

COPYRIGHT

Criteria for Performance Excellence		6 Operations Focus	
Key Evaluative Question/s	3, 6	Policy Number	6.05
Approval Date	July 2013	Approval Body	Academic Board
Next Review	July 2015	Policy Manager	Director, Academic and Quality

Controlled document - refer to online QMS for latest version

PURPOSE

To establish the policy and procedures for copying material under the Copyright Act 1994 and as per the Polytechnic's agreement with Copyright Licensing Ltd, and ensure staff and students comply with these. This policy covers material from outside Tai Poutini Polytechnic which is covered by copyright as well as material created by TPP staff for which staff and students wish to use and obtain copies.

POLICY

Students of Tai Poutini Polytechnic are bound by the Copyright Act 1994 and subsequent amendments. This requires students to reference others' works using the reference guidelines prescribed by the institution. See procedure 6.05A which describes referencing obligations. This information is also provided to students at the central library and at the commencement of all courses.

Staff of Tai Poutini Polytechnic are covered by the agreement with Copyright Licensing Ltd for extension of the provisions of the Copyright Act. This allows staff to copy information to use for the purpose of education for their students. See appendix 6.05.1 for specific information about what the licensing agreement covers.

SCOPE

All Tai Poutini Polytechnic students are required to comply with the Copyright Act of 1994 and its amendments. All Tai Poutini Polytechnic staff members are required to comply with the stated guidelines of the Copyright Licensing Ltd agreement with ITPs and the Copyright Act of 1994 and its amendments. (See appendix 6.05.1)

Works can include but are not limited to original developments of a scholarly, literary, musical or artistic nature, ideas, technology, processes, designs, and trade secrets.

DEFINITIONS

Copyright The legal protection of original works, regardless of whether the work is published or unpublished. Under the Copyright Act 1994, copyright automatically applies as soon as the work is put into material form-whether in print, stored on a computer or recorded in any way.

Copyright Infringement The unlawful act of copying all or part of a work without a licence or without approval from the copyright owner.

Plagiarism	The unauthorised use or close imitation of the ideas and thoughts of another author and the representation of them as one's own original work, and by not crediting the author. "Plagiarism is presenting as one's own work the work of another, and includes the copying or paraphrasing of another person's work without acknowledging it as the other person's work through full and accurate referencing. It applies to assessment presented through a written, spoken, electronic, broadcasting, visual, performance or other medium". University of Waikato, (2011). Retrieved from http://www.waikato.ac.nz/library/study/wise/plagiarism/index2.shtml
Public Domain	"The term 'public domain' refers to material in which all copyright has expired. The term can also refer to material where the copyright owner has given very broad permissions to people to use it". Copyright Council of NZ (2011). Retrieved from http://www.copyright.org.nz/viewFaq.php?faq=361
Referencing	The process of citing or documenting the sources of quotes, theories, ideas, illustrations and diagrams being used in a new work. When sources are acknowledged in this way, credit is given to another person's words, ideas or opinions in the form of a note and/or bibliographic reference or citation.

RELATIONSHIPS

Internal:

- Academic Misconduct (regulation within the [Academic Statute](#))
- Student Rights and Responsibilities (regulation within the [Academic Statute](#))
- [Intellectual Property policy](#)
- [Document Processing policy](#)

External:

- [Copyright Act 1994 No 143 \(as at 19 April 2011\)](#)
- [Copyright Licensing Ltd.](#)
- [Copyright Council of NZ](#)
- [Ministry of Economic Development](#)

PROCEDURES

[6.05 A How to abide by the Copyright Act](#)

APPENDIX

[6.05.1 Agreement with Copyright Licensing Ltd for Polytechnic Staff](#)

REFERENCES

Christchurch Polytechnic Institute of Technology Policies. Retrieved from http://www.cpit.ac.nz/policies/search_results?search_query=copyright

How to abide by the Copyright Act

PROCEDURE

Polytechnic Staff

See [Appendix 6.05.1](#), Agreement with Copyright Licensing Limited.

Notices to staff, explaining these requirements, should be displayed near all photocopiers and covered/discussed in the TPP induction process.

