

Submission on review of the Copyright Act 1994: Issues Paper

Your name and organisation

Name	Rachel Ann Louise Ovens nee Moore
Organisation	Member of public /published author/ artist/ designer and christian feminist.

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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?

[Insert response here]The three objectives outlined in the MBI Review paper and Terms of Reference Document (1) 'Assess the performance of the 1994 Copyright Act

(2) 'Identify barriers to achieving.....' (3) 'Formulate a preferred approach.....' Are broad and thoughtful allowing scope for public consultation.
(*I wish to comment specifically on clause 131A entitled 'Time for Laying Information' of the Copyright Act 1994 reprint November 14 2018 accessed online Sunday 31 March 2019 12.00 hrs midday.

(* Clause 131A entitled 'Time for Laying Information'. The number of times this particular clause has been repealed/ammended/addressed is concerning to me. This indicates a level of damage control and conflict over the issue of timeframe persons contravening copyright may be prosecuted in. Who and what persons were responsible for all these ammendments and repeals of clause 131A? For certain types of copyright crime where the 'victim' is disabled by years of PTSD due to trauma and defamation inflicted covertly through encrypted file sharing it may be appropriate to extend the timeframe indefinitely for the common good. I can understand the view of wanting to prevent an avalanche of claimants though. Timeframes for the existence of material in the digital world are usually indefinite or at best undetermined. Timeframes for redress should thus correspond indefinitely. Society is in uncharted territory as usual. I believe the Copyright Act would serve society better if the timeframe for laying information was indefinite. This will be a crucial barrier to the legislation's efficacy for the common good in future.

Comment [A1]: Attn Liam: enforcement

(*I wish also to comment on scientific hypothesis put forward by women in science and request the law under review gives greater protection to them and their ideas published and unpublished. Women form 50% of Planet Earth's Intellectual Property. They are an intellectually rich segment who are time poor due to biological and societal roles. This means their IP is more vulnerable to exploitation as they don't have the resources or time to develop ideas they may posit. I will refer particularly to clause 71 of the Act regarding abstracts for scientific or technical articles. Undergraduates are particularly vulnerable to having their ideas stolen or misappropriated. I believe this is wrong and would be easily remedied by better crediting of undergraduate work.

(* Pornography should be covered by copyright law even if it has been encrypted in file sharing schemes. If profit has been made by the file acquirers and shareres they should pay the person and images to whom they belong. Enhanced copyright protection of online Pornography would assure more accountability in an already established industry. I understand that the ability to hack lock up files may threaten viability of security which forms the basis of our banking system please refer to the excellent work of computer scientist Professor Rod Downey of Victoria University 'Bounding Rationality with Computation' (episode 260) YouTube @thinktechHI.

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?

[Insert response here]* (1) A big yes to including adaptability to future technological change. It is not always possible to plan for the future with certainty and clarity because humans cannot see into the future so we can only do our best with the information we have at the time.

3	<p>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.</p> <p><i>*I think the objectives should remain broad, paradoxically to keep things simple and allow for many different scenios that may be sprung upon us in the future regarding copyright. Keeping objectives broad is akin to a fisherman drawing his/her net wide so as to reap the maximum harvest of ideas and solutions.</i></p>
	<p><i>[Insert response here]</i></p>
4	<p>What weighting (if any) should be given to each objective?</p>
	<p><i>[Insert response here]*EQUAL</i></p>

