

Sampling Surveys

Each year, CLL conducts sampling surveys in a number of CLL licensed educational institutions. The information collected in these surveys provides details about the copyright material being copied under the licence. This information is used to determine the amount from the licence fees to be allocated to a copyright owner identified.

The surveys are statistically designed to be representative of the licensed copying undertaken during the term of the licence and to account for variations such as location, size and enrolments amongst licensed universities.

CLL informs the staff of licensed universities about the sampling survey process before staff participate in a sampling survey.

CLL collects details identifying the source of CLL licensed copyright material contained in coursepacks used during the academic year by the university being sampled. It also collects the number of students entitled to receive those copies.

The survey is designed to minimise the number of times a University and department will be sampled throughout the term of the licence. Normally, a department will be surveyed only once during the term of the licence.



Each University will have its own procedures for ensuring that the terms of the licence are observed.

Any enquiries regarding the guidelines set out in this brochure should be directed to the person designated by the Vice-Chancellor to deal with copyright matters.

Copyright on Campus

Information for University Staff and Students

Copyright law provides a balance between the right of creators of copyright works to obtain a return for their efforts and the right of the public to access those works. In New Zealand, the Copyright Act 1994 controls copying from copyright works such as books and periodicals (journals). The Act permits individuals to copy extracts from copyright works for the purpose of research or private study. It also allows the University to make multiple copies of extracts from copyright works, within strictly defined limits, for educational purposes.

To extend the multiple copying limits New Zealand Universities have purchased a copyright licence from Copyright Licensing Ltd. This licence covers certain copying from hard copy (i.e. printed) originals and protects Universities, staff and students where copying takes place within these extended limits. Otherwise the Copyright Act provisions remain in force.

We ask that you read and retain this brochure as it contains guidelines for compliance with the CLL copyright licence.

Copyright Licensing Ltd

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COMPLIANCE GUIDELINES

CLL Copyright Licence

Copyright Licensing Ltd, on behalf of copyright owners, has entered into a licence agreement (“the licence”) with New Zealand Universities (“licensed universities”) to enable copying beyond the multiple copying limits set by the Copyright Act.

The licence protects Universities, their staff and duly authorised agents against an alleged breach of copyright, provided copies are made in accordance with the licence.

The licence covers multiple copies made from hard copy originals. These copies may be included in coursepacks or compilations (“coursepacks”), distributed either in hard copy or electronic (i.e. digital) format to enrolled students and staff involved in the particular course of instruction. The licence also covers multiple copies of copyright materials made by students as agents of the University acting in accordance with the instructions of staff, where those copies are to be used in the course of instruction at the University. For the avoidance of doubt, enrolled students and staff involved in the particular course of instruction may print from their electronic coursepack for their own use without breaching the terms of the licence. No further copies may be made or distributed under the licence. An appropriate warning notice (as shown within this brochure) must be provided with each coursepack to make recipients aware of this.

Staff have legal and ethical obligations to ensure that each extract of copyright material copied is fully and accurately attributed. They must clearly identify the source of each item of copyright material contained in coursepacks. The attribution information is used in the annual sampling survey procedure which determines the appropriate distribution of licensing fees to copyright owners by estimating the number of pages of each author’s/publisher’s copyright material copied under the licence.

Licence coverage

In general, the licence permits staff and their duly authorised agents to copy the following extracts from books, periodicals and journals:

- up to 10% or one chapter of a *work*, whichever is the larger;
- up to 15 pages of a single *work* in a collection of works even if the *work* is published separately;
- up to one article from a periodical publication - additional articles if they are on the same subject;
- an artistic work (such as an illustration) published in a *work*;
- from the same work within 14 days of it last being copied provided that it is not for the same paper, unit or module of a course of study (NB: The Act permits repeat copying after 14 days);
- an out of print *work*, by photocopying only, subject to prior confirmation from CLL that the *work* is unavailable in sufficient quantity within a reasonable time at the normal price. Electronic copying of a whole *work* under this clause is specifically excluded.

Electronic copies can be distributed by means of:

- a password protected University Intranet; or
- email; or
- a CD/DVD

provided that students receiving a copy are enrolled in the relevant course and staff receiving a copy are involved in the course of instruction.

Note: For the purposes of the CLL licence, “copy” includes both the actual making of a copy and its subsequent distribution.

The above limits apply only where copies are made for the educational purposes of a CLL licensed university. A staff member cannot rely on the licence to copy materials for use in a course offered by any other educational establishment unless it is also a CLL licensed university.

Material not covered

The CLL licence does **not** cover certain types of copyright material. This material must be copied in accordance with the Copyright Act, another licence or the terms under which the material was purchased. Where appropriate, specific permission to copy this material should be obtained from the copyright owner.

The following materials may **not** be copied under the CLL licence:

- Any materials downloaded from the Internet
- Any materials sourced from an electronic database
- Printed music (including the words)
- Loose maps and charts
- Unpublished religious orders of service
- New Zealand newspapers (as from 1 October 2003)
- House journals (publications for employees)
- Photographs and/or illustrations published separately from a work
- Works stipulating that they may not be copied under a copyright licence of this nature
- Privately owned work issued for tuition purposes and limited to a clientele who pay fees
- Theses, dissertations and student papers
- Any materials designed for delivery in an institution overseas.

Copyright Warning Notice

Every coursepack produced and distributed, whether in hard copy or electronic format, must be accompanied by the following copyright warning notice. This is a requirement of the licence.

Copyright Warning Notice

This coursepack may be used only for the University’s educational purposes. It includes extracts of copyright works copied under copyright licences. You may not copy or distribute any part of this coursepack to any other person. Where this coursepack is provided to you in electronic format you may only print from it for your own use. You may not make a further copy for any other purpose. Failure to comply with the terms of this warning may expose you to legal action for copyright infringement and/or disciplinary action by the University.