

#23

COMPLETE

Collector: Web Link 1 (Web Link)

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Page 2: A bit about you and your submission

**Q1** Your name

Walsh Memorial Library, MOTAT

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**Q2** Your email address

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**Q3** Please briefly tell us why copyright law interests you

Copyright is of interest to the GLAM sector, generally, and as a Library with a large documentary heritage collection we deal with copyright everyday.

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

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

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Page 3: Question navigation

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

**Part 3 (Objectives),**

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

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**Part 5 (Exceptions and Limitations) Section 1 - exceptions that facilitate particular desirable uses**

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

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**Part 5, (Exceptions and Limitations) Section 4 - exceptions relating to the use of particular categories of works**

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**Part 6 (Transactions)**

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#### Page 4: Objectives

**Q7 Q1** Are the above objectives the right ones for New Zealand's copyright regime? How well do you think the copyright system is achieving these objectives?

The objectives are a good start. It is important to allow for the creation of original works, the use of existing and future works and the dissemination of knowledge in these creative works. The current Copyright Act does allow for the protection of creative works and their creators and it permits reasonable access. However, the objectives and the associated system are not as efficient as they could be, the Act's position in relation to a particular piece of work or the creator is not always clear. Furthermore, not enough certainty is provided around the use and re-use of protected/copyright works.

Further the galleries, libraries, archives and museums (GLAM) sector are bound by the Code of Ethics and Professional Practice 2013, which includes the use and reuse of copyright works. This requires the institutions to ensure works are credited where possible and that they only publish 'orphan' works in order to garner information from the public to update and enrich collection records.

With respect to the above, and with particular reference to Objective 3, MOTAT does not believe there is enough clarity within the Act when it comes to the use of copyright works by the GLAM sector in the course of their business. This means that a number of GLAM institutions are unintentionally in breach of the Act when it comes to the access and reuse of copyright works, especially when researching or fact finding to link the works with their creators.

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**Q8 Q2** Are there other objectives that we should be aiming to achieve? For example, do you think adaptability or resilience to future technological change should be included as an objective and, if so, do you think that would be achievable without reducing certainty and clarity?

Adaptability to future technological change should be included but not necessarily as an objective. Including resilience to future technological change as an objective may be problematic as it is impossible to predict what those future technologies would be, how they would work and how they could impact on the application of the Act.

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

**Respondent skipped this question**

**Q10 Q4**What weighting (if any) should be given to each objective?

If there is a weighting scale applied, Objective 3 is arguably the more important. If you achieve an effective and efficient system that provides clarity and certainty, you will be able to achieve the other 4 objectives.

For example; redefining permitted use and identifying the desired outcomes would improve clarity. Also providing outcome-based exemptions for the GLAM sector would assist as these institutions are not undertaking the collecting, storing and provision of the works for profit but for the benefit of the nation (e.g. instead of creating exemptions for Libraries and Archives the exemptions could be based on the intended use or end product of reuse by the GLAM sector. This would increase the social benefit of reuse of copyright works by allowing documentary heritage items from a museum collection to be used in the same way as like items from a public library collection).

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

**Q11 Q5**What are the problems (or advantages) with the way the Copyright Act categorises works?

**Respondent skipped this question**

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**Q12 Q6**Is it clear what 'skill, judgement and labour' means as a test as to whether a work is protected by copyright? Does this test make copyright protection apply too widely? If it does, what are the implications, and what changes should be considered?

**Respondent skipped this question**

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**Q13 Q7**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?

**Respondent skipped this question**

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

The Commissioning Rule – this rule should remain. The person commissioning, and therefore paying for, the work should retain ownership of copyright and be able to use and re-use this work as they choose. But one change to this rule should be the creation of certainty around the payment of commissioned works – remove the uncertainty around lack of payment. Likewise, you may want to consider the transferal of copyright to the commissioner once payment has been received.

Also, all artistic works should be considered equal – for example why are collages, etchings and prints excluded?

Works made in the course of employment – volunteers should be added to employees and considered in the same way. There is little distinction between employees and volunteers with respect to the work they are asked to do during their engagement with their employer. Therefore, any work created in the course of their work – paid or unpaid – should remain with the company/institution. Volunteers are still contracted workers albeit in a different way and there is no logical reason for their exclusion.

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

**Respondent skipped this question**

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

**Respondent skipped this question**

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

Perhaps more emphasis should be given to creative commons licencing in this example. If copyright has expired or a publisher is not willing to reprint a work, or publish it electronically, this impedes the dissemination of these works. Where it is not commercially viable for a publisher to reprint a work, these could be transferred to a creative commons licence allowing for re-release of these works. If no income is derived by the publisher not reprinting a publication, then no income is lost by making it available freely under a creative commons licence. This may not solve the problem of access, but will allow libraries, and other public institutions, to copy and disseminate the works more freely or make available full copies online.

