



# Copyright Procedures for Staff

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## Purpose

- This document provides detailed procedures to ensure staff comply with Unitec's *Copying of Copyright Works for Educational Purposes Policy*. These procedures provide information about the steps we must follow when we use copyright material in our work at Unitec.
  - Also provided in this document is a:
    - Coversheet to use when preparing reading materials for students; and
    - Sample Permissions Letter to send to a Copyright Owner when seeking permission to use their work.
  - For further information about copyright and who to contact for help see our Copyright Guide for Staff: <http://libguides.unitec.ac.nz/copyright/staff>
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## Scope

This procedure applies to all Unitec staff. This policy does not apply to students at Unitec. Students should be aware, and Unitec will take steps to bring to their attention, that they are bound by the copying limits in the Copyright Act.

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## Procedure

### What our obligations are

1. All staff and contractors of Unitec must comply with:
    - a) the Copyright Act; and
    - b) the licensing agreements that Unitec has entered into with rights organisations or commercial vendors which allow us to exceed the Copyright Act's copying limits;
    - c) Unitec's "Copying of Copyright Works for Educational Purposes Policy".
  2. In addition, all staff and contractors of Unitec must:
    - a) avoid breaching our obligations by acquiring permissions from copyright owners or agents – see sample permission request letter in Appendix B;
    - b) forward any permissions obtained from a copyright owner or agent to the Copyright Officer via email: [copyright@unitec.ac.nz](mailto:copyright@unitec.ac.nz);
    - c) keep accurate records of copying or use, as some of our license agreements commit us to regular surveys of use. This includes recording the full and accurate bibliographic reference of each item copied where multiple copies are made (see guidance on how to do this under 'Reference List' in Appendix A)
    - d) include the text of the relevant Copyright Warning Notice in material we copy/distribute
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(refer to the Sample Coversheet in Appendix A);

- e) include the full and accurate bibliographic reference in material we copy for course readings (to do this use the Sample Coversheet in Appendix A);

2.1. Further specific obligations depending on the type of material copied are set out below.

### 3. Print materials, including newspapers

- a) Our agreement with Copyright Licensing New Zealand (CLNZ) allows us to make multiple copies from hard copy/ print originals of:
  - i. up to 10% of a work or one chapter of a work (other than an article in a periodical), whichever is larger;
  - ii. up to 15 pages of a single work contained in a collection of works (i.e. compilations of short stories, poems, or plays);
  - iii. up to one article from a periodical, or more than one article from the same issue of a periodical where each of those articles copied is on the same subject matter;
  - iv. up to 5 articles per edition from print newspapers and magazines or 5 articles per 24 hour period from online news websites for those publications listed at: <http://www.pmca.co.nz/Licence/Publications> . This does not cover New Zealand material taken from electronic databases, (see 'commercial databases' below) or material taken from the internet, (see 'Material from the internet' below);
  - v. the whole of an out of print work, providing you have CLNZ's permission;
  - vi. an illustration so long as it is part of a published book, or other published copyright work
- b) There are some types of printed copyright material which are not covered by our CLNZ licence. These are listed in Appendix C.
- c) We can distribute copies either in hard copy or electronic format. We can provide electronic copies (e.g. scanning print books or print journal material as a PDF) to Moodle or email but not via an open access website.
- d) We are not allowed to copy from material we inter-loan from another library – please contact [copyright@unitec.ac.nz](mailto:copyright@unitec.ac.nz) for possible exceptions.
- e) In all copying we must adhere to four requirements:
  - i. that all copies we provide have the appropriate 'Copyright Warning Notice' (see Appendix A)
  - ii. that we fully and accurately reference all copies (see Appendix A)
  - iii. that we or our Copy Centre keep accurate records of all copying
  - iv. that a copy is kept of the cover sheet for any course readings where printed material is scanned and put on to Moodle.
- f) The requirements in paragraph 3. (e)(iii) and (iv) are necessary for us to meet our record-

keeping obligations with CLNZ.

#### 4. Transactional Licence

- a) If you wish to copy more than 10% of an item, or copy from material not covered by the CLNZ licence, CLNZ may be able to grant permission under a transactional licence. Please contact the Copyright Officer at [copyright@unitec.ac.nz](mailto:copyright@unitec.ac.nz) if you need to discuss this.
- b) We can do repeat copying from a work within 14 days providing it is for a different course of study.

