

GENERAL CORRELATION MAP

Substantively [New Zealand's Schedule of Specific Commitments](#) is based on the [Provisional CPC \(1991\)](#) of the United Nations Statistical Office. However, the order reflects the classification system used by the Secretariat in [MTN.GNS/W/120](#).

Since 1991 CPC has undergone several revisions. Subsequent versions particularly have focused on services so to provide an adequate consideration for new technological developments and growth in the services economic sector. In 2008 [CPC ver 2.1](#) was adopted, which is the most current version of the CPC to date.

The CPC ver 2.1 classifications are much more detailed than those provided in the Provisional CPC (1991) [MTN.GNS/W/120](#) and the Schedule. However, changes in the subsequent versions of the CPC do not affect the scope of New Zealand's commitments under the GATS and the Schedule. They have to be correlated with the Provisional CPC (1991).

The Correlation Map is based on the services lists contained in the Schedule and the CPC ver 2.1. The former is used for the purposes of representation of New Zealand's international trade obligations related to particular services sectors. The latter for the purposes of providing a more detailed list of services to match with IP objects.

On the IP Map, reflects the services in the order contained in the Schedule, and represents the selection of services from the CPC ver 2.1.

This map and the methodology are the result of work in progress and are subject to change.

A major interpretative issue exists regarding services identification with single services sector. Specifically this relates to the "new services".

The correlations are based on the possible regulatory connections between the IP objects and services.

In the Correlations Table means that the connection between a particular IP object and service likely exists. Therefore, regulatory changes of a particular IP object might affect an ordinary way of doing business within a particular service sector.

In the Correlations Table means that the connection between a particular IP object and service likely does not exist or, even if otherwise, is not business to sufficiently affect an ordinary way of doing business within a particular service sector.

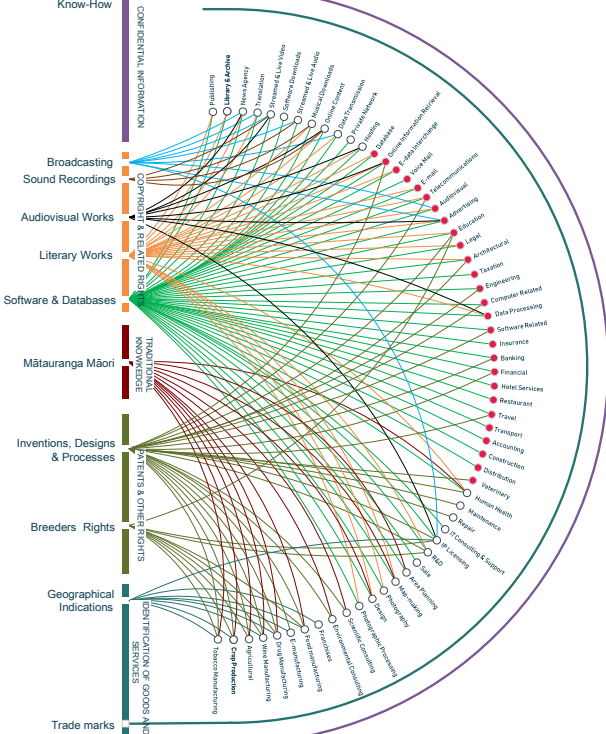
Example (Banking Services). The relevant row inscribes against Software and Databases, against Plant Varieties and against Literary Works.

a. This means that changing regulatory approach in relation to Software and Databases (e.g. establishing special term of protection, or setting minimum standards of originality) would affect Banking Services, because all banking activities nowadays are built upon computer programs and databases. Changing regulations to a significant degree might push Banking Services providers to refer to Trade Secret protection or transfer of technology to other jurisdictions.

b. Since Plant Varieties are not directly relevant to Banking Services there is no connection inscribed in the Correlations Table.

c. While Literary Works are commonly used by almost any service provider, including in banking sector, changing regulations regarding Literary Works (not including Software and Databases) Arguably is not able to sufficiently affect an ordinary way of providing Banking Services.

