



**NZSTA**  
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## Governance support resources

### Copyright and Creative commons

Copyright in the digital age offers new challenges for both users and creators. This is particularly true for schools, which are required to both navigate what they can and cannot do with other people's copyright works, and to manage the copyright of the work they create.

Most of the time, the principal is responsible for dealing with copyright issues. However, the board needs to understand its legal obligations around copyright. Boards should adopt a policy that ensures a clear understanding for staff using and creating works and include a process should there be a dispute around copyright. You can find an example policy in the [NZSTA Governance framework](#) – policy D5

#### Copyright

Copyright is a form of intellectual property (legal ownership) that is automatically granted by the law upon creation of a work. A “work” in this context includes a video, a lesson plan, a textbook or some other teaching resource. It gives the creator the right to control the making of copies and prevents people other than the creator from making copies of that work (including adapting, sharing or performing) without the creator's express permission. Unlike patents or trademarks, the creator of a work does not need to apply for copyright or use the little © symbol.

Copyright lasts for the life of the creator plus fifty years. After that, the copyright expires and the work enters the public domain, and becomes available for everyone to use, reuse or adapt, including teachers.

#### Public domain

“Public domain” has a specific technical definition. It means works whose intellectual property rights have expired, or been forfeited, or which never had any to begin with. It does not mean “anything the public has access to” including “anything you can find online”.

If it is on the internet and is less than 50 years old, then somebody, somewhere, probably still owns the copyright. So, before downloading or copying the user needs the permission of either the law or the creator to do this.

#### Copyright and making copies for educational purposes

Creating teaching resources that build upon other people's work can be fraught with difficulty. New Zealand copyright law allows schools some leeway in the making of copies for educational purposes, but not much, and not for making resources that are then shared with other teachers. The permitted uses are also complex and fragmented.

Schools commonly purchase licences from Copyright Licensing Limited (CLL) that NZSTA collects each year. These enable teachers at that school to use chunks of copyrighted material. However, these licences still only allow copying and use of works under certain limited conditions.

## Creative Commons and using other people's work

Creative Commons offers a middle way between the public domain and traditional copyright for schools to legally use other people's work.

Creators and other copyright holders often want other people to be able to reuse their works, but have found it difficult to allow reuse easily and legally because of the default "All Rights Reserved" copyright status. Creative Commons licences enable copyright holders to give everyone a range of permissions in advance that allow reuse of their works.

At its core, Creative Commons is a suite of six free copyright licences that create a clear, legally robust way for creators to let everyone know how they choose to permit their work to be copied and reused. Creative Commons licences are completely free and very easy to apply. Visit [Tohatoha Aotearoa Commons](#) and follow the instructions.

All of the licences require people who copy licensed materials to acknowledge the sources they use in creating their new materials. This is called "attribution". The creators can also restrict commercial reuse and derivative works, or make it a condition that all works based on the work being licensed ("derivative works") also use Creative Commons licensing.

On the same website are more than a billion openly licensed works where the creator has already given permission to copy and reuse the works, as long as the user attributes them and follows any other licence conditions they have chosen. Works include images, videos and music, as well as openly licensed teaching resources that are free to download, use and adapt.

## Creative Commons and protecting material created by staff at your school

The starting point is that under the [Copyright Act 1994](#), the Board, as the employer, holds the copyright to all resources that teachers create in the course of their employment. This means, that when teachers seek to save time and money by sharing these resources (including taking resources they have created from one job to another) they technically need to get the Board's express permission, to avoid infringing the Board's copyright. This can potentially add to administrative work, or at worst, generate disputes over the material in question.

To lessen the possibility of dispute we recommend boards consider adopting a Creative Commons policy that enables and encourages its school to share resources using Creative Commons licensing. Creative Commons licences can ensure that every teacher is able to share and collaborate with colleagues in other schools around the country, confidently and legally.



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[twitter.com/NZSchoolTrustee](https://twitter.com/NZSchoolTrustee)

For further advice please contact the *Advisory and Support Centre* on

**0800 782 435, option 1** or

[govadvice@nzsta.org.nz](mailto:govadvice@nzsta.org.nz)