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| <b>OTAGO POLYTECHNIC ACADEMIC POLICY</b> |  | <b>Number: AP0200.04</b>         |
| Title:                                   | <b>Copyright</b>   |                                  |
| ITPNZ Std:                               | <b>2: Development of Qualifications and Educational Programmes</b> |                                  |
| Chief Executive Approval:                | Approval Date: <b>18 Dec 09</b>                                    | Effective Date: <b>18 Dec 09</b> |
| Previous Policy No                       | <b>na</b>  | Review Date: <b>as required</b>  |
| Contact Authority:                       | <b>Deputy Chief Executive</b>                                      | Status: <b>Current</b>           |

**Purpose** To state policy, provide clarification and guidelines for Otago Polytechnic, staff and students regarding ownership of (copyright), and recommend practices for the publication of material.

**Background** The policy is consistent with and gives effect to Otago Polytechnic's position on Intellectual Property.

Within the Otago Polytechnic Intellectual Property Policy the ownership of Intellectual Property is retained by the creator. It follows that decisions about copyright therefore are based on the ownership of the intellectual property material, and that this lies with the creator.

Otago Polytechnic supports the principles of open education and as a default position recommends the creative commons attribution licence options for Creative Commons Aotearoa New Zealand detailed at <http://www.creativecommons.org.nz/>.

Otago Polytechnic also recognises the need to follow the guidelines under the Copyright Act where material has been copyrighted within that act (The Copyright Act 1994).

**Statutory Compliance** Copyright Act 1994 and Amendments.

**National Guidelines**

**Policy Application**

1. Publications by Staff

1.1. Decisions on how to publish belongs to the creator, the terms of publication and choices of licence options are the individual's. The responsibility for the material being published also lies with the creator other than material specifically commissioned by the Polytechnic.

1.2. The default position recommended by Otago Polytechnic is that the Creative Commons (CC-BY) licence be used. Note: failure to explicitly identify CC as the licence will result in standard copyright provisions under the Copyright Act (1994) being applied.

1.3. When using Otago Polytechnic as a platform for presenting work, the Polytechnic's preference is that the licence be CC-BY. If this licence option is not chosen then it would be expected that the Polytechnic be advised of this and be given an indication of when this may be reviewed. In this instance the Deputy Chief Executive is the contact person.



1.4. There are a number of licence classes that provide mechanisms to protect the Intellectual Property of the individual.

1.5. <http://creativecommons.org/licenses/by/3.0/nz/> The licence option chosen depends on the type of material being published.

1.5.1. [Attribution \(BY\)](#): This licence lets others distribute, remix, tweak, and build upon your work, even commercially, as long as they credit you for the original creation. This is the most accommodating of the licences offered, in terms of what others can do with your works licensed under Attribution.

1.5.2. [Attribution-Noncommercial \(BY-NC\)](#): This licence lets others remix, tweak, and build upon your work noncommercially and, although their new works must also acknowledge you and be noncommercial, they do not have to license their derivative works on the same terms.

1.5.3. [Attribution-Noncommercial-No Derivative Works \(BY-NC-ND\)](#): This licence is the most restrictive of our six main licences, allowing redistribution. This licence is often called the “free advertising” licence because it allows others to download your works and share them with others as long as they mention you and link back to you, but they cannot change them in any way or use them commercially.

1.5.4. [Attribution-Noncommercial-Share Alike \(BY-NC-SA\)](#): This licence lets others remix, tweak, and build upon your work noncommercially, as long as they credit you and license their new creations under the identical terms. Others can download and redistribute your work as they can with the BY-NC-ND licence, but they can also translate, make remixes, and produce new stories based on your work. All new work based on yours will carry the same licence; so any derivatives will also be non commercial in nature.

1.5.5. [Attribution-No Derivative Works \(BY-ND\)](#): This licence allows for redistribution, commercial and noncommercial of your work, as long as it is passed along unchanged and whole, with credit to you.

1.5.6. [Attribution-Share Alike \(BY-SA\)](#): This licence lets others remix, tweak, and build upon your work even for commercial purposes, as long as they credit you and license their new creations under the identical terms. This licence is often compared to open source software licences. All new works based on yours will carry the same licence; so any derivatives will also allow commercial use.

