Understanding Copyright: Basic Principles

Lyndsay Ainsworth
Roger Dawson
March 2015
Lincoln University
What is Copyright? (1)

- A right given to the creator of an original work to control the use made of it – copying, performing, adapting etc.
- Copyright comes automatically when a work is completed – you do not have to register
- It exists in different kinds of work:
  - books
  - images
  - sheet music
  - web sites
  - DVDs, CDs etc.
What is Copyright (2)

• There may be many copyrights associated with one work, e.g. a television broadcast with:
  – writers
  – composers
  – musicians
  – set designers, etc

• Copyright in a thesis or dissertation is owned by the author of the thesis or dissertation
What is Copyright (3)

- Authors hold copyright until 50 years after their death.
- Publishers hold typographic copyright for 25 years from the year of publication.
- Crown copyright 100 years, but not for bills, acts, commissions.
- Copyright law attempts to balance the rights of owners and users of copyright materials.
Right to use copyright material (1)

• Copyright in New Zealand is governed by the Copyright Act 1994 and its amendments.

• While a work is under copyright, any use of that work must comply with:
  – the Act
  – a relevant copyright licence
  – a licence from a database aggregator
  – or written permission granted by the relevant rights holders

• If the copyright has expired, you can copy without limitation.
Right to use copyright material (2)

• Unless copyright has expired, a copyright work that is out of print is still subject to copyright protection.

• The Act creates exceptions that permit certain uses of copyright material.

• S. 43 Research or private study – one copy, fair dealing, amount copied, whether the work could be obtained, etc.

  (If you satisfy all the criteria at once, you could copy a whole work)
Right to use copyright material (3)

- Be careful when relying on this provision of the Act as the courts have not determined how much copying would constitute a “substantial” amount.

  e.g. a key summary, though short, could be held to be substantial.
Right to use copyright material (4)

Educational purposes:
- Most of these provisions apply to teaching, not to research.
- Lincoln University has licences to extend these provisions, particularly re multiple copies.
  - Copyright Licensing Limited (print originals)
  - Screenrights (off air recording)
  - New Zealand Universities Music Licence
Right to use copyright material (5)

- Section 49 Things done for purposes of examination – copyright is not infringed by what is asked nor by what is given as an answer.
- Remember to include Attribution
Your Obligations (1)

• Full, clear and obvious attribution.
• Copyright holder has the moral right to be identified, and object to derogatory treatment.
• No modification (image, text, font etc.).
Your Obligations (2)

“In the process of advancing knowledge, staff and students may well develop their own original expression of an existing original work without infringing copyright. This would mean for example that you might copy a diagram from a published work saying, “X describes the process as follows” and ensure that the diagram is fully attributed. Then, consistent with the right to criticise or review a work, you could follow that with your interpretation of the diagram explaining why and how you have modified the original diagram. That way your rights and the rights of the creator of the original are respected.”

Source: Auckland University copyright document – used with permission.
Intellectual Property (IP)

- Lincoln University Intellectual Property Policy
  - Clauses for teaching (4.3.2)
  - Clauses for research (4.1)
  - See definitions (8)

- Conventions exist for asserting your IP
Creative Commons Licences

• Increasingly the convention is to apply Creative Commons licences

• For more information see the LTL page on Creative Commons

• Note LU Open Access Policy

• When applying a CC licence attribution should be shared by all creators including Lincoln University
Sample Citation

Example of a Lincoln University assertion of IP for a learning resource:

Creator(s):
Mary Jones and Joe Bloggs.
[Agribusiness and Commerce],
Lincoln University, 2015.
Sherpa Romeo

Provides:

• Comprehensive listing of open access publishers
• Provides details outlining publishers copyright and self archiving policies
Useful links

Lincoln University > Copyright
[http://library.lincoln.ac.nz/About/Copyright/]

Creative Commons licences
[http://creativecommons.org.nz/licences/licences-explained/]

Sherpa Romeo
[http://www.sherpa.ac.uk/romeo/]

New Zealand’s specialist land-based university
Lincoln University
Te Whare Wānaka o Aoraki
AOTEAROA • NEW ZEALAND

New Zealand's specialist land-based university