

# Submission on review of the Copyright Act 1994: Issues Paper

## Your name and organisation

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## Responses to Issues Paper questions

### Objectives

1	Are the above objectives the right ones for New Zealand’s copyright regime? How well do you think the copyright system is achieving these objectives?
	<i>RESPONSE</i> <i>Not achieving while the rights of authors are not being protected</i>

### Other comments

*In this response, in order to give it full emphasis, I am narrowing my concern to an issue I think needs to be addressed immediately.*

*That libraries are issuing digital copies of authors’ books to borrowers with no recompense to the authors of those books. Printed books are included in the Authors Lending Right scheme, but digital copies are not eligible. There should be no difference between forms of the same book.*

323. The Copyright Act provides a number of exceptions to facilitate the functions of not-for-profit libraries and archives. The purposes of these exceptions are to allow these libraries and archives to:

- ●  supply copies of works to users for the purposes of research and private study
- ●  obtain copies of works from other libraries that they cannot otherwise obtain
- ●  copy works within their collections for preservation and replacement purposes
- ●  communicate works in digital form to authenticated users.<sup>157</sup>

324. Libraries and archives use content themselves and facilitate its use by others. They collect, preserve and make available works for the public good, providing an important resource for creators.

41	If this is the loophole by which libraries are flouting authors' right by giving away their work, this needs to be rectified immediately.
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328. Libraries and archives have told us that the current exceptions inhibit their ability to meet the growing demand to convert physical content to digital form and make it publically available over the internet.

	Libraries and archives should be able to copy and make public works that are <b>not</b> subject to existing copyright restrictions. In the case that a work is no longer freely available, they can negotiate with the author, but should not be able to copy the work without permission. I have had experience of this years ago when I learnt a library intended to make print copies of one of my books, claiming it was out of print, when it was not. Making books available on the internet while their copyright is still in force is property theft.
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