Nelson Marlborough Institute of Technology
Te Whare Wānanga o Te Tau Ihu o Te Waka a Maui

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COPYRIGHT

Section	Learning and Teaching		
Approval Date	21.03.2016	**Approved by**	Directorate
Next Review	07.03.2020	**Responsibility**	Knowledge and Technical Services Manager
Last Reviewed	07.03.2016	**Key Evaluation Question**	4

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. It is to ensure that NMIT staff and students are aware of and comply with copyright legislation and licensing contracts and to protect material produced by NMIT and its agents.

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

SCOPE

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.

It does **not** cover ownership right of original work produced by NMIT staff or students (refer to *Intellectual Property Policy*).

DEFINITIONS

AMCOS	The Australasian Mechanical Copyright Owners Society Limited
APRA	The Australasian Performing Right Association Limited
APRA AMCOS	Alliance of APRA and AMCOS formed in 1997 to license organisations to play, perform, copy, record or make available members' music, and distribute the royalties to members.
Communicate	Transmit or make available by means of a communication technology, including means of telecommunications system or electronic retrieval system.

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 Act	For the purposes of this policy, the Copyright Act 1994 and all subsequent amendments.
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.
Copyright material	• **Literary works:** Written works such as novels, poems, articles, notes and song lyrics; computer programs; tables; and compilations, including compilations of works and compilations of data. • **Dramatic works:** Including works of dance or mime and scenarios or scripts for films and plays. • **Artistic works:** Graphical works such as paintings, drawings, plans and maps, irrespective or artistic "quality" or merit; photographs, sculptures and models; buildings and models of buildings; and works of artistic craftsmanship that must have some artistic quality or level of skill. • **Musical works:** Musical scores or arrangements, but not accompanying lyrics or dances, which could be separately protected as a literary or dramatic work. • **Sound recordings:** 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. • **Films:** Recordings in any media from which moving images can be produced by any means, which includes video cassettes (such VHS or BETA recordings), celluloid prints, digital versatile disk (DVDs) recordings, video compact disk (VCD) recordings and films stored on other types of computer disks. The images in a film are protected separately from any copyright there may be in the script or accompanying sound recording. • **Communication works:** communications works are transmissions of sounds, visual images or other information, or a combination of those, for reception by the public. Communications works can include broadcasts or cable programmes. Copyright protects communications works independently of any copyright in the content transmitted. • **Typographical arrangements of published editions**: 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.
Copyright symbol ©	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 e.g.: © Nelson Marlborough Institute of Technology, 2016.
Creative Commons	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.
Internet file sharing	Copyright (Infringing File Sharing) Amendment Act 2011. Material uploaded or downloaded from the internet using an application or network that enables the simultaneous sharing of materials between multiple users.
Open Educational Resources	Open Educational Resources (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.
PPNZ Music Licensing	PPNZ (Phonographic Performance NZ) is a collecting society and is the non-exclusive licensee of certain rights in the PPNZ sound recordings. In 2013 this organisation merged with the Recording Industry Association of NZ (RIANZ) to form Recorded Music NZ.
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 creatives are rewarded for such use of their work.

RESPONSIBILITIES

All staff, contractors and on-campus copying/printing	• Ensure their work at NMIT complies with the provisions of the Copyright Act and/or the NMIT Copyright Licences. • It is the personal responsibility of staff to comply with the Copyright Act.
All students	• It is the personal responsibility of students to comply with the Copyright Act.
All tutors	• Keep accurate and current lists giving full bibliographical details covering **all** copyright material that is copied in compilations, workbooks, course readings, and stored on Moodle • Participate in the Copyright Licence Usage Survey as requested. • Brief students on their responsibilities regarding copyright.

Knowledge & Technical Services Manager	• Provide advice to staff and students on Copyright matters. • Co-ordinate the Copyright Licence Usage Survey • Maintain copyright licence contracts • Investigate copyright breaches • Approve the use of copyrighted material where appropriate

POLICY

The copying of any literary, dramatic, musical or artistic work is controlled by the Copyright Act 1994.

NMIT has purchased appropriate copyright licences where its use of copyright material exceeds that permitted under the Act and the institution will comply with the terms of these licences. 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
- Screenrights
- APRA/AMCOS and PPNZ Music Licensing Limited

NB: Copying by students is not covered by these licenses – see Copying and Scanning for Students p. 6

Accurate and current reference lists giving full bibliographical details covering all copyright material that is copied by staff in compilations, workbooks and course readings must be maintained and included in compilations. All work should carry the copyright notation at the bottom of each page of printed material, and in an appropriate place for videos, digital and other resources.

Electronic reproductions of copyright material may be distributed by CD or DVD or placed on a secure NMIT server or file store for access by authenticated students and staff involved in particular courses of instruction.

