



Supreme Court of New Zealand | Te Kōti Mana Nui o Aotearoa

10 OCTOBER 2024

MEDIA RELEASE

SIRPA ELISE ALALÄÄKKÖLÄ v PAUL ANTHONY PALMER

(SC 22/2024)

Hearing in the Supreme Court – Thursday 24 October 2024

CASE HISTORY SYNOPSIS

This synopsis is provided to assist in understanding the history of the case and the issues to be heard by the Court. It does not represent the views of the panel that will hear the appeal in the Supreme Court.

Background

This appeal concerns whether the copyright in artwork created during the course of a relationship is “relationship property” for the purposes of the Property (Relationships) Act 1976 (the Act).

The appellant, Ms Alaläökkölä, is an artist. She was married to the respondent, Mr Palmer, for 20 years but the parties separated in 2017. During their marriage, the appellant created a number of original artworks. The parties are in dispute as to whether the copyright in these artworks is “relationship property” or “separate property” under the Act. If the copyrights are relationship property, they, or their value, will be subject to the equal sharing regime in the Act.

On 6 March 2020, the Family Court determined that while the appellant’s physical artworks were relationship property, the copyright in those artworks was separate property which belonged to the appellant. On 7 September 2021, the High Court reversed this decision, instead finding the copyrights to be relationship property. On 21 February 2024, the Court of Appeal agreed with the High Court that the copyrights were relationship property. The Court of Appeal also considered how the copyrights should be treated as relationship property, determining that while the respondent should receive compensation for their value, the copyrights themselves should be owned entirely by the appellant.

This appeal

On 9 May 2024, the Supreme Court granted leave to appeal as to whether the Court of Appeal was correct in determining two questions of law: whether the copyrights are “property” for the purposes of the Act and, if so, how they should be classified under the Act.

Depending on the answers to these questions, the Court will also consider how the copyrights should be treated if they are determined to be relationship property.

Viewing of hearing

This hearing of the appeal will be live-streamed. Details about access to the live-stream and the conditions of access will be posted on the [Courts of New Zealand website](#) shortly before the hearing. No recording is permitted.

The panel

The Hon Justice Miller	The Hon Justice Williams	The Hon Justice Ellen France	The Hon Justice Kós	The Hon Justice O'Regan
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Judges as seen from the public gallery

Counsel

- Sirpa Elise Alalääkkölä (Appellant): *C L Elliot KC and S P Chandra*
- Paul Anthony Palmer (Respondent): *Q A M Davies and E-J M Tucker*

Sitting hours

Court will begin at 10:00am and conclude at 4:00pm with adjournments taken from 11:30am to 11:45am and from 1:00pm to 2:15pm. There is no afternoon adjournment.

Enquiries

Any enquiries about the hearing should be directed via email to supremecourt@justice.govt.nz. While attending the hearing, enquiries can also be directed to the Court Registry, which is located outside the main courtroom in the Supreme Court foyer.

Contact person:

Sue Leaupepe, Supreme Court Registrar (04) 914 3613

Court of Appeal decision: [\[2024\] NZCA 24](#) (21 February 2024)

Supreme Court leave decision: [\[2024\] NZSC 56](#) (9 May 2024)