



## Office of Hon Tim Groser

Minister of Trade

Minister Responsible for International Climate Change Negotiations

Associate Minister of Foreign Affairs



26 SEP 2011

Vikram Kumar  
Chief Executive  
InternetNZ  
PO Box 11-881  
WELLINGTON 6142

Dear Mr Kumar

Thank you for your letter to the Prime Minister dated 15 July 2011 regarding the Trans-Pacific Partnership (TPP) discussions during his visit to the United States last month. As this issue falls under my portfolio, I am responding to your letter.

As you note, intellectual property is an important issue in the TPP negotiations.

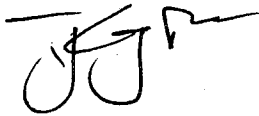
There are currently a diverse range of views about intellectual property around the negotiating table. Some of them are supportive of the strong US commercial and policy interests, while others are aligned to the New Zealand framework which is designed to suit our particular situation and needs. This means that we need to work hard to advocate for our position.

I am also conscious that we are operating in a dynamic environment, where a shift is occurring toward greater use of digital media and new business models. Several countries have been taking a fresh look into digital IP policy and negotiators have been following the literature closely, including the Australian Productivity Commission report on trade agreements. In the negotiation, there is a need to pay close attention to the interface between intellectual property and other disciplines like e-commerce, services, and telecommunications.

You can be assured that negotiators are aware of InternetNZ's concerns about particular intellectual property issues in the negotiation, especially with regard to the protection of copyright in the digital environment and internet service providers (ISPs). New Zealand has been seeking copyright rules that are consistent with our current international obligations, but that are flexible and can be tailored to suit the domestic circumstances of the TPP parties. We have also been arguing for the parties to have flexibility to arrive at their own balance with regard to ISP issues, as the New Zealand Government has recently done.

In any negotiation there will be concessions. However the agreement as a whole will need to be in New Zealand's interests. As the negotiation moves forward we are keen to continue to stay in close touch with stakeholders, including the likes of InternetNZ who offer welcome technical and policy expertise, as we try to work through these issues.

Yours sincerely

A handwritten signature in black ink, appearing to be 'TJG', with a horizontal line above it.

Hon Tim Groser  
Minister of Trade