

#37

COMPLETE

Page 2: A bit about you and your submission

Q1 Your name

Canterbury Museum

Q2 Your email address

Q3 Please briefly tell us why copyright law interests you

We are generators and sharers of copyrighted content. In day to day business the Museum cares for, researches and shares assets, many of which are copyrighted.

Q4 For the purpose of MBIE publishing the information you provide in this submission, do you wish to remain anonymous? **No**

Q5 Do you object to your submission being published (anonymously if you have requested that) in whole or in part by MBIE on its website? Note: if you answer Yes to this question, when you reach the end of this survey, you will be asked to specify which parts of your submission (or all of it) you do not wish MBIE to publish and help us understand your concerns so that we can consider them in the event of a request under the Official Information Act. **No**

Page 3: Question navigation

Q6 Which of the following subjects in the Issues Paper do you wish to answer questions on?

Part 3 (Objectives),

Part 4 (Rights) Section 1 - what does copyright protect and who gets the rights?

,

Part 5, (Exceptions and Limitations) Section 2 - exceptions for libraries and archives

,

Part 6 (Transactions)

Page 4: Objectives

Q7 Q1 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?

The intention and focus of the objectives are correct. A fair and balanced copyright regime will benefit creators and users.

We would like the objectives to acknowledge that "net benefits for New Zealand" include for the public good, rather than solely fiscal. They should acknowledge the the extrinsic and intrinsic benefits of providing access to creative works for our teachers, learners, researchers, and creators. The works held by museums, galleries, archives and libraries hold great meaning and significance for New Zealanders and impact societal wellbeing. Museums are centres for research and scholarship across the humanities and natural sciences, and this research contributes in a very real way to New Zealand's wellbeing.

In objective two, "permit reasonable access to works for use, adaptation and consumption..." the use of the word "reasonable" prevents clarity. Removing "reasonable" would not alter the intention of the act and and strengthen the wording.

The current copyright system is failing to meet these objectives. It creates barriers to reasonable access through limiting the ability of our museums, galleries, libraries and archives to safely record their collections and reasonably provide access to them. It is not an effective or efficient system, with complicated rules, inconsistent exclusions and (poorly worded, inefficient, confusing) changes between the historic acts which cast doubt upon what is in and out of copyright.

Canterbury Museum has a legislated responsibility to share and preserve our collections. The current copyright system hinders this. It is not "effective, efficient" and does not maintain "integrity and respect for the law". In some cases we infringe the Copyright Act through our activities in documenting, caring for and sharing our collection.

Q8 Q2 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?

No, the objectives should remain clear as to their intention and as simple as possible. Trying to write objectives for specific needs within the envelope of an overarching set of intentions could lead to uncertainty and lack of clarity. A well written set of objectives which don't descend into specificity will have more longevity and be more able to cope with changes in future technology.

Q9 Q3 Should sub-objectives or different objectives for any parts of the Act be considered (eg for moral rights or performers' rights)? Please be specific in your answer.

No. The clearer and more concise the objectives can be written, the better. Sub-objectives could introduce undesirable complexity.

Q10 Q4What weighting (if any) should be given to each objective?

The copyright act should aim to be as fair and balanced as possible. To achieve this aim, there should be no weighting given to any of the objectives. The protection of creators is an important incentive to create, however equally the act must foster creativity, enable use, research and community engagement with copyrighted works.

Page 5: Rights: What does copyright protect and who gets the rights?

Q11 Q5What are the problems (or advantages) with the way the Copyright Act categorises works? **Respondent skipped this question**

Q12 Q6Is it clear what 'skill, judgement and labour' means as a test as to whether a work is protected by copyright? Does this test make copyright protection apply too widely? If it does, what are the implications, and what changes should be considered?

It is not clear what 'skill, effort and judgement' means as a test as to whether a work is protected by copyright. This test can make copyright protection apply too widely with implications for access and uncertainty around what we can share with our communities.

Our recent practice has been that copyright doesn't apply to exact copies of 2d works out of copyright, following emerging practice in the museum industry in New Zealand and worldwide. However, the current copyright act doesn't make this explicit, meaning that many institutions claim copyright on digital surrogates of works that are out of copyright, as we have done in the past.

