

IPRIA New Zealand Developments in IP Update June 2008

Welcome to the IPRIA New Zealand Developments in IP Bulletin for June 2008. We would like to thank Dr Owen Morgan from the Department of Commercial Law at the University of Auckland Business School.

COPYRIGHT

Copyright (New Technologies) Amendment Act 2008 receives Royal Assent

The Copyright (New Technologies) Amendment Act 2008 received the Royal Assent on **11 April 2008**. Apart from section 19(2), the Amendment Act has not yet come into force. Section 19(2) came into force on 12 April 2008. Section 19(2) amends section 35 of the Copyright Act (1994). Section 35 sets out rules regarding infringement by importation and the amendment relates to infringement by importing films.

For a copy of the Copyright (New Technologies) Amendment Act 2008, click here <http://www.legislation.govt.nz/act/public/2008/0027/latest/DLM1122502.html>

Submissions sought regarding Copyright (Artists' Resale Right) Amendment Bill 2008

The Copyright (Artists' Resale Right) Amendment Bill 2008 amends the Copyright Act 1994 to establish a mandatory resale right for certain artists when their artistic works are resold in New Zealand. A resale right entitles an artist to receive a resale royalty payment each time an original artistic work is resold on the secondary art market. It does not apply to the first sale of the work. The Bill creates a property right for an artist and his or her successors over the artist's artistic creations for a period expiring (broadly) 50 years after the death of the artist. During that time the holder of the resale right would be entitled to a royalty payment to be obtained by a collecting agency. The Government Administration Committee is seeking public submissions on the Bill until **4 July 2008**.

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

GENERAL IP

Submissions sought regarding Anti-Counterfeiting Trade Agreement

On 28 May 2008, the Associate Minister of Commerce announced that New Zealand was joining with a number of its trade partners to develop an Anti-Counterfeiting Trade Agreement (ACTA) as part of an international effort to curb the trade in counterfeit and pirated goods. The goal of ACTA is to set a new, higher benchmark for intellectual property rights enforcement that countries can join on a voluntary basis. Public submissions regarding New Zealand's participation in the development of ACTA are being sought. In particular, the public have been asked to identify specific matters that should be the focus of ACTA. Submissions are to be sent to trademarks@med.govt.nz by **14 July 2008**.

For more information, click here

http://www.med.govt.nz/templates/ContentTopicSummary_34357.aspx

For more information on Australian developments regarding ACTA, click here

<http://www.dfat.gov.au/trade/acta/index.html>

Two papers for public consultation on broadcasting released

As part of its strategy on the transition from analogue to digital television broadcasting, the New Zealand Government released two papers for public consultation on 23 January 2008: 'Digital Broadcasting: Review of Regulation' and 'Broadcasting and New Digital Media: Future of Content Regulation' prepared by the Ministry for Culture and Heritage. The deadline for submissions on both discussion papers was 4 April 2008. Between 5-11 March 2008, a series of public workshops were held to promote discussion and facilitate responses to the discussion documents. The submissions process has been completed and the following documents are now available to the public: a list of submitters and copies of individual submissions; an overview and summary of submissions; and notes from review workshops/hui. The Minister of Broadcasting and the Minister for Communications and Information Technology will report back to Cabinet by **31 July 2008** on the outcome of the public consultation and with their recommendations.

For more information, click here

<http://www.mch.govt.nz/publications/digital-tv/index.html>

Government introduces Digital Development Forum and Council

On **29 May 2008**, the Communications and Information Technology Minister launched the Digital Development Forum and Digital Development Council. The Council will work together to help realise New Zealand's digital potential. Members of the Council are independent bodies not tied to any Government agency. The primary purpose of the Forum is to serve the national interest and, in particular, to interface with and contribute to the development and implementation of the Digital Strategy. The overall vision that will guide the Forum and the Council is consistent with the vision contained in the Digital Strategy: "That New Zealand will be a world leader in using information and technology to realise its economic, social, environmental and cultural goals, to the benefit of all New Zealanders".

For more information, click here

<http://www.ddc.org.nz/>

Ambush marketing legislation update

On **24 September 2007**, the Governor-General made the Major Events Management (Rugby World Cup 2011) Order 2007. The Order declared the Rugby World Cup 2011 to be a major event for the purposes of the Major Events Management Act 2007 and identified Rugby World Cup Limited to be the major event organiser.

For a copy of the Order, click here [enter 'Major Events' as your Search Words]

<http://www.legislation.govt.nz/regulation/searchquick.aspx>

For a copy of the statute, click here [enter 'Major Events' as your Search Words]

<http://www.legislation.govt.nz/act/searchquick.aspx>

The Ministry of Economic Development announced on **10 June 2008** that the Major Events Unit and Rugby World Cup Government Coordination Office have been integrated as a new Directorate within the Industry and Regional Development Branch. The Directorate will be responsible for coordinating the Government's investment in major events. These responsibilities will include ensuring events supported are aligned with Government objectives, leveraging opportunities are maximised, and that effective partnerships with the private sector and events industry are developed and maintained to build New Zealand's capability as a major events destination.

For more information, click here

<http://news.business.govt.nz/news/strategic/article/5508>

Four bioprospecting working groups to be established

The Government has announced that it is committed to continuing discussions around access and benefit sharing arising from use of New Zealand's biological resources and associated knowledge. To that end, it has established a series of working groups to facilitate discussion on four key issues. It is also envisaged that there will be a parent working group to which the four working groups will report.

The four working groups to be established are:

- Working Group 1: New Zealand's approach to negotiations on an international regime on access and benefit sharing under the Convention on Biological Diversity;
- Working Group 2: Opportunities offered by bioprospecting for enhancing New Zealand's science sector, including outcomes for Māori;
- Working Group 3: Intellectual property rights, including their potential for protection and promotion of traditional knowledge; and
- Working Group 4: Precedent frameworks from other jurisdictions, including options for regulating inappropriate activity (but without over-regulating beneficial or traditional activities) and definitions of bioprospecting.

For more information, click here

http://www.med.govt.nz/templates/ContentTopicSummary_34068.aspx