#### 5. Broadcast materials from TV, radio and cable

- a) Our agreement with Screenrights, allows us to copy, store and communicate to students broadcast materials from television and radio and cable programmes. We can also make copies of “internet AV material” (i.e. films, podcasts or spoken words on radio programmes).
- b) Copies may be stored in any format and made available to students in a class or stored in the library.
- c) Further information can be found on [Screenright’s website](https://www.screenrights.org/screen-audiences/screenrights-licences/new-zealand-educational-licences/) here:  
<https://www.screenrights.org/screen-audiences/screenrights-licences/new-zealand-educational-licences/>

#### 6. Sound recordings, musical works and music video publishing

- a) Our licence agreement with APRA, AMCO and Recorded Music NZ Ltd allows us to:
  - i. perform music in public for educational purposes (for example, use music in lectures and tutorials);
  - ii. communicate music for educational purposes (for example, make it available on Moodle), and
  - iii. copy or reproduce music for educational purposes (for example, reproduce or combine music with video or digital recordings).
- b) Note the licence does not include:
  - i. Performing or using music at an event where Unitec’s premises have been hired to a third party (including a student) - this requires a separate public performance licence.
  - ii. The right to copy print music. For this we have to comply with the terms of the Copyright Act, section 45.
  - iii. Performance of any work in a dramatic context.
- c) Further information can be found on the Copyright Guide for staff:  
<http://libguides.unitec.ac.nz/copyright/staff>

#### 7. Commercial databases and e-resources (electronic journals/articles and books)

- a) Unitec subscribes to many databases and e-resources via commercial vendors. Unitec signs a licence agreement with the commercial vendor for each database/e-resource. These agreements specify the copying entitlements and limits for each database/e-resource
- b) To find out what our copying entitlements are for any article or other information sourced from our databases/e-resources, follow these steps:
  - i. Do you know the name of the database/e-resource?
  - ii. Yes – proceed to step 3
  - iii. Find the journal title in the Library catalogue (<http://library.unitec.ac.nz/Index.htm>)
  - iv. See which database provides access to the journal title by clicking on the tab 'view online' as the journal might be sourced in more than one database.
  - v. Go to our online guide to Vendors' Copyright terms of Use here: <https://guides.unitec.ac.nz/copyright/vc> which will tell you about copying entitlements, including multiple copying, URL linking and embedding PDFs.

## 8. Material from the internet

- a) We have to comply with the terms of the Copyright Act with regard to copying any material from the internet unless the website terms and conditions specifically provides us with permission to use the content, or we get written permission from the copyright owner.
- b) Under section 44A of the Copyright Act we can copy and store electronically web page(s) providing we:
  - i. copy and store the material for an educational purpose;
  - ii. identify the author and source of the work, and state Unitec's name and the date on which the work was stored, and display the material under a separate frame or identifier;
  - iii. restrict use of the material to Unitec's authenticated users;
  - iv. delete the stored material within a reasonable time after it is no longer relevant to the particular course of instruction for which we stored it;this means we can make copies of a web page (or web pages) to store on Moodle provided we meet the requirements listed (a)-(d) above.
- c) We must acknowledge all material we copy, that is, we must reference/attribute correctly all material to show the original source and give credit to the person/entity who created the original.
- d) For more guidance on copying from the internet see the CLNZ knowledge base: <https://knowledgebase.copyright.co.nz/hc/en-us/articles/115003134174-Internet-Material>

## 9. Use of images and other media and Creative Commons

- a) Using images in your presentations and course design is a great way to improve the message

you are trying to deliver. It is important to remember that most images you find online will have some sort of copyright restriction on them.

- b) The Creative Commons makes it easy to comply with copyright restrictions. Many images are available for use via the Creative Commons - you just need to correctly use and attribute what you find.
- c) The Creative Commons also includes other media e.g.: audio, video, text, data etc. Check the particular Creative Commons Licence for the item you wish to use - this will tell you what you are permitted to do, then attribute according to the guidelines.
- d) See the Library Guide on Creative Commons (<https://guides.unitec.ac.nz/creativecommons>) for more information on how to obtain, find, use and attribute Creative Commons materials.

