



**NZFACT**

NEW ZEALAND FEDERATION AGAINST COPYRIGHT THEFT



**For Immediate Release**

**3 August 2009**

### **NZFACT LABELS S92A COPYRIGHT PROPOSAL PROBLEMATIC**

“New Zealand audiences and artists stand to lose unless the government strengthens the proposal to build a framework for stopping online movie piracy,” Tony Eaton, Executive Director of the New Zealand Federation Against Copyright Theft (NZFACT), said today. “Six months ago, New Zealand was a world leader in attacking this problem. Today, with the proposal the government has put on the table, we are moving backward and threatening the growth of new entertainment options.”

Eaton’s comments came in reaction to the new policy proposal to implement amendments to the copyright law (section 92A) that require internet service providers (ISP) to sanction subscribers who repeatedly illegally download pirated materials.

“We need a strong workable policy that delivers a safe and secure environment to foster the creation of a thriving online marketplace. This can be achieved with the cooperation of all parties involved in online content delivery,” Eaton said.

Mr. Eaton added that the film and television industry is an important contributor to the New Zealand economy. “The screen industry provides 15,000 jobs and is worth \$2.7billion. Its continued growth is dependent upon a legal regime that values creative work.”

“The film and television industry, through NZFACT, has been urging the government to help create a process to curb the activities of repeat copyright infringers.” Eaton added. “We are looking for a workable, shared process that involves education, then warnings from the ISPs, and finally, escalating measures for those who refuse to stop,” he said.

“Contrary to the current s92A proposal, ISPs need to play an equal role in this partnership. And that means when rightholders identify infringements, ISPs need to play the central and lead role in communicating with their subscribers about the infringements, as well as the consequences of their activities. Then, the ISPs need to work with us to educate their subscribers and implement measures to stop repeated infringement.”

“ISPs, as our partners in building this online market and as responsible corporate citizens, must play an active role in reaching out to their customers about the importance of copyright and enforcing their own terms and conditions with regards to customers who repeatedly engage in online infringement.

"We are also concerned about the possibility of every infringement being referred to the Copyright Tribunal without any limitations. We recognize that there may be a need to facilitate a process for the resolution of disputes in certain circumstances but, with the level of internet piracy in New Zealand, this proposal opens the door for tens of thousands of infringement notices to be referred to the Tribunal with associated costs and delays," said Eaton.

"We will be making a full submission to the government in the hope that the legislation will achieve its stated policy objective of providing effective relief to rights holders impacted by digital copyright infringement and to deter future infringement," he said.

ENDS

### ***Piracy in New Zealand***

A study undertaken by independent research firm LEK Consulting on behalf of the Motion Picture Association (MPA) showed that piracy cost the film industry in New Zealand an estimated 25 percent of the potential market in 2005 – \$70 million. Internet piracy via P2P file-sharing networks is a significant concern and accounts for the majority of New Zealand movie industry losses – an estimated \$33 million in lost consumer spending in 2005. NZFACT represents the MPA in New Zealand.

***About NZFACT:*** *The New Zealand Federation Against Copyright Theft was established in 2005 by the Motion Picture Association to protect the film industry in New Zealand from the adverse impact of copyright theft. NZFACT works closely with its members, government and enforcement authorities to protect the New Zealand film and television industry, retailers and movie fans. NZFACT members include: Walt Disney Studios Motion Pictures, New Zealand; Paramount Pictures Corporation; Sony Pictures Releasing International Corporation; Twentieth Century Fox International Corporation; Universal International Films, Inc.; and Warner Bros. Pictures International, a division of Warner Bros. Pictures Inc.*

*NZFACT works in association with the Motion Picture Association, which represents the interests of the film industry across the world. NZFACT also has an alliance with the Recording Industry Association of New Zealand to share information regarding copyright infringement, and is a member of the recently-formed Anti Counterfeiting Group, which represents the interests of New Zealand's major intellectual property stakeholders, such as the music industry, computer software and publishing. NZFACT has a nationwide hotline that enables the reporting of film copyright theft 24 hours a day, 7 days a week: 0800 267 9744.*

###

**For more information, contact:**

Tony EATON  
Executive Director  
NZFACT  
64-9-361 4941