Trade Marks
Know-How



EXCERPT FROM THE CORRELATION TABLE

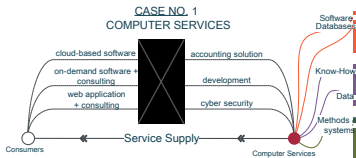
Services	IP Objects	Literary Works	Computer Programs	Databases
Publishing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Library & Archive	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
News Agency	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Translation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Streamed & Live Video	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Software Downloads	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Streamed & Live Audio	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Musical Downloads	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Online content	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Data Transmission	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Private Network	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Hosting	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Database	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Online Information Retrieval	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
E-Data Interchange	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

CASES OF MAPPED IP-SERVICES LINKAGES

1. [REDACTED] provides customers an accounting solution which is based on cloud-based software. These services are inherently connected to IP since [REDACTED] supplies the solution by licensing software and implementing know-how.

2. [REDACTED] develops and delivers software to the customers. These services are inherently connected to IP since [REDACTED] supplies them by conducting creative activities for hire and transfer of IP rights to the customers.

3. [REDACTED] consults, develops and deploys cyber security solutions including software. These services are inherently connected to IP since [REDACTED] supplies them by licensing existing software, know-how and patented cyber security solutions to the customers.



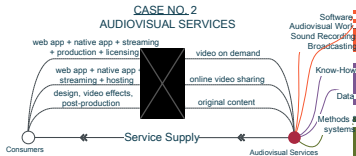
RESEARCH NOTE.

Computer services sector relates to the exploitation, development and combination of the two with respect to computer programs. The sector also includes consultancy services in the field.

1. [REDACTED] is a streaming service that provides consumers with audiovisual content through the internet connection. The services supply happens by means of transfer of IP rights to creative works such as software and audiovisuals. In addition, the company is involved in production of original content. This entails securitisation of IP assets that the service supplier later streams to the consumers.

2. [REDACTED] is a service that uploads, stores, disseminates and streams user-generated audiovisual content. These services are rendered through a web platform which constitutes an IP asset. In addition, the company is involved in production of original content. This entails securitisation of IP assets that the service later streams to the consumers.

3. [REDACTED] provides creative services by developing original content. Such content constitutes IP assets and involves transfer of the complex of IP rights to the customers.



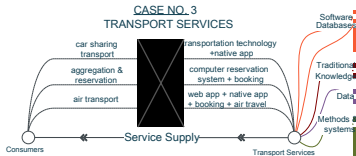
RESEARCH NOTE.

Audiovisual services include motion picture and distribution services, radio and television services including transmission services, and sound recording.

1. [REDACTED] provides the transportation technology which is used for car sharing purposes by drivers, drivers, pools and passengers. Provision of technology includes transfer of IP rights to software, know-how & data and patented knowledge.

2. [REDACTED] is the operator of the computer reservation system for all transport companies and travel agencies. Provisions of booking services through software constitutes IP exploitation.

2. [REDACTED] is the national airline which supplies transport services by air. This complex process is maintained by operation of software, data and patented systems. In addition, the airline provides booking services through its web and native apps.



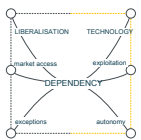
RESEARCH NOTE.

Transport services sector relates to all kinds of transport activities including those that are performed by air, land or sea. In particular, this sector covers services associated with passengers, cargo and computer reservation systems.

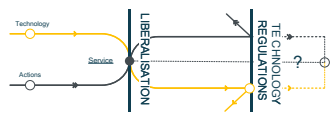
I. LIBERALISATION OF TECHNOLOGY HEAVY SERVICES

II. TECHNOLOGY REGULATION AS A POTENTIAL BARRIER

III. INPUT-OUTPUT CORRELATION MAP



- 1) Technology regulation may be used to control liberalisation of services.
 - 2) IP-related services depend on exploitation of technology. Control of exploitation may affect market access.
 - 3) By exercising discretion regarding exploitation of technology, the regulator should keep in mind trade obligations.
- Technology regulation is a source of potential barriers for services liberalisation. Trade liberalisation is a complex process which should be analysed through connections rather than formal sectoral definitions.



