

#11

COMPLETE

Collector: Web Link 1 (Web Link)

Page 2: A bit about you and your submission

Q1 Your name

Wellington City (Council) Archives

Q2 Your email address

Q3 Please briefly tell us why copyright law interests you

Copyright needs to be considered when providing access to our 700000 item collection

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

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**

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 4, (Rights) Section 2 - what actions does copyright reserve for copyright owners?

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Part 4, (Rights) Section 3 - specific issues with the current 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

,

Part 6 (Transactions),

Part 8, (Other issues) Section 2 - copyright and the Wai 262 inquiry

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 somewhat vague. How can reasonable access be determined? How reasonable access is defined will vary greatly depending on intended purpose; will the act allow for this definition to change as what reasonable access means? What happens when an organisations definition is in dispute?

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 or resilience to future technological change is an important consideration. This act should also be providing heritage institutions like Galleries/Archives/Libraries/Museums with the toolset to act as disseminators of information in the future without the barriers or fear of infringing on the copyright act by providing access to their collection in non-physical ways. In the future, alternate methods of access will be a massive driver. Accessibility should not be restricted by physical location, and restricting access to institutional knowledge or information due to barriers created by copyright gets in the way of providing this access in a transparent and straightforward manner.

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 Q4What weighting (if any) should be given to each objective? **Respondent skipped this question**

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

Q11 Q5What are the problems (or advantages) with the way the Copyright Act categorises works? **Respondent skipped this question**

Q12 Q6Is 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?

No it is not clear, not without experience in the area of assessing this. In our immediate team, we do not have this experience, but we hold a large collection of potentially copyright material. Organisationally I am aware that we have people with experience in copyright, but it is a more "recent" works sense of how copyright is applied, not in interpreting how copyright applies to heritage works, or interpreting how it applies to an Archives collection/holdings.

Q13 Q7Are 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**

Q14 Q8What are the problems (or benefits) with the way the default rules for copyright ownership work? What changes (if any) should we consider?

From an organisational perspective, we have a century of work, and a large portion of it may have been under commission, with no contracts associated with these commissions (or understandings or contracts that have disappeared over time) it makes it very difficult to apply this consistently. My immediate team and I do not have the knowledge or background in law to be able to understand the copyright act in order to determine who hold the rights to works, we are also not in a position to translate this into layman terms to explain this to a member of the public – if we were asked about the copyright status of this work.

For example the Wellington City Council Archives hold a survey plan that was commissioned by the Wellington Harbour Board – an organisation which has functions that have now been split between Wellington City Council and Greater Wellington Regional Council. Is it the person who was commissioned (under a contractual agreement that we do not hold); Wellington City Council (Archives) who has the piece in their repository; or is it Greater Wellington Regional Council if the work relates to one of the functions that they took over. That is without even taking into account the rights associated with the Publisher and the Lithographer of this work.

Another example relates to a poster that was commissioned by the Wellington City Council, for the Wellington Zoo in the 1930s. The Wellington Zoo is now a Council Controlled Organisation, but who has the right to this work? The Council, the Wellington Zoo or the Artist of the poster (that a contract may or may not exist for). This kind of detail is often not covered or prioritised in memorandums of transfer in organisational changes.

With this level of complexity for 2 works in our collection, this raises a few questions: how much time should we then devote to determining this detail; what is a reasonable expenditure of time researching this conundrum for a single item in a collection of over 700,000 pieces of information (within which are multiple works)?

Or should our organization determine that copyright is unknown, and leave this complex circumstance to be unpicked by the party who wishes to reuse this work.

Q15 Q9What 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

Q16 Q10What 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 Q11What 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?

Respondent skipped this question

Q18 Q12What are the problems (or benefits) with how Crown copyright operates? What alternatives (if any) do you think should be considered?

Gallery, Library, Archive, and Museum (GLAM) institutions hold a lot of Crown works. Works published prior to 31 December 1945 are clearly in the public domain, but for works created after this the copyright duration is 100 years from the date of creation.

For works created prior to the introduction of NZGOAL it can become very unclear what department holds the rights to what works, resulting in Crown works not being published due to the risks involved. It is very difficult to determine who has the rights to a work through organizational change – for example, when an organization’s functions are absorbed into another organizations’, or when a function splits from one organization, but the previous organization retains the works related to that original function or mandate.

This becomes more complex when functions shift between Crown and Local Government for example the Carter Observatory was a National Observatory but since the repeal of the Carter Observatory act in 2010 it is now managed by a Wellington City Council Controlled Organization. Wellington City Council (Archives) has been transferred content from the Carter Observatory, but it will include Crown works, but the Function is now controlled by the Wellington City Council. How would anyone know to contact Wellington City Council about licensing/permission on a Crown work, if this is indeed the case here?

Another example of Crown works created as part of function that has since transferred away from the Crown is the Ministry of Works plans. The Ministry of Works department was disestablished and privatized in 1988, so does the company Opus now hold the copyright to this work that was created by the Crown? We do not have the resources/experience, or background in our immediate team to determine if the pre 1945 content is in the Public Domain or whether the Crown copyright rules would no longer apply here. What does this mean for works that were created using Ministry of Works content before the privatization in 1988, could they be in breach of copyright post creation, despite complying with the act when created. These are just two examples of complexity that the Wellington City Council Archives faces when attempting to determine who the copyright holder could be.

