

AUT

Copyright Essentials for Researchers



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What is Copyright?



Copyright is a form of intellectual property, It is a legal right that automatically arises when an original work is created. For example; an artwork, literary work, musical work, dramatic work, film or sound recording.

The creator of a work is usually the copyright owner with exclusive rights in relation to their work. Copyright only covers a physical expression of work and does not cover ideas.

The **Copyright Act 1994** governs copyright in New Zealand and defines the duration of copyright protection, ownership of copyright, which rights may be transferred or sold, and what qualifies as infringement.

You do not need to register your copyright or display a © symbol next to your work. However, the © symbol helps others know who the copyright owner is.

How long does copyright last?

In New Zealand copyright lasts for **50 years after the death of the author**.

After this, copyright expires and works enter the **public domain**.

Out of copyright material that is in the public domain can be used for any purpose.

Other jurisdictions have longer copyright duration terms, the US, Australia and the UK all have a copyright duration of **70 years** from the death of the author.

Copyright ownership

The creator of a work is usually the first owner of copyright in a work but there are a few exceptions:

- Employers own copyright to works created during the course of employment.
- Where a work is commissioned the commissioner owns the copyright in the subsequent work.
- Where more than one author created the work then the copyright is jointly owned.

Fair dealing exceptions

In New Zealand the Copyright Act 1994 allows for certain exceptions where you don't need to ask permission. For researchers these include:

Fair dealing for private research and study

Permits a user to make copies of a work for private research purposes. When using this exception the amount copied should be deemed 'fair'.

Fair dealing for criticism, review or news reporting

Permits use of a work for the purposes of criticism, review or news reporting, with attribution.

When relying on this exception you must:

- Be directly critiquing or reviewing the work in some way
- You must attribute the author
- The amount used should be no greater than what is needed
- Not used for illustration purposes



Legally using works created by others

When using tables, graphs, diagrams, large parts of text, photos, social media posts and any other material protected by copyright in your published research you must seek permission from the copyright owner.

Gaining permission

- Look for a © symbol or statement, terms and conditions of use on a webpage, artists name or website owner.
- Do a reverse image search on Google Images or [www.tineye.com](http://www tineye.com)
- Follow instructions for gaining copyright permissions from academic journals

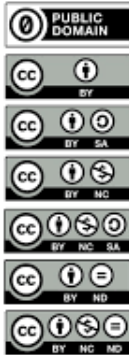
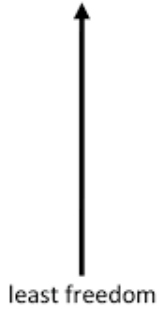
Contact the copyright owner using the [AUT permission letter template](#) (find this on the AUT Library website) or via an email. As long as you have permission in writing you are legally covered.

Fees payable?

Be prepared to pay a fee to the copyright owner and in some cases the content source. For example a museum or gallery may charge a fee to supply the image, and the copyright owner may charge a licence fee as well.

Creative Commons licences

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Creative Commons licences give permission in advance to legally share, adapt or remix a work.

The six different licences have different restrictions, ranging from non-commercial use & no derivatives allowed to full remix and commercial use.

Using works assigned a CC licence are a good alternative to using copyright protected material in your research.

Find out more at:

creativecommons.org

Find openly licensed images:

ccsearch.creativecommons.org

least freedom

Things to consider when using a work

Copyright Status

Is the work in or out of copyright? Did the creator of the work pass away more than 50 years ago?

Licence permissions

Is there a Creative Commons licence? Do the website terms allow free reuse?

Type of work

What type of work is it? Are there multiple layers in the work? i.e. a book has the text, images, typographical arrangement.

Exceptions

Can you rely on the Fair Dealing for criticism and review exception? If so, have you attributed the work and only used what is fair?

For further help

Email copyright@aut.ac.nz

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