

# NMIT COPYRIGHT AND INTELLECTUAL PROPERTY POLICY

## MOKAMOKA WHAKAAETANGA | APPROVAL DETAILS

<b>Section</b>	Executive		
<b>Approval Date</b>	26.05.2026	<b>Sponsor</b>	Director Academic and Teaching
<b>Next Review</b>	01.01.2027	<b>Approved by</b>	SLT

## NGĀ WHAKATIKATIKA | AMENDMENT HISTORY

Version	Effective Date	Created/ Reviewed by	Reason for review / comment
1	01.01.2026	Transition Lead	New

## Mō wai me te whānuitanga | Audience and scope

This policy applies to:

- a) All employees of NMIT, including contracted staff and secondees providing services for NMIT; and those on fixed term contracts (may be collectively referred to as kaimahi in this policy); and
- b) All governors of NMIT including members and advisors of NMIT Council and governance committees or boards (collectively referred to as governors in this policy); and
- c) All ākonga of NMIT engaged in campus-based learning at any location; and online or remote learning via any mode; and work based learning. This includes (eg.) managed apprentices, Trades Academy and other secondary-tertiary pathway learners, and any other non-standard enrolments, and encompasses all references to learners, ākonga or students.

This is an over-arching document that provides policy guidance relating to:

**Section 1: Intellectual Property (IP)**

**Section 2: Copyright**

## SECTION 1: INTELLECTUAL PROPERTY (IP)

### Te Pūtaki | Purpose

The purpose of this policy is to clarify intellectual property rights and ownership as they relate to the outcomes of the intellectual activity of kaimahi and ākongā.

Intellectual property (IP) includes any intangible property that is the result of creativity such as, but not limited to, ideas, names, designs, symbols, artwork, writings, digital media, audio clips, video clips, teaching resources and other creations.

### Ngā Mātāpono | Principles

#### **Innovation and growth**

NMIT encourages an environment in which teaching, scholarship, research and innovation can flourish and seeks to empower individuals in these endeavors, within a protective framework.

#### **Protecting our creative efforts**

NMIT gains benefit from the outcomes of IP created by the kaimahi and ākongā, and the dissemination and sharing of these outcomes, and has a responsibility to protect the rights of all parties.

#### **Open sharing**

NMIT supports and encourages open sharing of information, knowledge and resources for the benefit of NMIT and the wider community.

#### **Mātauranga Māori**

NMIT acknowledges its responsibilities as a holder of Māori knowledge and as a Tiriti partner and commits to understanding, clarifying and implementing practices that respect and uphold the relationship between intellectual property and mātauranga Māori.

### Kaupapa Here | Policy Statements

#### OWNERSHIP OF IP AND OUTPUTS ARISING FROM INTELLECTUAL ACTIVITY

#### **Exclusive ownership**

In most situations, NMIT retains ownership and all intellectual property rights to anything that is created, developed, made or improved by a staff member, either on their own or with someone else, while performing a role as an employee of NMIT.

This applies to IP created when IP is developed as part of a staff member's core duties, and when NMIT has specifically commissioned work, and when and/or within the duties of their employment agreement, and when IP is created through significant use of NMIT resources, funding or facilities.

Kaimahi may only use such IP for non-NMIT related purposes with NMIT's prior approval.

#### **Ownership by the creator of IP**

Generally, kaimahi retain ownership of IP created outside the scope of their employment or contract with NMIT. This typically includes research outputs, if the grounds for exclusive NMIT ownership are not met.

All rights to mātauranga Māori brought into NMIT remain with the individual or community, noting that NMIT acts as guardian. NMIT does not assume any rights to or ownership of mātauranga Māori unless explicitly granted through formal agreement.

## Ownership by a third party

IP created through work that is undertaken by NMIT kaimahi for an external party will be managed by contractual arrangements, which will include an agreement to undertake work, defining the basis of that work, and including how IP will be managed and owned in advance of the work being undertaken.

## Ownership by students

NMIT does not make any claim over the ownership of IP, outputs or outcomes of students' work. We will act in the role of a guardian of students' activity to protect students' rights to IP.

For a staff member or any other party to claim any interest in a student's work, this must be agreed and specified prior to the engagement in the activity.

Staff cannot copy students' work without their permission, other than for regular 'fair use' purposes.

NMIT may require students to assign their intellectual property rights to itself or a third party as a condition of participation in a particular research project or exercise. In such cases the student will be given an explanation of the need for such assignment and an opportunity to seek independent legal advice.

## MĀTAURANGA MĀORI AND INTELLECTUAL PROPERTY

Mātauranga Māori is recognised by NMIT as an evolving ancestral inheritance that is a taonga protected under the Treaty of Waitangi and which serves to maintain, enhance, transmit and generate cultural identity within Māori communities.