## 10. File Sharing

- a) Do not use or share pirated copies of music or movies, or otherwise breach the Copyright (Infringement File Sharing) Amendment Act 2011 which inserts into the Copyright Act 1994 “a special regime for enabling copyright owners to take enforcement action against people who illegally share copyright works via the Internet” (Copyright (IFS) Regulations 2011, p.10).
- b) Infringement File Sharing is illegal and staff who breach this law will be subject to disciplinary action
- c) See more about illegal file sharing in our Copyright Guide for staff - <http://libguides.unitec.ac.nz/copyright/staff>

## 11. No copyright in legislation and other specified works

- a) The Copyright Act (section 27) states that there is no copyright in the following:
  - i. Parliamentary Bills, Acts and regulations;
  - ii. Bylaws;
  - iii. Parliamentary debates;
  - iv. Select Committee reports;
  - v. Court and tribunal judgements; and
  - vi. Reports of Royal commissions, commissions of inquiry, ministerial or statutory inquiries.

## 12. Copying for purposes of Examination

- a) According to section 49 of the Copyright Act, copyright is not infringed by anything done for the purposes of an examination, whether by way of setting the questions, communicating the questions to the candidates, or answering the questions.

## 13. Duration of Copyright

- a) For most works copyright expires 50 years after the end of the year in which the author dies. There are exceptions to this. See section 22 to 25 of the Copyright Act for more detail.

## Responsibilities

Role	Responsibilities
Director Student Success	<ul style="list-style-type: none"> <li>Copyright Officer responsible for the policy and agreements with licensing agencies</li> </ul>
Manager Resources Library and Learning Commons	<ul style="list-style-type: none"> <li>Ensuring that the policy is adhered to</li> </ul>
Copy Centre Staff	<ul style="list-style-type: none"> <li>Keep accurate records of all copying</li> </ul>

## Definitions

Term	Meaning
"Copy" and "Copying"	"Copy" and "Copying" means making multiple copies of any Copyright Works in order to produce course packs, study guides, class handouts, e-learning resources (including for Unitec's learning management system), and audio and video tapes and includes the playing of music or showing material by way of a data show. Copying also means scanning or downloading material and then distributing or making available that material to other people.
"Copyright Act"	"Copyright Act" means the Copyright Act 1994 as amended from time to time.
"Copyright Work"	"Copyright Work" means a work of any of the descriptions in section 14(1) of the Copyright Act in which copyright exists.
"Educational Purposes"	"Educational Purposes" means activities which are integral, immediate and proximate to the education of students. For the avoidance of doubt, any activities that are undertaken by or for Unitec on any of its campuses are presumed to be integral, immediate and proximate to the education of students.

## Reference Documents

- [1] [Copying of Copyright Works for Educational Purposes Policy \(Copyright Policy\)](#)
- [2] Guide to [Vendors' copyright terms of use](#) : <http://libguides.unitec.ac.nz/copyright/vc>
- [3] [Sample coversheet for course reading/s](#)
- [4] Sample [Permissions letter to copyright owner](#)
- [5] [Copyright Guide for staff](#) - <http://libguides.unitec.ac.nz/copyright/staff>
- [6] [Copyright Act 1994](#)
- [7] [Creative Commons Guide](#): <https://guides.unitec.ac.nz/creativecommons>

## Appendices

- **Appendix A:** The Cover sheet for course reading/s. We must fill out one of these to indicate we have:
  - a) completed the declaration and provided a full and accurate bibliographic list
  - b) included the relevant Copyright Warning Notice
- **Appendix B:** Permission letter to the copyright owner
- **Appendix C:** CLNZ excluded works

## Approval Details

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<b>Procedure Sponsor (Has authority to approve minor amendments)</b>	Executive Director - Finance	<b>Procedure Owner:</b>	Director Student Success
<b>Contact Person</b>	Anna Wheeler	<b>Date of Next Review</b>	March 2023



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**AMENDMENT HISTORY**

Version	Issue Date	Reason for Revision	Approved by
1	09/09/2011	Brand new document – 1st edition	Directorate Team
1.1	27/11/2012	Minor changes to reflect new licensing agreement signed with APRA/AMCOS and PPNZ Music Licensing	Executive Director, Finance & Infrastructure
1.2	14/05/2015	Formal periodic review –includes changes to reflect Unitec's obligations under current licensing agreements	Executive Dean, Academic Development
2	March 2020	Formal periodic review –includes changes to reflect Unitec's obligations under current licensing agreements	Executive Director, Finance

## APPENDIX A. SAMPLE COVERSHEET FOR COURSE READING/S

Yes

I have read Unitec's Copying of Copyright Works for Educational Purposes Policy

☐

I have read Unitec's Copyright Procedures for Staff

☐

Signed .....

