

NZWG DRAFT POSITION: COPYRIGHT REFORM – JUNE 2025

Authorship and Originality in the Age of AI: Creative Rights and
Sustainable Careers in Aotearoa

ROUNDTABLE WITH MINISTER SIMPSON ON COPYRIGHT ACT REFORMS

MONDAY, 23 JUNE 2025 3:00 – 4:30PM

Kia ora Minister Simpson and thank you for the opportunity to speak today.

My name is Alice Shearman, and I'm here on behalf of the New Zealand Writers Guild, representing the interests of professional screenwriters across Aotearoa.

We welcome this review, but we urge that any legislative change remains grounded in a core principle: copyright must protect human creativity — not just as a cultural value, but as the economic backbone of a sustainable creative industry.

NZWG supports modernisation that centres human authorship, makes AI accountable, and turns longer copyright terms into actual income via residuals and rights-tracking in streaming markets.

On Term Extension under the EU and UK FTAs

We acknowledge the 20-year copyright term extension is a treaty obligation.

However, a longer term must not mean a longer silence for creators. If the law is to lock up work for longer, then it must also unlock enforceable residual payments, rights tracking, and income pathways that reach writers — especially in the streaming environment.

Technological Protection Measures (TPMs) and Platform Responsibility

We urge caution here. TPM enforcement must not override exceptions for fair dealing, accessibility, or education.

More urgently — TPMs should not be weaponised to shield AI companies scraping New Zealand content without consent or compensation. We must address this now, not in five years' time.

We also recommend that platform immunity under safe harbour rules be revisited. Platforms that profit from hosting or training on copyrighted works must carry responsibility.

On AI and Human Authorship

This is our top priority. NZWG are seeking legislation that will ensure training-data transparency (dataset provenance logs) and a pathway for collective licensing/compensation for use of copyrighted works in model training

NZWG proposes that the law:

- Reject copyright protections for AI-only works
- Require substantial human input where AI tools are used
- Mandate disclosure of AI use in funded projects and registrations

- And create a framework for compensation when work is scraped to train models

As we say at NZWG: we cannot let the tool eclipse the hand that wields it. Copyright is a human right — and must remain so.

On Commissioning, Contracting and Sustainable Work

We cautiously support the repeal of the commissioning rule — but only if there is clear guidance for the screen sector. Writers must not be left in a weaker position. Rights, credits and remuneration must remain fair and transparent in commissioning contracts.

And we strongly oppose the repeal of the Copyright Tribunal without a well-resourced replacement. For many creators, this is the only remedy available when disputes arise.

On Enabling Access and Societal Use

We support greater access for education, disability, and cultural heritage, with appropriate safeguards. But we note: exceptions must compliment, not replace, licensing — particularly for scripted and audiovisual work, where writers rely on every cent of revenue.

New Zealand’s screenwriters are exporting our stories digitally — what we call “weightless exports.” But unless the Copyright Act catches up, we risk exporting value without protection.

We are calling for a future-focused regime that affirms human authorship, responds to the rise of AI, and supports sustainable careers in storytelling.

Thank you — I look forward to today’s discussion.

QUICK RESPONSES TO MINISTERS PROPOSED COPYRIGHT REFORMS

Ministerial Reform Proposal	NZWG Position
GLAM: Extension of Exceptions	Support with Parameters
Online Learning Access	Support with Limits
NZ-EU/NZ-UK FTA 20-year term extension	Support with Conditions
Non-exclusive Licensees Enforcement	Support with Conditions
GLAM: Orphan Works	Support with Caution
Repeal Commissioning Rule	Support with Caution
Beijing Treaty	Support
Resale Right Extension	Support
Disability Exceptions	Support
Fair Dealing for Expressive Uses	Support
GLAM: Digital Preservation	Support
GLAM: Internal Copying	Support
Repeal File Sharing Regime	Support
First Distribution Right	Support
Repeal Copyright Tribunal	Oppose
Align Border Protection	Neutral
GLAM: Mass Digitisation	Cautious Support
TPM Reform	Caution
Website Blocking	Caution

LONGER RESPONSES TO MINISTERS PROPOSED COPYRIGHT REFORMS

These responses are initial reactions based on previous positions, and without having the time for full consultation with our membership.

