



Ralph Chivers  
Chief Executive Officer  
Telecommunications Carriers' Forum  
PO Box 302469  
North Harbour  
Auckland  
New Zealand

March 6<sup>th</sup> 2009

Dear Mr Chivers

**DRAFT ISP COPYRIGHT CODE OF PRACTICE**

Thank you for the opportunity to comment on the TCF's draft ISP Copyright Code of Practice. I am aware of the need for an effective code for Rights Holders, ISP and the Public of NZ is a necessary part of the implementation of Section 92A.

I represent United Video Franchising a group of over 100 Video rental stores covering New Zealand from Kaitaia to Invercargill. We have been in business for 25 years and have a major concern over the current opposition to s92A NZ Copyright Act. In our opinion failure to pass this legislation will have dire and far reaching effects on our industry and the national economy.

The New Zealand rental industry has a combined turnover in excess of \$150 million annually and employs many thousands of people nationwide. We also consider ourselves to be an integral part of many local communities and indeed operate 365 days a year servicing these communities.

Throughout New Zealand United Video supports many local causes ranging from ambulance services, after school care to sports teams. We pride ourselves on our community involvement and would be devastated if this were to end.

As an industry and as a Franchise we consider piracy to be the biggest threat to our livelihoods. If this legislation does not pass we see our future revenue being depleted to a point where we will no longer be able to trade. The end result would see mass unemployment of current staff at both store and Head

Office levels. Franchisees would be forced to close their shops and landlords would be left with large untenanted premises.

The downloading of legitimate entertainment content is not an issue for us as it is a part of the entertainment industry that we operate in. It is the proliferation of illegal downloads that has a massively detrimental effect on our business. The copyright holders spend many millions of dollars each year attempting to protect their intellectual property with good cause.

When a cinematic release is illegally uploaded to the internet the flow on effects are huge. Firstly the national box office is reduced, secondly our ability to rent the product to the public is greatly diminished and thirdly the ability for the retail market to make sales is also ruined.

All we are seeking is the opportunity to be the gatekeepers of entertainment technology as it reaches the rental marketplace. We pay a premium price for most product and see ourselves as being a real link between the producers of the product and the end consumer.

I trust this submission helps shed some light on the rental industry in New Zealand and the far reaching effects this legislation could have in either supporting us if passed, or destroying us if it is quashed. The need therefore for a code which is acceptable to all parties is imperative and hope the ongoing dialogue between Rights Holders and ISP's produces such a Code.

If any further information is required please do not hesitate to contact me for clarification.

Bill McPartland

CEO

United Video Franchising

0274 933198