

27 May 2011

Policy Analyst Intellectual Property
Ministry of Economic Development
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Attn: Peter Bartlett, Via Email

To Whom It May Concern

SPADA's Response to the Copyright (Infringing File Sharing) Regulations 2011 – Discussion Document

The Screen Production and Development Association of New Zealand (SPADA) appreciates the opportunity to respond to the Government's invitation for submissions in response to the Copyright (Infringing File Sharing) Regulations 2011 – Discussion Document.

SPADA represents film, television and new media rights holders in New Zealand's screen production sector. SPADA therefore has a strong interest in ensuring the Copyright (Infringing File Sharing) Regulations are implemented effectively. SPADA believes the new legislation would face resistance if it were overly onerous from an administrative or financial point of view; and would create uncertainty for copyright holders.

SPADA has read, and agrees with the general tenets of New Zealand Federation Against Copyright Theft's (NZFACT) response to this discussion paper. However, SPADA diverges from NZFACT's response with its response to:

Form and Content of Notices and Challenges – Options

Q.8. SPADA's preferred option is in line with the Ministry's, **Option 3** – Combination of options 1 and 2.

Q.9 Further to SPADA's response to Q.8: SPADA believes that the requirements listed under Option 1 are adequate.

Q.10 SPADA does not believe, or cannot see why; there should be any significant variation in costs between the options.

Q.11 SPADA believes the requirements listed in Option 1 (i-ix) – combined with a Fact Sheet provided by the Ministry should be sufficient to ensure account holders are properly informed about the regime, and about copyright issues relating to file sharing.

SPADA once again thanks the Ministry for this opportunity to comment on the new Legislation and is happy to answer any questions it may have regarding SPADA's position.

Yours sincerely

A handwritten signature in black ink, appearing to read "Penelope Borland". The signature is fluid and cursive, with a large initial "P" and "B".

Penelope Borland
CEO, SPADA