

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

## Your name and organisation

Name	Gina Irish
Organisation	Christchurch Art Gallery

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We do not want sections of our submission placed on MBIE’s website because we make reference to sensitive contract negotiations, and infringements relating to orphan works which have been supplied in good faith and in a transparent manner to assist the MBIE understand the issues, but examples supplied present a legal risk to the Christchurch Art Gallery.

## Please check if your submission contains confidential information:

I would like my submission (or identified parts of my submission) to be kept confidential, and **have stated** my reasons and grounds under the Official Information Act that I believe apply, for consideration by MBIE.

## 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?
	Yes, we agree the above objectives are the right ones for New Zealand’s copyright regime.
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?
	<i>[Insert response here]</i>
3	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.
	<i>[Insert response here]</i>

4 What weighting (if any) should be given to each objective?

*[Insert response here]*

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

5 What are the problems (or advantages) with the way the Copyright Act categorises works?

*[Insert response here]*

6 Is it clear what 'skill, effort and judgement' 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?

*[Insert response here]*

7 Are 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?

*[Insert response here]*

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

9 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?

*[Insert response here]*

10 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?

*[Insert response here]*

11	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?
	<i>[Insert response here]</i>
12	What are the problems (or benefits) with how Crown copyright operates? What alternatives (if any) do you think should be considered?
	<i>[Insert response here]</i>
13	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?
	<i>[Insert response here]</i>
14	Are there any problems (or benefits) in providing an indefinite copyright term for the type of works referred to in section 117?
	<i>[Insert response here]</i>

## Other comments

*[Insert response here]*

### **Rights: What actions does copyright reserve for copyright owners?**

15	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?
	<i>[Insert response here]</i>
16	Are there any problems (or benefits) with the secondary liability provisions? What changes (if any) should be considered?
	<i>[Insert response here]</i>
17	What are the problems (or advantages) with the way authorisation liability currently operates? What changes (if any) do you think should be considered?
	<i>[Insert response here]</i>

## Other comments

*[Insert response here]*

## Rights: Specific issues with the current rights

18	What are the problems (or advantages) with the way the right of communication to the public operates? What changes, if any, might be needed?
	<i>[Insert response here]</i>
19	What problems (or benefits) are there with communication works as a category of copyright work? What alternatives (if any) should be considered?
	<i>[Insert response here]</i>
20	What are the problems (or benefits) with using 'object' in the Copyright Act? What changes (if any) should be considered?
	<i>[Insert response here]</i>
21	Do you have any concerns about the implications of the Supreme Court's decision in Dixon v R? Please explain.
	<i>[Insert response here]</i>
22	What are the problems (or benefits) with how the Copyright Act applies to user-generated content? What changes (if any) should be considered?
	<i>[Insert response here]</i>
23	What are the advantages and disadvantages of not being able to renounce copyright? What changes (if any) should be considered?
	<i>[Insert response here]</i>
24	Do you have any other concerns with the scope of the exclusive rights and how they can be infringed? Please describe.
	<i>[Insert response here]</i>

## Other comments

*[Insert response here]*

## Rights: Moral rights, performers' rights and technological protection measures

25	<p>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?</p> <p><i>[Insert response here]</i></p>
26	<p>What are the problems (or benefits) with providing performers with greater rights over the sound aspects of their performances than the visual aspects?</p> <p><i>[Insert response here]</i></p>
27	<p>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?</p> <p><i>[Insert response here]</i></p>
28	<p>What are the problems (or benefits) with the TPMs protections? What changes (if any) should be considered?</p> <p><i>[Insert response here]</i></p>
29	<p>Is it clear what the TPMs regime allows and what it does not allow? Why/why not?</p> <p><i>[Insert response here]</i></p>

## Other comments

*[Insert response here]*

## Exceptions and Limitations: Exceptions that facilitate particular desirable uses

30	<p>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?</p> <p><i>[Insert response here]</i></p>
31	<p>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?</p> <p><i>[Insert response here]</i></p>
32	<p>What are the problems (or benefits) with photographs being excluded from the exception for news reporting? What changes (if any) should be considered?</p>

	<i>[Insert response here]</i>
33	What other problems (or benefits), if any, have you experienced with the exception for reporting current events? What changes (if any) should be considered?
	<i>[Insert response here]</i>
34	What are the problems (or benefits) with the exception for incidental copying of copyright works? What changes (if any) should be considered?
	<i>[Insert response here]</i>
35	What are the problems (or benefits) with the exception transient reproduction of works? What changes (if any) should be considered?
	<i>[Insert response here]</i>
36	What are the problems (or benefits) with the way the copyright exceptions apply to cloud computing? What changes (if any) should be considered?
	<i>[Insert response here]</i>
37	Are there any other current or emerging technological processes we should be considering for the purposes of the review?
	<i>[Insert response here]</i>
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?
	<i>[Insert response here]</i>
39	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?
	<i>[Insert response here]</i>
40	What problems (or benefit) are there with the use of quotations or extracts taken from copyright works? What changes, if any, should be considered?
	<i>[Insert response here]</i>

## Other comments

*[Insert response here]*

### Exceptions and Limitations: Exceptions for libraries and archives

41	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.
	No. As a gallery we are currently unable to rely on these exceptions. See further our response to question 46.