MEETING FTA OBLIGATIONS

1. NZ-EU FTA AND NZ-UK FTA 20-YEAR COPYRIGHT TERM EXTENSION FOR LITERARY, DRAMATIC, MUSICAL AND ARTISTIC WORKS, SOUND RECORDINGS AND FILMS

Support with Conditions

NZWG recognises this obligation under the FTAs but urges the government to complement this extension with robust measures to support sustainable incomes for authors, including residual payments and transparent rights tracking.

Long terms must not become long silences — creators need enforceable income streams, not just longer locks.

2. CONSEQUENTIAL AMENDMENT TO EXTEND THE DURATION OF THE REALE RIGHT UNDER THE REALE RIGHT FOR VISUAL ARTISTS ACT 2023

No objection.

NZWG has no objection to this amendment but encourages continued engagement with visual artists and collectives to ensure effective administration of the right, especially where Māori and collaborative authorship is involved.

3. REFORMS TO THE PROTECTION FOR TECHNOLOGICAL PROTECTION MEASURES (TPMS) APPLIED TO COPYRIGHT WORKS

Urge caution.

Reforms must retain clear exceptions for educational, accessibility, and fair dealing uses. But allow for protection and or prosecution where AI data scraping has been proven to have occurred. Through output data information from generative AI tools.

A couple of points to consider:

- TPM enforcement should not override legitimate user rights or inhibit cultural reuse and parody.
- This is the area where we need to consider a reclassification of who is a tech company and how they are treated under NZ legislation.

4. EXPLORING THE MERITS OF JOINING THE BEIJING TREATY ON AUDIOVISUAL PERFORMANCES

Support.

ANY implementation must be undertaken with full consultation of screen sector stakeholders.

However, new performance rights must not dilute existing authorship rights of screenwriters or create uncertainty in contracting relationships.

MAKING COPYRIGHT WORKS AVAILABLE FOR SOCIETAL BENEFIT

5. SUPPORT NEW WAYS OF ONLINE LEARNING

Supported with limitations.

NZWG supports improved access for online learning and education, but with a clear emphasis on preserving licensing pathways for scripted and audiovisual works.

Without adequate safeguards, educational exceptions risk undermining already fragile revenue streams for screenwriters. Any reform should be narrowly tailored and include educator guidance on lawful use and licensing options.

6. EXTEND THE CURRENT EXCEPTION FOR PEOPLE WITH A PRINT DISABILITY TO PEOPLE WITH OTHER TYPES OF DISABILITIES

Support

NZWG supports equitable access to copyrighted content for disabled people. We recommend working with disability advocacy groups and content creators to ensure implementation is practical, ethical, and non-exploitative, while maintaining livelihoods of the copyright holders.

Provisions must retain attribution and integrity safeguards, especially for audiovisual and dramatic works.

7. NEW FAIR DEALING EXCEPTIONS FOR EXPRESSIVE USES

Supported by NZWG.

NZWG backs fair dealing exceptions for satire, parody, and quotation. These uses are essential to freedom of expression and democratic discourse, and they create space for creative critique and cultural dialogue.

We recommend aligning with the UK/EU approach, with a clear definition of good faith use to minimise legal uncertainty.

OVERALL NOTE:

THE CURRENT SYSTEM INCENTIVISES PLATFORMS TO IGNORE INFRINGEMENT UNTIL COMPELLED, CREATING A POWER IMBALANCE.