1.6. All published work that uses material from the work of others must adhere to any and all requirements of copyright and publication whether that is by use of the creative commons licence or any other copyright licence.

## 2. Publications by Students

2.1. The publication of the work of students is to be determined by the student. It is recommended that the Creative Commons CC-BY licence be used. Any publication of student work in conjunction with a staff member must be agreed and in writing prior to any such publication.

## 3. Publications specifically commissioned by Otago Polytechnic

3.1. The default position for works specifically commissioned by Otago Polytechnic is that the Creative Commons Licence [Attribution-Share Alike \(BY-SA\)](#) be used unless otherwise determined explicitly by the Deputy Chief Executive.



4. Publication of course materials and associated documents
  - 4.1. Course materials and associated documents are co-owned by virtue of their employment relationship to Otago Polytechnic. As such these works are not specifically commissioned however the publication rights are as described below.
  - 4.2. The default position the publication of course materials and associated documents by Otago Polytechnic is that the Creative Commons Licence be used. [Attribution-Share Alike \(BY-SA\)](#): or [Attribution \(BY\)](#):
5. Publication of Polytechnic documents
  - 5.1. The default position for works specifically commissioned by Otago Polytechnic is that the Creative Commons Licence [Attribution-Share Alike \(BY-SA\)](#) be used unless otherwise determined explicitly by the Deputy Chief Executive.
  - 5.2. For programme documents produced by Otago Polytechnic the publication will use the Creative Commons licence [Attribution-Share Alike \(BY-SA\)](#) The following statement is to be included in the documents. “Except where all copyrights are specifically reserved, this material is licenced under a New Zealand Creative Commons Attribution licence (<http://www.creativecommons.org.nz/>). Under such a licence you are free to copy, distribute, transmit and adapt the material provided that Otago Polytechnic and/or its sources are acknowledged as the original source of the material and that any new creations are licensed under identical terms.”
  - 5.3. Where copyrights are specifically reserved for material either in Otago Polytechnic documents or on its website then this will be indicated with the following statement “Permission must be sought from Otago Polytechnic for the use or adaptation of this material, unless the use is accordance with fair dealing or other use permitted under New Zealand copyright legislation.”
  - 5.4. For journals produced by Otago Polytechnic the publication will use the Creative Commons Licence [Attribution \(BY\)](#); however the decision of publication by individuals who contribute to the journal will be creator, with the recommendation that CC-BY be used. The author is responsible to ensure that any and all other permissions regarding the use of the work of others are undertaken.
6. Publications as a result of externally contracted activity
  - 6.1. Will be in agreement with the terms and requirements of any contract, however in contract negotiation Otago Polytechnic will default to recommending the CC-BY licence.
  - 6.2. Publication in journals and other scholarly publications will be as determined by those journals, however an individual can and should use the default position of the creative commons licence CC-BY unless otherwise agreed.
7. Publication of the work of others
  - 7.1. Will be determined by those individuals with the recommendation that the CC-BY licence be used.
8. Publication of material developed by Maori



8.1. Publication will be as determined by Maori.

Where copyright is used: it should be clearly annotated as © (Author/ Owner) or © (Institution).

Where Creative Commons licence is used it will be clearly annotated with the appropriate creative commons licence; eg  and should include a link to the appropriate licence information on the creative commons web site.

<http://creativecommons.org/licenses/by/3.0/nz/>

**Procedures**

Any variation to the above scope of application must be approved by the Deputy Chief Executive.

**Referral Documents**

MP1100 Intellectual Property  
MP1103 Intellectual Property - Matauranga Māori  
<http://sciencecommons.org/>

**Delegation of Procedures**

Authority for permission to determine copyright of Otago Polytechnic documents other than as indicted in this policy are delegated to and must be discussed with the Deputy Chief Executive.

Permission for others to reproduce Otago Polytechnic copyrighted material other than in accordance with the copyright act or the requirements of the CC licence applied to the specific material is delegated to the Deputy Chief Executive

**Approved by Chief Executive**

**Date 18 December 2009**

