

Copyright Information for Wintec Teaching Staff

April 2011

What is Copyright?

- Legal ownership of property by the person who wrote or created the item, or their employer.

And why?

- Copyright law is there to balance the rights of creators to earn a living from their works against the need for public access to their work. It provides certain "statutory exceptions" that permit copying or use of a work where that use does not prejudice the legitimate interests of the copyright owner.

The copyright symbol

- Copyright protection is automatic. Works don't need to be registered. However use of the copyright symbol identifies the author and reminds people that the work is protected by copyright, for example: © Joe Bloggs, 2011

Why is copyright important?

- The right to use copyright material in our teaching is critical to our ability to deliver current and relevant teaching resources, handouts, workbooks, copyright content on Moodle etc.
- Copying copyright material outside the terms of our copyright licence (“infringing”) is breaking the law, as is allowing other people to copy without permission.

What is Copyright Licensing Ltd.?

- A non-profit organisation which collects fees on behalf of the copyright owner for the use of their material.
- A proportion of the fees also go to fund Copyright Licencing's awards and scholarships for authors.
- We pay an annual fee to Copyright Licencing, which pays the copyright owners for the use of their material.

Why is Copyright Licensing important to us?

- Our licence allows us to copy more of a book or journal for teaching (e.g. 1 book chapter or 1 article in a journal; or about 10%) than the Copyright Act (1994) permits (3%).
- It also allows us to make copies of those for *each* student in a class for hand outs or workbooks, for every year the class is running.
- If we had no copyright licence only copying allowed by the Copyright Act would be allowed, which is 3% of a book or journal and no multiple copies for classes at all.

Wintec's expectations

- Wintec staff are expected to comply with our copyright licences and the Copyright Act (1994), which includes the Copyright (New Technologies) Amendment Act (2008), at all times.
- Infringements of the Copyright Act and our copyright licence, or our other licences, are not permitted under any circumstances.

How do I recognise copyright material?

- Items are copyright as soon as they are publicly available.
- Copyright lasts 50 years after the author's death, or 100 years for the government.
- Out of print items are still covered by copyright.
- The copyright symbol © does not have to be used to show copyright. Items are copyright even without it.
- Material on the Internet is also copyright, even if it doesn't say so.

Copyright protects original works of authorship, including the following:

Literary works, e.g.: novels, poems, lyrics, e-mails and letters
Dramatic works
Musical works
Artistic works, e.g.: paintings, photographs, sculptures, architectural
Film
Sound recordings
Communication works, e.g. broadcasts and internet transmissions
Computer software
Performances

What isn't protected by Copyright?

ideas
concepts
information
styles
single words, names, titles, slogans (although these may be protected in other ways, for example trademarks)
some government documents such as statutes
work in the Public Domain (copyright in a work has expired and the work can be freely reproduced, performed or used without needing permission from the copyright owner)

What can I copy?

What is covered by copyright?

- Everything likely to be used in our teaching is copyright; some examples are:

Text e.g.	Pictures e.g.	On the Internet e.g.	On the Internet e.g.
Books (even if out of print)	Photographs	<ul style="list-style-type: none">• Web pages	<ul style="list-style-type: none">• Images, photographs
Journals, magazines	Cartoons, diagrams	<ul style="list-style-type: none">• Blogs	<ul style="list-style-type: none">• Cartoons
Newspapers	DVDs, CD ROMS, videos, movies	<ul style="list-style-type: none">• Wikis	<ul style="list-style-type: none">• Images, graphics
Music	Art works	<ul style="list-style-type: none">• Discussion forums	<ul style="list-style-type: none">• Games
Letters, documents, word files etc	Images, graphics, clip art	<ul style="list-style-type: none">• Electronic books, journals etc	<ul style="list-style-type: none">• DVDs, CD ROMS, videos, movies
Computer programmes, games etc	Drawings, plans	<ul style="list-style-type: none">• Chat rooms	<ul style="list-style-type: none">• Drawings, plans

Can I copy copyright material?

- If our licences from Copyright Licencing Ltd or Screenrights permit it, *or*
- You have permission from the copyright owner.

What does our copyright licence allow?

Permission to copy for teaching

- Written material (text) in books and journals
- Diagrams/pictures only if included with text

Creative Commons License

- Any item bearing a **Creative Commons license** is able to be reused, subject to any restrictions stated.

What cannot be copied under our copyright licence?

- Pictures - photographs, graphics, cartoons, diagrams, clip art, illustrations, videos, movies etc (unless if included with the surrounding text in a book or journal, or on TV & covered by our Screenrights licence)
- Newspapers
- Electronic and digital formats - software, CD ROMS, DVDs, Internet sites, music etc.

Difference between the Copyright Act and Copyright Licensing?

- The copyright licence extends authorised copying allowed under the Copyright Act, particularly multiple copies.
- The Copyright Act 1994 may be accessed through the Library website on Lexis Nexis database

<http://ezyproxy.wintec.ac.nz/login?url=http://www.lexisnexis.com/nz/legal>

What if there is a difference between our copyright licence and what the Copyright Act allows?

- We comply with our copyright licence, even if additional copying may be permitted under the Copyright Act.

Copying every 14 days?

- According to CLL, this is not to be undertaken, nor is copying once per semester. Up to 10% may be undertaken per class per academic year. The whole of a work may not be copied over a period or under usual copying for teaching purposes.

Can I copy from the Internet?

- If the material says it is “copyright free” and you acknowledge the copyright owner
- or*
- You have permission from the copyright owner.

How much can I copy?

How much can I copy for teaching under the CLL licence?

