

## **IPRIA New Zealand Developments in IP Update April 2009**

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**Welcome to the IPRIA New Zealand Developments in IP Bulletin for April 2009. We would like to thank Dr Owen Morgan from the Department of Commercial Law at the University of Auckland Business School.**

### **COPYRIGHT**

#### **Government to amend section 92A of the Copyright Act 1994**

On **23 March 2009**, the Government announced that section 92A of the Copyright Act 1994 will not come into force on 27 March as scheduled, but will be amended to address areas of concern. Section 92A was inserted by section 53 of the Copyright (New Technologies) Amendment Act 200. It requires internet service providers to have a policy for terminating the accounts of those who repeatedly infringe copyright.

For more information, click here:

<http://www.beehive.govt.nz/release/government+amend+section+92a>

#### **Copyright (Commissioning Rule) Amendment Bill 2008 reinstated on the Order Paper**

The Copyright (Commissioning Rule) Amendment Bill 2008 was introduced on **19 September 2008**. The Bill has not yet had its first reading and it lapsed when Parliament rose for the last time before the General Election in November 2008. The Bill has now been reinstated on the Order Paper, although there is no indication as yet when the Bill will be read for the first time.

For a copy of the Copyright (Commissioning Rule) Amendment Bill 2008, click here [browse bills beginning with 'C']

<http://www.legislation.govt.nz/bill/browse.aspx>

#### **Copyright (Artists' Resale Right) Amendment Bill**

In **March 2009**, the Government Administration Committee of the 49th Parliament reported back on the Copyright (Artists' Resale Right) Amendment Bill. The Committee recommended by a majority that the Bill not be passed. The Bill was referred to the Government Administration Committee of the 48th Parliament in May 2008. The Bill would have amended the Copyright Act 1994 to insert a new, stand-alone part to establish a resale right for visual artists in New Zealand.

For further information, click here:

<http://www.mch.govt.nz/projects/culture/resale-royalty.html>

### **PATENTS**

#### **Patents Bill 2008 reinstated on the Order Paper**

The Patents Bill 2008 was introduced on **9 July 2008** but it has not yet had its first reading. The Bill lapsed when Parliament rose for the last time before the General

Election in November 2008. The Bill has now been reinstated on the Order Paper, although there is no indication as yet when the Bill will be read for the first time.

For a copy of the Bill, click here [browse bills beginning with 'P']  
<http://www.legislation.govt.nz/bill/browse.aspx>

## **TRADE MARKS**

### **Trade Marks (International Treaties and Enforcement) Amendment Bill 2008 reinstated on the Order Paper**

The Trade Marks (International Treaties and Enforcement) Amendment Bill 2008 was introduced on 8 September 2008. This Bill will amend the Trade Marks Act 2002 and the Copyright Act 1994. It will give effect to Government decisions relating to various international agreements, and will support the enforcement of criminal offence provisions related to counterfeit goods and pirated works. The Bill had its first reading on 7 April 2009 and has been referred to the Foreign Affairs, Defence and Trade Committee. Submissions have not been called for. The Committee's report is due **7 October 2009**.

For a copy of the Trade Marks (International Treaties and Enforcement) Amendment Bill 2008, click here [browse bills beginning with 'T']  
<http://www.legislation.govt.nz/bill/browse.aspx>

## **GENERAL IP**

### **Update regarding Anti-Counterfeiting Trade Agreement (ACTA)**

The Ministry of Economic Development has posted a Report on Round Four of the ACTA negotiations held **15-18 December 2008** in Paris. According to the Report, participants reaffirmed their commitments to negotiate an Agreement to combat global infringements of IPR, particularly in the context of counterfeiting and piracy, by increasing international cooperation, strengthening the framework of practices that contribute to effective enforcement, and strengthening relevant IPR enforcement measures. Participants discussed meeting again in March 2009 and confirmed their intention to conclude the Agreement as soon as possible.

For more information, click here  
[http://www.med.govt.nz/templates/MultipageDocumentTOC\\_39924.aspx](http://www.med.govt.nz/templates/MultipageDocumentTOC_39924.aspx)

### **Law Commission releases Issues Paper on the law relating to invasion of privacy**

On 6 March 2009, the Law Commission released an Issues Paper, 'Invasion of Privacy: Penalties and Remedies' which reviews the adequacy of New Zealand's civil, criminal and regulatory law to deal with invasions of privacy. In particular, it looks at the tort of privacy and surveillance. The Paper raises questions and options for discussion and comment. The Commission welcomes any comments or submissions on the Issues Paper. The closing date for submissions is **Friday 29 May 2009**.

For a copy of the Issues Paper, click here:  
<http://www.lawcom.govt.nz/ProjectIssuesPaper.aspx>

**Free Trade Agreement negotiations with the United States postponed**

On **22 September 2008**, comprehensive negotiations were launched for the United States of America to join the Trans-Pacific Strategic Economic Partnership Agreement with the P4 group of countries – New Zealand, Singapore, Chile and Brunei. The negotiations were scheduled to begin in early 2009. However, the Government has announced that the United States is postponing trade talks involving New Zealand.

For more information, click here

<http://www.stuff.co.nz/business/industries/2156169/Obama-puts-off-trade-talks>

**Ngāti Toa Rangatira Letter of Agreement includes *Ka Mate* haka**

A Letter of Agreement between Ngāti Toa Rangatira and the Crown was signed at Parliament on 11 February 2009 for the settlement of the historical claims of Ngāti Toa Rangatira under the Treaty of Waitangi. A special provision was made for the haka, Ka Mate, in the Treaty settlement package. The well-known haka (the generic term for Māori dance) is often performed by the New Zealand All Blacks before a test match and has become synonymous with New Zealanders. The Crown does not expect Ngati Toa to receive royalties or a veto on the performance of the haka.

For more information, click here

<http://nz01.terabyte.co.nz/ots/livearticle.asp?ArtID=1234231829>

For more information on the claims process, click here

<http://www.waitangi-tribunal.govt.nz/>