

Submission on review of the Copyright Act 1994: Issues Paper

Your name and organisation

Name	Pip Oldham
Organisation	Pip Oldham Oral Historian

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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>[Insert response here]</i>
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>It is impossible to predict technological change so it is essential that the copyright regime remains workable within a changed and changing environment.</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?

I record oral history. An oral history is a recorded interview that is a collaboration between the person interviewed and the interviewer and involves planning and preparation. It seeks to preserve spoken material for future reference and research. Oral histories are often archived in museums and libraries so that they can be used for research. Some are not archived.

A completed oral history comprises a sound recording and a bundle of potential outputs including:

- An analogue sound recording (most oral history recordings were analogue until around 2005)*
- A digital sound recording*
- Digital images taken by the oral historian e.g. of the interviewee or their surroundings*
- Photographs supplied by an interviewee that are relevant to the topic of the recording – these may be included as physical objects or digital scans – the interviewee may or may not own © in the photographs and may or may not know the © owner, but the images are useful historical artefacts*
- a written summary prepared by the oral historian*
- a verbatim transcript of the recording prepared by or for the oral historian*
- an article or story that might quote sections of the interview verbatim, prepared by the oral historian or by someone else*
- an audio story or podcast that uses audio extracts and might be presented in audio and visual form e.g. in an exhibition on line or in a museum.*
- A conference paper or public talk illustrated by audio extracts or readings of transcribed extracts from the oral history.*

When I complete an oral history I make an agreement (recording agreement) with the interviewee in which they specify how they will and will not allow their material to be used. I am ethically and legally bound by that agreement. Copyright is an additional framework that may govern use. This adds a level of complexity that is challenging for oral historians. I am not a copyright expert and my interviewees rarely know anything about copyright or see it is a relevant consideration. I have a broad understanding of the copyrights I am dealing with but copyright in oral history materials has not been tested in the courts and oral history outputs contain a number of copyrights and different copyright owners. There have been different approaches to copyright over the years. In the past commissioners have asked for a transfer of any interviewee copyright. More recently a more flexible approach has been taken where interviewees are asked if they wish to retain, assign or license their copyrights. This has led to a variety of copyright arrangements for oral histories, and resulting complexity and lack of consistency. Licensing raises its own issues. Lack of clarity around how institutions will manage their copyrights is also a factor.

I am unsure how the 'skill, effort and judgment' test applies to the contents of the oral history recording. Oral historians understand, although this has not been tested, that interviewees own literary copyright in the text of what they record. It is less clear whether we as interviewers meet the threshold for copyright in our contribution, making the copyright joint. The questions we ask may well be similar from interviewee to interviewee in a particular project, but the information provided by an interviewee is highly dependent on the relationship established between the interviewer and the interviewee before the recording begins, and during the interview, and on how the project and the interview are presented and researched – this is where the skill, effort and judgment are exercised. If the copyright is joint it creates complexity around use of the sound recording and any verbatim transcript.

It is important to emphasise that oral history is an ethically based discipline. We make and must keep recording agreements about how their material may be used and we ensure that interviewees' material is handled appropriately so as not to do harm and respect moral rights. When we complete and deliver our work much of the control over it passes to others: the people who hold copies of the oral history (interviewees and their families, and commissioners) and libraries and museums which have the job of managing the recording agreements and rights in the material we deposit in accordance with their research and access objectives. Often the responsibility for sorting out