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

There is not enough clarity around why Crown copyright exists for some items and not others. Or, how an item/object is deemed to be Crown copyright.

For example; an aircraft logbook or maintenance schedule, for an aircraft previously operated by the RNZAF falls under Crown copyright. If this Crown copyright can be transferred to a public institution there is benefit in allowing information recorded in these documents to be made public, or used in interpretation within an exhibition, online catalogue or internal database.

Clarity for re-use once in a public institution would be beneficial.

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

**Respondent skipped this question**

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

There is some benefit in an institution accepting an unpublished work with this condition, for example for research purposes. The work will also be protected, housed, cared for and kept in perpetuity, although at the potential loss of other usable works and at a cost to the institution.

Institutions (specifically in the GLAM sector) would usually ask for the copyright of works referred to in section 117 to be transferred to them. Public institutions are obliged to act ethically and exercise discretion around allowing access/use of unpublished works (manuscripts, etc), where no sensitive information is disclosed and there is no negative impact on the copyright holder or descendants. In the instance where the family would like a restriction this is usually discussed and agreed at the time of acquisition and is preferred over an indefinite copyright term - a generational term would be more appropriate.

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

**Respondent skipped this question**

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

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

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

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

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Page 7: Rights: Specific issues with the current rights

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

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

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

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

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

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

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

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

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

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

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

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

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

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**Q38 Q29** Is it clear what the TPMs regime allows and what it does not allow? Why/why not? **Respondent skipped this question**

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**Q39** Any other comments on Rights: moral rights, performers' rights and technological protection measures **Respondent skipped this question**

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

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

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

Respondent skipped this question

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

For some events, video clips do not exist and for some forms of reporting, video clips are not an appropriate or viable means of reporting. Therefore, photographs should be able to be used/supplied and treated in the same way as moving image. However, we would suggest that 'sufficient acknowledgement' be defined so the author/creator and/or copyright holders rights are protected. Or, that permission is sought for moving image as well as photographs. Benefits this would offer are, enhancement of journalistic reporting through the supply of historic images to illustrate the context of contemporary events. For example; a recent article that accompanied a podcast, by Radio New Zealand included two photographs supplied by MOTAT's Walsh Memorial Library. Here, the author/publisher was unable to locate film footage of a telephone exchange so still photographs were used instead. These images were able to add to the story by showing operators at the exchange in their daily work. This enhanced and brought to life, visually, what was discussed in the podcast. The copyright for each photograph used had been determined and we were able to give permission for use of the photographs on behalf of the copyright holder.

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

Respondent skipped this question

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

Respondent skipped this question

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

Respondent skipped this question

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

Respondent skipped this question

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

Respondent skipped this question

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

Respondent skipped this question

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

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

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

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

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

As a Library that sits within a Museum, it is unclear whether the exemptions for libraries and archives applies to the Walsh Memorial Library, MOTAT. There should be no distinction between libraries and museums and the requested use and outcome should be the most important consideration. A starting point could consider the mission of the organisation requiring an exception based off perceived net benefits for New Zealanders. For example, in section 12 of the Museum of Transport and Technology Act 2000, one of our objectives is to provide "maximum community benefit from the resources available". We are limited in our ability to achieve maximum community benefit when we cannot facilitate the widest access to our collections, specifically copyright works.

This hinders our collection management functions as it is unclear whether these functions are permitted. This also limits our ability to achieve the second objective outlined in the issues paper.

Because part 3 of the Copyright Act 1994 does not give clear guidance on whether we are included in the definition of a library or archive, we are unclear as to whether we are permitted to supply copies of copyright works. The problem in this instance is that the requestor should, most often, not be given permission for use. Therefore, the library/archive has collections it cannot share, the creator does not get recognition for their work through re-use and the public do not receive the benefit of viewing these works.

We work with donors on matters of copyright to make this easier and give them the option to transfer copyright to us where they can. It is costly to do this retrospectively, due to the time this takes to research and get in contact with rights holders, in order to be able to further open up collections.

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

The Copyright Act does not give enough flexibility for libraries and archives to copy and make available to the public digital content. More flexibility around the image capture of published and unpublished works for inclusion on online collection portals, blogs, external newsletters and social media would be advantageous.

Further flexibility would see an increase in dissemination of copyrighted works, creating discussion and further interest in the works.

This is also a way for the GLAM sector to engage new audiences that may not be able to physically visit the institution. In our experience, distance researchers have utilised our collections online for research in lieu of physically visiting the library. There is clearly a cost benefit that saves both money and time. This directly relates to achieving objective two in the issues paper.

