

COPYRIGHT EXPLANATION FOR STUDENTS

AMENDED 01.04.2011

Section	Teaching and Learning		
Approval Date	23.03.09	Approved by	Directorate
Next Review	As required	Responsibility	Director of Curriculum and Planning
Key Evaluation Question	6	ITPNZ Quality Standard	3

PURPOSE

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

SCOPE

This policy applies to any student of NMIT who makes any copy or reproduction of a copyright work in the course of their learning. It does not cover ownership right of original work produced by NMIT staff and students (refer to *Intellectual Property*).

Infringement of copyright regulations by a student could result in civil or criminal action against that student and /or against NMIT. Infringement by a student 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, not required 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.

POLICY

It is students' personal responsibility to comply with copyright law.

PHOTOCOPYING

The Copyright Act restricts photocopying to no more than 3% of any book or journal.

'Fair dealing' copying (under Section 43 of the Act), is outlined at notices displayed at LLC photocopiers.

Copying which may be done:

- The copying is done solely for a person's research or private study and
- The person doing the copying takes into account the nature and purpose of the copying and
- The copying is done because work could not be obtained within a reasonable time by purchase at an ordinary commercial price, and
- The copying will not be detrimental to the potential market for, or value of, the work and
- The copying takes into account the amount and substantiality of the part copied, taken in relation to work as a whole (it is unlikely to be fair dealing if you copy a whole work, a whole chapter of a work, a summary, or the whole or greater part of the treatment of a particular topic in work), and
- Only one copy is made of the same work or the same part of a work on any one occasion.

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 notice is prominently displayed at each Library Learning Centre (LLC) photocopier.

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

- Copying more than the amounts specified above 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 very 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.

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

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

Electronic reproductions of copyright material may be distributed by CD, DVD or placed on the secure NMIT server for access by authenticated students involved in that particular course of instruction.

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.

Copies may be made of works where the copyright has expired. This is usually 50 years after the death of the author.

REFERENCES

INTERNAL

Copyright Act 1994 Warning (notice)

EXTERNAL

Copyright Act 1994

Ministry of Social Development website

http://www.med.govt.nz/templates/StandardSummary_14644.aspx