

# Copyright

## 1 General

### a) Introduction

Copyright is a property right that exists in original works. It is given to the creator of an original work and controls the use that can be made of that work.

Copyright in New Zealand is governed by the Copyright Act 1994 and its subsequent amendments.

Students writing theses may be both copyright users and, ultimately, copyright owners. This document is designed to draw attention primarily to the obligations imposed on copyright users. It does, however, also provide an outline of the rights given to copyright owners.

### b) Ownership

For the purposes of University of Canterbury theses, the University policy<sup>1</sup> states:

Students own and control the copyright of their theses, and the student will always be able to determine whether the text may be reproduced. ... Copyright does not extend to ownership of Intellectual Property referred to in the thesis. For example, reference in a thesis to a patented or patentable product does not mean the student necessarily has any Intellectual Property right to that patented or patentable product.

A thesis may consist of or contain a piece of music, an art work, a film, a sound recording, diagrams, illustrations, charts, graphs, as well as text – the copyright of all of these different types of material belongs to the creator of these original works.

What owning copyright means in practice is that the author of the original work (in this case, the thesis) controls how that work can be subsequently used in terms of copying it, performing it, issuing copies of it to the public, adapting it, or broadcasting it, etc.

### c) Embargo

The University has policies that outline the extent of the author's copyright control in terms of restricting issuing it to the public. The UC policy<sup>2</sup> states:

Sometimes, however, the student will be obliged to restrict access to the thesis under some existing written agreement with another party, because the thesis refers, for example, to material that is of potential commercial value. The university must also agree to such restricted access, and this matter is dealt with below under 'Embargoes'.

All subsequent use of the thesis by persons other than the author once the thesis has been released to the public must conform with the provisions of the Copyright Act 1994.

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<sup>1</sup> <http://www.canterbury.ac.nz/ucpolicy/GetPolicy.aspx?file=intellectualproperty.pdf> – Section 2

<sup>2</sup> *ibid.* – Section 3

## **2 Duration of Copyright**

Copyright exists for 50 years from the death of the author. There is copyright in the typographical arrangement of a publication so copyright will continue for 25 years from the end of the calendar year in which the item was first published.

Broadcast or cable programmes retain copyright for 50 years from the end of the calendar year in which the broadcast was made.

## **3 Third Party Copyright**

It is your obligation when using copyright materials other than your own to fully and correctly identify the source of the material copied in terms of the author, creator, and/or publisher. This applies to illustrative materials (diagrams, maps, graphs, cartoons, photographs, etc) as well as to selections of text.

Authors of theses should get permission from copyright owners and have this permission documented before using such material in a thesis. Failure to comply with permission or with full citation may leave the author and the University open to being sued for a breach of copyright. This is particularly important now that theses are made available in digital format via the internet.

## **4 Moral Rights**

The Copyright Act 1994 also covers moral rights which include the right of authors or creators to be correctly identified and the right to object to any derogatory treatment of their work.

It is important that authors of theses observe these obligations when using copyright work. In turn they are able to assert these rights in terms of any use subsequently made of their original work in their own thesis.