Canterbury Museum undertakes a great deal of research into the fossil fauna of New Zealand. Recently this research has led to scanning and publishing 3d models of extinct species. The original fossils have no copyright, however the skill, effort, and judgement required to develop these models from scanning to modelling and colouration is considerable. Currently we are unsure as to whether copyright exists in these models.

The Māori rock art of Te Waipounamu is a unique and important taonga. Canterbury Museum holds an internationally significant collection of tracings on plastic of these works. The original drawings are out of copyright, but does copyright apply to the tracings? The original works aren't what we would typically consider a 2d work, the texture, angle and undulation of the original surface being an important part of the work. The Museum has contracted artists to make replica tracings of the original tracings. The commissioning rule would suggest that we have copyright over those works, but not if there is no copyright in the original tracings.

There is an expectation that publicly held collections are widely digitally accessible. Often a researcher will be surprised to hear that we hold some material because they "couldn't find it on our website". Like many institutions we try to balance our desire for the widest access possible to our collections with our need to recoup staff and equipment costs for digitisation by making access copies of our digital surrogates accessible online while retaining higher resolution copies for release under access agreements. Clarifying which works are protected by copyright will not affect this system, however it will remove vagueness around what we can and can't claim copyright for.

Q13 Q7Are there any problems with (or benefits arising from) the treatment of data and compilations in the Copyright Act? What changes (if any) should be considered? **Respondent skipped this question**

Q14 Q8 What are the problems (or benefits) with the way the default rules for copyright ownership work? What changes (if any) should we consider?

The default commissioning rules doesn't cover volunteers, meaning that contractual agreements are required for volunteers taking part in mass digitisation projects.

Canterbury Museum holds significant collections of images from studio photographers, forming an important social history archive from the 1800s to the 2000s. These images are of great interest and importance to our community. However, unless specifically contracted out of, the sitters will retain the copyright of these images. This leads to a situation where to digitise these for our own cataloguing, preservation and access purposes, we would need to undertake research to find tens of thousands of individual copyright holders, many who will be deceased, based on a last name and photograph. This is a task which the Museum doesn't have the resources to undertake, leading us to either provide very limited, physical only, access to these images, or knowingly contravene copyright law in order to undertake the activities.

A change to the commissioning rule which would invest copyright in the creator would enable us to easily manage the rights of these collections, however it would need to be able to be provided retroactively which would lead to many complications for other copyrighted works in our collection. The provision of a safe harbour for museums would enable us to undertake our legislated responsibility to "collect, preserve, act as a regional repository for, research, display and otherwise make available" our collections (Canterbury Museum Trust Board Act 1993)

Q15 Q9 What problems (or benefits) are there with the current rules related to computer-generated works, particularly in light of the development and application of new technologies like artificial intelligence to general works? What changes, if any, should be considered?

Respondent skipped this question

Q16 Q10 What are the problems (or benefits) with the rights the Copyright Act gives visual artists (including painting, drawings, prints, sculptures etc.)? What changes (if any) should be considered?

Respondent skipped this question

Q17 Q11 What are the problems creators and authors, who have previously transferred their copyright in a work to another person, experience in seeking to have the copyright in that work reassigned back to them? What changes (if any) should be considered?

Respondent skipped this question

Q18 Q12 What are the problems (or benefits) with how Crown copyright operates? What alternatives (if any) do you think should be considered?

The current duration of Crown copyright is too long, and changing departments means it is very unclear who owns copyright. The NZGOAL initiatives are admirable, but most works in museums and archives were created well before the introduction of NZGOAL. It can take many hours of research just to determine the right department or person to ask for a licence for a work. In some cases, the department isn't aware that it held the copyright to these works.

We hold many works under Crown copyright, especially in our Antarctic collections. As we make our collections accessible through Collections Online, exhibition and publication use, we need to determine the copyright holders of these works. It is much easier for us to use images from US Federal programs than those from the New Zealand Government, as the rules are much clearer with all Federal works being out of copyright. The lack of clarity and the work needed to research copyright holders and gain a licence means that we are more likely to use works generated by a foreign government than our own.

Recently the Museum was able to gain a release of images from the Trans Antarctic Expedition's Ross Sea Party. To find the correct copyright holder took the resources of 4 staff members and over 18 months of research.

