UC Policy Library

UNIVERSITY OF CANTERBURY
Te Whare Wānanga o Waitaha
CHRISTCHURCH NEW ZEALAND

Copyright Policy

Category: University Management
Last Modified: June 2012
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Approved By: The University Registrar
Contact Person: Information and Records Management, Extn 45702

Introduction:

The purpose of this policy is to ensure University of Canterbury 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 work - those original works referred to in Section 14 of the Copyright Act 1994 and further defined in Section 2 of that Statute. It includes any original literary, dramatic, musical, and artistic works containing original creative output. It includes photos, videos, sound recordings, films, broadcasts, cable programmes, cartoons, graphical works, maps, and the typographical arrangements of published works, etc.

Copyright Act - In terms of this policy, the Copyright Act 1994 and all subsequent amendments.

File sharing - Is defined by the Copyright (Infringing File Sharing) Amendment Act 2011 as:

- Material uploaded or downloaded from the Internet (and)
- 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.

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.

Policy Statement:

The University requires that all staff, students, or agents of the University strictly observe the provisions of the Copyright Act 1994. Copies of copyright works can be made by staff, students, or agents of the University of Canterbury only within the terms of the Copyright Act 1994 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
- Provides apparatus for infringing performance

Educational Purposes

Limited copying permitted for educational purposes is covered by sections 44-49, Copyright Act 1994 or by the terms of any licence scheme to which the University of Canterbury is a party.

Library Purposes

Limited copying permitted for library and archival purposes is covered by sections 50-55, Copyright Act 1994. 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 web site or using University networks to share copyrighted works.

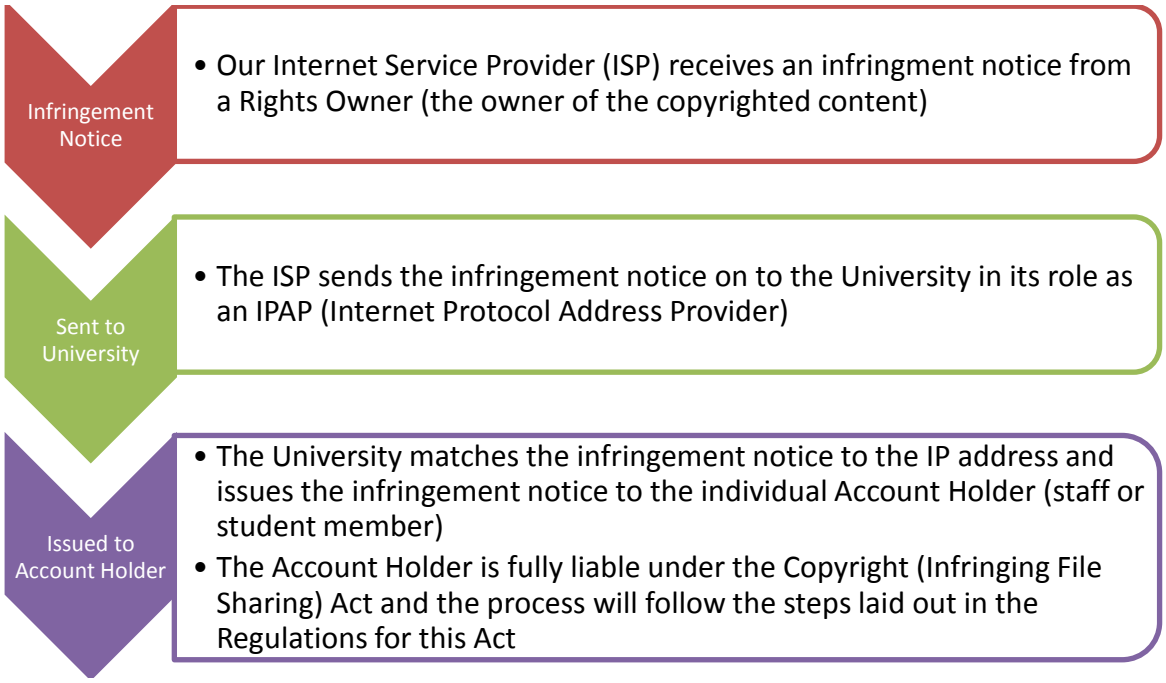
File Sharing

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, 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.

Licences

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

Copyright Licensing Limited

The University of Canterbury 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 of Canterbury staff must comply with the licence provisions.

Screenrights
The University of Canterbury 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.

PMCA (Print Media Copyright Agency)
The University of Canterbury has a licence with PMCA as a member of Universities New Zealand. This licence allows copying from NZ newspapers and magazines. A full list of publications and licence provisions is available on the PMCA website.

APRA/AMCOS/PPNZ
The University of Canterbury has a licence with APRA/AMCOS and PPNZ as a member of Universities New Zealand. 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 UC's copyright website: http://www.canterbury.ac.nz/irm/copyright/index.shtml

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.

Related Policies, Procedures and Forms:

- Intellectual Property Policy
- Copyright Act 1994 (and Amendments)
- Copyright Licensing Limited Licence
- Screenrights Licence
- PMCA Licence
- APRA/AMCOS and PPNZ Licence
- Copyright Website
- Theses and Copyright Guide
  Course Readers and Copyright

Appendices:

- Appendix A: Copyright Statement

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Version Control Table		
Action	**Approval Body**	**Date Amended**
Full Review *Minor Changes*	The University Registrar	22 June 2012

Appendix A – Copyright Statement

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
www.canterbury.ac.nz/irm/copyright

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