# Operational Policy: Copyright in the Classroom (NAG 6)

## Blind & Low Vision Education Network NZ

## Statement of Intent

The  [Copyright Act 1994](http://www.legislation.govt.nz/act/public/1994/0143/latest/DLM345634.html?search=ts_act_copyright+act_resel&sr=1)  grants copyright owners the exclusive right to do certain restricted acts in relation to their copyright works.

In other words, only the owner of the copyright has the right to do decide how their “work” will be treated. These are called restricted acts.

## Policy Requirements:

### Section 16 - Acts restricted by copyright

The owner of the copyright in a work has the exclusive right to do the following acts in New Zealand:

1. to copy the work;
2. to issue copies of the work to the public, whether by sale or otherwise;
3. to perform the work in public;
4. to play the work in public;
5. to show the work in public;
6. to communicate the work to the public;
7. to make an adaptation of the work;
8. to do any of the acts referred to in any of paragraphs (a) to (f) in relation to an adaptation of the work;
9. to authorise another person to do any of the acts referred to in any of paragraphs (a)

A list of these restricted **acts**are described in Section 16 of the Copyright Act 1994.

The Copyright Act meets New Zealand's international copyright convention obligations, and largely uses the same principles contained in copyright legislation in other countries.

**Please note**: To prevent putting the school at risk it is best to assume copyright applies to all material that can be copied.

The absence of the © symbol or a copyright statement does not mean the work is not protected by copyright. (Neither does the fact that the material was found on the Internet.)

While acknowledging that BLENNZ cannot control all actions of its ākonga, BLENNZ will endeavour to educate ākonga on copyright use, including referencing, approved copying and proper use of electronic material and downloadable music.

### Infringement of Copyright

Copyright owners may enforce their copyright by bringing copyright infringement proceedings against users. Remedies for copyright infringement include damages or an account of profits and injunctions to prevent any further infringement. Some types of deliberate infringement may give rise to criminal liability, resulting in orders to pay fines and/or imprisonment.

The person (student, teacher or other employee) doing the restricted act is personally liable for copyright infringement, but in some circumstances their activity may also give rise to civil and criminal liability for the school’s principal and the supervising board of trustees.

The relevant Senior Manager, or Principal, will be notified of any infringement of the Copyright Act. These will be taken seriously to ensure that BLENNZ does not receive notices or be fined for illegal activity.

### Permissions

To manage the risk that the use of works within the school creates, for both you and the school, you must ensure that you have obtained permission to use works in a restricted manner described above from the copyright owner.

Permission can be given in three ways:

* the statutory exceptions to copyright infringement in the Copyright Act, Section 44;
* the relevant copyright licences (e.g. Creative Commons), or;
* obtaining permission directly from the copyright owner(s).

### Acts permitted in relation to copyright works, Education, Copyright Act, Section 44

**Section 44 of the Copyright Act** allows schools to copy literary, dramatic, musical or artistic works for educational purposes within the following limits;

One copy of all or part of a work can be copied for instructional purposes so long as no more than one copy of the work is made on any one occasion;

Multiple copies of all or part of a work may be made so long as the copying is done by hand;

Multiple copies of up to 3% or 3 pages (whichever is greater) of a work can be made so long as the copying is no more than 50% of the work (this means that only half of a poem, short story or article could be copied);

No charge can be made for supplying the copy to students, and;

No copying is allowed from the same work within 14 days.

\* Note that the educational exceptions in the Copyright Act only apply in limited circumstances. They do not apply to any use you may make of works beyond those circumstances. The scope of the statutory exceptions to copyright infringement and various licences is discussed below.

### Notes on Ministry of Education and Crown publications

Ministry of Education and other government (Crown) publications (including websites) are like any other publication – you must have permission to copy or do any other restricted act in relation to them.

Some government publications include statements granting users permission to copy or do other restricted acts in relation to part or all of the publication. Examples of such permission statements are:

"Teachers may copy these notes/this DVD for educational purposes."

"You may copy this work for use in New Zealand schools."

"Teachers in New Zealand may copy and adapt these notes for non-commercial educational purposes."

In addition, the statutory exceptions to copyright infringement (Section 44) apply to government publications.

### Electronic Copying

In terms of electronic copying, BLENNZ must own copyright of the original of the material being copied. Teachers can share the material with ākonga through a password-protected system. The material cannot be made available on a publicly accessible website without permission from the Principal on behalf of the BLENNZ Board of Trustees.

