

## Copyright

First Produced:	1991	Authorisation:	Academic Board
Current Version:	3/12/15	Officer Responsible:	Director, Academic
Past Revisions:	15/6/92, 24/4/93, 17/7/97 (Interim), 14/12/01, 4/12/08, 29/01/13 (Council) 18/10/12 (Academic Board)		
Review Cycle:	3 years		
Applies From:	Immediately		

# 1 Introduction

## 1.1 Purpose

This policy is based on current legislation for the ethical use of materials and resources, and copyright licensing agreements. It is to ensure that Ara Institute of Canterbury<sup>1</sup> staff and students are aware of and comply with copyright legislation and licensing contracts and to protect material produced by Ara and its agents.

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. Original work produced by staff or under contract is copyright to Ara unless otherwise stated.

## 1.2 Scope and Application

This policy applies to any employee, student, or agent of Ara who makes any copy or reproduction of a copyright work in the course of their employment or study for teaching, research, study and/or administrative purposes. It does not cover ownership rights of original work produced by Ara staff and students (*refer CPP106 Intellectual Property Policy*).

## 1.3 Formal Delegations

- a The Ara Council delegates the Academic Board to:
  - i Approve new and existing programmes and courses which are in accordance with the Ara Strategic Plan and Investment Plan.
  - ii Admit students to approved programmes and courses.
  - iii Grant awards.
  - iv Develop, monitor, review and maintain policies on academic matters, including research.
  
- b From the Academic Board to the Copyright Officer: responsibility for
  - i Approval for the use of copyright material.
  - ii Investigating copyright breaches.
  - iii Reporting of copyright.

<sup>1</sup> From herein referred to as Ara

## 1.4 Definitions

- a **Copying** means in relation to any description of work, reproducing, recording, or storing the work in any material form (including any digital format), in any medium and by any means and includes, in relation to an artistic work, the making of a copy in three dimensions of a two-dimensional work and the making of a copy in two dimensions of a three-dimensional work; and includes, in relation to a film or communication work, the making of a photograph of the whole or any substantial part of any image forming part of the film or communication work and copy and copies have corresponding meanings.
- b **Copyright** is a set of rights given to owners of original works to control use of that work.
- c **Copyright license** means a licence to do, or authorise the doing of, any restricted act.
- d **Copyright work** means a work of any of the descriptions in section 14(1) of the Copyright Act 1994 in which copyright exists.
- e **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.

<p><b>Related Ara Procedures and Forms</b></p> <ul style="list-style-type: none"> <li>• APP302a Copyright Approval form</li> </ul>	<p><b>Related Ara Policies</b></p> <ul style="list-style-type: none"> <li>• APP304 Academic Misconduct</li> <li>• CPP106 Intellectual Property</li> <li>• CPP110 Legislative Compliance</li> <li>• CPP105 Acceptable use and Conduct for ICT users</li> <li>• CPP114 Records Management</li> </ul>
<p><b>Related Legislation or Other Documentation</b></p> <ul style="list-style-type: none"> <li>• CLNZ Education Licence</li> <li>• CLNZ website: <a href="http://www.copyright.co.nz">http://www.copyright.co.nz</a></li> <li>• Screenrights Licence</li> <li>• Screenrights website: <a href="http://www.screenrights.org/">http://www.screenrights.org/</a></li> <li>• APRA AMCOS website: <a href="http://apraamcos.co.nz/">http://apraamcos.co.nz/</a></li> <li>• Copyright Council website: <a href="http://www.copyright.org.nz">http://www.copyright.org.nz</a></li> <li>• <a href="#">Copyright Act 1994</a></li> <li>• <a href="#">Copyright (Infringing File Sharing) Amendment Act 2011</a></li> </ul>	<p><b>Good Practice Guidelines</b></p> <ul style="list-style-type: none"> <li>• Copyright Guidelines for Staff</li> </ul>
<p><b>References</b></p> <ul style="list-style-type: none"> <li>• Ara copyright guidelines</li> </ul>	
<p><b>Notes</b></p> <ul style="list-style-type: none"> <li>• 2015 – Inclusion of delegations to Copyright Officer</li> <li>• 2016 – New branding</li> </ul>	

All policies on the InfoWeb are the current version. Please check date of this hard copy before proceeding.

## 2 Principles

- 2.1 Ara will comply with New Zealand copyright legislation including sections relating to educational and library use, by setting up copyright procedures to facilitate compliance.
- 2.2 Ara will purchase 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.
- 2.3 While acknowledging that Ara cannot control all actions of its students, Ara will endeavour to educate students on copyright use, including referencing, approved copying, and proper use of electronic material and downloadable music.

## 3 Associated procedures for Ara Academic Policy: Copyright

Contents:	3.1	Use of Copyright symbol
	3.2	General Provisions
	3.3	Infringement
	3.4	Compliance
	3.5	Activities not permitted
	3.6	Internet and Websites
	3.7	Performance rights
	3.8	Attribution
	3.9	Digital Repository
	3.10	Commercial Licenses
	3.11	File Sharing (Copyright (Infringing File Sharing) amendment Act 2011)

### 3.1 Use of Copyright symbol ©

- a 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.
- b Ara staff may use the symbol only when the material produced is in fact original and does not contain material copyright to others (see *CPP106 Intellectual Property Policy*). The recognized convention is: © Ara Institute of Canterbury at the bottom of each page of printed material or in an appropriate place on videos or other resources. This may be abbreviated to © Ara.