Q19 Q13Are 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 Q14Are there any problems (or benefits) in providing an indefinite copyright term for the type of works referred to in section 117?

Respondent skipped this question

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

Page 6: Rights: What actions does copyright reserve for copyright owners?

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**

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

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**

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

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**

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**

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**

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**

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**

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**

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**

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

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**

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**

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**

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

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

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

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

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?

Respondent skipped this question

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**

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**

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

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.

Our team is currently working on a project overhauling Wellington City (Council) Archives online search, transforming how it currently provides access to the public. We are uncertain about how much risk we are opening ourselves to in providing access to our collection online. All of our information is arguably for research or study purposes, but by making and providing access to copies of this information, how heavily do we risk infringing on this?

When it comes to implementing this project, we may need to start with a very risk averse view to what we put online, as we are unable to expend “a reasonable” effort to determine if unidentified works are actually orphan works, as this is outside of our existing resources on a team of 9 people.

This uncertainty around exceptions creates a barrier to public access which is in direct contradiction with our goals for this project.

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?

No – there are too many clauses and exceptions to what we can and cannot do. It is not something that anyone without a background in copyright (that none of my team has) would feel confident applying.

Should other Heritage institutions be included in this flexibility – such as Museums and Galleries, there is similar content across organisations and there is always crossover in both collections and mandates, these organisations (like Archives and Libraries) generally exist to provide and disseminate information, and it is increasingly common for the public to expect to find this information online.

Is a heritage institution’s time best taken up with issues of compliance around copyright? If somebody wants to reuse or publish a work that is under copyright, it could be argued that it is their responsibility to determine who the rights holder is and arrange a license.

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?

There are too many things to be aware of – can an archive provide online access, while still complying with the requirements of the copyright act like due diligence. There is also generally a lack of resource in our department to devote time to diligence and understanding around the copyright act and how this flexibility applies in between business as usual requirements.

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?

Could there be a more comprehensive exclusion clause from the act, so that they can manage and provide public access to their collection without facing risks and barriers that raise questions about copyright infringement.

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?

What currently is in place in regards to this is insufficient, it is still necessary to provide disclaimers around the provision of information "being for the purposes of research and study", when that is generally a primary mission of these organisations. There needs to be more flexibility to empower these organisations to manage and provide public access to their collection without the copyright act acting as a barrier to this.

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?

They have similar collection management needs and public access needs. They also have collection items that would count technically as "archive" or "library" items, they are just held by a different organization/institution – like archives may similarly hold objects or artworks. Many/most of these organisations and institutions could be considered to have a public good prerogative for access and collection management. It would be a significant time saver if the copyright act provided protection for these organisations to do their jobs without risking infringing on copyright – now and in the future. This would allow the copyright act to be an empowering tool for the dissemination of information (for public good) instead of a barrier.

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

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

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

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

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

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

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

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

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

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

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

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

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**

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

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**

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**

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**

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**

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**

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**

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

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

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

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

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

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.

We do not have time/resource in our immediate team of 9 to perform due diligence around orphan works (or to even work out that something could be an orphan work in the first place). Our time/resource is fully expended on other tasks related to collection management; public requests; OIA and LGOIMA related enquiries; and processing backlog. Because we do not have the time to investigate/do due diligence on this, we cannot apply any copyright information to these works beyond “copyright unknown” which has its own risks. This applies to a large percentage of our collection. If we were a risk-averse organization, or not an archive, we would not be able to provide access to these works online.

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?

We do not have the time or resource in our team of 9. We don't deal with this. We have no actionable measure for due diligence and we are considering providing access to this information online in the hopes that the copyright owner will contact us. We are relying on the exceptions for Archives to exclude us from infringing with this decision.

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?

The Wellington City (Council) Archives do not yet have an online search platform that is modern enough to bring this issue to the forefront.

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

The understanding/interpretation of what “Due diligence” means varies from organization to organization and when an organization has no team members with a background in copyright, and nobody in charge of copyright within the team, it has little to no meaning. It does not necessarily need to be part of the act, but if there is a set of (reasonable and actionable) minimum criteria for due diligence – that has room to change as technology transforms and adapts, then it would be a useful toolkit for smaller organisations to refer to – while being supported by existing guidelines.

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?

Using Creative Commons correctly is not always straightforward. We were also not aware that NZGOAL existed until very recently. Without a public domain option in the copyright act the “no known copyright restrictions” license must be used, and from the perspective of an end user – this is rather unclear – and is very similar in phrasing to “copyright unknown”

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?

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?

Respondent skipped this question

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

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?

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?

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.

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?

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?

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?

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

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

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

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

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

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

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

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

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

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

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.

This should be its own separate stream of work.

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**

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?

As long as there are consultants available to advise smaller organisations around these 'protections' then it is a necessary area to investigate.

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?

Yes, as long as it does not delay the review, and works separately, but in parallel.

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**

Q115 Any other comments on Other Issues: copyright and the Wai 262 inquiry **Respondent skipped this question**

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**

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**