INFRINGEMENT

While acknowledging that NMIT cannot control all actions of its students, NMIT will endeavour to educate students on copyright use, including referencing, approved copying, and proper use of electronic material and downloadable music.

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

COPYING AND SCANNING

NMIT forbids 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 Copyright Licences:

- Copying more than the amounts specified without obtaining permission from the relevant body or copyright owner.
- Altering the typographical format of the published work being copied – e.g. 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.

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 exactly 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 he or she does not have permission from the copyright owner. Anyone who grants permission for that activity may also be liable.

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

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.

COPYING AND SCANNING FOR STUDENTS

Copying may be done if:

- The copying is solely for a person's research or private study and must not be for supply to another person
- The person doing the copying takes into account the nature and purpose of the copying

- The copying is done because work could not be obtained within a reasonable time by purchase at an ordinary commercial price
- The copying will not be detrimental to the potential market for, or value of, the work
- The copying takes into account the amount and substantiality of the part copied, taken in relation to work as a whole
- 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
- Abstracts accompanying scientific and technical articles in periodicals may be copied (under Section 71 of the Act).

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

NMIT'S COPYRIGHT LICENCES

Each staff member is responsible for ensuring their work at NMIT complies with the provisions of the Copyright Act and/or the relevant NMIT 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 music and maps.
- Multiple copying has strict limitations. If staff or students are unsure about their compliance the Knowledge & Technical Services Manager is available to provide advice.
- Copies of the guidelines produced by Copyright Licensing Ltd are available at each Programme Area office and at the Library Learning Centre.
- Copies of the NMIT Copyright Licences and the Copyright Act are available at the Library Learning Centre.

NMIT has copyright licenses with:

- **Copyright Licensing Limited** - A Copyright Licensing Ltd (CLNZ) licence allows, within the limits set in the License, 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 license 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** - 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.

INSTITUTES OF TECHNOLOGY AND POLYTECHNICS AGREEMENT WITH APRA/AMCOS AND PPNZ MUSIC LICENSING

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

For more information visit: http://apraamcos.co.nz/music-customers/licence-types/music-in-education

CREATIVE COMMONS

Some resources, especially those downloaded from the internet, may have a Creative Commons licence attached. The Creative Commons licences provide allowances for copying of works, including text resources, videos, images, music etc., however each Creative Commons licence has a set of conditions that must be followed in order for a person to copy and use the work.

Educational works licensed using Creative Commons licences are often known as Open Educational Resources (OER).

The six Creative Commons licences are as follows:



Attribution
CC BY



Attribution-ShareAlike
CC BY-SA



Attribution-NoDerivs
CC BY-ND



Attribution-NonCommercial
CC BY-NC



Attribution-NonCommercial-ShareAlike
CC BY-NC-SA



Attribution-NonCommercial-NoDerivs
CC BY-NC-ND

For more information, including full description of each of the licences, visit:
http://creativecommons.org/licenses

USE OF COPYRIGHT SYMBOL

Copyright protection applies automatically to original works and does not require the copyright symbol and date. A work still receives copyright protection without it. It is useful however as it clearly establishes the fact of copyright and the year from which protection is sought, simplifying the process of taking legal action against any infringements.

NMIT staff may use the symbol only when the material produced is in fact original and does not contain material copyright to others. The recognized convention is: © Nelson Marlborough Institute of Technology at the bottom of each page of printed material or in an appropriate place on videos or other resources. This may be abbreviated to © NMIT.

APPENDICES

- A Guide to the CLNZ Education Licence: Copyright warning notice for staff for photocopiers and computer suites
- How to Abide by the Copyright Act: Copyright warning notice for students for photocopiers and computer suites

REFERENCES

INTERNAL

Staff Misconduct Procedure
Student Misconduct Procedure
PMCA Publications List (Newspaper Publications Covered by CLNZ Education Licence, updated April 2013) – the current list is included on the Teaching Support page of the NMIT Intranet
Agreement between NMIT and Copyright Licensing Ltd
Agreement between NMIT and Screenrights
Institutes of Technology and Polytechnics Agreement with APRA/AMCOS and PPNZ

