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INDUSTRY RAISES SERIOUS CONCERNS WITH CABINET PAPER ON REVISED SECTION 92A

The Screen Directors Guild and the Screen Production and Development Association welcomes the Government's move to help protect New Zealand's film and television sector through the revision to Section 92a of the Copyright Act, but has serious concerns over the proposed legislation.

Justice Minister Simon Power last week released the Cabinet Paper that will form the basis of the revised Section 92a, the legislation aimed at tackling digital piracy.

SPADA chief executive Penelope Borland expressed concern at the proposed process outlined in the Cabinet Paper for rights holders to take action against an infringement.

"Currently, rights holders wanting to take action against a breach of their intellectual property have no option other than the courts – which can be an expensive and lengthy process.

"The proposed new legislation does not appear much simpler, and rights holders may still have to go through a drawn-out process – including potentially to the courts – to get any satisfaction.

"It's a myth that piracy only affects the big Hollywood productions, smaller productions are pirated too. Very often piracy makes the difference between whether a movie makes any money, or if the creator winds up taking a loss."

Screen Directors Guild executive director Anna Cahill said done right, the legislation could hold tremendous benefits for all those involved in the film and television sector in New Zealand.

"Those involved in the creative aspect of film-making in New Zealand often see modest returns for their efforts, and piracy threatens what little they make.

"Piracy jeopardises a movie's ability to make money – if at all. This affects the level of investment available for new films, which has a knock-on effect on the number of jobs available."

She said the move towards legislation against digital piracy means the editors and directors who make up the guild's membership – along with everyone else involved in the industry – stand to benefit.

"We as an industry cannot continue to sit back and allow for the results of our labour to be effectively stolen every time an illegal copy of a movie is posted on a pirate site.

"Of course not everyone is wilfully pirating songs and movies. Education is crucial, and we believed the revised Section 92a – as we had envisioned it – would have struck a good balance between education and some form of punitive action for those who pirate on a large scale.

"We are immensely privileged to be part of this industry and our members are passionate about creating entertainment that is enjoyed by as many people as possible. But love doesn't pay the bills - we also do this so we can earn a living to feed, clothe and house our families. Piracy means that in some instances, we are just doing this for love.

"We look forward to the Select Committee process, as there remain huge issues around the shape of the legislation that need to be resolved."

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