

OUR LADY OF THE SACRED HEART SCHOOL

COPYRIGHT POLICY

POLICY

1. The school will respect all copyright rights recognised by New Zealand law including:
 - the rights of owners of third party material used in teaching,
 - the rights of students in all material they create in and for school,
 - the rights teachers have in material they created prior to being employed at the school and in material created while employed at the school.
2. The school will comply with New Zealand copyright legislation including sections relating to educational and library use.
3. The school will purchase appropriate copyright licences where its use of copyright material exceeds that permitted under the Act and the school will comply with the terms of these licences.
4. While acknowledging that the school can not control all actions of its students and staff, the school will endeavour to educate students and staff on copyright use, including referencing, approved copying, and proper use of electronic material and downloadable music.
5. The school will set up copyright procedures within the school to facilitate compliance with this policy, including training and education of staff, and the appointment of a Board of Trustees member and staff member responsible for copyright.

GUIDELINES

1. Literary, dramatic, musical or artistic works, sound recordings, films, broadcasts and cable programmes are protected by the Copyright Act 1994 which provides copyright owners with the exclusive rights to copy or adapt the work, issue copies to the public, perform the work in public, show the work in public, broadcast the work or include it in a cable television programme. Dealing with copyright works, without a licence or the copyright owner's approval, is likely to be an infringement unless there is a statutory exception allowing such use.
2. To balance the rights between creators and users, the Act also provides a number of exceptions to copyright that allow for copyright works to be used by schools for educational purposes. Exceptions are also provided to allow for fair dealing of a work for criticism and review, research and private study, copying by prescribed libraries (including school libraries) and copying for handicapped readers.

2.1 Fair dealing

Fair dealing for the purposes of criticism and review is permitted provided that sufficient acknowledgement and identification of the work accompany extracts copied. (Section 42 of the Act)

Fair dealing with a copyright work allows an individual to make a single copy of all or part of a work for research or private study in certain circumstances. To determine what is fair, users must take into account the effect the copying will have on the potential market for or value of the work, and the significance of

what is copied in relation to the work as a whole. Any copy made for fair dealing purposes cannot be copied further.

2.2 Copying of published works by schools

Under Section 44 of the Act, schools may copy literary, dramatic, musical or artistic works for educational purposes within the following prescribed limits:

- one copy of the whole or part of a work may be copied for instructional purposes as long as no more than one copy of such work is made on any one occasion;
- multiple copies of the whole or part of a work may be made where the copying is not by reprographic process (ie copying by hand);
- multiple copies of up to 3% or 3 pages (whichever greater) of a work may be copied as long as such copying amounts to no more than 50% of the work. This means that no more than half of a poem, short story or newspaper article or other work can be copied;
- no charges can be made for supplying copies of such material to students;
- no copying is allowed from the same work within 14 days.

If the copying permitted above incidentally includes an artistic work, then copyright in that work is not infringed.

Section 46 of the Act provides for schools to copy short passages from published literary, dramatic or musical works for inclusion in compilations of non-copyright material prepared by the school within certain limitations as long as they are accompanied by sufficient acknowledgement.

Section 49 of the Act allows schools to use copyright material to set and answer examination questions.

Authority to copy or use copyright material beyond these limitations must be obtained from the copyright owner or from the appropriate licensing body.

2.3 Copying/recording of films, sound recordings and broadcast programmes

Under Section 45 of the Act, schools may copy films and sound recordings to provide instruction on how to make films or film sound-tracks. Sound recordings can also be copied to providing instruction in the learning of a language or where lessons are conducted by correspondence where such copying is not covered by a licensing scheme made available to schools. No charge can be made for supplying copies of such material to students.

Section 48 of the Act allows recordings to be made of broadcast or cable programmes for educational purposes where licences authorising such use are not available. As a licensing scheme to copy from television broadcast programmes is available to schools through the NZSTA One Stop Shop, and all schools should be aware of that fact, this provision can no longer be relied upon to copy television programmes.

2.4 Performance/showing of works

Under Section 47 of the Act, students, staff members and those directly connected with the activities of a school are permitted to perform, play or show literary, dramatic or musical works in the course of school activities. Sound recordings, films, broadcast or cable programmes can also be played or shown for instructional purposes to students, staff members or those directly connected with the activities of the school. To perform, play or show works to a wider audience (including parents, guardians, the paying public etc.), authority must be obtained from the copyright owner or from the appropriate licensing body.

No commercially hired video/DVDs or taped video/DVDs are to be shown in the school unless for educational purposes.

3. Copyright Licensing Schemes available to schools:

There are large networks of copyright collecting societies operating throughout the world that provide licensing services to public and private users of copyright material so that they can copy from books and periodicals, printed music and television broadcasts or provide performances of musical works for educational, entertainment or other purposes. These licensing services provide a legal means of copying copyright material at reasonable cost whilst ensuring that creators receive appropriate remuneration for the use of their work which encourages them to continue creating. The following licences are offered to schools through the New Zealand School Trustees Association under the One Stop Shop Licensing Scheme:

APRA - Music Licences: APRA provides licences that cover the public performance and photocopying of print music under one licence and the recording (audio/video) of music under another. Further information can be obtained by telephoning (09) 379 0638.

CLL - Print Photocopying Licence: CLL provides a licence that allows for photocopying of extracts from books, newspapers or periodicals beyond that allowed under the Act. Further information can be obtained by telephoning 0800 480 271 or visiting CLL

Screenrights - Licence to Copy from Television: Screenrights provides a licence allowing copying of programmes from television. Further information can be obtained by telephoning 0800 44 23 48 or visiting www.screenrights.org

As at 5 December 2012, the school holds music and print photocopying licences only.

PROCEDURES

1. The Principal will ensure that every teacher receives a copy of:
 - this policy; and
 - the pamphlet *Copyright in Educational Institutions*.
2. All staff members shall familiarise themselves and comply with the limits/permitted use of copyright material under:
 - the Copyright Act; and

- any copyright licences held by the school

as set out in this Policy and the pamphlet *Copyright in Educational Institutions*.

3. The Principal will monitor the nature and quantity of copying being carried out and the use of copyright material within the school
4. The Principal will report to the Board of Trustees annually concerning the renewal of any copyright licences concerning and the Board will review the renewal of those licences and whether to obtain further or other licences.

Adopted as Policy 20 March 1996

Reviewed 19 May 1999

Reviewed 19 September 2001

Reviewed 17 November 2004

Reviewed 18 October 2006

Reviewed 16 September 2009

Reviewed 5 December 2012

CHAIRPERSON

SECRETARY