NMIT upholds that under tikanga Māori individuals and communities have conditional rights to use and access mātauranga Māori, contingent upon their fulfilment of kaitiakitanga (guardianship) obligations.

NMIT recognises that the use and development of mātauranga Māori is subject to the overriding principles and obligations of kaitiakitanga. Therefore, NMIT will at all times ensure that access to and use of IP containing mātauranga Māori maintains and enhances the integrity of the mātauranga and the originating community and/or individual.

## CREATIVE COMMONS ATTRIBUTION - NMIT

NMIT supports free and open access to IP and will make freely available through the Creative Commons Attribution (or similar) any IP it owns or co-owns with the following exceptions:

- NMIT may make exceptions to the sharing of IP it owns on a case-by-case basis with detailed reasons given for limiting the free access to material; any such restrictions should be time dependent.
- Where NMIT considers IP it owns is commercially sensitive, access may be restricted.

## CREATIVE COMMONS ATTRIBUTION – STAFF AND STUDENTS

NMIT encourages staff and students to support free and open access to IP and also to apply the Creative Commons Attribution framework (or similar) to work created.

Where a staff member co-owns IP by virtue of their employment relationship to NMIT the staff member may request an exception be made to the use of the Creative Commons attribution licence.

## DISPUTES

Any dispute over ownership, including co-ownership of intellectual property, and / or the commercialisation of any co-owned intellectual property, will be referred to the Chief Executive Officer and considered under the [NMIT Copyright and Intellectual Property Procedures](#).

## Section 2: Copyright

### Te Pūtaki | Purpose

Copyright legislation exists to protect copyright owners from unauthorised copying of their work (literary, dramatic, musical and artistic) and provides them with exclusive rights to how their work is used.

This policy is based on current legislation for the ethical use of materials and resources, and copyright licensing agreements, and seeks to ensure that NMIT staff and students

- are aware of how copyright impacts on their ability to use third party content for work purposes, and
- comply with copyright legislation and licensing contracts
- understand how copyright protects their own work
- are provided with guidance to protect the Institute, staff and students as users of copyright material, from prosecution under the Copyright Act 1994

This policy applies to any student, employee, agent, or relevant contracted partner of NMIT who makes any copy or reproduction of a work that is subject to copyright in the course of their employment or learning – for teaching, research or administrative purposes and for students in their learning.

### Ngā Mātāpono | Principles

#### **Respect for ownership**

We recognise and acknowledge that copyright gives creators of published work protection and the right to choose how their work is used. All kaimahi will respect ownership of published works by adhering to the laws and guidelines that allow us to access and use published works to support our education mahi.

#### **Mātauranga Māori**

NMIT recognises that mātauranga Māori or traditional knowledge held and used by NMIT remains under the ownership and kaitiakitanga of iwi and the creator or origin of that knowledge. We acknowledge our responsibility to understand, clarify and implement practices that uphold this relationship.

#### **Integrity and acknowledgement**

In using published works for permitted purposes, kaimahi and ākonga will respect and maintain the integrity of the published work by identifying and acknowledging its creators in accordance with the Act.

#### **Transparency**

NMIT documents, reviews and provides reports on its copyright licence usage across all of its operations.

#### **Fair dealing (or Fair use)**

NMIT kaimahi will adhere to “fair dealing” guidelines that enable access to and use of published work without the need to seek permission when it is for research, study, criticism, review or reporting.

#### **Legislative compliance**

Every individual person is responsible for ensuring their work at NMIT complies with the provisions of the Copyright Act and all Copyright Licences purchased to extend provisions of the Act and protect NMIT and its staff.

#### **Protection of NMIT material**

Works that have been created and published by NMIT or individuals within NMIT, and that are accessible and available for use by others, are protected under the provisions of the Copyright Act.

## Kaupapa Here | Policy Statements

NMIT kaimahi and ākonga are both creators and users of copyright content and have a vested interest in understanding how copyright protects their own work and ensures that third party content is used ethically and legally.

Permission to use or copy copyright material is not needed if:

- the work is no longer protected; or
- a 'permitted use' applies; or
- it is available under a licence purchased by NMIT to extend what we can do under copyright law; or
- it is available under a Creative Commons licence

All users are responsible for knowing and adhering to the limitations that apply in each circumstance.

### Permitted use

Permitted use within NMIT includes:

- copying or using published work for the purpose of criticism, review, research or private study, subject to the principle of 'fair dealing'; and
- use or limited copying of work for educational purposes.

'Fair dealing' requires kaimahi and ākonga to ensure that all copying for research or private study is fair based on consideration of the work being copied, the purpose of its use, and the amount and substantiality of the part copied.

