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Creative Directions

Media studies & intellectual property
professional support kit

Trade mark

Registered design

Copyright

Patent

WELCOME

Legal caution



Welcome

Do your students understand the value of their own creativity when they make a digital video, a sound recording, or produce a magazine? Have they ever thought of using the [copyright indicator](#) on their work?

Do they respect the creativity of commercial recording artists or filmmakers, or do they think it's okay to copy and pass on DVDs and CDs, or remix other people's music without asking permission?

Have you ever engaged them in a conversation about intellectual property (IP) and the rights of all the people involved in creative industries to make a living?

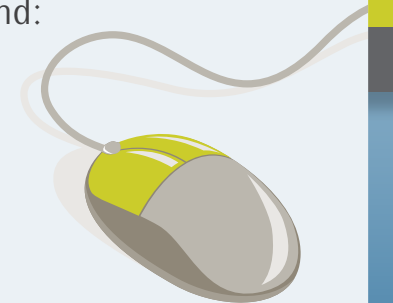
Creative Directions sets out to get you talking with your students about intellectual property, helping them understand:

What intellectual property is all about

How to respect and value creativity

Where to seek information

Who to ask to get permission or consent to use others' creative work.



I WELCOME

Legal caution

Legal caution

Creative Directions does not represent legal advice. It is a general guide that alerts you to potential problems and helps you find ways to encourage student creativity whilst respecting the legal rights of intellectual property owners.

The information provided is not a replacement for a legal opinion based on your specific and unique circumstances. The Ministry of Education and its contributing partners cannot be held responsible for any action that schools, teaching staff and students take based on the information in this guide.

Licences might be in place with terms and conditions that control how you and your students can use other intellectual property owners' creative works. The New Zealand Copyright Act 1994 also sets out rules governing use of copyright works for teaching and personal research.

Intellectual property law is complex and constantly developing. Every country has its own IP law. Information available in library books and from the Internet searches might not be relevant to New Zealand or could be out dated.

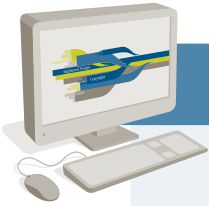
The onus is on the intellectual property owner or their exclusive licensee to protect their IP rights in New Zealand. Legal action can be taken through the courts and in some incidences disputes can be settled through negotiations.

Intellectual property law provides civil and criminal consequences if you **infringe** an IP owner's legal rights. Court cases are judged on each cases' merits and can involve not only financial penalties but also seizure and confiscation of items used such as computers.