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

5	<p>What are the problems (or advantages) with the way the Copyright Act categorises works?</p> <p><i>[Insert response here]</i></p> <p><i>*The current law needs to adapt to current and future digital tech environment which is global in nature.</i></p>
6	<p>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?</p> <p><i>[Insert response here]</i></p> <p><i>*I think it is too narrow as works perceived as unskilled may be valuable tools in interpreting history in retrospect. This would protect exclusion of those on shop floor of society, the poor marginalised from being unrecorded in history.</i></p>
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> <p><i>*You or governments, lawyers, the public and administrators cannot necessarily legislate for decisions made around treatment of data which should prioritise safety over privacy for instance in the health arena where file sharing for patient welfare is required.</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>[Insert response here]</i></p> <ul style="list-style-type: none"> • <i>My response is to keep them the same. NZ has a history of overlegislating our environment. If there are situations outside the scope of current law judge jury, public and commission of enquiry or international bodies should be brought in.</i> •
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> <p><i>*Pornography is a huge concern in debasing the humanrights and the use of the Internet. Pornography is not protected by copyright and it should be to provide more accountability. See legal precedents for USA case Hard Drive suing Liuxia Wong for illegally downloading 'Amateur Allure Jen' 2012. Introducing law to cover this would be correct in my opinion particularly in the instance of foul play or revenge porn where malignant forces are misrepresenting and defaming innocent citizens via Internet and encrypted files.</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>*From my point view as an artist, author and health professional NZ is too technologically isolated. To my knowledge I cannot directly put my work on Amazon from NZ to sell to a wider audience. Please correct me if I am wrong. This for me is a disadvantage.</i></p>
11	<p><i>[Insert response here]</i></p> <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> <p><i>*My understanding is that smart artists create a legal entity Trust for their work to be managed posthumously and while they are living.</i></p>
12	<p>What are the problems (or benefits) with how Crown copyright operates? What alternatives (if any) do you think should be considered?</p> <p><i>[Insert response here]</i></p> <p><i>*My understanding is that for instance Scientists working for the Crown or govt own their work and get credit for it. This is not the case for those working for private enterprise. The public and private spheres may be less clear operationally since Roger Douglas reforms some 30 years ago. Sometimes you are just not going to design rules as a one size fits all scenarios. This is reality. Critical thinking is what is required to problem solve on a case by case basis. We see the difficulty with Resource Management Act for instance which despite its good intentions is woefully inadequate in coping with all town and environmental and transport planning scenarios.</i></p>

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?
	<p><i>[Insert response here]</i></p> <p><i>*I defer this one to the experts.</i></p>
14	Are there any problems (or benefits) in providing an indefinite copyright term for the type of works referred to in section 117?
	<p><i>[Insert response here]*</i></p> <p><i>I understand that NZ has a shorter timeframe (50 years) posthumously for copyright expiration on most categories of work. Europe has a slightly longer timeframe of 70 years. Cultural transmission is essential part of human culture on Planet Earth. Expiry of copyright helps this process.</i></p>

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?
	<p><i>[Insert response here]</i></p> <p><i>*No comment defer</i></p>
16	Are there any problems (or benefits) with the secondary liability provisions? What changes (if any) should be considered?
	<p><i>[Insert response here]</i></p> <p><i>*No comment defer</i></p>
17	What are the problems (or advantages) with the way authorisation liability currently operates? What changes (if any) do you think should be considered?
	<p><i>[Insert response here]*defer</i></p>

Other comments

[Insert response here]

