Frequently asked questions on copyright entitlements 2018

This guide contains advice to staff about copyright entitlements when making multiple copies to provide to students.

For further information please contact
Bridget Knuckey, Copyright Officer, ext 3241
Email b.knuckey@witt.ac.nz
CONTENTS

What is copyright?

Your entitlement to copy

Questions and Answers

- Acknowledgement
- Changing format
- Collected Works
- Crown Copyright
- Examinations
- Hard Copy/Print Books (excluding Collected Works)
- Hard Copy/Print Journals
- Interloans
- International Newspapers
- Internet
- Music
- Moodle
- New Zealand Newspapers
- Penalties
- Screen Dumps
- Tables/pictures
- Videos/DVDs
- YouTube

Acknowledgement: Based on 'Frequently asked questions on copyright entitlements 2015' and used with permission from Unitec Institute of Technology.
What is Copyright?

Copyright refers to the rights of an author or creator and is automatically given to control the copying, distribution and adaptation of their work.

The following works are covered:

- **Literary works** including text such as emails, training manuals, novels and song lyrics, tables and compilations including multimedia works, and computer programs
- **Dramatic works** including dance, mine and film scenarios or scrips
- **Musical works** including the score and sheet music
- **Artistic works** including paintings, drawings, diagrams, maps, models, photographs and sculptures
- **Sound recordings** separate to the actual music or story
- **Films** for any genre or format, separate from the underlying script, music or broadcast
- **Communication works** including radio and television broadcasts and internet webcasts
- **Typographical arrangements of published editions** covering the layout of the edition derived from a complete or partial literary, dramatic or musical work.

The rights last for 50 years from the end of the year of the death of the author.

If the author is a corporate body/organisation (e.g. Ministry of Education), then copyright lasts 100 years from the date of creation.

Copyright does not have to be registered and the copyright symbol does not have to appear on a work.

Copyright can be sold or licensed to others.

Your entitlement to copy

We must

1. comply with the [Copyright Act](#) and when our licensing agreements with rights organisations or commercial vendors allow us to exceed the Act’s copying limits, comply with those.
2. comply with [WITT’s Staff Code of Conduct](#)
3. keep accurate records of our copying, as some of our license agreements commit us to regular surveys of use.
4. include the text of the relevant Copyright Warning Notice in material we copy.
5. include the full and accurate bibliographic reference in material we copy
6. forward any permission of a copyright owner to copy their work (for example, a chapter of an out of print book) to the Copyright Officer and include a copy of the permission in the reading list
QUESTIONS AND ANSWERS

Acknowledgement

Under the Copyright Act 1994 any copying of material must be acknowledged to show where the material comes from.

For a chapter from a book the following elements should be included:

Author(s) of chapter
Title of chapter
Editor(s) of the book
Title of the book
Year of publication
Edition (if not the first)
Place of publication
Publisher
Pages

For a journal article the following elements should be included:

Author(s) of the article
Title of the article
Name of the journal
Year of publication
Volume
Issue
Pages

For a website the following elements should be included:

Author of the page (if given)
Title of the webpage
Publication date
Date retrieved
URL

Use the following link to the Library website to check your referencing style.

APA Referencing Guide
Changing format

The adaptation of a work is something that cannot be done without permission of the copyright holder.  *Changing format is not permitted.*

Collected Works

**YOU MUST ACKNOWLEDGE ALL MATERIAL YOU COPY**, ie you must reference correctly all material to show where it has been taken from.  See acknowledgement (page 4) for further information.

If a book contains a collection of short stories or poems by the same or different authors, each item is considered a work in its own right.

*What can I copy from a collection of short stories or poems?*
Under the CLL license you may copy 15 pages of a short story or poem for any one course for students.

*Can I put copies onto Moodle?*
Yes.  Under the CLL license you many copy 15 pages of a short story or poem for any one course for students.

*Can I put copies onto CDs?*
Yes.  Under the CLL license you many copy 15 pages of a short story or poem for any one course for students.

Any multiple copies made from a printed book must be done by the Copy Centre to meet our agreed recording obligations with the CLL.

Crown Copyright

Crown copyright refers to a work made by a person employed by or contracted by the crown to produce the work, and copyright lasts for 100 years.  Refer to the relevant section of this guide depending on the material type you are using for copyright allowance.