SUPPORTING THE FUNCTION AND ADMINISTRATION OF GLAM

8. ALLOW NOT-FOR-PROFIT GALLERIES, LIBRARIES, ARCHIVES AND MUSEUMS (GLAM ORGANISATIONS) TO MAKE DIGITAL PRESERVATION COPIES OF ALL TYPES OF WORKS

Support

NZWG supports preservation rights for GLAM institutions, particularly in the context of deteriorating formats and technological obsolescence.

These rights should be clearly limited to non-commercial preservation purposes and exclude uses that would substitute for licensing or commercial distribution.

However, this type of copying is already available. Unsure of this intent or scope widening.

9. ALLOW COPYING BY GLAM ORGANISATIONS FOR INTERNAL COLLECTION MANAGEMENT AND ADMINISTRATION PURPOSES

Support

Copying for internal archiving, metadata, and collection management is a low-risk, non-commercial use that supports good stewardship of cultural heritage.

NZWG sees no objection, provided works are not made publicly available without appropriate rights clearance, attribution and compensation if applicable.

10. FACILITATING GLAM ORGANISATIONS UNDERTAKING MASS DIGITISATION OF THEIR COLLECTIONS

Cautious support.

Digitisation is vital for access and preservation, but creators must retain the ability to opt out or negotiate terms if their works are made available beyond institutional walls.

Though current commercial licensing does exist in the space to support the ability to mass digitise with appropriate licences in place.

11. EXTEND CURRENT ARCHIVES AND LIBRARIES EXCEPTIONS AS APPROPRIATE TO GALLERIES, MUSEUMS AND OTHER CULTURAL HERITAGE ORGANISATIONS

Supported with parameters.

NZWG agrees that exceptions for cultural preservation and access should apply equitably across GLAM institutions.

However, consistency must not come at the cost of clarity—clear, narrow definitions of use are essential to avoid overreach into areas where licensing remains viable.

12. FACILITATE GREATER USE OF ORPHAN WORKS IN COLLECTIONS OF GLAM ORGANISATIONS

Support a cautious and transparent mechanism.

Orphan works reform is overdue.

NZWG supports a statutory mechanism enabling limited use of orphan works after a reasonable and recorded diligent search.

Creators or their estates must be able to reclaim rights and revenue if they reappear. Use should be non-commercial or under a capped licensing model via a collective management organisation.

Platforms should not enjoy blanket immunity while hosting infringing or AI-scraped content.

Introduce duties of care, takedown obligations, and transparency requirements.

PROTECTING AGAINST PIRACY; FACILITATING ENFORCEMENT

13. PROVIDE EXPLICITLY FOR WEBSITE BLOCKING INJUNCTIONS

Caution required.

NZWG acknowledges the need for tools to combat large-scale infringement, but website blocking is a blunt instrument that can lead to overreach and unintended censorship. Any such mechanism must:

- Be judicially overseen
- Include transparency and public reporting
- Allow for appeals and review
- Be narrowly targeted at commercial-scale piracy

Additionally, NZWG urges that AI-scraping (unauthorised data harvesting from creative sites) be recognised as a contemporary threat warranting regulatory attention.

14. REPEAL INFRINGING FILE SHARING REGIME

Supported.

NZWG supports repealing the outdated file sharing regime, which has proven ineffective, burdensome, and costly without providing meaningful enforcement outcomes or revenue for creators.

Future enforcement models should be targeted, proportional, and platform-focused, rather than end-user punitive.

15. PERMIT NON-EXCLUSIVE LICENSEES TO START INFRINGEMENT PROCEEDINGS WITH THE COPYRIGHT OWNER'S PERMISSION

Supported with conditions.

NZWG supports this reform to enable broader enforcement capacity, provided there is clear written permission from the copyright owner and procedural safeguards to prevent vexatious litigation or conflicting claims.

16. ALIGN BORDER PROTECTION MEASURES AGAINST THE CROSS-BORDER TRADE IN PIRATED WORKS WITH RECENTLY IMPLEMENTED MEASURES UNDER THE GEOGRAPHICAL INDICATIONS REGISTRATION ACT 2006

Neutral – Would rather have a conversation here about the impacts of AI scraping of copyrighted works across all borders.