Services are transactions. They consist of actions that the service supplier undertakes to perform in accordance with the agreement.

Some actions may be IP related. This happens due to the nature of IP rights which are action-based.

A connection between IP and services exists where service actions and IP-related actions overlap. Such overlap forms a relation between services and IP.

A relation between IP and services may be absolute or relative. Absolute relation exists where IP-related actions constitute services. Relative relation exists where IP-related actions add value or are necessary to perform primary service actions.

Some service providers build up their final products upon other services. This creates a value chain with dependent elements namely input services and output services.

If input services are IP-related then output services inherit such relation in the final product. Hence, in case regulations affect input services actions and/or input IP-related actions then they would affect output services actions and/or output IP-related actions accordingly.

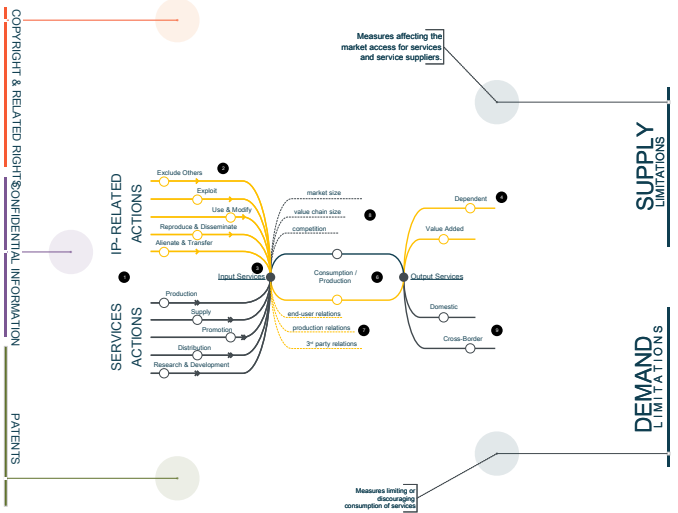
Input IP-related actions determine the relations between the input service suppliers and the output service supplier. In addition, they affect (i) the relations of the output service supplier with the end-users, (ii) counterpartings in the value chain and (iii) the extent to which 3rd parties have obligations to abstain from interfering with the IP-related actions. This is caused by the intangible nature of the IP-related actions which results in their higher level of market penetration.

Input service actions being connected to the IP-related actions accordingly determine (i) the size of the services market by defining the relations with the end-users, (ii) the size of the value chain by defining production relations and (iii) affect competition by setting the rules for interference in IP-related actions.

Liberalisation of services implies equal treatment of domestic and foreign services and service suppliers. Hence, it is important to understand whether (i) services and service suppliers are domestic or foreign, (ii) measures de facto or de jure affect domestic or foreign services and service suppliers.

BACK-END

FRONT-END



CASES OF MAPPED INPUT-OUTPUT LINKAGES

QUESTIONS

What are the services at issues? In many instances, a service is a complex set of services supplied jointly or as input and output services.

What is the subject matter of the services at issue?

Services may be entirely IP-dependent. In other words, services exist as long as the customers are able to enjoy the rights to IP-objects.

Services may be partially IP-dependent. In other words, customers are able to consume the services without transferring rights to IP-objects. However, such services lose in value.

What IP-objects and IP rights are necessary to transfer to the customers in order to supply the services at issue? To what extent the services suppliers act as licensors or sublicensors?

What business model do the services suppliers exploit in the services sector at issue?

What are the connections between the business model in the services sector at issues, generated and distributed IP objects, and IP rights transferred to and from the services suppliers?

How would the change in regulations of IP rights at issue affect the established connections?

How would the change in regulations of services at issue affect the established connections?

Do the results of regulatory impact on IP rights or services at issue correlate with the international obligations?

