

# D5 Protection and sharing of intellectual property (Creative Commons) policy

## Outcome statement

The board enables and encourages sharing and collaboration between teachers by recognising and removing legal barriers that exist to the sharing of learning resources and other materials created by school staff in the course of their employment.

## Scoping

The New Zealand Copyright Act 1994 Section 21 (2) recognises the copyright ownership rights of the board of trustees of works produced by their employees in the course of their employment. By licensing its copyright, the board is giving permission in advance for others to copy and share learning resources developed by its employees and owned by the board.

## Delegations/responsibility

The board delegates to the principal the responsibility to:

- apply by default a Creative Commons Attribution Licence to all teaching materials and policies in which the board of trustees owns copyright
- transfer to the original creator the copyright in created works licensed by the school under a Creative Commons Attribution or Creative Commons Share-Alike license
- 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.

## Limitations and expectations

The board:

- does not make any claim over the ownership of copyright works produced by students – the copyright to these works remains with the creator
- recognises that this policy only applies to copyright works and not to any other forms of intellectual property
- recognises that the copyright in works produced by an employee other than in the course of their employment by the board of trustees remains the property of that employee – 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, the documentation should be presented to the board chair.
3. If the dispute is still not resolved following steps 1 and 2, mediation with an appropriate authority will be undertaken.

## Definitions

**Creative Commons Aotearoa:** The New Zealand affiliate of an international non-profit movement that provides free open licenses that copyright holders can use to share their work.

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

## Associated legislation

[The New Zealand Copyright Act 1994](#)

## Associated procedures and supporting documentation

Copyright Procedure

## Monitoring

Any matters or risks in relation to this policy shall form part of the principal's report to every board meeting, taking care that individual students cannot be identified. The board shall monitor the protection and sharing of intellectual property in order to identify any risks or issues that require governance action.

This policy and related procedures will be reviewed by the Review Committee as per the tri-annual review cycle. Recommendations will be brought to the full Board of Trustees. Guidelines for the review can be found in the review Manual

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Reviewed: May 2021	Next review: May 2024
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