

15 September 2011

Guy Hollister  
Fyi-request-43-7058858b@requests.fyi.org.nz

Dear Mr Hollister

I refer to your email of 19 August 2011 requesting a range of information in regards to the Copyright (Infringing File Sharing) Amendment Act 2011 (the Amendment Act), which came into force on 1 September 2011.

The Ministry of Economic Development (MED) does not hold the information you seek so I am declining your request under s18(1)(g) of the Official Information Act 1982. I am satisfied that no other government department or Minister of the Crown will hold such information.

By way of explanation, the Amendment Act does not require MED to monitor, collect or process any of the infringement information you have requested. The Act puts in place a notice process administered by internet service providers (IPAPs), aimed at deterring file sharing that infringes copyright.


The notice process allows a copyright owner or their representative (rights owners) to forward information showing copyright infringement via a file sharing network to an IPAP. It is only after receiving information from a rights owner that an IPAP is required to match that information to the relevant account holder, and send them one of three possible infringement notices. Furthermore, the Amendment Act puts no onus on IPAPs to actively monitor their networks for infringing activity; it simply requires them to act if a rights owner requests this and provides the necessary information.

As a further point of clarification, rights owners have been able to gather evidence of copyright infringement occurring via file sharing networks for some years. However, under the Amendment Act rights owners can only ask an IPAP to act on alleged infringements that have occurred on or after 11 August 2011.

More information on the operation of the Act can be found at this link:  
[http://www.med.govt.nz/templates/StandardSummary\\_46206.aspx](http://www.med.govt.nz/templates/StandardSummary_46206.aspx)

You have the right, by way of complaint to an Ombudsman under section 28(3) of the Official Information Act 1982, to seek an investigation and review of my refusal to release the information referred to above.

Yours sincerely



Kieran O'Connell  
Acting Manager  
Intellectual Property  
Competition, Trade & Investment