
Lynne Pope -Submission on the draft copyright Code of Practice for S92A

I oppose the draft Internet Service Provider (ISP) Copyright Code of Practice in its entirety.

The reasons for my opposition include:

- * The parties to the Code of Practice do not represent everyone deemed under the Copyright (New Technologies) Amendment Act 2008 as an Internet Service Provider.
- * The rights holders that have been consulted with do not represent a cross-section of copyright holders in this country. Illegal copying of software has potentially a huge impact on New Zealand's economy yet representatives of the software industry are not party to these discussions.

Yet, this code of practice is being held up as the guide for implementation of a law that applies to everyone in New Zealand. It is not the responsibility of the TCF or its members to be interpreting law.

The draft code proposes two levels of rights holders - those who pay per complaint and those who have a special relationship with ISP's. This is inequitable. It would effectively give a cheap means for the recording and performing arts industries to crack down on copyright infringement while imposing additional costs on other rights holders. The current terms and conditions of commercial ISP's do not impose additional charges for reporting a copyright infringement that is being pursued through legal means.

The costs of compliance with S.92 may be costs TCF members are willing to bear. I doubt schools, libraries, universities, non-profit community organisations, and businesses (who may all be ISP's under the Act) will have the financial or technical means to either implement logging and data forensics, or to store the masses of data collected over a two-year period. The compliance costs are potentially crippling.

The suggestion that people at risk, who are reliant on internet access, should need to inform ISP's of this fact is abhorrent. I consider this an invasion of privacy and it is unconscionable that individuals should need to "register" their disabilities with an ISP. ISP's have no right to this information under current law and will be exposing themselves to privacy issues should the Code of Practice be adopted.

I respectfully request that you do not proceed with the Code of Practice and, instead, refer the implementation of S.92A back to the government. The law is imprecise and has far-reaching consequences. It is the law that needs to be reconsidered and no amount of papering over its inadequacies will shore up flawed law.

Yours sincerely,
Lynne Pope