7	<p>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?</p> <p><i>[Insert response here]</i></p>
8	<p>What are the problems (or benefits) with the way the default rules for copyright ownership work? What changes (if any) should we consider?</p> <p><i>By its nature an oral history is recorded for an audience – an oral historian sets out to record spoken material for the record so that others can hear the voice and narrative. The audience may be private (family and friends) or it may be public (where the oral history is to be archived in a library or museum), or (often) both. The immediate purpose may only be to make the recording (e.g. in the case of an elderly person where time is of the essence to create a record that may be lost and there is no thought of archiving or future use until later). An expectation that the material will be used, albeit possibly many years ahead, underlies every recording.</i></p> <p><i>Multiple copyrights are created and multiple copies may be made soon after the recording as well as later e.g. for the person interviewed, the person who commissioned the recording (perhaps a family member, a former employer, a community group or a museum) and the archive. Each of these initial recipients may wish to copy the recording e.g. to create a digital backup, to give to others such as family members, to permit listening, for safe keeping. There can easily be a chain of copying, and copies, that the Copyright Act may apply to strictly speaking. Some copying and use of those copies the interviewee may have anticipated and tacitly or explicitly permitted, others may not be.</i></p> <p><i>Many interviewees do not wish their material to be used ‘commercially’. As well as the obvious problem of definition, the copyright exception for research or private study does not seem to exclude commercial use of material that has been <u>discovered</u> by research or private study. Creative Commons non-commercial licenses may have a role here, but these have not been widely used in oral history as yet.</i></p> <p><i>I note that many oral histories are commissioned or funded from public money e.g. via the NZ Oral History Awards administered by Te Manatu Taonga – Ministry for Culture and Heritage, grants from the Lotteries Commission and other community funds, or government and local government agencies, libraries and museums. If material from a publicly funded oral history is to be used in a commercial product there is an argument that some payment should be returned to the public so that the sort of research that produced the material can continue to be publicly funded. Here the interests of an individual, whose material it is, and the public interest need careful balancing.</i></p>
9	<p>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?</p> <p><i>[Insert response here]</i></p>
10	<p>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?</p> <p><i>[Insert response here]</i></p>
11	<p>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?</p> <p><i>[Insert response here]</i></p>

12	What are the problems (or benefits) with how Crown copyright operates? What alternatives (if any) do you think should be considered?
	<i>Any interviewer © in oral history commissioned by the Crown has a longer term than for the same materials commissioned privately. This could add unwanted complexity to managing oral history material.</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>As noted above the exclusive rights may prevent uses that the interviewee envisaged, even potentially restricting use of their own material. This could conceivably happen if the commissioner (and owner of copyright in the sound recording as the person who caused the recording to be made) is an organisation that goes out of existence and its copyrights etc are transferred to another entity that has nothing to do with the original organisation. The new copyright entity may have no interest in permitting uses that the interviewee envisaged when they agreed to record their oral history or that a public funder envisaged when awarding a grant to the original commissioner for the oral history to be recorded. There is a philosophical objection to such an outcome. If interviewees have given their material freely for a defined purpose it should not be frustrated by a copyright attaching to the object used to record their material (sound recording).</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>See earlier response</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?

Copyright presents oral historians with complexity. We have skill and expertise in researching and recording oral history, not rights and rights management. Commissioners of oral history are often individuals or community groups who lack copyright expertise or the resources to engage it. Interviewees rarely if ever wish to engage with the detail of the application of copyright to oral history outputs: they see it as too complex and not relevant for what they are recording. None of the parties have the resources to engage professional assistance and a one size fits all solution is not practicable. Each oral history is different.

The National Oral History Association of NZ asks its members to observe a Code of Ethical and Technical Practice under which people recording oral history are obliged to treat every interview as a confidential conversation the contents of which are available only as determined by written or recorded consent with the person interviewed. Oral historians reach agreement with the interviewee, at the time of the recording, about terms for listening and use of their material. In my experience this framework has proved adequate for managing oral histories aside from copyright but it is always made clear that copyright applies to oral histories.

I understand from colleagues overseas that publishers are increasingly requiring copyright clearances before oral history material can be included in publications. This has made it difficult to include oral history sources in publications unless interviewees and other copyright holders can be shown to have consented, even though publication is permitted under recording agreements. We can expect that there will be more focus on copyright in future.

An option to renounce copyrights could be useful to simplify complexity, but the decision to renounce copyright would have to be made with informed consent.

24

Do you have any other concerns with the scope of the exclusive rights and how they can be infringed? Please describe.

[Insert response here]

Other comments

[Insert response here]

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

25

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?

Oral history has a very strong ethical basis and practice similar to the moral rights framework. Interviewees express particular concern about being quoted out of context and the consequences of that. As I read the Issues Paper this would fall outside the current moral rights provisions.

