

Submission by



Committee Secretariat  
Social Services and Community Committee  
on the

## **Copyright (Parody and Satire) Amendment Bill**

15 May 2026

Business New Zealand  
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Wellington

## **Executive Summary**

BusinessNZ is opposed to this amendment to the Copyright Act 1994.

On the face of it, this amendment, which allows the use of a copyright work for the purposes of parody or satire is all about 'free speech' and a "fairer more democratic and modern society".

An alternative view, and one we are very concerned about, is the unintended consequence that it is a 'trojan horse' for the ability of activist organisations to legally bring about 'brand destruction' to legitimate brands, carrying out their lawful and legitimate business. Pictures that demonstrate this in action can be found on the Greenpeace Website. <https://11nq.com/ysccw2a>

BusinessNZ submits that the unintended consequence of this amendment, will be to create a new wave of emboldened activism, which will require businesses that have previously ignored occasional transgressions to have to fight for their brands through the legal system.

Currently, there is no problem we are aware of that this Bill addresses. New Zealand's Copyright Act already allows freedom of expression through section 42, which permits reproduction of copyright works for the purpose of criticism or review. The proposed amendment has not identified a clear gap in the current law, and risks introducing ambiguity to the fair dealing exemptions.

BusinessNZ is of the view, that an area that has not been very litigious could become so due to this proposed amendment. If it does open the floodgates to political activists determined to raise their issues using high-profile well-known consumer brands for increased impact, at the same time attempting to destroy the brands of legitimate and lawful businesses, brand owners will be forced to defend themselves. Potentially a whole new field of litigation will open up, in a Country that can ill afford the productivity loss this will create.

We would rather the businesses were engaged in investing their capital in growing revenue and jobs, R&D, new plant and equipment, exploring new export markets, than fighting for their brand reputation in the courts.

BusinessNZ supports free speech and the protection of New Zealand's modern democracy, but this is not what this proposed legislation creates.

## ***Analysis***

### **Response to policy statement on the amendment**

We acknowledge the intention to align New Zealand's copyright law with overseas jurisdictions and to allow use of a copyright work for the purpose of parody or satire. However, international alignment and the inference that the Copyright Act is outdated are not, in themselves, sufficient justification for expanding fair dealing. Experience in other jurisdictions demonstrates that parody and satire exceptions frequently generate legal uncertainty and dispute, particularly in commercial and brand-related contexts. *AGL Energy Ltd v Greenpeace Australia Pacific Ltd* [2021] FCA 625 is an example where a large, listed company and a global NGO litigated extensively to determine whether use of a logo was lawful. The court repeatedly emphasised how close to the line the case

was, and that whether parody was fair is highly fact-specific. The court held some uses of AGL's logo and branding were permitted parody uses, and some were not. The requirement of costly litigation to establish whether brand related uses fall inside or outside the exception is an unjustified burden to put on New Zealand business. Another example where a party misunderstood the scope of the exemption in Australia, is *The Universal Music Publishing Pty Ltd v Palmer (No 2)* [2021] FCA 434 where the FCA rejected the defense relying on the Australian parody exception, saying the use was opportunistic, commercial and political use rather than parody.

New Zealand's Copyright Act already allows freedom of expression through section 42, which permits reproduction of copyright works for the purpose of criticism or review. The proposed amendment has not identified a clear gap in the current law, and risks introducing ambiguity to the fair dealing exemptions.

We agree that freedom of expression, including criticism, is fundamental to a democratic society, and that parody and satire have long contributed to public discourse. However, this does not require that the reproduction of copyrighted works be broadly exempted from infringement.

Expanding fair dealing to allow a "much wider interpretation" in favour of parody or satire risks upsetting the balance copyright law is intended to maintain between public expression and the legitimate interests of creators and businesses. While digital accessibility has increased the speed and reach of communication, it has also amplified the scale and impact of misuse, including reputational and commercial harm that may be difficult to reverse.

Recognising parody and satire as valuable forms of expression does not require removing established safeguards for copyright holders. A framework that enables criticism while preserving clear, predictable, and enforceable rights is more likely to sustain public confidence in copyright as an institution than one that relies on broad exemptions with uncertain boundaries.

## **Definitions**

The proposed amendment comes without definitions for 'parody' or 'satire', as such it will rely on the courts to define the expansion of the fair dealing provisions.

Parody is a form of expression that imitates a recognisable work, style, or subject for the purpose of commenting on, criticising, or mocking that same work or subject, typically through exaggeration, humour, or irony.

Satire is a form of expression that uses humour, irony, exaggeration, or ridicule to criticise or expose human behaviour, institutions, or societal conditions, rather than to comment on a specific original work.

## **Existing Legal Framework**

While parody and satire may serve as forms of legitimate critical expression, the reproduction of a copyright work for the purpose of criticism is already permitted under section 42 of the Copyright Act 1994.

## **Availability of Existing Avenues for Critique**

It is possible to critique a company, brand, or business practices without reproducing copyrighted works. Where reproduction is necessary for genuine criticism, this is already addressed by the

existing fair dealing exception. Expanding the exception to include parody or satire is therefore unnecessary and risks unintended harm to legitimate rights holders.