- Up to 10% or 1 chapter of a work (whichever is larger) for a particular group of students in one academic year
- One article from a periodical (journal, serial), or additional articles from the same periodical if they are on the same subject

How much can I copy? Cont.

- Up to 15 pages of all or part of a single work in a collection of works, even if the works are published separately
- one copy of an item for each student and tutor in the class in any year, with a 10% margin for spare copies and replacements
- An artistic work (e.g. illustration) only where copied as part of a textual work and where it is an integral part of that work
- A complete work, only where the work is out of print or unavailable (subject to prior written approval from Copyright Licensing Ltd)
- A complete work, or part of, providing that the copying is done for the purpose of instruction, by the instructor or the student, and the copying is done by hand – s.44(2)

Can I copy the whole item?

- Not unless it is not possible to buy it
 - in sufficient quantity **and** within a reasonable time **and** at a normal price **and**
 - you have prior written approval from Copyright Licensing **or** you have permission from the publisher

What can I copy from the Internet?

- All material on the Internet is copyright, even if it doesn't say so
- Material that is marked “copyright free” may be copied
- Permission from the author/website owner **must** be confirmed for anything that is not marked copyright free
- In either case a note should be made with the item in the hand out/ workbook, Moodle etc. on the details and date of the permission from the website/ owner
- A reference to a URL may be included in hand-outs etc.

What can I copy from the Internet?

- There is copyright in most types of material on the **Internet**. If copying any online material it is wise to seek permission from the copyright owner. Please note that URLs do not carry copyright so, if in doubt, send a link that may be accessed by your students.
- You may store material from a website, provided this is done for educational purposes, all identifying information is provided including Wintec's, access is restricted to authenticated users and is removed after its relevancy to the course of instruction has ceased.

How do I get permission from the copyright owner?

- Identify the copyright owner by
 - checking the website for page owner information
 - finding the publisher of books/journals/newspapers
- Contact the library for assistance if it is not clear who the copyright owner is or how to locate them.
- Explain what you are requesting permission for e.g. workbooks, and why. Be clear on whether you want permission for a one time use (e.g. PowerPoint) or multiple copies.

Documenting permission to copy

- Note the permission details on the item
 - Who gave permission e.g. A. Brown, Publication Manager, XYZ Publishing Contact details for the copyright owner
 - Date of permission

Noting permission for copyright use

Material on the Internet is often “copyright free” or “public domain” if -

- It is copied for educational purposes
- The owner or creator is acknowledged.
- The internet site may have the owner’s copyright requirements and these should be followed.
- Requirements may be different for printed material and websites.
- Websites may require a link to the copyright owner’s page.

When noting copyright permission include

- The name of the copyright owner
- The name of the organisation or URL
- Date permission received or downloaded date.

Be aware that “royalty free” is not necessarily copyright free, and copyright ownership must still be acknowledged.

Many internet sites or copyright owners specifically forbid “commercial use” which they may define as multiple copies e.g. workbooks, or material which is sold.

Clip art copyright permission may exclude multiple copying, so single use in PowerPoint may be permitted but use in hand-outs may not be.

Example of note on copyright use permission

Permission to use for educational purposes received from A. Smith, Job Title or Copyright Owner, XYZ Organisation, date.

Or the wording specified by the copyright owner e.g.



"Photo courtesy of Wildlife-Pictures-Online.com" .Copyright

Scoth Macaskill. <http://www.wildlife-pictures-online.com/image-files/xzeb11.jpg>

Accessed 26 November 2010.



ELISEO GATCHALIAN

Library
Innovation & Excellence Award

WINTEC
STAFF
AWARDS



Permission to use for educational purposes received
2 from A. Smith, Copyright Owner, A. S. Photography Ltd.,
21 February 2011

Request for permission to copy copyright items

Copyright Owner

SYZ Company

Address

Country

Wintec Staff Member

School/Department

Dear *Copyright Owner's Name*

The Waikato Institute of Technology (Wintec) is a tertiary education institution which offers undergraduate and post graduate degrees, diplomas and certificates 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 be only be accessed by authorised Wintec staff and Wintec-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, i.e. a class of students 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

ABC

Copyright Owner Permission Form

Copyright holder name

I, _____, full copyright
owner of

Name of item

_____, authorise Wintec to copy parts, or all, of the above-named resource for educational purposes including making multiple copies by Wintec authorised staff and Wintec-enrolled students as per the covering letter attached to this form.

Signed as Copyright owner

Signature

Full Name

Dated ____/____/____

Can I copy programmes from the TV?

- Our licence from Screenrights allows us to copy programmes from both pay and Free to Air television (including Sky) to use in our teaching e.g. to show to classes, put clips on Moodle, include in handouts.
- All items must be marked as having been copied under our Screenrights licence agreement
“Made for Wintec’s Educational Purposes Only. Title of Broadcast. Date of Broadcast. Date This Copy Made.”

Screenrights Licence

Established under the provisions of the NZ
Copyright Act

With a Screenrights licence, you can **make**
copies, **communicate** copies and **store** copies:

- Copy any programme, anytime, anywhere
- Copy entire programmes or excerpts
- Make copies of copies
- Copy in any format - VHS, CD, DVD, hard disk
- Show copies in class
- Keep copies in the library as a resource

Copying not covered by Screenrights

- Our Screenrights License does not permit the copying of pre-recorded material, such as bought or hired videos/DVDs. Copying this material without permission from the copyright owner might infringe copyright.
- Format shifting of audio-visual material also requires the consent of the copyright owner.

Questions You Have Asked 2011

(See attached presenter)