26

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

[Insert response here]

27	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?
	<i>[Insert response here]</i>
28	What are the problems (or benefits) with the TPMs protections? What changes (if any) should be considered?
	<i>[Insert response here]</i>
29	Is it clear what the TPMs regime allows and what it does not allow? Why/why not?
	<i>[Insert response here]</i>

Other comments

[Insert response here]

Exceptions and Limitations: Exceptions that facilitate particular desirable uses

30	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?
	<i>Libraries and institutions that hold oral history are better placed than me to comment on this. My impression is that oral history material in institutions is under used by researchers and in publications. There may be a raft of reasons for this, including restrictions on access and use in recording agreements, and difficulties about making and providing copies. As noted above, copyright adds an additional layer of complexity between a researcher and their intended use that may prove to be a deterrent.</i>
31	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?
	<i>As noted above, unregulated commercial use may not be appropriate.</i>
32	What are the problems (or benefits) with photographs being excluded from the exception for news reporting? What changes (if any) should be considered?
	<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>It is important that the review allows for the further development of electronic file transfer (rather than copying onto a physical medium) and has flexibility to respond to streaming and cloud solutions.</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>An oral history is a recorded conversation. The concept of fair dealing is difficult to apply. Two or three lines of direct quotation from an oral history may represent a tiny part of a recording several hours in length but comprise the whole answer on a particular topic. This may be the nugget that defines a moment of history in the most vivid way. I support the use of oral history for teaching and publications on public history – this is often the very reason why an interviewee has taken the time to place their narrative on the historical record so it would be unfortunate if copyright prevented the sorts of uses envisaged by interviewees. On the other hand, a small extract might quite possibly by just what is wanted for commercial use such as advertising or documentary film.</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.
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	<i>I am a freelance oral historian but I observe that libraries and archives may have great difficulty tracking down and engaging with copyright holders. In many cases oral history interviewees are recorded towards the end of their lives. A library or archive may have no contact information for next of kin, heirs or executors. The job of tracking down these people after an interviewee's death may be very time consuming and ultimately not fruitful. Researchers may not have the time or resources to commit to such a search and may abandon use of a particular source in favour of one that is more readily available. This is unfortunate. An institution such as the Alexander Turnbull Library commits to observe agreements with donors but discretion in cases where copyright holders cannot be found must be a sensible option.</i>
42	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?
	<i>Again this is for the libraries and museums to respond to. I observe that oral history recordings are rarely available online in NZ but many institutions overseas publish oral histories for online listening, where agreements with interviewees permit. As we are likely to follow this trend, flexibility must sensibly be provided for.</i>
43	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?
	<i>This is a significant issue for oral history as there is a considerable volume of pre digital oral history recordings in oral history collections such as the Alexander Turnbull Library.</i>
44	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?
	<i>[Insert response here]</i>
45	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?
	<i>[Insert response here]</i>
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?
	<i>[Insert response here]</i>

Other comments

[Insert response here]

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?
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]

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?

[Insert response here]

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?

[Insert response here]

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?

[Insert response here]

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?

[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?

Just a comment that oral history is not a natural fit with existing CMO's

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.

[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?

	<i>[Insert response here]</i>
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.
	<i>[Insert response here]</i>
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?
	<i>I have not had experience contacting copyright owners of orphan works, but I have had to contact interviewees to seek permission for specific uses of their recordings. This is an extremely time consuming process, especially if documentation is required.</i>
73	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?
	<i>[Insert response here]</i>
74	What were the problems or benefits of the system of using an overseas regime for orphan works?
	<i>[Insert response here]</i>
75	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?
	<i>[Insert response here]</i>

Other comments

I am responding as an individual as I am keen for the review to be aware of copyright issues for oral history which is an important primary historical source. Oral historians create material for which they have an ongoing ethical responsibility but once the work has been completed management of the material, and its use, largely occurs in archives and museums and by commissioners, interviewees and their families. Complexity around copyright is a significant problem.

Enforcement of Copyright

76	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?
	<i>[Insert response here]</i>

77

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

[Insert response here]

78

Should CMOs be able to take legal action to enforce copyright? If so, under what circumstances?

[Insert response here]

79

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?

In oral history the predominant interest is in ensuring that the wishes of interviewees are respected and no harm is done to them by inappropriate disclosure or use of their material. Cost would undoubtedly be a factor in enforcement decisions.

80

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?

[Insert response here]

81

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.

[Insert response here]

82

Are peer-to-peer file sharing technologies being used to infringe copyright? What is the scale, breadth and impact of this infringement?

[Insert response here]

83

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?

[Insert response here]

84

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?

[Insert response here]

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?

[Insert response here]

86

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

[Insert response here]

87

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

[Insert response here]

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?

[Insert response here]

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?

[Insert response here]

90

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

[Insert response here]

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?

[Insert response here]

92

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

[Insert response here]

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]