42	<p>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?</p>
	<p>No. As a gallery we are currently unable to rely on these exceptions. See further our response to question 46.</p>
43	<p>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?</p>
	<p>No. As a gallery we are currently unable to rely on these exceptions. See further our response to question 46.</p>
44	<p>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?</p>
	<p>No. As a gallery we are currently unable to rely on these exceptions. See further our response to question 46.</p>
45	<p>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?</p>
	<p>No. As a gallery we are currently unable to rely on these exceptions. See further our response to question 46.</p>
46	<p>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?</p>
	<p>See Other Comments where this question has been answered.</p>

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## Other comments

*[Insert response here]*

*Answer to question 46:*

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 Gallery is excluded from, and therefore unable to rely on the libraries and archives exception.



This exclusion presents a conflict with the objectives identified in the Issues Paper, namely objective 2.<sup>1</sup> It is also inconsistent with industry exceptions applied in comparable countries including Canada, the United Kingdom and Australia. Any future drafting of industry related exclusions and limitations must include a defining term that is clear and all-encompassing.

Comparatively, Australia's Copyright Act 1968 (Cth.) applies exceptions to archives yet clearly includes galleries and museums in the definition, nor is it as limited in terms of the material those institutions might hold:

*Museums and galleries are examples of bodies that could have collections covered by... the definition of **archives**.*<sup>2</sup>

In a New Zealand context, all-encompassing and broad definitions are referenced in the Protected Objects Act (1975):

... **public museum** means a non-profit making museum being eligible for membership of the Art Galleries and Museums Association of New Zealand.<sup>3</sup>

This all-encompassing definition has been considered in the context of the Department of Internal Affairs (DIA) recent review of the Fire Service, with specific reference to the levy. DIA have acknowledged eligible institutions will qualify for an exemption to the levy, with the drafting of a definition aligned with the Protected Objects Act informing current legislative processes.

In their membership criteria, Museums Aotearoa (previously the Art Galleries and Museums Association of New Zealand) refer to 'museums' as...

*... an organisation which is primarily engaged in collecting, caring for, developing, exhibiting or interpreting the natural and cultural heritage of Aotearoa New Zealand. The term includes marae and exhibition galleries, or centres which are maintained on an on-going basis by other organisations. Membership is open to all museums which subscribe to and act in accordance with the Code of Ethics of Museums Aotearoa.*<sup>4</sup>

Likewise, the International Council of Museums' (ICOM) definition is broad, and in our opinion could be applied to the development of improved all-encompassing industry specific copyright exceptions:

*"A museum is a non-profit, permanent institution in the service of society and its development, open to the public, which acquires, conserves, researches, communicates and exhibits the tangible and intangible heritage of humanity and its environment for the purposes of education, study and enjoyment."*<sup>5</sup>

These various definitions support the view that galleries and museums are not unlike libraries and archives, in that they share the same operative goals, ethical frameworks, mission and purpose.

While the Gallery is of the opinion exceptions that benefit libraries and archives should apply to galleries and museums (collectively referred to from hereon in as GLAM), the existing libraries and archives exceptions do not reflect current GLAM practice. The shortcomings of the existing libraries

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<sup>1</sup> Refer to Ministry for Business Innovation and Employment, *Issues Paper: Review of the Copyright Act 1994*, November 2018, p.23.

<sup>2</sup> Excerpt from the Australian Copyright Act 1968 (Cth.) referenced in the Australian Copyright Council, *Galleries & Museums: Introduction to Copyright* information sheet (G068v07) available at [www.copyright.org.au](http://www.copyright.org.au)

<sup>3</sup> Referenced in the Protected Objects Act 1975, section 2, Interpretation.

<sup>4</sup> Referenced on Museum Membership page, [www.museumsaotearoa.org.nz](http://www.museumsaotearoa.org.nz)

<sup>5</sup> International Council of Museums (ICOM) Statutes, 2007 referenced [https://icom.museum/wp-content/uploads/2018/07/2017\\_ICOM\\_Statutes\\_EN.pdf](https://icom.museum/wp-content/uploads/2018/07/2017_ICOM_Statutes_EN.pdf)

and archives exceptions are evident when consideration is given to fundamental GLAM specific activities impacted by copyright, yet not accounted for in existing fair dealing provisions. Existing provisions are limited in scope and application, impeding necessary and non-commercial use that supports the purposes and functions of the GLAM sector.

