

SCHOOL PROCEDURE 68: PROTECTION AND SHARING OF INTELLECTUAL PROPERTY

Learning resources and other materials created by school staff in the course of their employment are an important asset and form a large part of the school's intellectual capital. The open and free exchange of information, knowledge and resources, and the collaborative production of copyright works that are made freely available allows our students' access to a wider range of high-quality learning resources and materials than would otherwise be possible. The purpose of this procedure is to ensure that the board's access to materials produced by the board's employees in the course of their employment is protected, while encouraging staff to share these works with others. The Whareorino School Board therefore:

1. Recognises that the school board holds first ownership of copyright of works produced by the board's employees in the course of their employment under **Copyright Act 1994, reprint August 7, 2020**.
2. Delegates to the principal the responsibility to:
 - a. Apply by default a Creative Commons Attribution Licence to all teaching materials and policies in which the school board owns copyright.
 - b. Apply a Creative Commons Attribution Licence to other copyright works, aside from those described in (2)
 - c. Transfer to the original creator the copyright in created works licensed by the school under a Creative Commons Attribution or Creative Commons Share-Alike Licence
 - d. Ensure that all staff are aware of the terms of this policy and how it relates to teaching resources they develop in the course of their employment at the school.
3. Does not make any claim over the ownership of copyright works produced by students. The copyright to these works remains with the creator.
4. Recognises that this policy only applies to copyright works, and not to any other forms of intellectual property.
5. Recognises that the copyright in works produced by an employee, other than in the course of their employment by the school board, remains the property of the Whareorino School Board. Where this is unclear, the process for dispute resolution, outlined below, shall apply.

Resolution of disputed copyright ownership

Where the first ownership of copyright in a given work is disputed or unclear, the following process will apply:

1. In the first instance the dispute should be documented and presented to the school principal.
2. If the dispute is still not resolved, then the documentation should be presented to the School Board Presiding Member.
3. If the dispute is still not resolved following 1) and 2), mediation with an appropriate authority will be undertaken.

Definitions

Copyright means a particular type of intellectual property granted by statute that exists in original works that are recorded, in writing or otherwise, and accords the author or originator (or any party to whom ownership has been transferred), for a limited period, the exclusive privilege to make copies of the work for publication and/or sale.

Intellectual property means any discovery, innovation, invention, form, shape, sound image, expression, technique or process which is the product of skill, effort or intellect, including (but not limited to) copyright works, inventions (patentable or not), designs (registered or unregistered), trademarks, (registered or unregistered), circuit layout rights, plant variety rights, and confidential information

Intellectual property rights mean any and all rights and interests in any intellectual property created by staff, students and visiting researchers in the course of their relationship with the University and any like rights, as well as the rights to apply for protection of intellectual property in any country.

Creative Commons: An international non-profit that provides free open licences that copyright holders can use to share their work.

Teaching Materials: Copyright works produced by employees of the school for the purposes of teaching.

The school will respect all copyright rights 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.

The school will comply with New Zealand copyright legislation including sections relating to educational and library use.

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.

While acknowledging that the school can not control all actions of its students, the school will endeavour to educate students on copyright use, including referencing, approved copying, and proper use of electronic material and downloadable music.

The school will set up copyright procedures within the school to facilitate compliance with the Copyright Act 2020, including training and education of staff, and the appointment of a school board member and staff member, responsible for copyright.

Resources:

School Procedure 52: Copyright

[Guidelines for schools / Copyright in schools / Homepage - Te Kete Ipurangi \(TKI\)](#)

Copyright Act 2020

[Copyright Act 1994 No 143 \(as at 07 August 2020\), Public Act Contents – New Zealand Legislation](#)

C. Stevenson

PRINCIPAL

Dated: March 2022