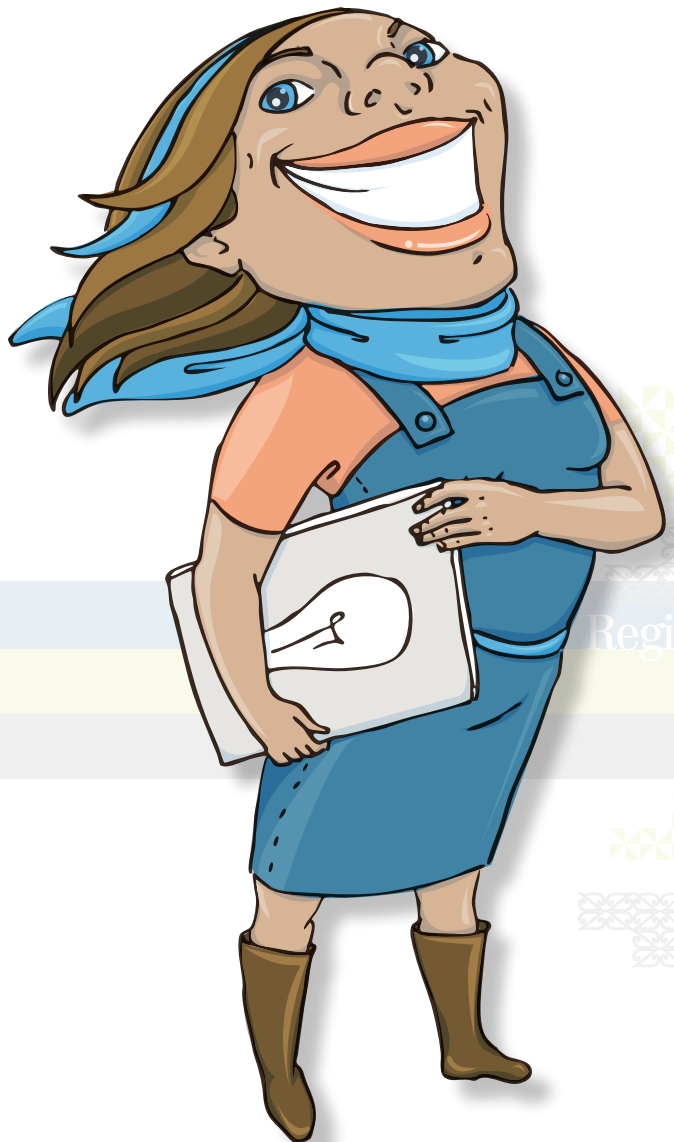
I WELCOME

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*Assistance*

If you have questions about specific intellectual property issues including uncertainties about the legality of how you are using copyright work in the classroom, please seek advice from an IP lawyer or [patent attorney](#).

[Copyright Council of New Zealand members](#) may be able to provide guidance.



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What is intellectual property?

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Intellectual property (IP) is the umbrella term for 'creations of the mind'.

IP assets like [copyright](#) for original creative work, [trade marks](#) for marketing products and services, and [patents](#) for new inventions, have associated legal rights that allow people to control and be rewarded for their creative and innovative efforts.

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[Learn more!](#)

[IP showcases](#)

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IP in the classroom

Intellectual property protection respects and places value on classroom based creativity. There are no age barriers to owning IP assets. Every time a student creates an original work in New Zealand they automatically get copyright protection.

Media studies teachers and students use patent protected inventions like recording equipment branded with well known trade marks.

When a software package is installed on a PC, the administrator has to agree to abide by the terms and conditions of the **licence** to activate the program. The licence affects all users who operate that PC. Attempt to burn a backup copy and you get another pop screen asking you to enter the unique serial number from the software manual.

Go to the movies or watch a DVD and all viewers are reminded that the dramatic work is protected by copyright.

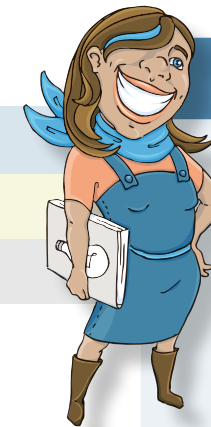
Our language is littered with intellectual property terms. Walkman, nylon, escalator and transistor were all originally trade marks. A dot before the abbreviation 'com' used to only be part of a **domain name**. Now 'dot com' is used for a successful ICT company or Internet trader.

The number of IP related words continues to grow as new technologies are commercialised and brand names are devised and become part of popular culture.

Try searching online!

Use an online search engine to find IP articles. Try keywords such as Dilbert blog and copyright.

Remember that **IP law** can differ from country to country.



IP showcases

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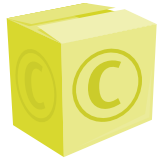
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What is copyright?

In New Zealand, copyright automatically comes into existence **as soon as an original work is created**.

There might be a number of copyright layers to the work and more than one copyright owner involved. Think of an original piece of music with copyright protected lyrics, score, orchestration and sound track(s).

There is no New Zealand copyright register so you and your students can use the [copyright indicator](#) to identify original work and show ownership. The copyright indicator can act as a “keep off the grass” notice, reminding others that the listed copyright owner(s) have control over how the work is used.

Permission to use a copyright work must be in writing (e.g. release or licence). The copyright indicator shows who to get in touch with if you need permission to reuse (adapt, remix, cover, copy) the work or are thinking about collaborating with the copyright owner on new material or projects. The year the work was created is important for calculating how long the copyright protection lasts.

[Copyright Council of New Zealand resources](#)



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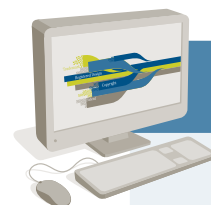
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The general rule of thumb in New Zealand is that copyright expires 50 years after the death of the author or creator. Here are some relevant exceptions: Films and sound recordings are protected for 50 years from the calendar year when it was made or first released, whichever is later. 'Commercialised product designs' like set designs and costumes have copyright protection lasting 16 years from first commercial use. Performers' rights last 50 years from the event date. Publishers' rights to an edition last for 25 years from the edition issue year.