### ICT Risk Management

To manage the risk of infringing the Copyright Act, BLENNZ will ensure, through its ICT procedures, the following:

* Deletion of unauthorised material;
* The banning of unauthorised software installations and “file sharing” activity on its computer hardware;
* The configuring of the internet firewall to screen out infringing files and illicit services;
* Controlled wireless access;
* Monitoring of bandwidth by users or devices, and;
* Maintenance of virus and spyware protection.

### Licences for Educational Use of Copyright Material

In addition to the above guidelines allowed in the Act, there are special copyright licences available for educational purposes. Copyright licences grant users permission to copy or do other restricted acts that are otherwise prohibited under the Copyright Act, or extend the exceptions to copyright infringement (Section 44), which permit users to copy and do other restricted acts in relation to works under the Copyright Act. Schools must pay licence fees in order to get these additional rights. BLENNZ currently hold the following licences.

### Copyright Licensing Print Licence

This licence is offered by Copyright Licensing New Zealand (CLNZ), a licensing body set up by authors and publishers in New Zealand. CLNZ has reciprocal arrangements with similar bodies around the world.

This licence permits copying from a worldwide repertoire of hard copy published works (books, journals and periodicals) with some minor exceptions, and includes the copying of any artistic works (such as photographs) that are included within the literary work.

This licence extends the statutory exceptions(Section 44), which allow educational establishments to [make multiple copies of a part of a literary work](http://www.tki.org.nz/Copyright-in-Schools/Guidelines-for-schools/For-teachers-and-contractors/Guide-to-copying-literary-and-dramatic-works#copying) (to be made for distribution to students as handouts or course packs) for educational purposes.

### OneMusic Licence

OneMusic is a joint initiative between Australasian Performing Rights Association (APRA) and Recorded Music NZ. It exists to simplify the music licensing process, offering a single music licence that covers both the copyright in the music (owned by the songwriter and / or publisher) and the recording (owned by the record company or artist).

Combining the membership and repertoire represented by APRA and Recorded Music NZ, OneMusic provides efficient blanket music licences to music users providing legal access to use music in all its various forms. Including playing and performing music, making photocopies of music, using and making recordings and using music online.

### Screenrights Licence

With a Screenrights licence, educational institutions in New Zealand can copy any program broadcast on TV or radio to use for educational purposes in the classroom. The licence also includes copying audio-visual material from the internet.

A Screenrights Licence also allows licensed schools to store, access and play recordings using the latest digital technologies, such as eTV and Clickview. These services complement the Screenrights licence by providing access to online repositories of tens of thousands of copied programs that you can stream for educational purposes in the classroom, or at home.

For further information about what these licences allow you to do please see:

[Copyright Licences for Schools 2020.docx](file://blennz-fs01/group%20drive/Copyright%20and%20Licensing/Copyright%20Licences%20for%20Schools%202020.docx)

## Related Issues – Students

### Inappropriate content

Principals and trustees are ultimately responsible for ensuring that the content of material used in our school is appropriate for the age of the students.

All commercially available films, videos, and DVDs in New Zealand are classified by the Office of Film and Literature Classification. Schools must comply with the restricted age ratings when showing rated material to students.

There are two types of restricted films:

**RP(age)** films are able to be watched by students under the age on the label but only if an adult is with them. This is so the adult can support the students in understanding material in the film. (Note: A RP classification means that someone under the specified age must be supervised by a parent or guardian when viewing entertainment media.)

**R(age)** films must not be shown to anyone under the age on the label. Supplying or showing a restricted film/game or other publication to someone underage is an offence. This includes clips from restricted films, such as those found on websites like YouTube, and applies to downloaded films as well.

Teachers or parents cannot give permission for an underage student to watch a restricted film which has a R13, R15, R16 or R18 restriction placed on it.

### Privacy

Copyright and privacy interact when identifying information about students is shown or published. This is most likely to happen with photographs and videos of students.

Written permission needs to be obtained from parents and from secondary students for any use of photos and other identifying information about students.

Under the Privacy Act 1993, the school should not release any material that contains personal information about students or employees, without permission from the student's parents or guardians and in the case of secondary students, the students as well.

## Supporting Documents

[Copyright Act 1994](http://www.legislation.govt.nz/act/public/1994/0143/latest/DLM345634.html?search=ts_act_copyright+act_resel&sr=1)

[Copyright Licences for Schools 2020.docx](file://blennz-fs01/group%20drive/Copyright%20and%20Licensing/Copyright%20Licences%20for%20Schools%202020.docx)

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