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

As there is no current provision in the Act for orphan works the mass digitisation of collections with no identified author is not permitted. However, there is benefit from being able to mass digitise these collections and make them public. Collecting institutions rely on feedback from the public to enhance and enrich collections through information provided by the public. It is also often the best way to be able to track down the original creator.

Collections can contain works by multiple authors or creators and donors do not always have the right to transfer copyright to the collecting institution.

The Bruce Gamble Collection at MOTAT's Walsh Memorial Library is one example of this. The pictorial content in this collection was compiled by Dr Bruce Gamble, a former lecturer in civil engineering with a lifelong interest in tramways and rail development. Over 150 photographs in the collection are deemed to be in copyright but do not have an identified photographer. The most cost-effective way for us to try and garner this information is by digitising these photographs and making them publicly available via our collections online platform. The digitisation and dissemination of this information is technically in breach of the Act but is a necessary step in order to identify the creator of the photograph.

We have had one instance with an author who has come forward in a case of misattribution. In this case the creator sought recognition for the work they created and did not object to its continued use or being shared for public benefit through online platforms. We follow a takedown policy for any instances where a creator does not want their work made public or included on an online platform.

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

The Copyright Act does not provide enough flexibility for creating copies of copyright works, as copying still requires permission by the copyright holder, even for internal use. This can only harm copyright holders as their creative works are not fully catalogued or recorded, it is often necessary to have a pictorial record of an object for collection management. While this is not permitted by law, libraries and archives will often image capture a creative work for their reference, especially when capturing the condition of a work, the progress of conservation treatment, and/or degradation over time. These images are often integral for showing the life cycle of a work. Images that document the object or creative work are used on collections online platforms or shared more widely to allow greater access to a work not on display and offer a digital surrogate which can ensure greater care of collections through reduced handling. A change should be considered to allow for this type of capture and use. The GLAM sector will always work with copyright holders to protect their interests. A change should consider making it easier for collections management functions and non-commercial use. This would ensure a balance where each parties interests are considered. This arguably, benefits each party by increasing awareness around the creators work by sharing it with the public and being able to responsibly manage it within a museum collection.

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

**Respondent skipped this question**

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

Problems with the exclusion of museums and galleries from the libraries and archives exemptions are, again, the lack of ability to make use of documentary heritage collections held in museums and galleries.

As mentioned previously, the exemptions should be inclusive of the GLAM sector, or altered to reflect the intended use of the item being copied and make exceptions based on use and re-use rather than the type of institution.

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

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#### Page 11: Exceptions and limitations: Exceptions for education

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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#### Page 14: Exceptions and limitations: Internet service provider liability

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

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

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

Respondent skipped this question

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

Respondent skipped this question

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Page 15: Transactions

**Q77 Q63** Is there a sufficient number and variety of CMOs in New Zealand? If not, which type copyright works do you think would benefit from the formation of CMOs in New Zealand?

Respondent skipped this question

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

Respondent skipped this question

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

Respondent skipped this question

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

Respondent skipped this question

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

Respondent skipped this question

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

Respondent skipped this question

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

Respondent skipped this question

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

Respondent skipped this question

**Q85 Q71** Have you ever been impeded using, preserving or making available copies of old works because you could not identify or contact the copyright? Please provide as much detail as you can about what the problem was and its impact.

Yes – cultural institutions are still very risk-averse when it comes to publishing any work where copyright is unknown. Often these are the only images of an artefact in use and there is benefit to the public in being able to view these. Many institutions still work from the perspective of being “closed by default, open by exception”.

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

Respondent skipped this question

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

Respondent skipped this question

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

Respondent skipped this question

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

Respondent skipped this question

**Q90** Any other comments on Transactions

Respondent skipped this question

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

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Respondent skipped this question

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

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Respondent skipped this question

**Q93** Q78 Should CMOs be able to take legal action to enforce copyright? If so, under what circumstances?

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Respondent skipped this question

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

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Respondent skipped this question

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

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Respondent skipped this question

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

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Respondent skipped this question

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

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Respondent skipped this question

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

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Respondent skipped this question

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

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Respondent skipped this question

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

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**Q101** Q86 Should ISPs be required to assist copyright owners enforce their rights? Why / why not? Respondent skipped this question

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

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

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**Q104** Any other comments on Enforcement of copyright Respondent skipped this question

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

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

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**Q106** Q90 Have you experienced any problems when seeking protection for an industrial design, especially overseas? Respondent skipped this question

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

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

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

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

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

Respondent skipped this question

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

Respondent skipped this question

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

Respondent skipped this question

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

Respondent skipped this question

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

Respondent skipped this question

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**Q115** Any other comments on Other Issues: copyright and the Wai 262 inquiry

Respondent skipped this question

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

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

Respondent skipped this question

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

Respondent skipped this question

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