NZWG sees no objection in principle, but requests further details required.

Alignment should prioritise effective seizure of commercial-scale pirated imports and ensure that creative rights holders — including individual screenwriters — are represented in any future.

17. REQUIRE OWNER’S CONSENT TO EXHAUST FIRST DISTRIBUTION RIGHT

Supported.

This proposal helps reinforce control over the initial commercial release of works.

NZWG supports ensuring that creators — particularly in collective production environments — are able to determine when and how their work is first released or monetised.

We recommend consultation on how this interacts with international streaming and licensing practices.

REPEALING REDUNDANT PROVISIONS; CLARIFYING OWNERSHIP RULES

18. REPEAL OF THE COMMISSIONING RULE

Support the repeal with caution.

NZWG supports this modernisation but urges that accompanying guidance be developed for screen production contracts, ensuring screenwriters retain clarity over credit, remuneration, and residual rights.

However, this change must be accompanied by:

- Clear guidance for producers, platforms, and funders on crediting, residuals, and script commissioning practices
- Assurance that writers retain rights to reuse or adapt their own work when appropriate
- Contractual best-practice frameworks that recognise screenwriters as authors and not mere contributors

This repeal should not transfer power away from producers only to leave screenwriters with greater uncertainty or reduced bargaining power.

19. REPEAL OF COPYRIGHT TRIBUNAL’S ROLE IN DETERMINING LICENSING DISPUTES

Strongly opposed.

The Copyright Tribunal remains one of the only accessible remedies for individual creators in copyright disputes. Its disestablishment without a binding, enforceable, and low-cost alternative would be a major setback.

This is the only facility available for AI data scraping concerns, yet to be utilised.

NZWG calls for:

- Retention and modernisation of the Tribunal’s functions, or
- A new statutory dispute resolution framework with equivalent legal force and clear rights of appeal

The Tribunal provides economic justice for creators who often lack the means for litigation. Replacing it with non-binding mediation is inadequate and risks entrenching power asymmetries in the creative industries.

DRAFT NZ POSITION

This portion of the paper outlines the priority areas for modernising New Zealand's copyright law, as seen by NZWG, ensuring that it continues to uphold human authorship, protect creative works in a global digital economy, and support sustainable careers in the face of AI disruption.

REJECT COPYRIGHT FOR AI-ONLY WORKS

Clearly affirm that copyright in Aotearoa is reserved for human authors. This aligns with both tikanga Māori (where authorship is relational and human-centred) and international norms.

REQUIRE SUBSTANTIAL HUMAN INPUT

Where AI tools assist creators (e.g. as a tool for ideation or editing), the human input must be substantial, original, and creatively determinative.

TRANSPARENCY OBLIGATIONS

Require developers and AI tool creators to disclose protected copyright use in training datasets.

Explore a statutory basis for training-data transparency/compensation (e.g., collective licensing options), and clarify platform duties of care.

Mandatory disclosure in funded licenses for registrations or grant processes (e.g. NZFC, NZ On Air) to maintain transparency and fair access.

RECOGNISE KAITIAKITANGA & COLLECTIVE AUTHORSHIP

Strengthen legal recognition of collective authorship and stewardship models, especially in relation to Māori and Pacific IP. This offers a valuable contrast to both AI and Western individualist authorship models.

Copyright reform must respond to the Waitangi Tribunal's WAI 262 findings. NZWG supports:

- Legal mechanisms for collective guardianship
- Recognition of kaitiakitanga
- Development of a distinct Indigenous IP framework

DRAFT POSITION ON COPYRIGHT REFORM

NZWG strongly asserts that copyright must be reserved for human authors. Proposals:

- No copyright for AI-only works
- Substantial human input required
- Mandatory AI disclosure for funded projects
- Compensation mechanisms for AI-scraping

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