



Blind Foundation Submission

The Copyright Act 1994

To the Ministry of Business, Innovation and Employment

1. This submission is from the Blind Foundation.
2. The Blind Foundation is the operating name of the Royal New Zealand Foundation of the Blind, an incorporated charitable society under the Incorporated Societies Act 1908.
3. The Blind Foundation's purpose is to enable over 12,500 New Zealander Blind Foundation members who are blind or have low vision to be self-reliant and live the life they choose.
4. Our vision is a life without limits. As the main provider of practical and emotional support to people with vision loss, we work with clients to find the tools and technology for them to be as independent as possible, enabling them to enjoy life and participate fully in society.
5. Our services include providing post sight loss rehabilitation, equipment and training to continue reading and communicating, and services that facilitate mobility, socialisation, recreation, education and employment.
6. This submission relates to relevant issues for the Blind Foundation from the Review of the Copyright Act 1994 Issues Paper (**the Issues Paper**).

Submission

To Hon Kris Faafoi
Minister of Commerce and Consumer Affairs.

The Blind Foundation welcomes the opportunity to make this submission. We have studied the Issues Paper for the proposed review of the Copyright regime here in New Zealand and below are our responses to the sections of the Issues Paper that we think are of specific relevance to the Blind Foundation. We are only responding to these areas of immediate relevance to us and not commenting on the complete re-examination of the entire copyright system.

Part 5 of the Issues Paper deals with the various exceptions to the current Copyright legislation, including the print disability exceptions under Section 69 (paras 279 and 280). We would like to acknowledge and welcome these print disability exceptions and the fact that these benefits are referenced and confirmed by the Issues Paper.

In Part 9 of the Issues Paper MBIE have gathered the issues raised in one place. We will address the seven questions we have prioritised from Part 9 below.

Question 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?

From a Blind Foundation perspective, the objectives of this review seem reasonable and we support them. However, we think there needs to be a discussion over whether there should be a Copyright Register.

Question 2: Are there other objectives that we should be aiming to achieve? For example, do you think adaptability or resilience to future technological change should be included as an objective and, if so, do you think that would be achievable without reducing certainty and clarity?

There does need to be an effort to ensure the next copyright regime is able to cope with future technological advances, but care needs to be taken not to replace one confusing regime with another one.

In light of the EU Parliamentary voting to pass Article 13, namely that Internet platforms are liable for content that users upload, would it cause New Zealand to revisit this issue.

Question 28: What are the problems (or benefits) with the TPMs protections? What changes (if any) should be considered?

We are happy with these from our perspective as we are covered by the Marrakesh Treaty and enabling legislation. We are aware of the discussion around TPMs and watch with interest.

Question 36: What are the problems (or benefits) with the way the copyright exceptions apply to cloud computing? What changes (if any) should be considered?

Given the fact that so much material is now being copied to the Cloud we think there needs to be an exception for this, as it is not currently covered by the current regime. Cloud computing has changed a lot since the copyright regime was last reviewed and there are potential issues around cloud storage companies, such as on-selling of copies, and misuse of copyright information which could happen.

Question 38: What problems (or benefits) are there with copying of works for non-expressive uses like data mining. What changes, if any, should be considered?

The Blind Foundation think there needs to be an exception included about data mining to facilitate and clarify responsibilities around this.

Question 63: Is there a sufficient number and variety of CMOs in New Zealand? IF not, which type copyright works do you think would benefit from the formation of CMOs in New Zealand?

Do we need another CMO to cover Artificial Intelligence/computer programs?

Question 71: Have you ever been impeded using, preserving or making available copies of old works because you could not identify or contact the copyright? Please provide as much detail as you can about what the problem was and its impact.

It is an ongoing problem for us as it can be very difficult to identify the copyright holder. We think it would be good to link ISBNs to publishers, so the book has an identifier that stays with it. It would have the first publisher and then all subsequent publishers registered against it in the database. In addition, there is the issue of what to do if the publisher disappears and does not pass on their rights.