The following examples evidence how copyright relates to the administration of collections, preservation of collections and access to and interpretation of collections at the Gallery:

#### **ADMINISTRATION**

- Digitisation for the purpose of visual identification purposes.
- Report writing, including internal submissions such as acquisition proposals written by Curatorial staff seeking approval to acquire works for the collection.
- Conservation documentation including condition reports and treatment proposals written to document the physical state of collection works, including works on loan for short term exhibition purposes (also related to preservation objectives).
- Everyday collection management functions/tasks, including the maintenance of the collection database and security systems where images of works are linked to object records to assist with identification and location tracking.
- Export and import documentation including images submitted to the Ministry for Primary Industries relating to biosecurity, images submitted to the Department of Conservation for the processing of CITES permits, and images submitted to the Ministry for Culture and Heritage when applying for permission to export works classified under the Protected Objects Act 1975.
- Copying connected to due diligence searches relating to provenance/legal title. An example, images submitted to generate *Art Loss Register* certificates.
- Copying for installation manuals.
- Emergency preparedness plans relating to the assessment and salvage of the collection in a disaster.
- Valuation and insurance reports.

#### **PRESERVATION**

- Where material is not able to be replaced commercially, copying for preservation, specifically works too fragile to handle or exhibit, or on media identified at risk of obsolescence, such as VHS, CD, DVD or that is required in an alternative format for technical reasons.
- See conservation and treatment proposals above.

#### **ACCESS**

- The reproduction of works on collections online so they are represented on the Gallery's website.
- Didactics (print and electronic) within exhibition spaces and online, designed to enhance the visitor experience.
- Public programmes and events such as workshops, lectures and performances.
- Education through the reproduction of works for class materials (preschool, primary, secondary) and workshops delivered to adults, including specialised study programmes for groups such as Dementia Canterbury and the Deaf Foundation. Note, the Gallery has an Education department that are not eligible to utilise exceptions available to schools, universities and polytechnics.

- Communication which encourages visitation through the promotion of our exhibition programme, including our collection.

Commercial use, such as merchandise, or publications sold through the Gallery shop or through distributors are cleared using a licence and in our opinion should not qualify for an exception.

While the above examples demonstrate what the Gallery considers reasonable non-commercial use, we do not support the introduction of fair dealing exceptions that list specific yet limited uses as GLAM practice is evolving, especially in the rapidly changing digital environment. We'd prefer issues be considered more broadly so uses are categorised to reflect GLAM's collective purposes and functions. This could be achieved through the introduction of safe harbours for GLAM that enable the sector to administer, preserve and provide access to collections while balancing those rights with the rights of copyright holders. The introduction of broader, all-encompassing exceptions through safe harbours would encourage interesting, innovative and engaging collection initiatives that benefit all New Zealanders.<sup>6</sup>

### Exceptions and Limitations: Exceptions for education

47	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?
	<i>[Insert response here]</i>
48	Are the education exceptions too wide? What are the problems with (or benefits arising from) this? What changes (if any) should be considered?
	<i>[Insert response here]</i>
49	Are the education exceptions too narrow? What are the problems with (or benefits arising from) this? What changes (if any) should be considered?
	<i>[Insert response here]</i>
50	Is copyright well understood in the education sector? What problems does this create (if any)?
	<i>[Insert response here]</i>

### Other comments

*[Insert response here]*

<sup>6</sup> Reference Graeme Austin, Why the not-for-profit cultural sector needs tailor-made copyright safe harbours, referenced online at: <http://theconversation.com/why-the-not-for-profit-cultural-sector-needs-tailor-made-copyright-safe-harbours-89564>

## Exceptions and Limitations: Exceptions relating to the use of particular categories of works

51	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?
	<i>[Insert response here]</i>
52	What are the problems (or advantages) with the way the format shifting exception currently operates? What changes (if any) should be considered?
	<i>[Insert response here]</i>
53	What are the problems (or advantages) with the way the time shifting exception operates? What changes (if any) should be considered?
	<i>[Insert response here]</i>
54	What are the problems (or advantages) with the reception and retransmission exception? What alternatives (if any) should be considered?
	<i>[Insert response here]</i>
55	What are the problems (or advantages) with the other exceptions that relate to communication works? What changes (if any) should be considered?
	<i>[Insert response here]</i>
56	Are the exceptions relating to computer programmes working effectively in practice? Are any other specific exceptions required to facilitate desirable uses of computer programs?
	<i>[Insert response here]</i>
57	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?
	<i>[Insert response here]</i>

## Other comments

*[Insert response here]*

## Exceptions and Limitations: Contracting out of exceptions

58	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?
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*[Insert response here]*

## Exceptions and Limitations: Internet service provider liability

59

What are problems (or benefits) with the ISP definition? What changes, if any should be considered?

