 May 2026	Policy decisions on copyright including free trade agreement obligations ECO-26-MIN-0083 Minute	Cabinet Office
25 May 2026	Policy decisions on copyright including free trade agreement obligations CAB-26-MIN-0175.02 Minute	Cabinet Office

### Information redacted

**YES**

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Some information has been withheld for the reason of Confidential advice to Government.



# Cabinet

## Minute of Decision

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### Policy Decisions on Copyright including Free Trade Agreement Obligations

**Portfolios**                      **Commerce and Consumer Affairs**

On 25 May 2026, following reference from the Cabinet Economic Policy Committee (ECO), Cabinet:

- 1        **noted** that New Zealand has entered into free trade agreements with the United Kingdom and European Union (the FTAs) that require changes to the Copyright Act 1994 (the Act), and those changes must be implemented by 1 May 2028;
- 2        **noted** that the FTAs' changes concern:
  - 2.1        extending the term of copyright and related rights protection for all categories of works, except communication works, by 20 years;
  - 2.2        specifying that the term of protection for works of unknown authorship expires 70 years from the end of the calendar year after the creation of the work or, if lawfully made available to the public within 70 years from creation, 70 years from the end of the calendar year after the first such making available;
  - 2.3        under the European Union FTA, strengthening protections for digital locks applied to copyright works by copyright holders (as described in paragraph 1 of Annex One under ECO-26-SUB-0083);
- 3        **agreed** to amend the Act to:
  - 3.1        repeal the existing legal framework for the protection of digital locks under the Act concerning the protection of copyright control digital locks (i.e. sections 226 to 226I);
  - 3.2        replace the repealed sections in paragraph 3.1 above with a framework similar to that enacted under the Part 1 of the Trans-Pacific Partnership Agreement Amendment Act 2016 for protecting digital locks (the framework), as described in paragraph 3 of Annex One under ECO-26-SUB-0083;
  - 3.3        further amend the framework being implemented to provide for the standard of protection required under the New Zealand–European Union Free Trade Agreement as described in paragraph 1.3 of Annex One under ECO-26-SUB-0083;

- 3.4 permit not-for-profit gallery, library, archive and museum (GLAM) organisations, in respect of works within their collections, to not infringe copyright or related rights when undertaking the following non-commercial activities:
- 3.4.1 making digital copies of works for preservation purposes;
  - 3.4.2 making digital copies for internal collection management and administration purposes;
  - 3.4.3 digitising of certain works in their collections for public good purposes;
  - 3.4.4 copying by not-for-profit galleries and museums of works for private research or study or preservation purposes, as is currently permitted for archives and museums;
  - 3.4.5 otherwise using orphan works subject to appropriate safeguards;
- 3.5 introduce a fair dealing exception for the fair use of copyright works for the purpose of parody and satire;
- 3.6 provide explicitly for the courts to have the authority to order website blocking injunctions, based on section 115A of the Australia Copyright Act 1968, with necessary modifications;
- 3.7 repeal the infringing file sharing regime under Part 6, sections 122A to 122U and associated regulations made under section 234;
- 3.8 allow non-exclusive licensees to start infringement proceedings on behalf of the copyright holder;
- 3.9 clarify the meaning of “issue to the public”, which provides the copyright holder with a first distribution right, such that the right is exhausted only when a work is issued to the public in New Zealand or overseas by the copyright holder, or with the copyright holder’s consent;
- 3.10 remove the act of subsequent importation from the list of acts specifically excluded from the first distribution right;
- 3.11 repeal the default copyright ownership rule that gives first ownership of copyright in certain works to the commissioners of those works;
- 4 **noted** that in August 2022, the previous government agreed that the duration of the artists’ resale right, as provided for in the Resale Right for Visual Artists Act 2023, is to be aligned with the duration of copyright protection, such that an extension of the copyright term would likewise extend the resale right [SWC-22-MIN-0144];
- 5 **agreed** to amend the Resale Right for Visual Artists Act 2023 to extend the duration of the artists’ resale right by 20 years;
- 6 **invited** the Minister of Commerce and Consumer Affairs (the Minister) to issue drafting instructions to the Parliamentary Counsel Office to give effect to the decisions above;

Confidential advice to Government

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- 8 **authorised** the Minister to make minor or technical changes to the policy decisions above, as well as additional policy decisions consistent with the general policy intent, on issues that arise during the drafting and passage of the Bill through the House;
- 9 **invited** the Minister to report back to ECO by 31 March 2027 on the proposed copyright framework for GenAI in New Zealand.

Rachel Hayward  
Secretary of the Cabinet

*Secretary's Note: This minute replaces ECO-26-MIN-0083. Cabinet agreed to add paragraph 9.*

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