

PRESENTERS



Gareth Abdinor, Associate, Taylor Shaw, Christchurch

Gareth is a specialist privacy and information lawyer. He has a particular interest in the legal and practical implications of new and emerging technologies and provides advice on social media and technology, claims for interference with privacy, cyber-security and cyber-bullying. Gareth also provides privacy training and has delivered training on behalf of the Office of the Privacy Commissioner.



Bianca Mueller, Barrister, Wellington

Bianca is a qualified judge from Germany, a German lawyer (Rechtsanwältin), and also admitted to the bar in New Zealand as a Barrister. With substantial international work experience, Bianca has developed expertise in technology, intellectual property and international law.

Cover and text stocks used in this publication are from Forestry Stewardship Council certified mills, manufactured under the environmentally responsible paper manufactured environmental management system ISO 14001, using pulp from well managed forests and other controlled sources.

CONTENTS

1. INTRODUCTION.....	1
2. MEANING “DIGITAL ASSETS”?	3
3. THE STATUS QUO – HOW NON-DIGITAL ASSETS ARE DEALT WITH WHEN YOU DIE	5
NEW ZEALAND’S SUCCESSION LAW	5
EFFICIENT ESTATE ADMINISTRATION	5
4. WHAT TYPES OF DIGITAL ASSETS DO PEOPLE HAVE TODAY?	7
ASSETS WITH CLEAR FINANCIAL VALUE.....	8
<i>Digital assets on computing devices.....</i>	9
<i>Apple</i>	10
<i>Amazon Kindle e-Reader.....</i>	11
THE PRINCIPLE OF EXHAUSTION	11
COPYRIGHT IN DIGITAL CONTENT	12
<i>Literary, dramatic, musical or artistic work</i>	13
<i>Computer generated work / unknown authorship</i>	13
<i>Sound recordings and film</i>	13
<i>Communication works.....</i>	13
<i>Typographical arrangements</i>	13
CLOUD STORAGE ACCOUNTS.....	13
<i>iCloud.....</i>	14
<i>Google Drive</i>	14
<i>Evernote</i>	14
<i>DropBox.....</i>	15
SOCIAL MEDIA / LOYALTY ACCOUNTS	15
<i>Facebook.....</i>	15
<i>Twitter</i>	15
<i>Google</i>	16
<i>Yahoo!</i>	16
<i>Air New Zealand Airpoints.....</i>	17
ASSETS WITH SENTIMENTAL OR OTHER VALUE	17
<i>Photographs</i>	17
<i>Digital correspondence</i>	17
<i>Family histories / genealogy and similar digital assets</i>	17
5. RISKS OF IGNORING DIGITAL ASSETS IN ESTATE PLANNING	19
6. PRACTICAL SOLUTIONS & CONSIDERATIONS	21
AWARENESS OF ISSUE	21
PRACTICAL TIPS	21
<i>Things to ask your clients.....</i>	21
<i>Inventory of digital assets.....</i>	21
<i>Recording clients wishes</i>	22
CONCLUSION	23