We feel that Crown Copyright duration is too long. However, to truly enable innovation, creativity, inspiration and research from publicly funded works, the NZ Government should adopt the example of the US Federal government and exclude government created works from copyright.

Q19 Q13 Are there any problems (or benefits) in providing a copyright term for communication works that is longer than the minimum required by New Zealand's international obligations?

Respondent skipped this question

Q20 Q14 Are there any problems (or benefits) in providing an indefinite copyright term for the type of works referred to in section 117?

Respondent skipped this question

Q21 Any other comments on Rights: what does copyright protect and who gets the rights?

Respondent skipped this question

Page 6: Rights: What actions does copyright reserve for copyright owners?

Q22 Q15 Do you think there are any problems with (or benefits arising from) the exclusive rights or how they are expressed? What changes (if any) should be considered?

Respondent skipped this question

Q23 Q16 Are there any problems (or benefits) with the secondary liability provisions? What changes (if any) should be considered?

Respondent skipped this question

Q24 Q17 What are the problems (or advantages) with the way authorisation liability currently operates? What changes (if any) do you think should be considered? **Respondent skipped this question**

Q25 Any other comments on Rights: what actions does copyright reserve for copyright owners? **Respondent skipped this question**

Page 7: Rights: Specific issues with the current rights

Q26 Q18 What are the problems (or advantages) with the way the right of communication to the public operates? What changes, if any, might be needed? **Respondent skipped this question**

Q27 Q19 What problems (or benefits) are there with communication works as a category of copyright work? What alternatives (if any) should be considered? **Respondent skipped this question**

Q28 Q20 What are the problems (or benefits) with using 'object' in the Copyright Act? What changes (if any) should be considered? **Respondent skipped this question**

Q29 Q21 Do you have any concerns about the implications of the Supreme Court's decision in Dixon v R? Please explain. **Respondent skipped this question**

Q30 Q22 What are the problems (or benefits) with how the Copyright Act applies to user-generated content? What changes (if any) should be considered? **Respondent skipped this question**

Q31 Q23 What are the advantages and disadvantages of not being able to renounce copyright? What changes (if any) should be considered? **Respondent skipped this question**

Q32 Q24 Do you have any other concerns with the scope of the exclusive rights and how they can be infringed? Please describe. **Respondent skipped this question**

Q33 Any other comments on Rights: specific issues with the current rights **Respondent skipped this question**

Page 8: Rights: Moral rights, performers' rights and technological protection measures

Q34 Q25 What are the problems (or benefits) with the way the moral rights are formulated under the Copyright Act? What changes to the rights (if any) should be considered?

Respondent skipped this question

Q35 Q26 What are the problems (or benefits) with providing performers with greater rights over the sound aspects of their performances than the visual aspects?

Respondent skipped this question

Q36 Q27 Will there be other problems (or benefits) with the performers' rights regime once the CPTPP changes come into effect? What changes to the performers' rights regime (if any) should be considered after those changes come into effect?

Respondent skipped this question

Q37 Q28 What are the problems (or benefits) with the TPMs protections? What changes (if any) should be considered?

Respondent skipped this question

Q38 Q29 Is it clear what the TPMs regime allows and what it does not allow? Why/why not?

Respondent skipped this question

Q39 Any other comments on Rights: moral rights, performers' rights and technological protection measures

Respondent skipped this question

Page 9: Exceptions and Limitations: Exceptions that facilitate particular desirable uses

Q40 Q30 Do you have examples of activities or uses that have been impeded by the current framing and interpretation of the exceptions for criticism, review, news reporting and research or study? Is it because of a lack of certainty? How do you assess any risk relating to the use? Have you ever been threatened with, or involved in, legal action? Are there any other barriers?

Respondent skipped this question

Q41 Q31 What are the problems (or benefits) with how any of the criticism, review, news reporting and research or study exceptions operate in practice? Under what circumstances, if any, should someone be able to use these exceptions for a commercial outcome? What changes (if any) should be considered?

Respondent skipped this question

Q42 Q32 What are the problems (or benefits) with photographs being excluded from the exception for news reporting? What changes (if any) should be considered?