### 3.2 General Provisions

- a Ara subscribes to a number of licensing schemes available to educational institutions that extend the provision of the Copyright Act in relation to the amount of work that can be copied (3.4). All copying by Ara staff must comply with these provisions.
  - i **Copyright Licensing New Zealand (CLNZ) Agreement.** This contract related to printed published works, and covers the distribution of copied material to students.
  - ii **Screenrights.** 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.
  - iii **APRA/AMCOS.** Australasian Performing Rights Association/Australasian Mechanical Copyright Owners Society. This license allows staff and students to play, perform, copy and record music.
- b Copyright Guidelines for Staff resource is available through the Academic Staff Capability portal.

All policies on the InfoWeb are the current version. Please check date of this hard copy before proceeding.

- c Signage outlining Copyright Act requirements will be displayed near public access photocopiers.
- d Approval to use copyright material must be sought from the Copyright Officer, using the Copyright Approval form (APP302a).

### 3.3 Infringement

- a Infringement of copyright regulations by an employee could result in a civil or criminal action against the employee and/or Ara. Infringement by an employee may also be considered misconduct or serious misconduct and therefore may result in a warning being given or in dismissal.
- b Ara Students – infringement of copyright regulations may result in civil or criminal prosecution against the student and/or Ara. Infringement by a student may also be considered academic misconduct and result in penalties. *See APP304 Academic Misconduct*

### 3.4 Compliance

The following conditions apply under the copyright Act and/or the Ara licensing scheme agreements:

- a Accurate and current reference lists giving full bibliographic details covering all copyright material that is copies 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.
- b Electronic reproductions of copyright material may be distributed by CD or DVD or placed on a secure Ara server for access by authenticated students and staff involved in particular courses of instruction.
- c Under the CLNZ agreement, the following limits must be observed for all copying of copyright material:
  - i Not exceed one chapter or 10% of a book, whichever is the greater.
  - ii One article (or part of an article) from a periodical publication or additional articles from the same publication if they are on the same subject.
  - iii Up to 15 pages of all or part of a single work in a collection of works.
  - iv Artistic works such as diagrams, illustrations, photographs or cartoons may only be reproduced within a separate frame and must be fully referenced.
  - v Repeat copying within 14 days must not be done by or for the same staff member for the same class or course of study.
  - vi Material may be obtained through inter library loan only if it cannot be obtained from any other source.
  - vii Staff and students may copy and store articles from the print media publications set out in the PMCA Publications list.
  - viii No more than five articles may be copied from any single edition of a publication each day. Multiple copies of the same article may be made solely for inclusion in course material for use by students enrolled at Ara.
  - ix Course packs containing licensed material are to be marked or stamped as being produced under licence from the PMCA.
- d Under the Screenrights agreement, the following limits must be observed for all copying of copyright material:
  - i Staff and students may make recordings of programmes from any radio or television channel (including pay and free to air) and make copies of such recordings, for the educational purposes of Ara.

**All policies on the InfoWeb are the current version. Please check date of this hard copy before proceeding.**

- ii All recording of broadcasts or copies of such recordings made under the Screenrights license must be marked as follows: *Made only for Ara educational purposes: Title of Broadcast [title]; date of broadcast [date]; date this copy made [date].*
- e Costs incurred in providing photocopies of copyright material under license to students for educational purposes may be recovered from students.

### **3.5 Activities not permitted**

The following activities are not permitted under the Copyright Act of the Ara license agreements:

- a Copying more than the amount specified in section 3.4 without obtaining permission from the relevant copyright owner.
- b Altering the typographical format of the published work be copied e.g. by retyping or modifying it in any way, except for very small passages where the source is identified.
- c Copying from a work that states that it may not be copied under a copyright licensing scheme without obtaining specific permission from the copyright owner.
- d Infringing specific licenses or statements governing copyright on databases, internet sites etc.

### **3.6 Internet and websites**

- a Material that is available on the Internet is protected by copyright in exactly the same ways as traditionally published material such as books, magazines and DVD's.

### **3.7 Performance rights**

- a Copyright exists in musical works, lyrics, arrangements, published editions and recordings of musical works.
- b 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 the audience is restricted to Ara students and staff. Performance before a paying or public audience is not permitted.

### **3.8 Attribution**

All material copied within the terms of the Copyright Act must acknowledge the creator and be correctly attributed.

### **3.9 Digital Repository**

- a Book chapters and journal articles used in courses will be deposited in the copyright collection in a Digital Repository and loaded to the Learner Management System via this collection.
- b Any specific permissions for copyrighted material granted for use in Ara will be held in a Digital Repository and used in accordance with the digital rights agreement attached to the record.

**All policies on the InfoWeb are the current version. Please check date of this hard copy before proceeding.**

### **3.10 Commercial Licenses**

Material accessed via the Ara website or the Learning Resource Centre website (e.g. databases) may be subject to commercial licenses or agreements regarding usage. These licenses take precedence over the Copyright Act or copyright agreements.

### **3.11 File Sharing (copyright (Infringing File Sharing) Amendment Act 2011)**

Ara is defined as an Internet protocol address provider. Any infringement notices will come to Ara via our internet service provider. If an account holder infringes the file sharing legislation the rights owner can make a claim to the Copyright tribunal.

**All policies on the InfoWeb are the current version. Please check date of this hard copy before proceeding.**