



New Zealand copyright law changes shortsighted says head of Open Source Society

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The New Zealand Open Source Society (NZOSS) believes the upcoming changes to New Zealand copyright law are shortsighted.

“Copyright law underpins all free and open source software (FOSS) licenses” says Society President Don Christie. “It is an enormously important area of law for the FOSS community the Society was established to represent.”

Just as is the case with the works of all artists, copyright is created automatically when any computer software code is written. FOSS code is licensed so that it can be freely redistributed and used by others, and also for new software to be derived from the original code.

“This liberal approach to licensing has spawned a massive FOSS industry worldwide. There are various profitable business models that have now emerged and which are being very successfully applied by individuals and companies here in New Zealand and overseas.”

The Internet – which FOSS has largely made possible – has reduced the cost of media distribution to virtually nothing. Copyright law has largely been applied to protect media industries that had to invest heavily in expensive production plants and extensive physical distribution networks. Modern copyright should be about supporting distributed business models and incentivising artists to make new works. Unfortunately, not all businesses have kept pace with the Internet and they are therefore concerned with protecting an old hierarchical centralised structure. This they are doing through lobbying for unfair and intrusive legislative changes even though these place external costs on the new economy.

“The world has moved on, but the industries driving these changes in our copyright law have not.”

According to Christie, New Zealand and the Ministry for Economic Development in particular, needs to be more forward-thinking when facing issues like this in a changing technological environment.

“To protect an industry stuck in the last century at the expense of our ISP and software industry, which is supporting New Zealand's digital future, is plainly wrong. To shortcut natural justice for individuals on the grounds that it would be too expensive to prosecute cases through the courts is self-evidently wrong. It is very disappointing that the Ministry of Economic Development thinks this sort of policy advice is good for New Zealand's economic future. What is required from the government is education for artists and software developers alike on how the use of copyright and smart licensing can be applied to their works to protect their own and society's interests.”

Christie thinks media companies should look to forge new alliances and carve out new business models that reflect the realities of the 21st century. With initiatives such as Creative Commons reshaping the way creative works are made available for others to build on, Christie sees a bright future ahead for New Zealand artists and the industry.

The NZOSS is closely aligned with other mainstream knowledge communities in its opposition to this and other recent changes to the Copyright Act. It acknowledges and supports the leadership taken by InternetNZ, the NZCS, TUANZ, and the New Zealand Library Association (LIANZA) over S92A. The NZOSS is particularly gratified to see the creative community come together at the Creative Freedom site (<http://creativecommons.org.nz/>) to express their displeasure with such an unjust law being pushed through in their name.

The New Zealand Open Source Society is a non-profit organisation set up to protect, advocate and advance the use of free and open source software in New Zealand.

ENDS

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