Respondent skipped this question

Q43 Q33 What other problems (or benefits), if any, have you experienced with the exception for reporting current events? What changes (if any) should be considered? Respondent skipped this question

Q44 Q34 What are the problems (or benefits) with the exception for incidental copying of copyright works? What changes (if any) should be considered? Respondent skipped this question

Q45 Q35 What are the problems (or benefits) with the exception transient reproduction of works? What changes (if any) should be considered? Respondent skipped this question

Q46 Q36 What are the problems (or benefits) with the way the copyright exceptions apply to cloud computing? What changes (if any) should be considered? Respondent skipped this question

Q47 Q37 Are there any other current or emerging technological processes we should be considering for the purposes of the review? Respondent skipped this question

Q48 Q38 What problems (or benefits) are there with copying of works for non-expressive uses like data-mining. What changes, if any, should be considered? Respondent skipped this question

Q49 Q39 What do problems (or benefits) arising from the Copyright Act not having an express exception for parody and satire? What about the absence of an exception for caricature and pastiche? Respondent skipped this question

Q50 Q40 What problems (or benefit) are there with the use of quotations or extracts taken from copyright works? What changes, if any, should be considered? Respondent skipped this question

Q51 Any other comments on Exceptions and Limitations: exceptions that facilitate particular desirable uses Respondent skipped this question

Page 10: Exceptions and limitations: Exceptions for libraries and archives

Q52 Q41 Do you have any specific examples of where the uncertainty about the exceptions for libraries and archives has resulted in undesirable outcomes? Please be specific about the situation, why this caused a problem and who it caused a problem for. Respondent skipped this question

Q53 Q42 Does the Copyright Act provide enough flexibility for libraries and archives to copy, archive and make available to the public digital content published over the internet? What are the problems with (or benefits arising from) this flexibility or lack of flexibility? What changes (if any) should be considered?

Respondent skipped this question

Q54 Q43 Does the Copyright Act provide enough flexibility for libraries and archives to facilitate mass digitisation projects and make copies of physical works in digital format more widely available to the public? What are the problems with (or benefits arising from) this flexibility or lack of flexibility? What changes (if any) should be considered?

Respondent skipped this question

Q55 Q44 Does the Copyright Act provide enough flexibility for libraries and archives to make copies of copyright works within their collections for collection management and administration without the copyright holder's permission? What are the problems with (or benefits arising from) this flexibility or lack of flexibility? What changes (if any) should be considered?

Respondent skipped this question

Q56 Q45 What are the problems with (or benefits arising from) the flexibility given to libraries and archives to copy and make available content published online? What changes (if any) should be considered?

Respondent skipped this question

Q57 Q46 What are the problems with (or benefits arising from) excluding museums and galleries from the libraries and archives exceptions? What changes (if any) should be considered?

The exclusion of museums leads to confusing situations where some staff members in an institution have agency to copy portions or the total of a work and others do not. At Canterbury Museum, although we have a library and archive and in the past have had librarians and archivists on staff, currently we do not. Does this mean that for the purposes of the act, we can't undertake the activities outlined in the exceptions? If a book is not in the library collection at the Museum, but is rather in the social history or decorative arts collection, does that mean that it must be interacted with differently?

The exceptions in the act allow for preservation, administration, and access copying. The activities of a museum closely mirror those of a library, yet we are unable to act according to best practice by photographing copyright works for internal documentation and collection care purposes. A condition report for a travelling exhibition is far more effective if it is able to include an image of the work, rather than just descriptions of areas of damage and fragility, yet for works under copyright this would breach copyright.

In the Canterbury earthquakes, photographic works in the Museum's collection, of importance to our community were damaged beyond physical repair. Acetate film negatives were greatly degraded as our cold store lost power. These works will continue to degrade. The works could be scanned and digitally recreated, ameliorating the loss, however this is an infringement of the current copyright act. Yet, this is the kind of activity which is allowable under the library exception to certain works in certain collections.

Like libraries and archives, museums are agents for public good. The activities we undertake, which may breach copyright, are for reasons of preservation, documentation, and access. These activities are non-commercial and for the care of our nation's taonga. There is no demonstrable impact on the copyright owner from these activities. In fact, it could be argued that it is to the benefit of the copyright owner, allowing their work to be preserved.