### Copyright Licences

NMIT purchases copyright licences that extend the provisions of the Act to support the work of NMIT, its staff, students and governors. All users are responsible for complying with the terms of each licence (listed in *Appendix 1*).

### Creative Commons (including Open Educational Resources)

NMIT kaimahi and ākonga are encouraged to access materials available under a Creative Commons licence which allows copying of works, including text resources, videos, images, music etc subject to a set of conditions that apply to any user.

### Permission from Copyright Owner

If none of the above apply, kaimahi are responsible for initiating a request for permission from the owner of a copyright work before it can be used, and for adhering to any conditions imposed on that use.

### Generative AI and Copyright

Where a work is created purely by computer, the person who undertook the arrangements to create the computer generated work is deemed to be its "author". A work created using a generative AI tool may be protected by copyright on this basis, provided that the other requirements in the Act are met.

### Acknowledging copyright material

NMIT staff and students will accurately acknowledge and reference details of all copyright material that is used or copied in the course of their study or work, whether for research, assessment, or when developing workbooks, course materials, videos, websites, information, or any other digital or printed resource.

Failure by students to properly acknowledge the owner of copyright work or disclose the use of AI in creating work may constitute plagiarism and be subject to academic penalties.

### Copying and scanning

NMIT forbids the use of its copying machines for any purpose which constitutes an infringement of copyright.

The following activities are **not** permitted under the Copyright Act or NMIT's Copyright Licences:

- Copying more than the amounts specified without getting 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.
- Infringing specific licences or statements governing copyright on databases, internet sites etc.

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 NMIT for the purposes of instruction, are permitted under the Copyright Act provided that the audience is restricted to NMIT students and staff. Performance of copyrighted works before a paying or public audience is not permitted.

## Internet and Websites

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

Anyone who **uploads** material protected by copyright onto the internet or **downloads** material from the internet, (including file sharing via networks or applications which allow information to be shared among multiple users) may be infringing copyright if it is not a permitted act and/or it isn't covered by a licence and/or permission has not been sought from the copyright owner. Anyone who grants permission for 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.

## Use of Copyright symbol

Copyright protection applies automatically to original works and does not require the copyright symbol and date.

Where it is useful to clearly establish the fact of copyright and the year from which protection is sought, the symbol © **Nelson Marlborough Institute of Technology** or © **NMIT** may be applied only when the material produced is in fact original and does not contain material that is copyright to others.

## Copying and scanning for students

Copying may be done for ākongā:

- In accordance with requirements and limitations for education as a permitted use
- If the copying is solely for their own research or private study and meets the limitations relating to "fair dealing"
- If it couldn't be purchased at an ordinary commercial price in a reasonable time
- if only one copy is made of the same work or the same part of a work on any one occasion

Copying of an unpublished work is forbidden without permission of the owner(s) of the copyright.

Students must not:

- make more than one copy of any part of a work
- copy the whole of a work; or a whole chapter; or the greater part of a particular topic; or a summary contained in the work; or more than a reasonable proportion of a work

## Infringements

NMIT strictly forbids

- the use of its copying machines, printers, devices, networks and other technology for any purpose which constitutes an infringement of copyright
- unauthorised reproduction of any course materials for non-educational or commercial use

Infringement of copyright regulations by an employee or contractor or student or governor could result in civil or criminal action against that person and/or NMIT.

Infringement by an employee or student may also be considered misconduct or serious misconduct and/or academic misconduct and will be addressed within the relevant policy and procedure.

Three or more copyright infringements (eg. downloading unauthorised films or music) by staff or students may result in NMIT's connection to the internet being cut off by our Internet Service Provider and a substantial fine being incurred.

## Ngā Haepapa | Responsibilities

Role	Responsibilities
Senior Leadership Team and Managers	Monitor and manage all aspects of ensuring NMIT's legislative compliance for copyright. Ensure staff, students and governors of NMIT have access to training, guidance and advice on copyright matters.
Librarian	Provide advice and approval, where required, to staff and students on Copyright matters. Maintain, implement and monitor copyright licence contracts, and investigate copyright breaches.
All kaimahi, ākongā and governors	Take personal responsibility for ensuring their work, study, research and other activities at or for NMIT complies with the provisions, requirements and limitations of the Copyright Act and NMIT Copyright Licences.
All tutors	Keep accurate and current lists of bibliographical details covering <b>all</b> copyright material that is copied in any work used for teaching, learning and/or assessment. Provide guidance to students on their responsibilities regarding copyright.

