

Taonga works

These conversations were an opportunity for participants to discuss the section in Part 8 of the Issues Paper: ‘Copyright and the Wai 262 Inquiry’.

Notes recorded by workshop groups

Theme/sub-topic	Comments recorded
Next steps/what's happening	<ul style="list-style-type: none"> › Inclusion in copyright review: advancing Wai 262 higher priority than copyright › Taonga works are copyright and vice versa. Seeing how these things work together and separately in order to determine how to engage. Exploratory. › Shoehorning Taonga into ill-fitting pre-existing systems is problematic. › [this review] Could be a world leading opportunity to create a result for Taonga. › TPK to develop [a strategy] › Copyright is an awkward mechanism for a culture so holistic › Museums are making collections available under specific conditions › Process: how to consult: <ul style="list-style-type: none"> › Where are the experts? › Depth and capacity of understanding about intellectual property – does this compromise the efficacy of these consultations? › Copyright conversations much easier to have for Pākehā › Don't force Māori into an ill-fitting and irrelevant framework › Government must back this. Will government be too frightened? › Huge opportunity to create something transformational <ul style="list-style-type: none"> › Other legislation has tried to include, but minimally and ineffectively › Heartening to contemplate a truly bi-cultural and bi-partisan approach that is not beholden to an electoral cycle. Palpable shift. › Appropriation, commercialisation, egregious use › Offensive vs derogatory use <ul style="list-style-type: none"> › How does this sit in legislation in the context of free-speech and censorship? › Shift in public consciousness to protect and defend against appropriation



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	<ul style="list-style-type: none">› Is the Crown observing its obligations under the Treaty?<ul style="list-style-type: none">› Could a clause be included in the Copyright Act that would mean that the courts were bound to consider the Treaty in copyright disputes?› A challenge is that there is so much property and taonga already available:<ul style="list-style-type: none">› How to allow access or regulate use of things already being used?› Retroactive protection› Registry for Taonga Works? How would this operate?<ul style="list-style-type: none">› A decision-making body as part of the new regime?› Where would the funding come from to cover the costs of the new system's infrastructure?› Long time since the release of the Waitangi Tribunal recommendations report› Offensive use vs freedom of expressions› Education as a response to derogatory treatment of Taonga Works; internationally: use of diplomatic sources to respond to derogatory treatment – we need a NZ system to refer to in order to facilitate international protection.› Māori are in minority in the democratic process. Māori's resources are limited when it comes to ensuring Taonga Works protection› People often don't realise they infringe.
Engagement	<ul style="list-style-type: none">› Initial hui at the end of March:<ul style="list-style-type: none">› How do you want to engage?› Leave the Berne Convention and re-write the legal framework› Imagine the liberation› What is the inherent hierarchy of the legislation?› Do we look to the UN Convention?› How to engage?<ul style="list-style-type: none">› Talk to Māori› Ask Māori who to talk to› Don't ignore the Tribunal's report – it embodies 20 years of thought and insight› Talk to people/organisations who already hold taonga› Be alert to the potential of expanding into other territories› Where do the politics of these conversations lie?



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Definition	<ul style="list-style-type: none">› Distinction between Taonga and Taonga-derived works (is this an apt term?)› What constitutes Māori works? What is Taonga?<ul style="list-style-type: none">› Tradition vs contemporary› What are the underlying principles?› Can something be elevated to the status of Taonga over time?› Accrual of experience and meaning:<ul style="list-style-type: none">› Taonga are living› Treaty is a two-way thing: works which are not Māori which may still be taonga› Taonga-derived works, eg Air NZ's use of Koru<ul style="list-style-type: none">› Conflict vs freedom of speech› How taonga-derived works are used› Making taonga works public – offence› Who created the work – taonga work of taonga-derived work?› Reflects the whole creative cycle.
Alternatives / other mechanisms	<ul style="list-style-type: none">› Mechanisms exist: licensing that benefits a central body in the AU environment› There are some international examples/regimes that protect indigenous knowledge.