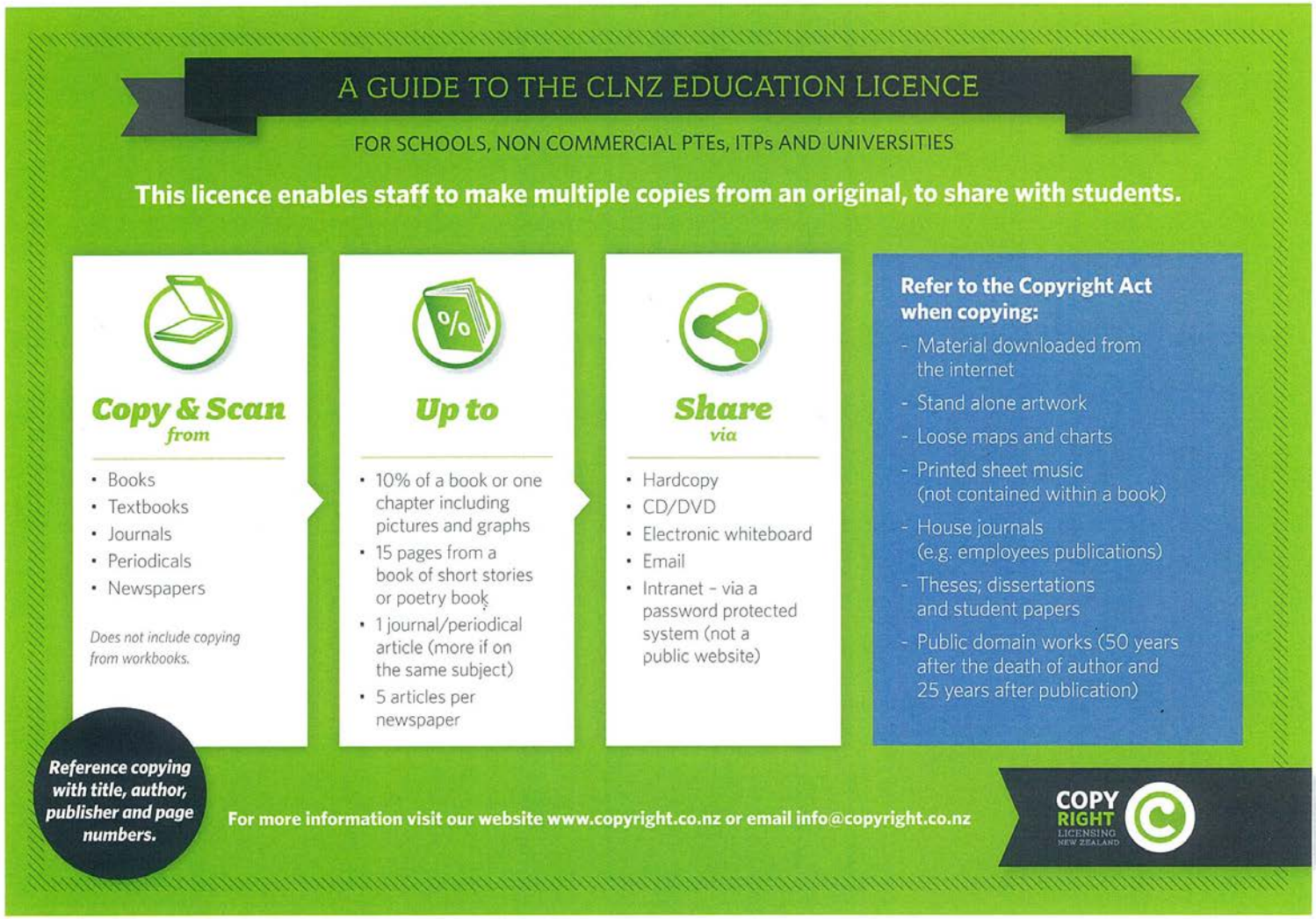
EXTERNAL – COMPLIANCE AND LEGISLATION

Copyright Act 1994
Copyright (New Technologies) Amendment Act 2008
Copyright (Infringement File Sharing) Amendment Act 2011
Copyright Act 1994 Warning (notice)

EXTERNAL – INFORMATION AND GUIDELINES

Ministry of Economic Development website
Copyright Reprography Licence (contract)
Copyright in Polytechnics (guidelines)
LIANZAs The Copyright Act 1994: Guidelines for Librarians (3rd edition, 2005)
PMCA Publications List: Last updated April 2013 (Newspaper Publications covered by CLNZ Education Licences)
(for all the above refer to the Knowledge & Technical Services Manager)
University of Waikato Copyright Information
A Guide to the CLNZ Education License

APPENDIX 1 POSTER – A GUIDE TO THE CLNZ EDUCATION LICENCE



HOW TO ABIDE BY THE COPYRIGHT ACT

Copyright law must be followed by students!

YOU CAN:

- **Make one copy for your own private study use**
- **Make one copy of part of a work**
- **Copy something that is 'copyright free'**
- **Copy something that is 'public domain' material**



YOU MUST NOT:

- **Copy the whole of a work or chapter**
- **Copy a summary contained in the work**
- **Copy something that you already have access to by purchase or loan**
- **Copy something to supply to someone else**
- **Copy an unpublished work without the owner's permission**

When you are using copyrighted material you must acknowledge the copyright owner or the copyright permission gained e.g. in referencing or bibliography, including digital, video, and audio material.

opyright.co.nz and the NMIT Copyright Policy – available via the NMIT website www.nmit.ac.nz