

COPYRIGHT EXPLANATION FOR STAFF

AMENDED 01.01.2011

Section	Teaching and Learning		
Approval Date	27.04.09	Approved by	Directorate
Next Review	As required	Responsibility	Director of Curriculum and Planning
Key Evaluation Question	4	ITPNZ Quality Standard	1

PURPOSE

To provide guidance to protect the Institute, and staff as users of copyright material, from prosecution under the Copyright Act 1994.

SCOPE

This policy applies to any employee or relevant contracted partners of NMIT who makes any copy or reproduction of a copyright work in the course of their employment – for teaching, research or administrative purposes and for students in their learning. It does not cover ownership right of original work produced by NMIT staff (refer to *Intellectual Property*).

Infringement of copyright regulations by an employee could result in civil or criminal action against that employee and /or against NMIT. Infringement by an employee may also be considered misconduct or serious misconduct.

DEFINITION

Copyright	A statutory right given to creators for their literary and artistic work. It protects the expression of an idea, not the idea itself. It protects the right of the creator to receive remuneration for any copying to other forms or reproduction of their work. It prevents unauthorised use of the work.
Copying	Reproducing, recording, or storing a work in any material form (including any digital format), in any medium by any means.
Copyright material	Any literary, dramatic, musical, and artistic works containing the original creative output of authors and creators, including: photographs; videos; sound recordings; films; communication works and typographical arrangements of published additions.
Copyright Act	For the purposes of this policy, the Copyright Act 1994 and all subsequent amendments.
Communicate	Transmit or make available by means of a communication technology, including means of telecommunications system or electronic retrieval system.

Copyright symbol ©	Although, by law, registration of copyright is not required. There is no formal system in New Zealand to register copyright. Under the act, copyright protection comes into existence automatically upon the creation of any original work. A common form of copyright notice is the copyright symbol followed by the name of the copyright owner and the year eg: © Nelson Marlborough Institute of Technology, 2009.
Copyright Licensing	In New Zealand there are a number of organisations representing copyright owners. These organisations are authorised to grant copyright licences for particular purposes and collect licence fees (or “royalties”) on behalf of the copyright owners.
Copyright Licensing Ltd	Formed to act on behalf of the copyright owners and licensees of published copyright material in hard copy format for the purposes of entering into licences for reprographic and digital reproduction within New Zealand of extracts from published copyright material.
Screenrights	An organisation set up to support educational institutions in the use of film, television and radio for teaching purposes, while at the same time ensuring that sound and audio creative’s are rewarded for such use of their work.

POLICY

The copying of any literary, dramatic, musical or artistic work is controlled by the Copyright Act 1994. To extend the provisions of the Act and to protect NMIT and its staff where there may be varying interpretations of the Act, NMIT has taken out copyright licences with Copyright Licensing Ltd and Screenrights.

Copying by students is not covered by these licenses.

Accurate and current reference lists giving full bibliographical details covering all copyright material that is copied in compilations, workbooks and course readings must be maintained and included in compilations.

PHOTOCOPYING

NMIT forbids and does not authorise the use of its copying machines for any purpose which constitutes an infringement of copyright.

The Copyright Act 1994 Warning notices shall be prominently displayed at each NMIT photocopier.

Abstracts accompanying scientific and technical articles in periodicals may be copied (under section 71 of the Act).

The following activities are not permitted under the Copyright Act or NMIT’s Licence agreements:

- Copying more than the amounts specified below without obtaining permission from the relevant body or copyright owner.
- Altering the typographical format of the published work being copied – eg. by retyping it or modifying it in any way, except for small passages where the source is identified.
- Copying from work that states that it may not be copied under a copyright licensing scheme without obtaining specific permission from the copyright owner.

MUSIC AND PERFORMANCE

Copyright exists in musical works, lyrics, arrangements, published editions and recordings of musical works.

Performing, playing or showing literary, dramatic or musical work, if carried out at an educational establishment for the purposes of instruction, are permitted under the copyright act provided that the audience is restricted to NMIT students and staff. Performance before a paying or public audience is not permitted.

INTERNET AND WEBSITES

Material that is available on the Internet is protected by copyright in exactly the same way as traditionally published material such as books, magazines, videos and CDs.

Anyone who uploads material protected by copyright onto the internet, or downloads this material from the internet, may be infringing copyright if he or she does not have permission from the copyright owner. Anyone who authorises that activity may also be liable.

Electronic reproductions of copyright material may be distributed by CD, DVD or placed on the secure NMIT server for access by authenticated students and staff..

COPYRIGHT LICENCES

Each staff member is responsible to ensure their work at NMIT complies with the provisions of the Copyright Act and/or the copyright licences.

