

## Submission to Ministry of Justice

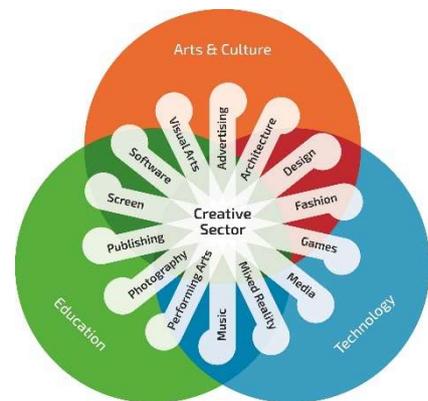
### Public consultation on a proposal for New Zealand to join the Budapest Convention on Cybercrime

#### Background

WeCreate is the alliance of New Zealand’s creative industries with the mission to grow the creative sector’s contribution to New Zealand’s economy. WeCreate’s member organisations represent creators and business owners across the spectrum of the creative industries ecosystem. In addition to our members, large businesses and government agencies in the New Zealand creative sector are Friends of WeCreate. Together our Members and Friends represent over 25,000 individual creators and creative businesses.

*“The best way to create value in the 21st century is to connect creativity with technology.”*

– Steve Jobs



The New Zealand creative sector:

- Is at the forefront of **technological innovation**
- Drives **growth** in the digital age through **innovation and productivity, diversifying** our output and exports beyond traditional industries
- Generates **high value jobs and outputs** – not just in the creative industries, but **in every sector**
- Fosters the skills and talent we will need to confidently face the **Future of Work**
- Offers new opportunities for **small business and regional development**
- Is sustainable and **kind to the environment, helping to meet emissions targets**
- **Exports globally**, growing trade weightlessly and with few barriers
- **Enriches the lives of all New Zealanders** through our ideas, and our stories of people and place
- Brings fresh thinking and new solutions to **help Kiwis thrive**

In 2016 WeCreate commissioned NZIER to prepare *The Evolution of Kiwi Innovation*. This report demonstrated that kiwi creativity drives jobs and economic growth, not only in the creative industries, but increasingly as a key enabler of other sectors. The collation of the figures presented in the NZIER Report highlighted that **“existing definitions of the sector and methods of measuring it do not take full account of its dynamic, rapidly changing, nature”** and that **“data limitations also mean that traditional measures of productivity and exports do not fully reflect the role that creativity has in building and sustaining New Zealand’s economic base.”** NZIER reported that the creative sector contributed **\$17.5 billion** to the New Zealand economy, representing approximately 6.8% of total GDP.

#### Our Submission

1. The incomes of both individuals and businesses in the creative industries rely on the creation of, and payment for, intellectual property.

2. Our creative industries are at the forefront of technological innovation. Most are highly digital in the way they produce content, market, distribute and earn. New Zealand has the potential to be a world-leader at the interface of creativity and technology.
3. The fusion of creativity and technology – Createch – is transforming the way we learn, live and work. If harnessed well, it has vast potential to improve New Zealand’s economic, social, and cultural wellbeing.
4. Createch is also revolutionizing and revitalizing many other sectors e.g. healthcare, aged care, education, and tourism.
5. The creative sector is an ecosystem (see diagram on page 1). How “goods” are produced in the creative ecosystem differs from, for example, manufacturing. In the creative sector individuals and firms often come together on a project basis to create and innovate, generating new products and, increasingly, new technologies.
6. Use of the internet for B2B and, increasingly, B2C business provides an opportunity for New Zealand to diversify its economy. Creative people and businesses are rarely focussed on only the local market. They have the products with which to “go global” from day one, and channels to market to get them there that are very different to those for physical products.
7. We agree that ‘New Zealand would benefit from membership of the Budapest Convention in order to deliver its strategic vision “New Zealand is confident and secure in the digital world: Enabling New Zealand to thrive online,” as part of the Cyber Security Strategy 2019.’
8. While digital creation and online distribution are significant opportunities for New Zealand, they also create new and challenging risks through unauthorised uses, predominantly through hosting and distribution of illegal content on overseas websites or sharing via other technologies.
9. There are few effective remedies available to content creators at either a local or international level in circumstances where their assets (their IP) have been stolen.
10. Acceding to the Budapest Convention will assist content creators to protect their rights, their works and their incomes given that copyright infringement is included among the cybercrimes listed in Article 10.
11. We agree that ‘Acceding would improve the environment for digital business in New Zealand, by enabling domestic and international investment and development to occur with confidence that our regulatory settings are up to date and consistent with best practice.’