

Copyright Licensing New Zealand
Submission to International treaty examination of the
UK-NZ Free Trade Agreement
March 2022

Copyright Licensing Limited (CLNZ) is a collective management organisation (CMO) and not-for-profit company owned by New Zealand authors and publishers through representative organisations, NZ Society of Authors and Publishers Association of NZ.

CLNZ is part of a global network of copyright collectives that provide centralised licensing services for the reproduction of extracts from books, magazines, newspapers, journals and visual art works. Centralised licensing makes it easier for users of copyright works to legally reproduce copyright works, while generating a valuable revenue stream for content creators.

The recognised RRO (Reproduction Rights Organisation) in New Zealand and a member of IFRRO (International Federation of Reproduction Rights Organisations), CLNZ has non-exclusive mandates to represent copyright owners from throughout the world in offering licensing services in New Zealand. CLNZ has copyright licenses with all of the universities and polytechnic institutions and wananga in New Zealand as well as schools, businesses and government agencies. We have recently commenced offering licensing services for Aotearoa artists.

CLNZ distributes over \$5 million dollars each year to the creative people and businesses whose works are copied under licence. Through our Cultural Fund, we invest in supporting and growing new Zealand's creative output.

Submission

1. We congratulate the Government on taking proactive steps to grow New Zealand's future trade opportunities and to align New Zealand's legal framework for copyright with those of our trading partners.
2. We emphasize that the New Zealand publishing and visual arts industries, along with other creative industries that monetize intellectual property (IP), are critical to the Government's plans to diversify the economy away from a reliance on primary products.
3. We note that the creative sector was, in 2019, included in the government's new approach to industry policy through Industry Transformation Plans (ITPs). While the Creative ITP is on hold due to the pandemic, creative tech is a focus of the Digital ITP that is underway.
4. Growing the creative sector through making and selling more creative IP to the world will also help New Zealand's transition to a low emissions economy.

5. The value of a strong local publishing industry is not purely economic. It is difficult to imagine how New Zealand schools could effectively teach our children about their own country and culture without access to content that is written and published here. There are significant wellbeing benefits for all New Zealanders from the creation of books, stories and art by New Zealanders, both for New Zealand and for the world.
6. We fully support the implementation of a copyright term that aligns the rights of New Zealand creators with those of both their UK counterparts, and those in other countries.
7. We note that harmonised copyright terms make it easier for both creators and users of creative content to engage in the use and licensing of copyright works. Harmonisation is a goal of FTA's and there's no reason why the creative sector should not benefit from harmonisation as many physical goods sectors have through the efforts of trade negotiators.
8. There does not seem to be a reasonable justification for deferring implementation of the term extension by 15 years. We submit that New Zealand creators should have access to the same term of rights as those in the UK as soon as possible.
9. We note the statement on Pg 69 of the NIA regarding an "increased number of works for which use and access will be restricted". This is not correct. The extended term of copyright will mean that permissions, exceptions and payment are considerations when using others' copyright works. It is only free, non-permissioned access that will change.
10. "Commercial value" is not the only consideration in regard to the use by others of copyright works. An author's moral rights are vitally important to both the author and to their estate.
11. We applaud the inclusion in the Intellectual Property chapter of steps to be taken by both parties to better recognise and support the rights of Māori in traditional knowledge and traditional cultural expressions.
12. We fully support the implementation of an Artist's Resale Royalty scheme that will give Aotearoa artists the opportunity to benefit from the increasing value of their work in the secondary market.
13. We are working with our Australian colleagues at Copyright Agency to learn from their experience of operating the ARR. The benefits that will accrue to early-career Māori and Pasifika artists are an exciting opportunity.
14. The Australian experience demonstrates that the ARR needs to be carefully legislated to ensure that all parties to the scheme are clear as to what is required of them. Readily enforceable penalties are needed for non-compliance.

15. Inherent in ensuring that parties comply with the ARR is the simplicity of the scheme itself. We support a flat royalty rate and careful consideration of the other aspects of the scheme to ensure it is inclusive of as many of Aotearoa's artists as possible.
16. Article 17.49 sets out goals for collective management organisations. We advise that CLNZ has a reciprocal agreement with Copyright Licensing Agency (UK) that provisions the exchange of rights between our organisations. The exchange of licensing fees for the copying of copyright works owned by New Zealand and UK authors and publishers respectively, occurs at least annually.
17. CLNZ's operations are guided by the World Intellectual Property Organisation's CMO Toolkit¹ Each year we undertake a process of reviewing our distribution practices, policies and governance against the WIPO best-practice standard.

Submitted By: Paula Browning, Chief Executive, Copyright Licensing New Zealand

E : paula@copyright.co.nz

P O Box 331488, Takapuna, Auckland 0740

¹ [WIPO Good Practice Toolkit for Collective Management Organizations \(The Toolkit\)](#)