- The copyright licences do not provide for unlimited copying.
- Some types of copyright material do not come under the indemnity of the licence, in particular **newspapers** and **music**.
- Multiple copying has strict limitations, please check with the Library Learning Centre (LLC) Manager first.
- Copies of the guidelines produced by Copyright Licensing Ltd are available at each School office and at the LLC.
- Copies of the complete Copyright Licence, Screenrights contract and the Copyright Act are available at the LLC.

COPYRIGHT LICENSING LTD

A Copyright Licensing Ltd (CLL) licence allows for multiple photocopying of extracts from books, periodicals and journals for educational instruction, or for any other purpose authorised under the licence, as follows:

- up to 10% or one chapter of a work, whichever is greater;
- up to 15 pages of all or part of a single work in a collection of works even if the work is published separately, e.g.: a published compilation of poems, plays or short stories.
- one or part of one article from a periodical publication, or additional articles from the same periodical publication if they are on the same subject;
- an artistic work (such as a diagram or illustration) only where copied as part of a textual work;

- a complete work, only where the work is out of print or unavailable in sufficient quantity within a reasonable time at the normal price (subject to prior written approval from CLL).
- A CLL educational licence allows additional copying of:
 - material obtained through the Inter Loan service if it cannot be obtained from any other source (to be accompanied by an appropriate Copyright Notice) or
 - a repeat copy from a work within 14 days of it last being copied, provided that this is not made by the same staff member for the same class or course of study.
- Educational compilations and workbooks:
 - All extracts copied under licence may be included in in-house compilations or workbooks, provided the source of each extract is appropriately identified.
 - Except where small passages of copyright material (accompanied by source identification) are included in in-house compilations or workbooks, all copying should be true to the typographical format of the work copied.
- Licensees may recover the costs incurred in providing photocopies of such material to students.

Works **not** covered by the Copyright Licensing contract include:

- Works stipulating that they may not be copied under a copyright licence of this nature;
- Works downloaded from the Internet;
- Printed music (including the words);
- Loose maps and charts;
- Unpublished religious orders of service;
- New Zealand newspapers;
- House journals (publications for employees);
- Photographs and/or illustrations published separately from a work;
- Privately owned work (issued for tuition purposes and limited to a clientele who pay fees); or
- Theses, dissertations and student papers.

SCREENRIGHTS

The **Screenrights licence** has been established under provisions in the New Zealand Copyright Act that provide educators with access to an important educational resource while ensuring payment to the rights holders who make the programmes teachers and academics want to use.

The Screenrights licence allows you to:

- Copy any programme, anytime, anywhere
- Copy in any format - VHS, DVD, CD, PC

- Copy anything on free to air, pay TV or radio
- Copy entire programmes or excerpts
- Make copies of copies
- Show tapes in class or the library
- Keep copies as resources in your library
- Make up compilation tapes of material you have copied

Copies may be loaned to a student or staff member of the institution only. Copies may not be loaned to anyone else, nor to another educational institution, even if they have a Screenrights licence. However, you may make a copy of a copy for another licensed educational institution and they may do the same for you provided these copies are labeled. Copies made under the licence may not be sold.

All copies that are made under this licence must be labelled with the name of the institution for which the copy was made, the title of the programme, the date of the broadcast and the date on which the copy was made, if different

If staff are unsure of their compliance, they should consult the LLC Manager.

APPENDIX

Copyright Warning notice for photocopiers

REFERENCES

INTERNAL

Copyright, Explanation for Students
Copyright Information available for staff on:<http://library.nmit.ac.nz>

EXTERNAL

Copyright Act 1994
Ministry of Social Development website
http://www.med.govt.nz/templates/StandardSummary_14644.aspx
Copyright Reprography Licence (contract)
Copyright in Polytechnics (guidelines)
Copyright Act 1994 Warning (notice)
Screenrights Licence (contract)
LIANZAs The Copyright Act 1994: Guidelines for Librarians (3rd edition, 2005)
(for all the above refer to the LLC Manager)

COPYRIGHT WARNING!

NMIT forbids and does not authorise the use of its copying machines for any purpose which constitutes an infringement of the Copyright Act 1994 and its amendments.

Have you read the

Copyright, Explanation for Staff policy?

(refer to NMIT Website >About NMIT >Corporate Information >NMIT Regulations and Policies)

If you are a student -

Have you read

Copyright, Explanation for Students policy?

(refer to NMIT Website >About NMIT >Corporate Information >NMIT Regulations and Policies)

Copyright material is any literary, dramatic, musical, and artistic works containing the original creative output of authors and creators, including: photographs; videos; sound recordings; films; communication works and typographical arrangements of published additions.

By law, registration of copyright is not required. There is no formal system in New Zealand to register copyright. Under the act, **copyright protection comes into existence automatically upon the creation of any original work.** A common form of copyright notice is the copyright symbol followed by the name of the copyright owner and the year eg: © Nelson Marlborough Institute of Technology, 2009.