Polytechnic Students

It is the responsibility of individual users of Tai Poutini Polytechnic printer/copiers to observe the legal requirements of the Copyright Act 1994 and Copyright (New Technologies) Amendment Act 2008 and subsequent amendments. The following information is posted in the TPP Library for quick reference:

- Tai Poutini Polytechnic forbids the use of its photocopying machines to copy any work where such copying does not fall within the provisions of the Copyright Act.
- Notices to this effect will be displayed near all photocopiers and students will be informed through information handouts and during library orientations.

Photocopies

To comply with the law on copyright, the following rules must be observed by students:

- copying must be for research or private study only
- copying must be for a student's own use and must not be copied for supply to another person
- copying of an unpublished work is forbidden without express permission of the owner(s) of the copyright in such a work
- you must not make more than one copy of any part of a work
- you must not 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
- You must not copy parts of a work so as to avoid purchasing reproductions of the work
- You must not copy significant parts of a work where you already have reasonable access to the work whether by purchase or loan.

Internet

All material on the Internet should be treated a copyright, even if it does not say so, however, students may copy from the internet if:

- a) they have written permission from the copyright owner, or;
- b) it is clearly stated that it is 'Copyright free' *and* the owner is acknowledged through use of APA (American Psychological Association) referencing. See the Document Processing policy for details;
- c) it is public domain material.

When noting copyright permission in a new work, and to acknowledge the copyright owner, users must include:

- the name of the copyright owner;
- the name of the organisation or the URL; and
- the date permission was received or the downloaded date.

Agreement with Copyright Licensing Ltd for Polytechnic Staff

A Copyright Licensing Ltd (CLL) licence allows for multiple photocopying and/or electronic copying of extracts from books, periodicals and journals owned by the licensee. Copied material can be distributed to students in hardcopy form, on CD/DVD or email. It can also be made available on the licensee's password protected intranet or on an electronic whiteboard.

A CLL educational licence allows copying of:

- Up to 10% or one chapter of a book (whichever is the greater);
- Up to 15 pages of all (or part) of a single work contained in a collection or anthology of works, even if the works are published separately;
- One article (or part of an article) from a periodical, additional articles may be copied from the same periodical if they are on the same subject;
- An artistic work (such as an illustration);
- A complete work, only where the work is out of print and unavailable for purchase (authority to photocopy required from CLL);
- Material obtained through the Interloan service if it cannot be obtained from any other source.

Digital Copies:

- Must be identified with source details;
- May not be systematically stored and indexed with the intentions of creating an electronic database of works;
- May not be made available on a publicly accessible website;
- May not be made available to anyone other than students and staff of the licensee.

All extracts may be included in course packs or books of readings as long as the source is correctly identified and they are accompanied by the following Copyright Notice Warning:

Copyright Warning Notice

This material is protected for educational purposes of {LICENSEE} under license. You may not sell, alter or further reproduce or distribute any part of this {course pack/material} to any other person. Where provided to you in electronic format, you may only print from it for your own use in the relevant course of instruction. Failure to comply with the terms of this warning may expose you to legal action for copyright infringement and/or disciplinary action.

Educational compilations and workbooks:

- All extracts copied under licence may be included in in-house compilations or workbooks, provided the source of each extract is appropriately identified.
- Except where small passages of copyright material (accompanied by source identification) are included in in-house compilations or workbooks, all copying should be true to the typographical format of the work copied.
- Licensees may recover the costs incurred in providing photocopies of copyright material to students.

What doesn't the licence cover?

The licence does not permit the copying of the following material, which must be copied in accordance with the Act or with specific permission from the copyright owner:

- Works stipulating that they may not be copied under a copyright licence of this nature;
- Works downloaded from the Internet;
- Printed music (including the words);
- Loose maps and charts;
- Unpublished religious orders of service;
- New Zealand newspapers;
- House journals (publications for employees);
- Photographs and/or illustrations published separately from a work;
- Privately owned work (issued for tuition purposes and limited to a clientele who pay fees); or
- Theses, dissertations and student papers.