

Hi

Thanks for the opportunity to submit on the Copyright Act Review. Also a big thanks to the MBIE team for hosting the interactive Issues Paper Workshops. We attended in Wellington and enjoyed the opportunity to hear Kiwis share a diverse range of views on copyright law in NZ. We are keen to stay involved as the review progresses. We don't have the resources to respond on the Issues Paper template in detail at this time however, we have set out our key thoughts on the review below.

Trade Me believes that for New Zealand to be well placed to participate in the global digital future our copyright law needs to be updated. We believe copyright law needs to be sufficiently flexible to meet the rapidly changing demands of the digital world. Trade Me is a New Zealand technology success story and we would love to see more like it. We believe the current copyright system is holding back both established and emerging Kiwi innovators.

In particular, Trade Me is interested in the development of flexible fair use provisions. Trade Me would like to see provisions which appropriately address the balance of interests between creators and others. We believe that striking the right balance of interests is necessary to allow for and encourage innovation. Tipping the scale too far in one or the other direction could stifle innovation - at one end of the scale copyright law could be too restrictive to allow for innovation and at the other end it may not provide sufficient protection to make innovative efforts worthwhile.

Trade Me believes the key to the durability of any future copyright law (and fair use in particular) is a principles based approach (for example, similar to the privacy principles under the Privacy Act). In looking to develop a flexible and durable fair use regime we would expect it makes sense to look to existing and developing fair use exemptions internationally.

Currently, Kiwi innovators are at a commercial disadvantage in the global digital economy because broad fair use rights exist in other jurisdictions but they don't exist here. This may also mean that domiciling business in New Zealand is less attractive to digital players with a range of location options. Without a clear fair use regime there are some areas in which Kiwi businesses are precluded from competing entirely but more frequently the impact of this is seen in higher costs of compliance. Kiwi businesses suffer cost and delay in assessing copyright issues and negotiating copyright licences for activities that would be covered by fair use regimes in other jurisdictions. This burden put us at a disadvantage to our international competitors.

We want to see New Zealand and New Zealanders able to confidently compete in the global digital economy with a copyright regime that both protects them and leaves sufficient room to innovate.

We would like to keep in touch as the review progresses.

Thanks

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**Irene Peter**

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