

# COPYRIGHT FOR STUDENTS

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## What is copyright?

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The term “copyright” refers to a bundle of exclusive rights given by Parliament to owners of original works like books, films and sound recordings.

Copyright owners have exclusive rights in relation to their work to:

- **copy** - reproduce, scan, record, download and store
- **issue copies to the public** – publish or distribute
- **perform, play or show** the work in public
- **communicate their work to the public** including radio and television broadcasts and internet webcasts
- **adapt** including translating the work from one language to another

## Who owns copyright?

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You own copyright in the material you produce which is your own original work.

The essay you write may contain your words and ideas, but it may also contain the works of others such as quotes, images, graphs, and maps. The copyright in these works will belong to other people meaning there can be multiple owners of copyright in a single work. Another example is film, where there will be copyright in the moving image, the performances, the music and the screenplay.

If your research is funded by an external agent you may not own copyright in materials produced as a result of that research: the terms of the research contract will set out who owns copyright in the work produced and you may need to get permission to use that work in your thesis or dissertation.

You also may not own copyright in your own work if you have assigned copyright to another person, for example, copyright in a journal article to a publisher. See the paragraph headed “Publishing your work” below.

## How do I obtain copyright?

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In New Zealand, creators of an original work obtain copyright automatically and you do not need a copyright symbol, or to register the work, for it to be protected. Your right to the work you have created is also protected under the [University of Auckland Intellectual Property Created by Staff and Students Policy](#).

## How do I avoid infringing other peoples work?

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### Copying for assessments and examinations - acknowledge other people's work

While you are permitted under the Copyright Act 1994 to copy another person's copyright work (third party copyright) and include that in the work you produce for assessment or examination purposes, there are conditions that must be fulfilled:

1. You must fully attribute the other person's work in accordance with the requirements of your discipline; and
2. The permission does not apply if you "publish" or "communicate" your work outside the University for purposes other than assessment or examination of the work.

### Make sure you have permission to use other peoples work

The examination provisions of the Copyright Act don't apply if you are publishing your work. Depositing a digital copy of your thesis or dissertation in the University's digital repository "ResearchSpace", is a publication because it is posted online and is made available to the whole world. Prior written permission to allow your work to be made publicly available must be obtained from the copyright owners where your thesis includes a copy of:

- (a) a "whole work" – a photograph, short story, poem, diagram, chart, graphic or image is considered to be a "whole work" and is not just a part of the publication in which it appears; or
- (b) a "substantial" part of a work – a copy of a part of a work is considered substantial if it represents the essence or an important or significant part of that work, however a short quote for academic purposes is unlikely to be considered "substantial".

You will require permission to copy works, including works posted on the internet, unless the author has clearly stated that the work may be copied and posted on the internet or otherwise published.

### Take care with material provided to you by your lecturers

Many of the materials you are provided with as part of your studies, such as a chapter from a book or a journal article are copied under special copyright licences paid for by the University. You can print a copy for yourself if the material is in electronic form, but you cannot make extra copies or share with others unless one of the exceptions set out below applies. This means you cannot post these materials on social media sites such as Facebook even if it is for study purposes.

Lecturers own copyright in their lectures. You **must not record those lectures without permission and you must not share those recordings** without permission or post them on the Internet.

## When can I copy a work without obtaining permission from the copyright owner?

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You may only copy a work without permission if:

1. Copyright has expired; or
2. The author has made the work available under a licence which permits you to post the work on the internet such as a Creative Commons licence.
3. The copying is fair i.e your use clearly falls under one of the fair dealing exceptions in the Act such as fair dealing for the purpose of criticism and review
4. Works are not protected by copyright; or
5. Copying is permitted under the Act; or

### 1. Copyright has expired

Material in which copyright has expired may be freely copied and published.

The term of copyright varies depending on the type of work protected.

- Literary (written, spoken or sung works, includes tables or compilations, computer programmes and introductions to and annotations in new editions of books, journal articles and poems in which copyright has expired); dramatic (includes dance and film scripts or scenarios); and musical or artistic works (includes industrial designs, buildings, graphic works, photographs) are protected for 50 years from the end of the calendar year in which the author dies.
- Sound recordings and films are protected for 50 years from the end of the calendar year in which the film is made or made available to the public whichever is later.
- Communication works (works made available on the Internet or broadcast on TV or radio) are protected for 50 years from the end of the calendar year in which the work is first communicated to the public.
- Typographical arrangement or copyright in the layout or design of the page including the arrangement of images on the page (typically a published book or journal), remains protected for 25 years from the end of the calendar year in which the work was first published.
- Works of unknown authorship - if it is not possible to ascertain the identity of the author by reasonable inquiry and it is reasonable to assume that the author died more than 50 years ago then copyright has likely expired and you may freely use the work. This does not apply to unpublished works of unknown authorship. Copyright in these works does not begin to expire until the beginning of 2046.

