



COPYRIGHT POLICY ERJ 4.1.1

INTRODUCTION

Edmund Rice Justice Aotearoa New Zealand Trust is responsible for managing its assets, including its intellectual assets, in a way that maximises their contribution to the goals of the organisation.

Subject to these responsibilities, Edmund Rice Justice Aotearoa New Zealand Trust is committed to the widest possible dissemination of its ideas and findings where these may assist others.

PURPOSE

The purpose of this policy is to clarify the status of material subject to copyright used by the organisation, and to remove any possible misunderstandings about ownership of copyright.

POLICY

Production of copyright material

At law, material created by employees of Edmund Rice Justice Aotearoa New Zealand Trust in the course of their employment, irrespective of whether it is created using Edmund Rice Justice Aotearoa New Zealand Trust facilities or materials, or during normal working hours, will belong to Edmund Rice Justice Aotearoa New Zealand Trust. What constitutes the course of employment will be determined by the employee's position description and usual duties.

An employee's employment contract may vary the default position of when copyright belongs to Edmund Rice Justice Aotearoa New Zealand Trust. The employment contract overrides the default position that exists at law. Employees may be required to sign additional documents vesting or assigning copyright to Edmund Rice Justice Aotearoa New Zealand Trust where that material was created by the employee using Edmund Rice Justice Aotearoa New Zealand Trust resources and during paid working hours. One example of when this may be necessary is if the employee is required to engage in a project or duties that are outside of their normal employment duties.

If any material was created using Edmund Rice Justice Aotearoa New Zealand Trust resources, or during paid working hours, then the onus is on the employee to demonstrate that it was not created in the course of employment. Employees should be aware that performing unauthorised non-work tasks during work hours may subject them to

disciplinary proceedings. Where any uncertainty exists, staff are encouraged to discuss this with their supervisors.

Works by independent contractors and volunteers shall be owned in accordance with the written contract under which the work was created. Edmund Rice Justice Aotearoa New Zealand Trust shall ensure that there is a written contract for work by an independent contractor or volunteer specifying ownership. At law, unless a written contract specifies otherwise then independent contractors and volunteers will own copyright in everything that they create.

Any dispute between Edmund Rice Justice Aotearoa New Zealand Trust and its staff, contractors or volunteers, or between staff, or between contractors or between volunteers, on issues of copyright ownership shall be determined by the organisation's dispute resolution procedures. Such determination will be subject to the judgement of any court or tribunal.

Copyright notice

Staff and volunteers of Edmund Rice Justice Aotearoa New Zealand Trust should ensure that every publication of Edmund Rice Justice Aotearoa New Zealand Trust, including any books, newsletters, brochures, forms, reports and computer software contains the following statement:

© Edmund Rice Justice Aotearoa New Zealand Trust, 2015

This statement should not be included in normal business letters, invoices, receipts.

Use of copyright material

Staff and volunteers of Edmund Rice Justice Aotearoa New Zealand Trust are required to observe all applicable copyright laws and regulations.

Staff and volunteers of Edmund Rice Justice Aotearoa New Zealand Trust may use copyright material belonging to or licensed to [Name of Organisation] only for the purposes of their work for Edmund Rice Justice Aotearoa New Zealand Trust. Where the material is used by Edmund Rice Justice Aotearoa New Zealand under licence, staff and volunteers must act in accordance with that licence.

Staff and volunteers of Edmund Rice Justice Aotearoa New Zealand Trust may not reproduce, publish, distribute or adapt third party copyright material in the course of their work for Edmund Rice Justice Aotearoa New Zealand Trust without the authorisation of the copyright owner. Staff and volunteers may not download or reproduce text, photographs or illustrations found on the internet without authorisation of the copyright owner. This includes for use in internal or external newsletters, reports or presentations. All non-generic images and illustration should be sourced from and with the consent of the creator. Generic images may be obtained from a stock image supplier (eg Shutterstock or iStockphoto).