Rights: Specific issues with the current rights

18	<p>What are the problems (or advantages) with the way the right of communication to the public operates? What changes, if any, might be needed?</p>
	<p><i>[Insert response here]*defer</i></p>
19	<p>What problems (or benefits) are there with communication works as a category of copyright work? What alternatives (if any) should be considered?</p>
	<p><i>[Insert response here]*defer</i></p>
20	<p>What are the problems (or benefits) with using 'object' in the Copyright Act? What changes (if any) should be considered?</p>
	<p><i>[Insert response here]</i></p> <p><i>*Are you referring to section 134 of Copyright Act 1994 titled 'Order as to disposal of infringing copy or other object' ? How do we distinguish between copyright infringement and cultural transmission. You may indeed be guilty of iconoclasm if you destroy a work because it infringed copyright. Bodies authorising disposal of infringing copy must be careful not to destroy evidence of wrong doing if it significant in its impact on individuals or has significance for legal precedents that may form in remedies to the said misdemeanor.</i></p>
21	<p>Do you have any concerns about the implications of the Supreme Court's decision in Dixon v R? Please explain.</p>
	<p><i>[Insert response here]</i></p> <p><i>*From my reading of the case and reports of it it is a very concrete and rigid definition of 'property' as computer info. I think some view the computer realm as being devoid of moral and legal and ethical constraint – not so in my opinion. Ancient moral codes come out of ancient Egypt, Babylon and transfer into Ten Commandments which form basis of western legal system 'Thou shalt not steal'. Whether it is a digital file or a physical object the same principles should apply. A definition of a digital file as property may not make it easy for enforcers or tracking authorities at this point in history.</i></p>
22	<p>What are the problems (or benefits) with how the Copyright Act applies to user-generated content? What changes (if any) should be considered?</p>
	<p><i>[Insert response here]*defer</i></p>
23	<p>What are the advantages and disadvantages of not being able to renounce copyright? What changes (if any) should be considered?</p>
	<p><i>[Insert response here]</i></p> <p><i>*Well I suppose if you have no succession plan for your work or people to take over the work's future management on death of creator of work it makes cultural transmission or sharing of that work riskier for those who wish to advance societies wellbeing by sharing that work.</i></p>

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]*defer*

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?

[Insert response here]

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]*defer*

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?

[Insert response here]

**copyright legalities will alter I am not sure how defer. International tribunals were mooted in initial drafts of Trans Pacific Partnership Agreement I read.*

28

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

[Insert response here]

29

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

*[Insert response here]*Not clear to me it is in the realm of computer technology.*

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> <p><i>* Ignorance prevails in many sectors.</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>
	<p><i>[Insert response here]</i></p>
33	<p>What other problems (or benefits), if any, have you experienced with the exception for reporting current events? What changes (if any) should be considered?</p>
	<p><i>[Insert response here]</i></p>
34	<p>What are the problems (or benefits) with the exception for incidental copying of copyright works? What changes (if any) should be considered?</p>
	<p><i>[Insert response here]</i></p>
35	<p>What are the problems (or benefits) with the exception transient reproduction of works? What changes (if any) should be considered?</p>
	<p><i>[Insert response here]</i></p>
36	<p>What are the problems (or benefits) with the way the copyright exceptions apply to cloud computing? What changes (if any) should be considered?</p>
	<p><i>[Insert response here]</i></p>
37	<p>Are there any other current or emerging technological processes we should be considering for the purposes of the review?</p>
	<p><i>[Insert response here]</i></p>
38	<p>What problems (or benefits) are there with copying of works for non-expressive uses like data-mining. What changes, if any, should be considered?</p>
	<p><i>[Insert response here]</i></p>
39	<p>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?</p>
	<p><i>[Insert response here]</i></p>

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?

[Insert response here]

**Sometimes in order to convey the original writer or artists meaning the quotation limit may be too short. Effective culture transmission of an artists work by another should be the goal for educational work not an arbitrary word length.*

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.

[Insert response here]

**Libraries and their staff are to be treasured by our Nation. They should not be pitted against digital technology or forced to be lean and mean. They are the stuff of our NZ democracy.*

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?

[Insert response here]

**I would defer to experts in the library sector please actively seek their input to this legislation if this is not already being done. Libraries should not be infected with a climate of fear in their operations because of digital technology. Fair use is a thing. Libraries are key to democracy and should be enabled not disabled by law or technology.*

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?

[Insert response here]

**It depends on whether digital copy of a work has been authorised by the author if it is still within protected work timeframes. This is a negotiation process between author and whoever wants digital distribution. No more legislation would help this at this time in history I believe.*

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?
	<p><i>[Insert response here]</i></p> <p><i>*I have answered this as above consult the author/artist please</i></p>
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?
	<p><i>[Insert response here]</i></p> <p><i>*Consulting author or copyright holder of rights</i></p>
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?
	<p><i>[Insert response here]</i></p>

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?
	<p><i>[Insert response here]</i></p> <p><i>*Yes but there needs to be more education about copyright in the sector particularly related to non-fiction material.</i></p>
48	Are the education exceptions too wide? What are the problems with (or benefits arising from) this? What changes (if any) should be considered?
	<p><i>[Insert response here]*Just right as Goldilocks would say</i></p>
49	Are the education exceptions too narrow? What are the problems with (or benefits arising from) this? What changes (if any) should be considered?

