

Licence Agreement with Screenrights

From 1st May 2002

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Preamble

The University has signed a copyright licence agreement with Screenrights, the Audio-Visual Copyright Society Ltd, which permits staff and students to make recordings of radio or television broadcasts and cable programmes, and to make copies of such recordings, for the educational purposes of the University. While the Screenrights licence covers only some broadcasts, all other broadcasts, including broadcasts emanating from overseas, are already covered by s.48 of the Copyright Act 1994, which allows the recording and copying for educational purposes of broadcasts for which there is no licensing scheme in place in New Zealand.

The Screenrights licence runs from 1 May 2002.

The licence allows the recordings and copies of broadcasts to be used for the educational purposes of the University. There are no restrictions on the number or types of copies made, nor on the manner in which they may be used, provided only that the recordings and copies must be made and used for the educational purposes of the University. The licence therefore includes such uses as incorporation of broadcasts in a CD-ROM distributed to students, or conversion of broadcasts into electronic form and making these available to students via an intranet.

Provided that the recordings and copies are made for the educational purposes of the University, they may be made at any time by anyone - they do not have to be made on University premises.

The licence also covers recordings of broadcasts made by staff and students of the University on behalf of another institution that holds a licence from Screenrights.

While the University's copy of a broadcast may not be lent outside the University, a copy may be made for another University which has the Screenrights licence, and another University may be asked to supply a copy to this University.

Labelling

The licence agreement requires that all recordings of broadcasts or copies of such recordings made under the Licence be marked as follows:

Made only for the University of Waikato's educational purposes:

Title of broadcast:

Date of broadcast:

Date this copy made:

Where any recording or copy of such a recording is digitised, this information is, if practicable, to be embedded within the digital recording or copy.

Sampling

A sampling system is to be put in place, to enable Screenrights to determine payments to rights owners. This will require substantial record-keeping during the sampling period. However, it is intended that only two Universities will be sampled each year, and no Department will be sampled more than once during this term of the licence agreement.

Previous Copying of Broadcasts

In a side letter to the licence agreement, Screenrights has undertaken that any right to commence legal proceedings with regard to past off-air recording or copying activities of the University done in accordance with s.48 of the Copyright Act 1994 will be waived by Screenrights members. This means that any off-air copying for educational purposes undertaken since 1 January 1995 (the date on which the Copyright Act 1994 came into force) and 1 May 2002 (the start date of the Screenrights licence) does not infringe copyright.

Disciplinary Procedures

The University has agreed that it will take action through its existing disciplinary procedures against any staff member or student who intentionally infringes the terms of the licence agreement.

Commercially-purchased Videos and DVDs

The Screenrights licence applies only to programmes copied from broadcasts. It does not apply to commercially-purchased videos, DVDs or audio-tapes.

Further Information

Any queries regarding Copyright should be addressed in the first instance to Sally Sleight (email sleigh@waikato.ac.nz).

A brochure outlining the main features of the Screenrights licence agreement is available online at http://www.screen.org/Brochures/NZ_Universities.pdf.