Ministry of Education resource

Before your students begin their projects, read the [Ministry of Education's publication](#).

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What is a trade mark?

Trade marks are often referred to as 'brands', 'logos' or 'labels' by the creative industries.

Trade marks are unique signs that identify one trader's product lines and services from their business competition.

For legal and marketing reasons, each owner's trade mark must be distinctive. Trade marks are selected to stand out from the competition and attract customers.

Trade marks are the business reputation workhorses with an unlimited lifespan. They can be used throughout the business life, licensed, or on-sold to new owners.

In New Zealand, trade mark owners have the option of applying for registration under goods and service classes or relying on protection under common law for unregistered trade marks.

Trade mark registration gives the owner exclusive nationwide rights including the right to use the ® symbol after the registered trade mark on packaging and promotional material distributed in New Zealand.

Legal rights under common law for an unregistered trade mark are acquired through use over time, and limited to where the business reputation in the trade mark has been built up.



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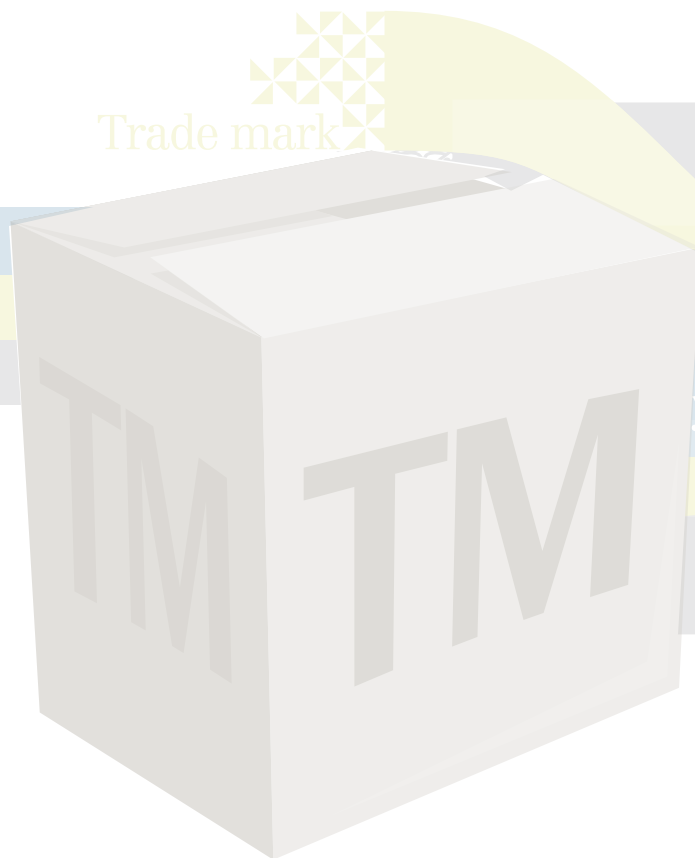
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Trade marks can include:

- words or letters like studio acronyms, film titles and names for television shows
- devices like character images and television show or movie logos
- colours
- sounds like advertising jingles or voice character catch phrases
- three dimensional shapes
- smells like a distinctive perfume fragrance
- or any combination of these as long as they can be graphically represented.



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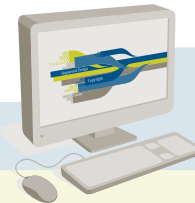
What is a patent?

Patents protect the technical aspects of new inventions. The complete specification accurately describes how the invention works, how it's made and can be modified for different uses. Exactly what is protected is set out in the patent claims.

The patent owner may exclude others from commercialising the invention as claimed for up to 20 years. Drafting a **patent specification** is a skill that requires technical aptitude and knowledge of the intellectual property law.

The patent claims can't be too broad that they cover what's already known or used, or too narrow that the owner misses out on potential revenue for their innovation.

Say someone invented a new and improved digital storage product. The patent claims might be directed to: the new product; the manufacturing assembly process, and any novel components that could be used in this new product or other known hardware products.



