

Copyright Licensing NZ
Presentation to Foreign Affairs, Trade and Defence Select Committee
UK Free Trade Agreement
17 March 2022



Ata mārie , Mālō e lelei, salaam, good morning.

Ko Paula Browning tōku ingoa

Ko taku mahi ki Manatārua Aotearoa / Copyright Licensing New Zealand, ko te Mana Whakahaere / Chief Executive. This morning I am also speaking on behalf of the NZ Society of Authors and Publishers Association of New Zealand.

Thank you for considering our submission. There are two particular aspects to the free trade agreement that are notable for the creative sector, including the authors, publishers and visual artists Copyright Licensing New Zealand works for. The first of these is the harmonisation of the term of copyright with authors, publishers and artists in the UK. While we welcome this, we can't see justification for a 15-year implementation timeline. In our experience, the UK has a gold-standard approach to Intellectual Property and a fit-for-purpose copyright system. We would like to see the copyright term, and other aspects of the UK legislation, implemented here.

There is however, a vital area of intellectual property where we can't build on the UK experience – that is traditional knowledge and cultural expression. We are very keen to see progress on Te Pae Tawhiti – the whole of government response to the Wai262 claim.

It's been a long wait for New Zealand artists in regard to a Resale Royalty Scheme and the artist's we represent are excited that they will soon be able to financially benefit from the growing value of their work. While implementation of the scheme is not the remit of this Select Committee, we are eager to see it legislated in a way that ensures the intended benefits accrue to artists, that costs to run the scheme are minimised, and that enforcement mechanisms are readily accessible and achieve the desired effect of encouraging all parties to play by the rules.

The Australian government is currently undertaking a targeted review of various aspects of copyright legislation. I recently prepared a submission to that review, including a challenge to the way that owners of copyright works are often referred to. I'd like to set this challenge to you too. The term "commercial interests" is one we see used in copyright reforms to infer that all copyright owners are large corporate entities who can afford revenue losses or to have less rights in the creative work they invest in. This is clearly not the case for individual creators and the small creative businesses that make up the majority of the New Zealand creative sector. In future, when the subject of copyright arises, I ask that you think of your favourite New Zealand author, musician or artist and consider how less income and an erosion of their rights in their work will impact them. Please remember that creators also have both moral and human rights to their work – this is another area that's all too often overlooked in copyright debates.

I'd like to briefly talk more broadly about trade policy and the creative sector. We have a Trade for All agenda that includes a focus on creating new and more sustainable economic opportunities for New Zealanders, support for rules-based systems, SME participation in international markets and protecting traditional knowledge. There are also goals regarding climate change and protecting New Zealanders' wellbeing. All of these goals are deliverable through our creative sector and yet our creative IP is used as a loss-leader in our trade negotiations. Just recently I heard one of our

negotiators refer to copyright as only being relevant for New Zealanders who create “old fashioned” copyright works. This perception ignores our screen, games and interactive media industries that care very much about creative IP and the opportunity for New Zealand to be exporting more of it as part of the COVID trade recovery plan. Equally, the publishing industry – including publishers of education materials – sell low emissions, digital products and services that will be vital to our economic future. It is important to the creative sector that government policy is informed by working with us and understanding our trade needs.

It would be really useful if some of that understanding was informed by data. After over 20 years of having the internet and digital trade, we’re still not counting the value to New Zealand from sectors that export digital products and services, including the creative sector. I note here that digital trade is different to digitised trade. Much of the creative sector trades in IP and digital products and services. Creative digital trade – including trade barriers - are very different to the barriers in physical goods trade and require a different approach to ensure that New Zealand derives full value from it. As it stands, the StatsNZ system has two buckets for trade value – goods and services. A search within the categories for services exports produces a “nil” return for “digital”. Our publishers of digital education products and services are, maybe, lumped into “software” as a trade category. At a time when New Zealand is looking to diversify the economy towards low-emissions sectors and “weightless” exports, we have no data and statistics to help us understand this vital area of the economy.

I hope that these insights into copyright and creative trade are useful for the Committee’s work on the UK FTA and other trade related considerations you undertake in future.

Tēnā koutou. Thank you.