The libraries and archives exception should be simplified, broadened to museums and galleries, and widened to include the artefacts in our collections. It should be technologically agnostic to allow for future advances in digitisation to be utilised.

The provision of a safe harbour for museums, galleries, libraries and archives may be the best way to provide some protection for the heritage sector to effectively operate for the public good and net benefit of New Zealand in such a way that doesn't infringe on copyright law. As it stands Canterbury Museum acts responsibly and avoids breaching copyright, however our mandate to preserve and care for our collections takes precedence over low risk, no harm actions such as photographing for the purpose of monitoring condition, or for internal administrative purposes.

Q58 Any other comments on Exceptions and Limitations: exceptions for libraries and archives **Respondent skipped this question**

Page 11: Exceptions and limitations: Exceptions for education

Q59 Q47 Does the Copyright Act provide enough flexibility to enable teachers, pupils and educational institutions to benefit from new technologies? What are the problems with (or benefits arising from) this flexibility or lack of flexibility? What changes (if any) should be considered? **Respondent skipped this question**

Q60 Q48 Are the education exceptions too wide? What are the problems with (or benefits arising from) this? What changes (if any) should be considered? **Respondent skipped this question**

Q61 Q49 Are the education exceptions too narrow? What are the problems with (or benefits arising from) this? What changes (if any) should be considered? Respondent skipped this question

Q62 Q50 Is copyright well understood in the education sector? What problems does this create (if any)? Respondent skipped this question

Q63 Any other comments on Exceptions and Limitations: exceptions for education Respondent skipped this question

Page 12: Exceptions and limitations: Exceptions relating to the use of particular categories of works

Q64 Q51 What are the problems (or advantages) with the free public playing exceptions in sections 81, 87 and 87 A of the Copyright Act? What changes (if any) should be considered? Respondent skipped this question

Q65 Q52 What are the problems (or advantages) with the way the format shifting exception currently operates? What changes (if any) should be considered? Respondent skipped this question

Q66 Q53 What are the problems (or advantages) with the way the time shifting exception operates? What changes (if any) should be considered? Respondent skipped this question

Q67 Q54 What are the problems (or advantages) with the reception and retransmission exception? What alternatives (if any) should be considered? Respondent skipped this question

Q68 Q55 What are the problems (or advantages) with the other exceptions that relate to communication works? What changes (if any) should be considered? Respondent skipped this question

Q69 Q56 Are the exceptions relating to computer programmes working effectively in practice? Are any other specific exceptions required to facilitate desirable uses of computer programs? Respondent skipped this question

Q70 Q57 Do you think that section 73 should be amended to make it clear that the exception applies to the works underlying the works specified in section 73(1)? And should the exception be limited to copies made for personal and private use, with copies made for commercial gain being excluded? Why? Respondent skipped this question

Q71 Any other comments on Exceptions and limitations: exceptions relating to the use of particular categories of works **Respondent skipped this question**

Page 13: Exceptions and limitations: Contracting out of the exceptions

Q72 Q58 What problems (or benefits) are there in allowing copyright owners to limit or modify a person's ability to use the existing exceptions through contract? What changes (if any) should be considered? **Respondent skipped this question**

Page 14: Exceptions and limitations: Internet service provider liability

Q73 Q59 What are problems (or benefits) with the ISP definition? What changes, if any should be considered? **Respondent skipped this question**

Q74 Q60 Are there any problems (or benefit) with the absence of an explicit exception for linking to copyright material and not having a safe harbour for providers of search tools (eg search engines)? What changes (if any) should be considered? **Respondent skipped this question**

Q75 Q61 Do the safe harbour provisions in the Copyright Act affect the commercial relationship between online platforms and copyright owners? Please be specific about who is, and how they are, affected. **Respondent skipped this question**

Q76 Q62 What other problems (or benefits) are there with the safe harbour regime for internet service providers? What changes, if any, should be considered? **Respondent skipped this question**

Page 15: Transactions

Q77 Q63 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? **Respondent skipped this question**

Q78 Q64 If you are a member of a CMO, have you experienced problems with the way they operate in New Zealand? Please give examples of any problems experienced. **Respondent skipped this question**

Q79 Q65 If you are a user of copyright works, have you experienced problems trying to obtain a licence from a CMO? Please give examples of any problems experienced.