*[Insert response here]*Just right if a work is educational this confers more scope for constructive use of copyrighted material.*

50 Is copyright well understood in the education sector? What problems does this create (if any)?

*[Insert response here]*I think many in the education sector are fearful of referencing or sharing info in a constructive manner. My tertiary education at Otago University has taught me to correctly reference the work or others in my own non-fiction publications. I have deliberately restricted my publications to hardcopy reproduction because of the complexity of the digital arena for published works and also it was easier to get approval to use work when I was only publishing in hardcopy not digital.*

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?

*[Insert response here]*I don't think there are problems with this as constraining this would be undemocratic and counter to enhancing public awareness and education which are the basis of good governance and democracy.*

52 What are the problems (or advantages) with the way the format shifting exception currently operates? What changes (if any) should be considered?

*[Insert response here]*This involves the music industry as I understand, for example copying a sound recording from a CD to a portable MP3 player. But may apply to film, social media and ISP.*

53 What are the problems (or advantages) with the way the time shifting exception operates? What changes (if any) should be considered?

*[Insert response here]*This as I understand applies to Television and Broadcasting industry I defer to the experts.*

54	What are the problems (or advantages) with the reception and retransmission exception? What alternatives (if any) should be considered?
	<i>[Insert response here]* Detailed knowledge of the application of the legislation, case precedents would help. Broadcasting material is key to our democracy optimal flow of information is the gold standard. Freedom of speech is important but where it is clearly defamatory should be remedied. Recent events in Christchurch illustrated cases of retransmission of live streamed footage posted by gunman assailant. Defining hate speech and what is damaging footage is important. I understand some parents were allowing young children to watch such live footage of these Christchurch events. The question is what was their intention in doing so? To invoke fear? Gratuitous curiosity? Let this be a lesson to you Kids? We can't always discern or control how persons may use knowledge or media.</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 defer.</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 Defer</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]*It all comes down to intent of the copier sometimes. If the intention of copying is to defame then this should be dealt with and regulated. Permission should be granted if any profit is to be made.</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?
	<i>[Insert response here]*This is a matter of negotiation between copyright owner and user.</i>

Exceptions and Limitations: Internet service provider liability

59	What are problems (or benefits) with the ISP definition? What changes, if any should be considered?
	<i>[Insert response here]*ISP providers are only messengers?</i>
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?
	<i>[Insert response here] *Hacking into encrypted networks is totally doable by the experts. Intelligence networks investigate one another currently. If it is beneficial for the common good do it please.</i>
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.
	<i>[Insert response here]*I defer to experts.</i>
62	What other problems (or benefits) are there with the safe harbour regime for internet service providers? What changes, if any, should be considered?
	<i>[Insert response here]</i>

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?
	<i>[Insert response here]* I think we are going global NZ has enough bureaucracy. Invest in funding lawyers and critical thinkers to lobby existing International bodies.</i>
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.
	<i>[Insert response here]</i>
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]

** I have had extensive consultation with a large variety of local and international CMOs during the course of writing my non-fiction publication. I found particularly if there was a problem that a physical human was the one single factor that saved the day because of their ability to think around your particular difficulty creatively. This human factor was VASTLY superior to a machine generated response for say passwords which just send you around and around in circles.*

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]

**Looking at the cases the tribunal delivers they have nothing whatsoever to do with copyright but instead focus on property and other disputes. The Tribunal refer folk onto IPONZ and private IP lawyers. How did this wrong evolution of the tribunal happen? Dear dear. I think we are in a global environment now artists are selling and marketing to the entire world beyond our own country.*

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]