[Clever Kiwis stamp resource](#)



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What is a design?

A **registered design** protects the eye-appealing product design features that attract customers: shape, configuration, pattern and ornament.

The product design needs to be new or original, and can't be purely functional.

Exactly what design features are claimed is set in the 'Statement of novelty' and shown in the filed representations. The maximum term for a registered design right is 15 years.

When a New Zealand patent or registered design expires or lapses, the invention or product design as shown and described in the patent and design documents can be used by the public and business competitors. The off-the-shelf commercial product may still have IP assets associated with it. For example, the product casing might be a new copyright work and sold under a protected trade mark.

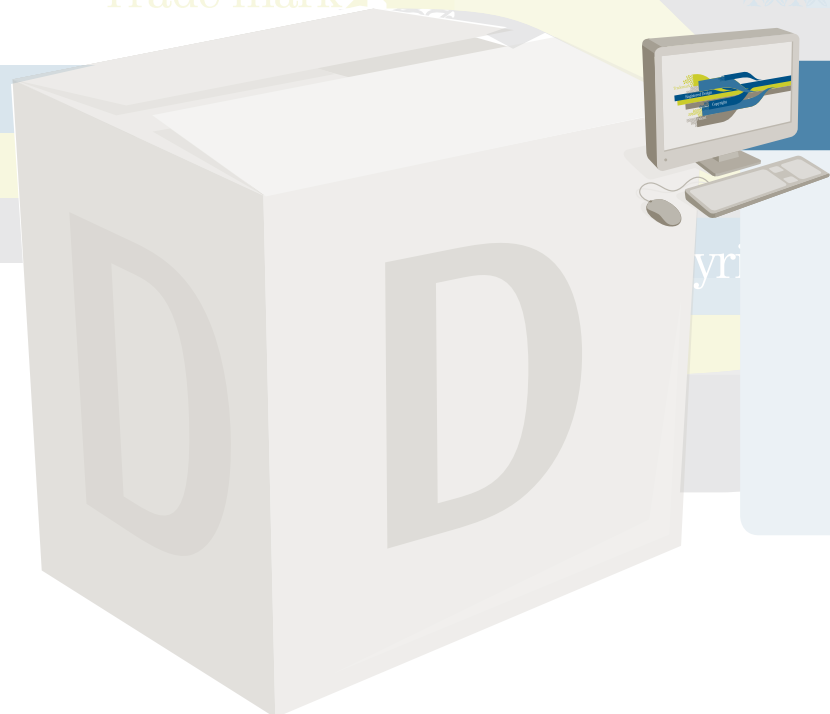


IP information discovery!

[New Zealand Design online database](#)

Investigate product packaging to find keywords such as product line descriptors like "plunger", IP owners' names, and allocated numbers like NZ Des. No. 28358.

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More IP assets

Intellectual property assets that might be tied up with services provided by the creative industries include:

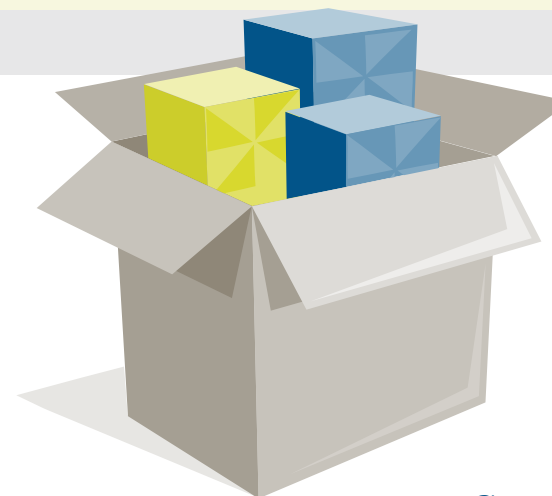
- confidential information
- patented technology
- copyright works owned by the client or licensed to them, and use of the client's trade marks, company name and domain names.

Confidential information can include everything from a trade secret production technique and other technical know-how through to cast and customer databases. This special 'insider information' and knowledge' is not disclosed and protected for as long as possible.

The creative industries tend to use confidentiality/non-disclosure agreements, non-compete clauses in employment contracts, and security systems to prevent the information from being released or used without authorisation.