Note that if you intend publishing articles or a book overseas you may need to get permission to use work which is in the public domain in New Zealand but may not be in other countries, as in many other countries including Australia, the United States and European Union, copyright expires 70 years following the death of the author.

### 2. The Work is made available under licence

An author may make works available under a licence such as a Creative Commons licence. Not all material is freely available for copying. There are 6 main Creative

Commons licence types. More information about Creative Commons licences can be found here:

<http://www.creativecommons.org.nz/licences/licences-explained/>

A useful resource for finding out whether or not you are free to use that image you found on the Internet can be found on the 2Learn.ca Education Society website: <http://www.2learn.ca/ydp/copydigital.aspx>

### 3. The copying is fair

Some uses can be made of a work under the fair dealing provisions of the Copyright Act. This means a use from which society gets a benefit and which doesn't unfairly prejudice the rights of a copyright owner. The fair dealing provisions include copying for private study and research and copying for the purposes of criticism and review.

#### *Private study and research*

You can make a single copy of a work or part of a work for your own private study and research. There is no set amount which can be copied. However, if you are copying so much of a work that you should have bought a copy then that won't be considered fair (unless the work is out of print and you cannot obtain a copy within a reasonable time period and for a reasonable price). Making a copy of a single journal article and a chapter from a book would likely be considered fair if you were doing the copying for academic purposes.

#### *Criticism and Review*

There is no clear formula for the amount which can be copied under this provision. This will depend on the particular circumstances of the use and the nature of the work. If you would like more information about making copies under this provision of the Copyright Act please refer to page 10 of the [Guide to Theses and Dissertations](#)

Any works copied under this provision of the Act must be accompanied by sufficient acknowledgment. This means the work must be identified by its title or other description and by its author (unless the work has been published anonymously or it is not possible by reasonable inquiry to ascertain who the author is).

### 4. Works not protected by Copyright

Under section 27 of the Copyright Act no copyright exists in any of the following New Zealand Crown works which may be copied freely:

- Bills and Acts of Parliament
- Regulations and bylaws
- Reports of Select Committees
- New Zealand Parliamentary Debates
- Judgments of any New Zealand court or tribunal. Note: Head notes are protected by copyright and may not be copied without permission

- Reports of New Zealand Royal commissions, commissions of inquiry, ministerial inquiries or statutory inquiries.

Note: This does not extend to legislation, judgments or reports from outside New Zealand.

## 5. Copying permitted

Under the Copyright Act the following works may be copied without infringing copyright:

- Abstracts of scientific or technical articles
- Buildings and sculptures permanently on public display may be drawn, photographed or filmed but you cannot copy another person's drawing, photograph or film of those works
- Descriptions and photographs of medicines imported by Pharmac, DHB or other NZ government agency.

### How do I obtain permission to use a work?

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If you are unsure whether you need to obtain written permission you will need to check with your supervisor, or Head of Department who may be able to assist you. A draft letter which can be used to request permission from the copyright owner to use the work is available on page 14 of the [Guide to Theses and Dissertations](#).

You should always get written permission to use a work. An email is fine, so long as you have taken reasonable steps to ensure you are communicating with the person who controls the copyright. However, if you urgently need to obtain permission then you can fast track the process by obtaining permission by phone. You should ensure you write down the time and date of the call, the name of the person giving permission and the extent of the permission being given. You should follow this up with a formal request in writing to have written confirmation of the permission which has been given.

If you have been unable to obtain permission to reproduce material or your thesis or dissertation contains confidential information that should not be made available to the public then consult the ResearchSpace administrator for information on the options available to you.

### How do I retain the right to use my work again if it's published?

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Although you own copyright in your own work in the first instance you may transfer ownership of copyright to another person by assigning it. The assignment must be in writing and signed by you. Traditionally copyright is assigned to the publisher in exchange for publishing a work. Once you have assigned copyright to the publisher **you give up all of your rights to that work**. This means that without the permission of the publisher you cannot print the work and distribute it to your colleagues; or post the work on your personal website or in the University's repository.

If you are publishing your work and would like to include that work in your thesis then you will need to either ensure that you retain copyright in your work or the right to deposit your work in ResearchSpace. You can do this by either giving the publisher a non-exclusive licence to publish your work; or including in the contract with the publisher the right to include the work in your thesis and deposit that thesis in ResearchSpace. If you are planning to publish your work then the [Copyright Toolkit for Academic Authors](#) (provided as an Appendix to *Understanding Open Access in an Academic Environment* published by Queensland University of Technology) provides a useful resource and will help you to determine the best way to retain the rights to use your own work as necessary.