Respondent skipped this question

Q80 Q66 What are the problems (or advantages) with the way the Copyright Tribunal operates? Why do you think so few applications are being made to the Copyright Tribunal? What changes (if any) to the way the Copyright Tribunal regime should be considered?

Respondent skipped this question

Q81 Q67 Which CMOs offer an alternative dispute resolution service? How frequently are they used? What are the benefits (or disadvantages) with these services when compared to the Copyright Tribunal?

Respondent skipped this question

Q82 Q68 Has a social media platform or other communication tool that you have used to upload, modify or create content undermined your ability to monetise that content? Please provide details.

Respondent skipped this question

Q83 Q69 What are the advantages of social media platforms or other communication tools to disseminate and monetise their works? What are the disadvantages? What changes to the Copyright Act (if any) should be considered?

Respondent skipped this question

Q84 Q70 Do the transactions provisions of the Copyright Act support the development of new technologies like blockchain technology and other technologies that could provide new ways to disseminate and monetise copyright works? If not, in what way do the provisions hinder the development and use of new technologies?

Respondent skipped this question

Q85 Q71 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.

When selecting works for inclusion in our Collections Online, there is a strong preference towards works which are known to be out of copyright. In many cases after a due diligence search we may make them available online with usage restrictions, however there is an understanding that there is some risk involved in doing this. The number of works that could be considered orphaned in our collection is large. In our photographic collection along, there are over 65,000 works with no known author.

It is important to note that not just "old" works can become orphaned. We are currently working through a large acquisition of 39,000 photographs from a studio where copyright may lie with the sitters. The images were taken from the 1960s to the late 2000s, and in most cases we only have the last name of the sitter. The resources required to undertake a reasonable search for the copyright holder are enormous. Even at 30 minutes per studio session, there would still be nearly 10 years work.

Often we won't even have a last name to work off. Images in our collection have come in either individually as one off donations or purchases, as part of a larger collection or estate, or, in the past, were anonymously donated. In these cases, the only information we can base our search on is what is visually presented in the photograph.

One work can take weeks or months to try and identify or contact the copyright holder. This takes significant staff resources to navigate. Given that we are not resourced to have a dedicated rights specialist on staff, every instance of uncertainty around the copyright holder means that resources are moved from other core museum functions or public access is not provided.

When orphaned works are digitised and made available, it is for non-commercial purposes, such as public access via our Collections Online or through an exhibition. Each time this is done, it is with the hope that a copyright holder will come forward. However, there is always a degree of uncertainty around this. The consequences could be large if an institution is charged with copyright infringement - both financially and reputationally.

We would like to see the provision of a safe harbour for the Gallery, Library, Archives and Museums sector to lift the apprehensiveness around using orphan works, especially for non-commercial, public good purposes. By encouraging limited, non-commercial use of these works, many items in museum collections will be made more visible, increasing the likelihood of discovering the copyright holder and fostering creativity and research in our communities.

Q86 Q72 How do you or your organisation deal with orphan works (general approaches, specific policies etc.)? And can you describe the time and resources you routinely spend on identifying and contacting the copyright owners of orphan works?

Respondent skipped this question

Q87 Q73 Has a copyright owner of an orphan work ever come forward to claim copyright after it had been used without authorisation? If so, what was the outcome?

Respondent skipped this question

Q88 Q74 What were the problems or benefits of the system of using an overseas regime for orphan works?

Respondent skipped this question

Q89 Q75 What problems do you or your organisation face when using open data released under an attribution only Creative Commons Licences? What changes to the Copyright Act should be considered? Respondent skipped this question

Q90 Any other comments on Transactions Respondent skipped this question

Page 16: Enforcement of Copyright

Q91 Q76 How difficult is it for copyright owners to establish before the courts that copyright exists in a work and they are the copyright owners? What changes (if any) should be considered to help copyright owners take legal action to enforce their copyright? Respondent skipped this question

Q92 Q77 What are the problems (or advantages) with reserving legal action to copyright owners and their exclusive licensees? What changes (if any) should be considered? Respondent skipped this question

Q93 Q78 Should CMOs be able to take legal action to enforce copyright? If so, under what circumstances? Respondent skipped this question