When reproducing or otherwise using third party copyright material, it cannot be assumed that just because something is on the internet that it is free for everybody to copy and use. This includes images on Facebook or photo sharing websites such as Flickr.

Acknowledgement of source of the material does not overcome the need for authorisation; actual authorisation is still required.

The Chairperson is required to institute procedures that will ensure:

- a) that all uses of third party copyright materials are recorded, and
- b) that all compensable uses of copyright material are appropriately processed.

Copyright on Edmund Rice Justice Aotearoa New Zealand Trust materials

All materials produced by or on behalf of Edmund Rice Justice Aotearoa New Zealand Trust are subject to copyright. Permission to reproduce such materials depends on the category into which they fall.

All materials produced by or on behalf of Edmund Rice Justice Aotearoa New Zealand will be classified by Chairperson into one of the following classes:

1. Those materials that are copyright and that cannot be reproduced by any process other than for the purposes of and subject to the provisions of the Copyright Act and any licensing agreement between the user and Edmund Rice Justice Aotearoa New Zealand Trust.
2. Those materials that are copyright and that may nonetheless be circulated and/or reproduced as long as any reproduction features specified credits and disclaimers.
3. Those materials that are copyright and that may nonetheless be reproduced without conditions.
4. Those materials that are not copyright.

The copyright policies of Edmund Rice Justice Aotearoa New Zealand Trust are binding on all staff, whether paid or voluntary. The copyright policies of Edmund Rice Justice Aotearoa New Zealand Trust, as amended from time to time, shall be deemed to be a part of the conditions of employment of every employee and shall be included in the orientation material given to every volunteer.

Moral rights

Where it is reasonable to do so, staff and volunteers of Edmund Rice Justice Aotearoa New Zealand Trust should ensure that:

- a) When reproducing any written material, photograph or illustration, the creator should be acknowledged where it is appropriate to do so. It is generally appropriate to acknowledge the author of a report or article in a newsletter, but it is not appropriate to acknowledge the creator of a marketing brochure or promotional flyer, or where it is desirable for operational reasons that correspondence be sent out in the name of somebody else.
- b) When reproducing any written material, photograph or illustration, a person should not be falsely attributed as the creator unless it is reasonable to do so. For example some correspondence may need to go out in the name of a director, executive or manager even though it was written by somebody else.

AUTHORISATION

Chair

2015

Edmund Rice Justice Aotearoa New Zealand Trust

Policy number	ERJ 4.1	Version	1
Drafted by	James Devereaux	Approved by Board	
Responsible person	ERJANZ Board	Scheduled review date	March 2017



COPYRIGHT PROCEDURES ERJ 4.1.1

RESPONSIBILITIES

It is the responsibility of Chairperson to ensure that:

- Staff, volunteers and contractors are aware of this policy;
- any breaches of this policy coming to the attention of management are dealt with appropriately.

It is the responsibility of the all employees, volunteers and contractors to ensure that they comply with this policy.

PROCESSES

Production of copyright material

A statement of this copyright policy shall be included in the organisation's terms and conditions of employment.

Edmund Rice Justice Aotearoa New Zealand Trust will keep records of any discussions made with any staff member regarding any agreements as to the copyright status of any material.

Contracts made by Edmund Rice Justice Aotearoa New Zealand Trust with third parties shall specify in writing the copyright status of any material produced under that agreement.

Any dispute between Edmund Rice Justice Aotearoa New Zealand Trust and its staff or volunteers, or between staff or between volunteers, on issues of copyright ownership shall be determined by the organisation's dispute resolution procedures.

Use of copyright material

The Chairperson shall institute procedures to ensure:

- a) that all uses of copyright materials are recorded, and
- b) that all compensable uses of copyright material are appropriately processed.

RELATED DOCUMENTS

- [Acceptable Use Of Computers, Internet & Email Policy](#)
- Contracts of Employment

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