## Ngā Tikanga | Definitions

Term	Definition
Copying	Reproducing, recording, or storing a work in any material form (including any digital format), in any medium by any means.
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.
Copyright material	<b>Literary works:</b> Any work, other than a dramatic or musical work, that is written, spoken, or sung, including novels, poems, articles, notes and song lyrics; computer programs; and tables or compilations of works and of data. <b>Dramatic works:</b> Includes works of dance or mime, scenarios or scripts for films and plays. <b>Artistic works:</b> Graphical works such as paintings, drawings, plans and maps, irrespective of artistic 'quality' or merit; photographs, sculptures, models; buildings, models of buildings; works of artistic craftsmanship that have some artistic quality or level of skill.

	<p><b>Musical works:</b> Musical scores or arrangements, but not accompanying lyrics or dances, which could be separately protected as a literary or dramatic work.</p> <p><b>Sound recordings:</b> Recordings or fixation of sounds or literary, dramatic or musical works from which sounds can be reproduced. A recording is protected separately from any copyright that may exist in the work recorded.</p> <p><b>Films:</b> Recordings in any media from which moving images can be produced by any means. The images in a film are protected separately from any copyright there may be in the script or accompanying sound recording.</p> <p><b>Communication works:</b> Transmissions of sounds, visual images or other information, or a combination of those, for reception by the public. Copyright protects communications works independently of any copyright in the content transmitted.</p> <p><b>Typographical arrangements of published editions:</b> The typeset or image of the published edition of the whole or part of a literary, dramatic or published work, which may or may not itself be protected by copyright. Copyright in a typographical arrangement exists independently of copyright in the published work.</p>
Creative Commons, and Open Educational Resources (OER)	<p>Creative Commons (CC) is a non-profit organisation devoted to expanding the range of creative works available for others to build upon legally and to share. The organisation has released several copyright-licences known as Creative Commons licences which enable varying degrees of sharing and reuse of copyrighted work.</p> <p>OER are freely accessible, openly licensed (often with a Creative Commons licence) documents and media that are useful for teaching, learning, and assessing as well as for research purposes.</p>
Intellectual property (IP)	Intangible property that is the result of creativity such, but not limited to, ideas, names, designs, symbols, writings, digital media, audio clips, video clips and other creations.
Internet file sharing	<p>(Copyright (Infringing File Sharing) Amendment Act 2011).</p> <p>Material uploaded or downloaded from the internet using an application or network that enables the simultaneous sharing of materials between multiple users.</p>
Public domain	Creative materials that have no copyright protection and are available for free public use, copying and adaptation without permission.

## Ngā Hononga ki Tuhinga kē | Links to other documents

### NGĀ KAUPAPA-HERE E HANGAI ANA | RELATED POLICIES

[NMIT Te Tiriti o Waitangi Policy](#)

[NMIT ICT Security Policy](#)

### NGĀ TUKANGA ME NGĀ HĀTEPE | RELATED PROCESSES, PROCEDURES

NMIT Copyright and IP Procedure

### TURE WHAI TAKE | RELEVANT LEGISLATION

[Education and Training Act 2020](#)

[Employment Relations Act](#)

[Copyright Act 1994](#)

[Trade Mark Act 2002](#)

[Patents Act 2013](#)

[Copyright \(New Technologies\) Amendment Act 2008](#)

[Copyright \(Infringing File Sharing\) Amendment Act 2011](#)

## REFERENCES

[TIASA Collective Employment Agreement.pdf](#)

[TEU Kaimahi Collective Agreement.pdf](#)

[Copyright in the Tertiary Education Sector](#)

[Copyright Licensing New Zealand](#) Plain English Fact Sheets

[LIANZA The Copyright Act 1994: Guidelines for Librarians](#)

[Archives New Zealand Resources and Guides](#)

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<http://creativecommons.org/licenses>

## NGĀ TAPIRITANGA | APPENDICES

Appendix 1: List of Copyright Licences held by NMIT

### **Copyright Licensing New Zealand (CLNZ)**

A CLNZ licence allows, within the limits set in the Licence, for multiple photocopying of extracts from books, periodicals and journals for educational instruction, or for any other purpose authorised under the licence, and covers the distribution of copied material to students.

### **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.

This licence permits staff and students to make recordings of radio or television broadcasts, and to make copies of such recordings, for the educational purposes of the institution.

### **Institutes of Technology and Polytechnics Agreement with APRA/AMCOS and PPNZ**

<http://apraamcos.co.nz/music-customers/licence-types/music-in>

This agreement is a music licensing option which allows for exemptions to part of the Copyright Act and is a joint initiative between these organisations. It allows for the following educational activities:

- Perform music at assemblies, concerts and social events
- Photocopy sheet music (For print musical works, up to 30 copies for every original owned and for choral works up to 5 copies for every original owned)
- Make recordings of performances available to students and their families
- Create and make digital music files for use in lessons
- Stream recorded events from your website

*NB: Copying by students is not covered by these licences.*