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Contact Person	Information and Records Manager - Vice-Chancellor's Office

Introduction

The purpose of this document is to ensure that University staff and students are aware of and comply with current copyright legislation and any copyright licences entered into by the University. Copyright legislation exists to protect copyright owners from unauthorised use of their work, while also allowing for limited use by persons other than copyright owners. Copyright licences extend the uses allowed under the legislation by persons other than copyright owners.

Definitions

Copying - reproducing or recording a work in any material form, including scanning, photocopying, retyping, transferring, duplicating from any format to any other format.

Copyright - is a property right given to the creator of an original work to control the use made of that work. It protects the expression of the idea in a material form, not the idea itself.

Copyright licence - written contract under which the owner of copyright allows a licensee to use, make, or sell copies of the original. Such agreements usually limit the scope or field of the licensee, and specify whether the licence is exclusive or non-exclusive, and whether the licensee will pay royalties or some other consideration in exchange.

Copyright work - those original works referred to in Section 14 of the [Copyright Act 1994 \(New Zealand Legislation website\)](#) and further defined in Section 2 of that Statute. Includes any original literary, dramatic, musical, and artistic works containing original creative output.

Also includes photos, videos, sound recordings, films, broadcasts, cable programmes, cartoons, graphical works, maps, and the typographical arrangements of published works, etc.

File sharing - is defined by the [Copyright \(Infringing File Sharing\) Amendment Act 2011 \(New Zealand Legislation website\)](#) as where:

- material is uploaded via, or downloaded from, the [i]nternet;
- using an application or network that enables the simultaneous sharing of material between multiple users.

Anything that does not meet both parts of this definition is not covered under this amendment.

Policy Statement

The University requires that all staff, students, or agents of the University strictly observe the provisions of the [Copyright Act 1994 \(New Zealand Legislation website\)](#) ('the Act'). Copies of copyright works can be made by staff, students, or agents of the University only within the terms of the Act and its amendments or the relevant licensing agreements to which the University is a party.

General Provisions

Infringement

Copyright is infringed if a person, generally within the lifetime of the author plus 50 years and without permission, does any of the following:

- copies a work;
- issues a work to the public;
- publishes the work;
- makes the work available to the public by means of an electronic retrieval system;
- performs, plays or shows the work in public;
- communicates a work to the public;
- makes adaptations of a work;
- possesses, deals or imports infringing material;
- provides means for making infringing copies;
- permits use of premises for infringing performance; and/or
- provides apparatus for infringing performance.

Educational Purposes

Limited copying permitted for educational purposes is covered by sections 44-49 of the Act, or by the terms of any licence scheme to which the University is a party.

Library Purposes

Limited copying permitted for library and archival purposes is covered by sections 50-57A of the Act. The availability of copyright material in a library does not mean copyright does not apply.

Attribution

All copyright material that is copied within the terms of the Act or any licence must be attributed and the creator given full acknowledgement.

Moral Rights

The Act also provides for the creator of an original work to assert his/her moral rights as an author which include the right to be identified as the author, the right to have works treated in a way that is not derogatory, the right not to have works falsely attributed, and the right to privacy in relation to photographs or films commissioned for private purposes.

Internet and Web Sites

Material available on the internet is protected by copyright in exactly the same way as print materials are. Copyright may be infringed by publication on a website or using University networks to share copyrighted works.

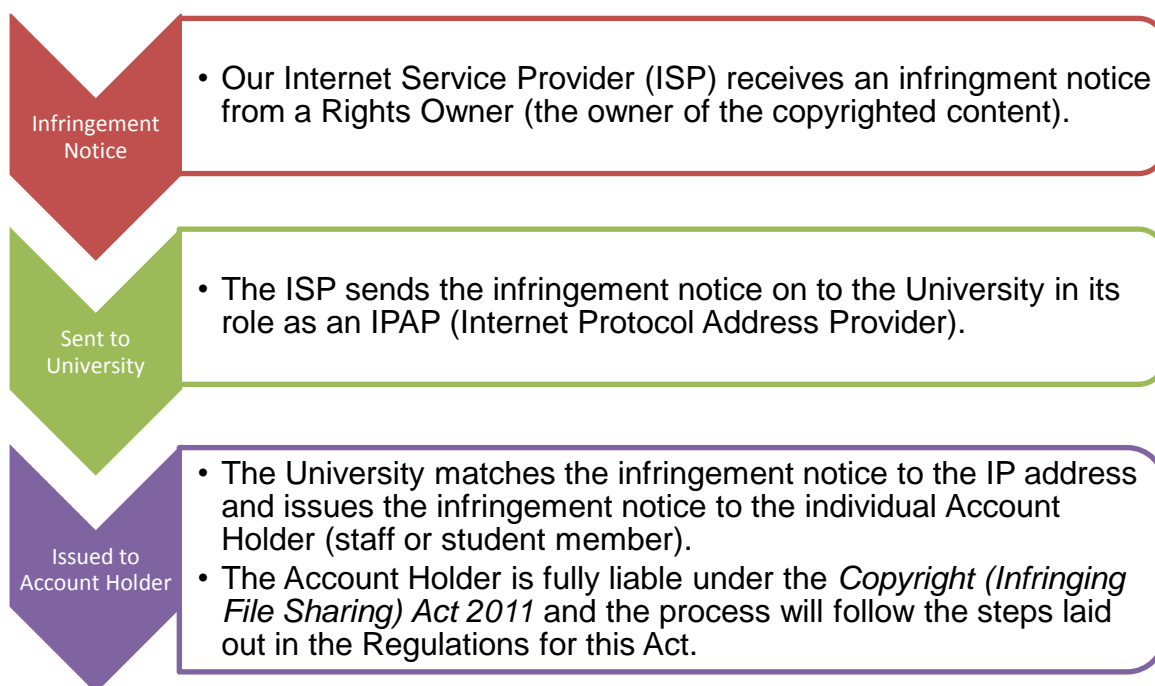
File Sharing

File Sharing is the use of an application or network to share material from the internet simultaneously between multiple users.