A **company name** is essentially the legal identity of a business. The registered company name is used on all legal documents like contracts, **licences** and **assignments**.

A **domain name** is registered with the Internet service provider. The domain name is used in URLs to identify and bring users to the owner's web pages.



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Traditional knowledge

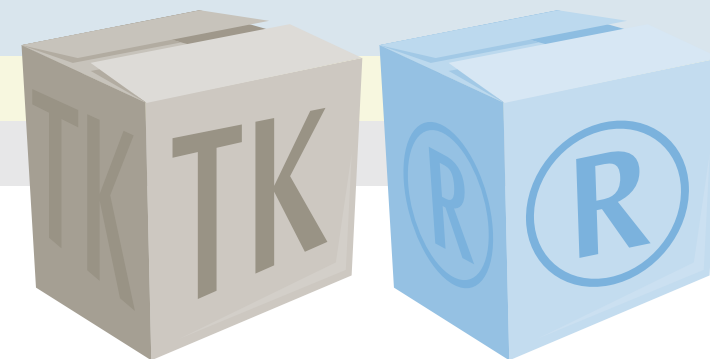
Traditional knowledge includes the creativity, innovations and practices of indigenous people and local communities. The knowledge doesn't need to be 'old' but is created in a traditional context. For Māori, Mātauranga Māori and cultural taonga are embedded in the traditional knowledge term.

New Zealand intellectual property law can, in some cases, be used to protect, preserve and safeguard unauthorised use of traditional knowledge by others.

Documented kōrero tuku iho oral histories can be protected as confidential information and trade secrets or under copyright when used in original creative works like books, films or sound and video recordings.

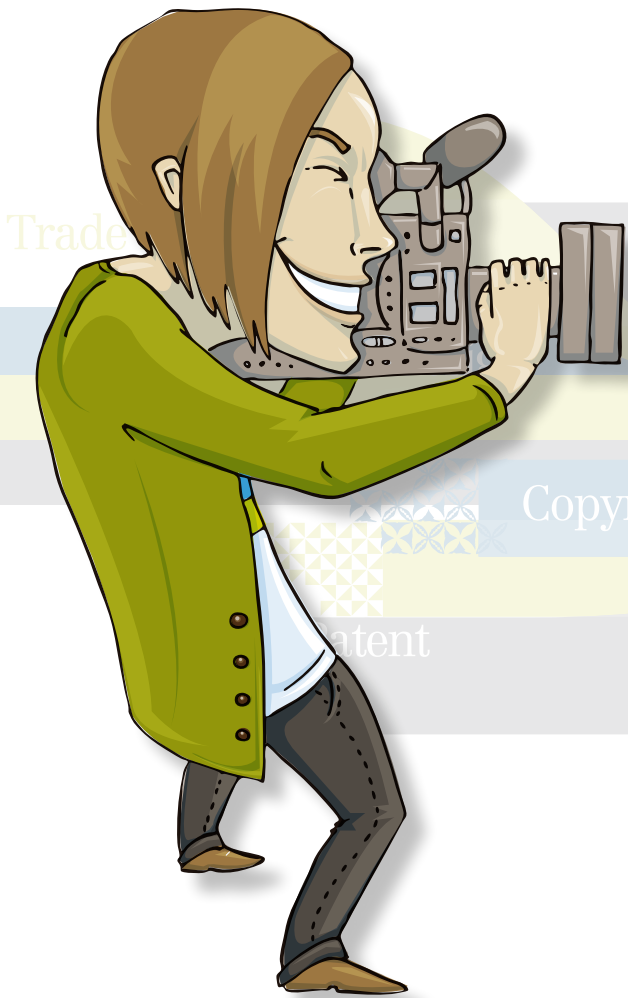
Did you know?

The Māori Trade Marks Advisory Committee is appointed by the New Zealand Commissioner of Trade Marks under section 177 of the New Zealand Trade Mark Act 2002. The Committee can be called on to provide advice when a trade mark application is received that includes a Māori word or image. The Committee is asked to consider whether the trade mark would be likely to cause offence if used or registered.