*[Insert response here]*

60

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?

*[Insert response here]*

61

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.

*[Insert response here]*

62

What other problems (or benefits) are there with the safe harbour regime for internet service providers? What changes, if any, should be considered?

*[Insert response here]*

## Transactions

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?

*[Insert response here]*

64

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.

*[Insert response here]*

65

**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.**

We do obtain licences from CMO's and typically this is not problematic. When a CMO is authorised to issue a licence, we expect to pay a fee and meet certain design conditions relating to cropping and overprinting of the work, with the inclusion of associated copyright acknowledgements in captions.

*[Insert response here]*

66

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?

*[Insert response here]*

67

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?

*[Insert response here]*

68

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.

*[Insert response here]*

69

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?

*[Insert response here]*

70

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?

*[Insert response here]*

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.

72	<p>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?</p> <p><i>See Other Comments as word count exceeds this field</i></p>
73	<p>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?</p> <p>No</p> <p><i>[Insert response here]</i></p>
74	<p>What were the problems or benefits of the system of using an overseas regime for orphan works?</p> <p>While the UK orphan works licencing scheme provides excellent due diligence guidelines, it's our understanding that very few institutions have utilised the scheme.<sup>7</sup></p> <p>Certainly, conducting due diligence searches are time-consuming and it might be that institutions having completed their own checks, may proceed with copying orphan works at their own risk, bypassing extra administration and licencing fees in the process.</p> <p>We do note, as per our answer to question 46, if our proposal for a GLAM specific safe harbour were to be accepted, we would not require an orphan works regime for non-commercial use.</p> <p><i>[Insert response here]</i></p>
75	<p>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?</p> <p><i>[Insert response here]</i></p>

## Other comments

*[Insert response here]*

Answer to question 72:

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?

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## Enforcement of Copyright

76	<p>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?</p>
	<p><i>[Insert response here]</i></p>
77	<p>What are the problems (or advantages) with reserving legal action to copyright owners and their exclusive licensees? What changes (if any) should be considered?</p>
	<p><i>[Insert response here]</i></p>
78	<p>Should CMOs be able to take legal action to enforce copyright? If so, under what circumstances?</p>
	<p><i>[Insert response here]</i></p>
79	<p>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?</p>
	<p><i>[Insert response here]</i></p>
80	<p>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?</p>
	<p><i>[Insert response here]</i></p>
81	<p>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.</p>
	<p><i>[Insert response here]</i></p>
82	<p>Are peer-to-peer file sharing technologies being used to infringe copyright? What is the scale, breadth and impact of this infringement?</p>
	<p><i>[Insert response here]</i></p>
83	<p>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?</p>
	<p><i>[Insert response here]</i></p>
84	<p>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?</p>

	<i>[Insert response here]</i>
85	What are the problems (or advantages) with the existing measures copyright owners have to address online infringements? What changes (if any) should be considered?
	<i>[Insert response here]</i>
86	Should ISPs be required to assist copyright owners enforce their rights? Why / why not?
	<i>[Insert response here]</i>
87	Who should be required to pay ISPs' costs if they assist copyright owners to take action to prevent online infringements?
	<i>[Insert response here]</i>
88	Are there any problems with the types of criminal offences or the size of the penalties under the Copyright Act? What changes (if any) should be considered?
	<i>[Insert response here]</i>

## Other comments

*[Insert response here]*

## Other issues: Relationship between copyright and registered design protection

89	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?
	<i>[Insert response here]</i>
90	Have you experienced any problems when seeking protection for an industrial design, especially overseas?
	<i>[Insert response here]</i>
91	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?
	<i>[Insert response here]</i>
92	Do you think there are any problems with (or benefits from) New Zealand not being a member of the Hague Agreement?
	<i>[Insert response here]</i>

**Other comments**

*[Insert response here]*

**Other issues: Copyright and the Wai 262 inquiry**

93	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.
	<i>[Insert response here]</i>
94	Do you agree with the Waitangi Tribunal’s use of the concepts ‘taonga works’ and ‘taonga-derived works’? If not, why not?
	<i>[Insert response here]</i>
95	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?
	<i>[Insert response here]</i>
96	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?
	<i>[Insert response here]</i>
97	How should MBIE engage with Treaty partners and the broader community on the proposed work stream on taonga works?
	<i>[Insert response here]</i>

**Other comments**

*[Insert response here]*