Under the [Copyright \(Infringing File Sharing\) Amendment Act 2011 \(New Zealand Legislation website\)](#), the University is defined as an Internet Protocol Address Provider or 'IPAP'. If a Rights Owner sends an infringement notice this will come to the University through our Internet Service Provider (ISP). The University will then issue the infringement notice to the offending Account Holder (student or staff member). If an Account Holder receives three notices within nine months that relate to the same Rights Owner, the Rights Owner may choose to take a claim for up to \$15,000 to the Copyright Tribunal.

This process also provides two ways in which Account Holders can dispute infringement allegations, either directly with the Rights Owner, or if a claim is made, at the Copyright Tribunal.

File Sharing Infringement Process:



Photocopying Notices

Signs warning photocopier users about copyright must be prominently displayed around public access photocopiers. See Appendix A for Information Records Management's (IRM's) approved copyright statement.

Licences

The Act allows for licensing schemes to be entered into which extend the copying allowed for under the Act.

- **Copyright Licensing Limited**

The University has a licence with Copyright Licensing Limited that extends the amount of a work that can be copied for the purposes of making multiple copies, e.g., for course-packs, handouts, etc., in print or electronic form. All multiple copies made by University staff must comply with the licence provisions.

- **Screenrights**

The University has a licence with Screenrights that allows the recording of radio and television broadcasts and cable programmes and to make copies of such recordings for educational purposes. All recording and copying must comply with licence provisions.

- **Print Media Copyright Agency (PMCA)**

As a member of Universities New Zealand, the University has a licence with PMCA. This licence allows copying from New Zealand newspapers and magazines. A full list of publications and licence provisions is available from [PMCA \(PMCA website\)](#)

- **APRA/AMCOS/PPNZ**

As a member of Universities New Zealand, the University has a licence with [APRA/AMCOS and PPNZ \(APRA-AMCOS website\)](#). This licence provides the ability to perform, communicate, copy or reproduce music for educational purposes. Use must comply with the licence provisions.

For further details and provisions of these licenses please refer to: [Copyright website \(University Information and Records Management website\)](#)

Infringement

The University takes infringement of copyright very seriously. It will not indemnify staff or students if they are found to have breached copyright. Infringement by an employee or by a student could result in a civil or criminal action against that employee or student. Infringement by an employee may also be considered to be misconduct or serious misconduct and therefore may result in a warning being given or in dismissal. Infringement by a student may also be considered as a disciplinary matter.

For information about copyright of materials created by staff and students please refer to the [Intellectual Property Policy \(PDF, 418KB\)](#)

Related Documents and Information

Legislation

- [Copyright Act 1994 \(New Zealand Legislation website\)](#)
- [Copyright \(Infringing File Sharing\) Amendment Act 2011 \(New Zealand Legislation website\)](#)

UC Policy Library

- [Intellectual Property Policy \(PDF, 418KB\)](#)

University Website and Intranet

- [Copyright website \(University Information and Records Management website\)](#)
- [Course Readers and Copyright \(University Electronic Media website\)](#)
- [Thesis Guide \(University Library website\)](#)

External

- [APRA/AMCOS and PPNZ Licence \(APRA-AMCOS website\)](#)
- [Audio-Visual Copyright Society Limited \(Screenrights website\)](#)
- [Copyright Licensing New Zealand \(Copyright Licensing New Zealand website\)](#)
- [Print Media Copyright Agency \(PMCA\) \(PMCA website\)](#)

Appendices

- Appendix A: Copyright Statement

Document History and Version Control Table			
Version	Action	Approval Authority	Action Date
<i>For document history and versioning prior to 2013 contact ucpolicy@canterbury.ac.nz</i>			
1.00	Conversion of document onto new template. Hyperlinks updated.	Policy Unit	Sep 2013
1.01	Hyperlinks updated.	Policy Unit	Jun 2014
1.02	Review date pushed out at request of C/O.	Policy Unit	Mar 2015
2.00	Scheduled review by Contact Officer.	Policy Unit	Jul 2015



Copying which may be done on this machine includes:

A single copy of a copyright work if the copying is "fair dealing", eg.

- You have made the copy for your own research or private study, and,
- You have copied it because you couldn't buy the work at an ordinary price within a reasonable time, and,
- Your copying will not cause detriment to the work or its potential market, and,
- You are copying a "reasonable amount" – this is not defined in the Act but usually means less than a complete chapter

Multiple copies of a copyright work by academic staff (or students/staff acting on behalf of an academic staff member) under the Copyright Licensing Limited licence as follows:

- The copies are made for teaching purposes (not research or private study)
- 10% of a work or one chapter, whichever is the larger
- Up to 15 pages of all or part of a single work in a collection (eg. a poetry collection)
- One article from a journal plus additional articles if on the same subject
- A complete work if the work is unavailable (with approval from Copyright Licensing Limited)
- An artistic work if published within a related literary work

Material where copyright has expired

Material where you have written permission from the copyright owner

Abstracts of articles

This photocopying machine is made available on the express condition that users will pay the University for any loss suffered in respect of any claim made against it for breach of copyright.

For further information on copyright please visit www.canterbury.ac.nz/irm/copyright

Information Records Management

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