Course name and number .....

Date .....

**Reference list**

List all items here with their full and accurate bibliographic reference. For example, the reference for a journal article has these elements: Authors(s) of the article; Title of the article; Name of the journal; Year of publication; Volume; Issue; Pages.

Use the following links to the library guides to check your referencing style.

[APA Referencing Guide](#)

[Chicago Referencing Guide](#)

**Copyright warning notice**

Choose the relevant notice below and delete those that are not needed. Use more than one notice if your copying comprises more than one medium.

**For copying Print Materials including newspapers - CLNZ**

This material is protected by copyright and has been copied by and solely for the educational purposes of Unitec Institute of Technology under licence

**For copying from commercial databases**

If the commercial database vendor allows multiple copies ensure you include their copyright notice that come with each PDF in your copying.

**For copying from the internet**

This copying is made for Unitec Institute of Technology for educational purposes and complies with the copyright entitlements in the Copyright Act 1994.

**For copying broadcast materials from TV, radio and cable – Screenrights**

This material is protected by copyright and is made for Unitec Institute of Technology for educational purposes in compliance with Unitec's licence agreement with Screenrights.

**Title of Broadcast**

**Date of Broadcast**

**Date this copy was made**

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 by Unitec.

**For copying music, or sound and music video recordings**

These materials may be used for educational purposes. They include extracts of copyright video works copied under copyright licences. You may not copy or distribute any part of this material to any other person.

Where the material is provided to you in electronic format, you may download or print from it for your own use. You may not download or make a further copy for any other purpose. Failure to comply with the terms of this warning may expose you to legal action for copyright infringement and/or disciplinary action by Unitec.

**APPENDIX B. SAMPLE PERMISSIONS LETTER TO COPYRIGHT OWNER**

To print a copy of this letter click [here](#)

Copyright owner  
SYZ Company  
Address  
Country

Unitec staff member  
Department

Dear [copyright owner's name]

Unitec is a tertiary education institution which offers certificates, diplomas undergraduate and post graduate degrees in professional and vocational education.

We would like to request permission to copy (Author, Title, Publisher, Date or URL details if on the internet)

The item will only be accessed by authorised Unitec staff and enrolled students, and will be used solely for educational purposes.

We would also like to ask your permission to allow multiple copying of the item, within the bounds described above, eg a class of students, approximately [??] in number, studying a particular course, for the duration of that course.

We hope to receive your permission as copyright holder in order to allow us to update our teaching resources.

If you agree to this request we would ask you to complete and sign the attached form and return it to me at the address given below.

I would be pleased to discuss this proposal with you further, if required.

Yours faithfully

I, \_\_\_\_\_, full copyright owner of

\_\_\_\_\_,

authorise Unitec to copy parts, or all, of the above named resource for educational purposes including making multiple

copies by Unitec authorised staff and Unitec-enrolled students as per the covering letter attached to this form.

Signed as copyright owner \_\_\_\_\_

Full name \_\_\_\_\_

Dated \_\_\_\_/\_\_\_\_/\_\_\_\_

**APPENDIX C: CLNZ EXCLUDED WORKS**

Below is a list of items not covered by our Copyright Licensing New Zealand (CLNZ) agreement regarding copying of print materials

1. Theses, dissertations and student papers;
2. Works downloaded from the Internet;
3. Loose maps and charts;
4. Unpublished religious orders of service;
5. House journals and other free publications primarily for employees of commercial businesses, industrial undertakings or public services;
6. Illustrations and/or photographs that do not come within the provisions of clause 2.4 of Schedule 2;
7. Any work on which the copyright owner has prominently stipulated that it may not be copied under any copyright licence;
8. Privately owned documents issued for tuition purposes and limited to clientele who pay fees;
9. Course materials developed and owned by the Open Polytechnic of New Zealand.
10. Printed music (including the words).