**You should not be distributing others work on social media in order to make money unless it is with their permission and abiding by the rules of the social media platform. I note that some social media users have tools to prevent sharing data. I would also refer the reviewers of the Copyright Act to an excellent 2018 Film Festival doco about moderating content on social media called 'The Cleaners'. Facebook is asking Governments to help it moderate content. This will be okay as long as it focuses particularly around live streaming of terrorism. We need to protect freedom of speech though.*

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]

**The advantages are fabulous. NZ is so isolated it is a breath of fresh air.*

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] The Provisions I am not familiar with but generally provisions should be proactive and empowering not reactive and restrictive.*

71	<p>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 don't make public copies of others work without permission or if it is an educational work following academic rules of correct referencing apply.</p>
	<p><i>[Insert response here] *Once when I was trying to contact relatives of a deceased or uncontactable artist of poppy drawings in a children's encyclopaedia. It was a fruitless search.</i></p>
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>[Insert response here]</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><i>[Insert response here]*This scenario should always be considered and if it occurs fair negotiation is key.</i></p>
74	<p>What were the problems or benefits of the system of using an overseas regime for orphan works?</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]

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	Should CMOs be able to take legal action to enforce copyright? If so, under what circumstances?
	<i>[Insert response here]</i>
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?
	<i>[Insert response here]</i>
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?
	<i>[Insert response here]</i> <i>* I am not aware of groundless threats being made by anyone. Creators with their own work should do their research and exercise their rights.</i>
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.
	<i>[Insert response here]*Of course border measures cover only physical items not digital ones that can be transferred globally at high speed.</i>
82	Are peer-to-peer file sharing technologies being used to infringe copyright? What is the scale, breadth and impact of this infringement?
	<i>[Insert response here]</i> <i>*Yes I believe so. In my opinion MEGAUpload created by Dotcom is a force that can be used for good but because of rogue users it may be being used erroneously. This is not Dotcom's fault it is the accountability of individuals using the system of file sharing.</i>
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?
	<i>*Projecting into the future. We need to copyright protect 'pornography' or objectionable images file shared. File sharing needs to be better policed by independent bodies which is already happening via international security I understand. By policing I specifically mean official hacking into suspected malevolent file sharing behaviour by external authorities. This is totally achievable.</i>
	<i>[Insert response here]</i>
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?
	<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]* ISPs are there for the customer they are a commercial entity. If material in shared files is injurious to humanity then it should require ISP cooperation.</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]* If there is dispute in the process costs may be indeterminate critical thinking to each case needs to be applied.</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> <i>*Revenge porn should be heavily penalised on a case by case basis. Where material by artists and objectionable imagery have been file shared with the purpose of profiteering and defaming or both.</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] *Probably more globally consistent system with IPONZ WIPO. This is our future challenge as Team Planet Earth.</i>
90	Have you experienced any problems when seeking protection for an industrial design, especially overseas?
	<i>[Insert response here]</i> <i>*Its just the enormity of protecting IP or copyright across the globe. It is a correct that the legislation already achieves a balance between dissemination of and protection of copyright for human culture and invention.</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 would assume file sharing would be of benefit here for good purposes</i>

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]*Please clarify which agreement you are referring to.*

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.

[Insert response here]

94

Do you agree with the Waitangi Tribunal's use of the concepts 'taonga works' and 'taonga-derived works'? If not, why not?

[Insert response here]I agree with the above concepts if Tangata Whenua think it is correct.

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?

*[Insert response here]*Maori are entitled to protect their culture as they deem fit. I am not familiar with conflicts described.*

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?

*[Insert response here]*I defer to the experts. I have used Maori images with permissions from NZ Museums and from one set of lectures by the late Jonathan Mane Wheoke delivered for memorial lectures for my father the late Albert Charles Moore of Otago University. My most recent publication is educational non-fiction science literacy. My own family history is intertwined with early colonial NZ history and intersects in a meaningful way with Maori culture.*

97

How should MBIE engage with Treaty partners and the broader community on the proposed work stream on taonga works?

[Insert response here]

**It is the responsibility of these 2 parties to flesh out such an agreement with public input.*

Other comments

[Insert response here]