The following crown publications do not have any copyright on them

- Bills
- Acts
You may make photocopies of part or all of these works mentioned above provided you acknowledge where the material comes from.

**Examinations**

Under the Copyright Act 1994 anything done for the purpose of setting an exam or writing it will not breach any copyright. This does not apply if the exam paper is used for teaching purposes.

**Hard Copy/Print Books (excluding Collected Works)**

Copying can only be done from material that is in the Library, owned by a Department or is your personal copy. Copying of interloaned material is not allowed. Please discuss your requirements with the [Copyright Officer](mailto:copyright@library.uow.edu.au).

**YOU MUST ACKNOWLEDGE ALL MATERIAL YOU COPY**, ie you must reference correctly all material to show where it has been taken from. See acknowledgement (page 4) for further information.

The following FAQs does not include material copied from a collection of poems or short stories. See Collected Works for further information.

*What can I copy from a book?*
Under the Copyright Licensing Limited license you may copy for students, one chapter or 10% of a book, whichever is the greater for any one course.

*Can I make multiple copies of a whole book if it is out of print?*
You can only copy a whole book if it is out of print and no longer available through any other commercial source. You must have permission from the CLL to do this. To obtain this permission please talk to library staff and we will contact the CLL on your behalf.

*Can I put copies onto Moodle?*
Yes. Under the Copyright Licensing Limited license you may scan and put on Moodle, one chapter or 10% of a book, whichever is the greater for any one course for students. You must acknowledge the document.

**Any multiple copies made from a printed book must be cleared by the Copyright Officer to meet our agreed recording obligations with the CLL.**
Hard Copy/Print Journals

Copying can only be done from material that is in the WITT Library, owned by a Department or is your personal copy. Copying of interloaned material is not allowed. Please discuss your requirements with the Copyright Officer.

YOU MUST ACKNOWLEDGE ALL MATERIAL YOU COPY, i.e. you must reference correctly all material to show where it has been taken from. See acknowledgement (page 4) for further information.

What can I copy from a journal?
You may copy one article per issue per course.

Can I copy a whole journal issue?
No

Can I put copies onto Moodle?
Yes. You may copy one article per issue of a journal per course.

Can I put copies onto CDs?
Yes. You may copy one article per issue of a journal per course.

Any multiple copies made from a printed journal must cleared by the Copyright Officer to meet our agreed recording obligations with CLL.

Interloans

If I have interloaned an item can I make multiple copies from it?
NO. Multiple copies can only be taken from material owned by the Library, the Department, or your personal copy.

International Newspapers

These are covered by the CLL license and should be treated as Hard Copy/Print Journals. Copying can only be done from material that is in the Library, owned by a Department or is your personal copy.

YOU MUST ACKNOWLEDGE ALL MATERIAL YOU COPY, i.e. you must reference correctly all material to show where it has been taken from. See acknowledgement (page 4) for further information.
Internet

Copies of a page or pages from a website may be stored by educational establishments provided that:

1. The material is stored for an educational purpose
2. The material is displayed under a separate frame or identifier, identifies the author and source of the work and states WITT’s name and the date on which the work was stored.
3. The material is restricted to use by WITT’s authenticated users, defined as participants in the course of instruction for which the material is stored, who can access the stored material only through a verification process.
4. The stored material is deleted within a reasonable time after the material becomes no longer relevant to the particular course of instruction for which it was stored. It may not be archived and used for any other course.

YOU MUST ACKNOWLEDGE ALL MATERIAL YOU COPY, i.e. you must reference correctly all material to show where it has been taken from. See acknowledgement (page 4) for further information.

Can I make multiple copies of pages from a website?
You may copy 3% of a webpage (i.e. what you can scroll down). For articles or documents on the internet you may do 3% or three pages whichever is greater as long as it does not copy the whole work. Some websites will allow multiple copying of full articles or documents for educational purposes but there has to be a clear statement to this effect on the website. You may also write to the owner of the website seeking permission to do multiple copies.

Can I put copies of web pages onto Moodle?
Yes, you may make copies of web pages(s) to store on Moodle provided you meet the requirements listed a)-d) above. We strongly recommend putting a link to the webpage rather than copying material from a website.

Moodle

YOU MUST ACKNOWLEDGE ALL MATERIAL YOU COPY, i.e. you must reference correctly all material to show where it has been taken from. See acknowledgement (page 4) for further information.