Activist and advocacy groups may legitimately wish to critique corporate behaviour. However, such critique does not generally require the reproduction of copyrighted works, trade marks, logos, or other brand assets beyond what is strictly necessary to identify the subject of the criticism.

Where reproduction goes beyond identification and instead involves prominent, repeated, or altered use of brand elements, the use may shift from comment to exploitation, increasing the risk of confusion, reputational harm, or brand dilution.

Modern activist campaigns frequently involve large-scale digital dissemination, including social media, online video, and merchandise. In these contexts, the reproduction of logos, packaging, or copyrighted material can be rapidly amplified far beyond the original communicative purpose.

Once widely disseminated, such content may persist indefinitely and beyond the control of either the activist organisation or the rights holder, compounding reputational harm and increasing the cost and complexity of remediation.

### **Risk of Over-Breadth**

Introducing an explicit fair dealing exemption for parody or satire risks authorising uses of protected copyright works that extend well beyond genuine criticism, while offering limited and often impractical recourse for legitimate copyright holders.

### **Commercial Reality and Reputational Harm**

In commercial reality, parody and satire are not always light-hearted commentary. They are frequently used in connection with merchandise, advertising, or viral campaigns that trade on the reputation of well-known brands, sometimes associating those brands with offensive, obscene, or otherwise damaging themes. Once reputational harm occurs, legal remedies are often slow and insufficient to reverse the damage to public perception. Once on the internet, always on the internet.

### **Disproportionate Impact on Smaller Businesses**

While large brands may have the resources to withstand reputational harm, smaller businesses often do not. For such businesses, even brief reputational damage can have lasting commercial consequences.

### **Costs of Defence and Deterrent Impacts**

Defending a company's reputation against unauthorised use of its brand or work, particularly where that use is framed as "free speech", can itself be damaging. The public nature of such disputes may amplify the underlying harmful message, while the legal costs of defending claims, combined with the need for corrective public relations efforts, can create significant deterrent effects for legitimate rights holders.

### **Misleading and Exploitative Uses**

Parody can, in some circumstances, be misleading, defamatory, or commercially exploitative. Such misuse may result in loss of consumer trust, cancelled sponsorships or commercial partnerships, or, in extreme cases, insolvency driven by prolonged litigation costs.

## **Commercial Exploitation Disguised as Expression**

Parody and satire are frequently commercially motivated, rather than purely expressive forms of speech aimed at critique or social commentary. Commercial uses framed as parody or satire often ride on established brand goodwill, while preventing copyright holders from earning income through legitimate licensing.

Parody merchandise can substitute for licensed goods, cause consumer confusion, and directly interfere with the normal commercial exploitation of protected works. A broad parody exception may incentivise commercial actors to package competing products in "parodic" form, forcing rights holders into costly litigation while reputational harm spreads unchecked.

## **Impact on Investment and Creativity**

Introducing a broad parody or satire exemption to the fair dealing defence risks reducing creativity rather than promoting it. In response to increased risk, businesses may over-enforce alternative legal rights (such as trade mark infringement, passing off, or defamation), withdraw from creative collaborations, or reduce investment in brand and creative assets vulnerable to misuse.

Businesses invest heavily in goodwill, quality signals, and consumer trust. Where commercial operators are able to appropriate those signals under the banner of parody or satire, the law risks endorsing free-riding and undermining the incentives that support investment in intellectual property.

Legislators should take note of the examples on the Greenpeace website where activists have already attacked brands, and in the case of this amendment would be given greater encouragement to do so going forward. BusinessNZ would submit there are more important issues that would help drive productivity, growth and investment in jobs that legislators should be focussed on.

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We would request to be heard at Select Committee.

The BusinessNZ Network is New Zealand’s largest business organisation, representing:

- Business groups [EMA](#), [Business Central](#), [Major Companies Canterbury](#), and [Business South](#)
- [BusinessNZ](#) policy and advocacy services
- [Major Companies Group](#) of New Zealand’s largest businesses
- [Gold Group](#) of medium-sized businesses
- [Affiliated Industries Group](#) of national industry associations
- [ExportNZ](#) representing New Zealand exporting enterprises
- [ManufacturingNZ](#) representing New Zealand manufacturing enterprises
- [Sustainable Business Council](#) of enterprises leading sustainable business practice
- [BusinessNZ Energy Council](#) of enterprises leading sustainable energy production and use
- [Buy NZ Made](#) - country of origin licensing organisation for NZ-made products, NZ-grown ingredients, and NZ-coded software services

The BusinessNZ Network is able to tap into the views of over 76,000 employers and businesses, ranging from the smallest to the largest and reflecting the make-up of the New Zealand economy.

The BusinessNZ Network contributes to Government, tripartite working parties and international bodies including the International Labour Organisation ([ILO](#)), the International Organisation of Employers ([IOE](#)) and Business at OECD ([BIAC](#)).