Q94 Q79 Does the cost of enforcement have an impact on copyright owners' enforcement decisions? Please be specific about how decisions are affected and the impact of those decisions. What changes (if any) should be considered? Respondent skipped this question

Q95 Q80 Are groundless threats of legal action for infringing copyright being made in New Zealand by copyright owners? If so, how wide spread do you think the practice is and what impact is the practice having on recipients of such threats? Respondent skipped this question

Q96 Q81 Is the requirement to pay the \$5,000 bond to Customs deterring right holders from using the border protection measures to prevent the importation of infringing works? Are there any issues with the border protection measures that should be addressed? Please describe these issues and their impact. Respondent skipped this question

Q97 Q82 Are peer-to-peer filing sharing technologies being used to infringe copyright? What is the scale, breadth and impact of this infringement? Respondent skipped this question

Q98 Q83 Why do you think the infringing file sharing regime is not being used to address copyright infringements that occur over peer-to-peer file sharing technologies?

Respondent skipped this question

Q99 Q84 What are the problems (or advantages) with the infringing file sharing regime? What changes or alternatives to the infringing file sharing regime (if any) should be considered?

Respondent skipped this question

Q100 Q85 What are the problems (or advantages) with the existing measures copyright owners have to address online infringements? What changes (if any) should be considered?

Respondent skipped this question

Q101 Q86 Should ISPs be required to assist copyright owners enforce their rights? Why / why not?

Respondent skipped this question

Q102 Q87 Who should be required to pay ISPs' costs if they assist copyright owners to take action to prevent online infringements?

Respondent skipped this question

Q103 Q88 Are there any problems with the types of criminal offences or the size of the penalties available under the Copyright Act? What changes (if any) should be considered?

Respondent skipped this question

Q104 Any other comments on Enforcement of copyright

Respondent skipped this question

Page 17: Other Issues: Relationship between copyright and registered design protection

Q105 Q89 Do you think there are any problems with (or benefits from) having an overlap between copyright and industrial design protection? What changes (if any) should be considered?

Respondent skipped this question

Q106 Q90 Have you experienced any problems when seeking protection for an industrial design, especially overseas?

Respondent skipped this question

Q107 Q91 We are interested in further information on the use of digital 3-D printer files to distribute industrial designs. For those that produce such files, how do you protect your designs? Have you faced any issues with the current provisions of the Copyright Act?

Respondent skipped this question

Q108 Q92 Do you think there are any problems with (or benefits from) New Zealand not being a member of the Hague Agreement? Respondent skipped this question

Q109 Any other comments on Other Issues: Relationship between copyright and registered design protection Respondent skipped this question

Page 18: Other issues: Copyright and the Wai 262 inquiry

Q110 Q93 Have we accurately characterised the Waitangi Tribunal's analysis of the problems with the current protections provided for taonga works and mātauranga Māori? If not, please explain the inaccuracies. Respondent skipped this question

Q111 Q94 Do you agree with the Waitangi Tribunal's use of the concepts 'taonga works' and 'taonga-derived works'? If not, why not? Respondent skipped this question

Q112 Q95 The Waitangi Tribunal did not recommend any changes to the copyright regime, and instead recommended a new legal regime for taonga works and mātauranga Māori. Are there ways in which the copyright regime might conflict with any new protection of taonga works and mātauranga Māori? Respondent skipped this question

Q113 Q96 Do you agree with our proposed process to launch a new work stream on taonga works alongside the Copyright Act review? Are there any other Treaty of Waitangi considerations we should be aware of in the Copyright Act review? Respondent skipped this question

Q114 Q97 How should MBIE engage with Treaty partners and the broader community on the proposed work stream on taonga works? Respondent skipped this question

Q115 Any other comments on Other Issues: copyright and the Wai 262 inquiry Respondent skipped this question

Page 20: Information you've provided that should not be publicly available

Q116 Please specify (by question number) which of your answers you object to being published by MBIE Respondent skipped this question

Q117 Please specify (by question number) which of your answers contain information that MBIE should consider withholding if requested under the Official Information Act. For each question number, please tell us which information in your answer you believe would need to be withheld and why (preferably by referring to the relevant ground in the Official Information Act).

Respondent skipped this question