What can I put on Moodle?

1. Books: If the Library, Department, or you, owns a hard copy of a book, one chapter or 10% of a book, whichever is the greater for any one course, may be scanned and put on Moodle

2. Journals: If the Library, Department, or you, owns a hard copy of a journal, one article per issue per course may be scanned and put on Moodle. If the article is taken from one of
the Library’s Electronic databases please check with the Library team to see what your entitlements are.

3. Internet: You can put the link (URL) on Moodle to allow your students to access the site. Copies of a page or pages from a website may be stored by educational establishments provided that:

   a) The material is stored for an educational purpose
   b) The material is displayed under a separate frame or identifier, identifies the author and source of the work and states WITT’s name and the date on which the work was stored
   c) The material is restricted to use by WITT’s authenticated users, defined as participants in the course of instruction for which the material is stored, who can access the stored material only through a verification process.
   d) The stored material is deleted within a reasonable time after the material becomes no longer relevant to the particular course of instruction for which it was stored. It may not be archived and used for any other course.

Music

The OneMusic license allows staff and students to use music in the following way:

1. Perform music in public for educational purposes, including lectures, tutorials and polytechnic events where there is no charge for entry.
2. Make music available including via secure intranets, learning management systems and mobile networks for educational purposes
3. Copy or reproduce music for educational purposes, including combining music with video or digital recordings

The following warning must be included on any copy made

These materials may be used only for educational purposes. They include extracts of copyright works copied under copyright licenses. 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 WITT.

Can I copy a whole piece of music?
Yes.

Can I put copies onto Moodle?
Yes.
Can I put copies onto CDs?
Yes.

New Zealand Newspapers

YOU MUST ACKNOWLEDGE ALL MATERIAL YOU COPY, ie you must reference correctly all material to show where it has been taken from. Click the following link, Acknowledgement to get further information regarding acknowledgement.

What can I copy from a newspaper?
You may copy up to 5 articles from any one issue of a hard copy newspaper at any one time

Can I copy a whole newspaper issue?
No

Can I put copies onto Moodle?
Yes, you can scan a copy of up to 5 articles from any one issue and put it on Moodle.

Penalties

What happens if I break copyright?
There are risks to you and to WITT if you do not comply with Copyright. A fine could be as much as $50,000, which does not include the legal fees and staff time involved.

Screen Dumps

Computer programs are protected by copyright. If you are just using a few screen dumps to illustrate a teaching point it is unlikely to cause a problem. If you are concerned about the number of screen dumps you have to use, you would need to contact the producer of the programme to ask for permission.

Tables/pictures

Tables/pictures taken from hard copy books may be included in multiple copies as long as they have acknowledgement. See acknowledgement (page 4) for further information.

If the tables/pictures are taken from a journal or the internet, the surrounding text must be included as well as the acknowledgement.
Videos/DVDs

You may play original copies of recorded music and videos/DVDs at WITT for educational purposes.

You are not allowed to:

Change the format of a video to DVD (or vice versa).
Make backup copies or multiple copies of commercial bought video/DVDs or recorded music.

You must ensure that if you are using a video/DVD that the material in it clearly links to a learning outcome as documented in a lesson plan.

YouTube

The YouTube Help webpage states that:

- If you taped it off cable, videotaped your TV screen, or downloaded it from some other website, it is copyrighted and requires the copyright owner's permission to distribute or can only be used within the limits of legal exceptions to copyright.
- If you give credit to the owner/author/songwriter—it is still copyrighted.
- If you are not selling the video for money—it is still copyrighted.
- If similar videos appear on our site—it is still copyrighted.
- If the video contains a copyright notice—it is still copyrighted.
- If you created a video made of short clips of copyrighted content—even though you edited it together, the content is still copyrighted.

Any material that is obviously from another source such as a TV programme could not be used or linked to by tutors to use in their classroom or online course.

Original material on YouTube such as a demonstration of a cookery technique, or a lecture or presentation can be used by tutors.

In essence, if you suspect that what you are viewing on YouTube is not original content, do not use it.

If you have any queries regarding the use of material please contact the Library team on:

library@witt.ac.nz
ext 8825

or the Copyright Officer

b.knuckey@witt.ac.nz
ext 3241