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IP & commercial work

Intellectual property is a valuable collection of business assets. Regardless of what product a business makes or service it provides, it will encounter, create and use intellectual property. To survive and grow, a business person needs to know how to capture, protect and manage IP assets, and how to avoid conflict with someone else's IP rights.

Intellectual property is just like real estate or stock market shares. Someone always owns and can benefit economically from it. The owner can be a person or a group of people, a business enterprise, or the Crown (government).

IP assets can be bought, sold and licensed. **Licensing** is like a rental agreement where the IP owner sets down terms and conditions to authorised use.



Try searching online!

Use an online search engine to find IP articles. Try these key words:

- Tasmin and Trelise Cooper with trade marks
- Coldplay music and National party
- Google and authors'/publishers' copyright suit.

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What are moral rights?

Moral rights are held by the author or director of a creative work.

They can be transferred when the author or director dies.

Moral rights ensure that users of creative work act in good faith.

As the author or director of a creative work, you have the right to:

- be credited for any use or adaptation of your work
- require others to maintain the integrity of your work
- take legal action if any adaptation of your work damages your professional reputation
- take legal action if work is falsely attributed to you.



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What are performers' rights?

Performers have the right to authorise or prohibit recording, broadcasts, and copying a recording of their performance. Performers can be cast members including extras; bands, back-up singers and musicians; comedians; principal dancers, corp de ballet, and guest artists.

Student and educational staff performances, news reading, sporting activities and audience participation are not covered.

Performers give authorisation in writing (legal term = consent).

Contracted performers usually have a consent clause in their contract. Once consent has been given it can't be withdrawn.



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IP showcase

Intellectual property (IP) is all about creativity, innovation and enterprise.



Use your mouse to discover more!



Copyright Notice

This original copyright image with roll-over text was created for the Ministry of Education's Creative Directions resource as an "IP showcase" teaching tool. These IP showcases are available for online access through the Te Kete Ipurangi website for teaching purposes only. You must not modify, adapt or re-distribute (including intranet and internet web casting) this IP showcase without prior written permission of the Ministry of Education.

Trade Mark Notice

This original copyright image includes three trade marks owned by KABUSHIKI KAISHA SONY COMPUTER ENTERTAINMENT (also trading as SONY COMPUTER ENTERTAINMENT INC.).

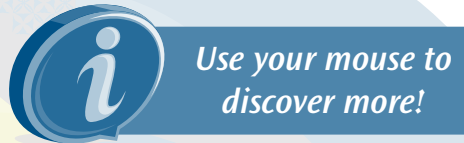
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Creative work showcase

Intellectual property (IP) can be like a layer cake. Each creative work can have a number of IP assets, owners, and people who are contracted to contribute their skills, expertise and creative energy to produce the final product.

A number of intellectual property assets and owners might be tied up in a single product such as a compact disc (CD) or digital versatile disc (DVD).



WHAT IS IP?

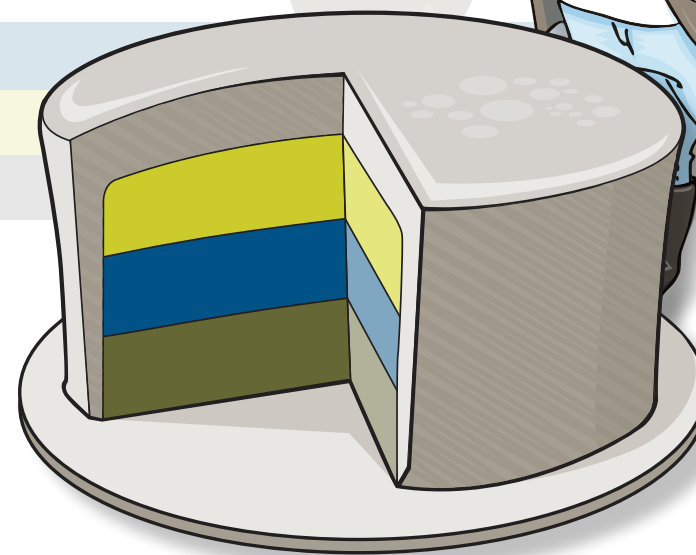
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Music & film production showcase

Take a music composition with lyrics, score and the musical arrangement when it's recorded. This copyright work could be captured as sheet music, overlay tracks, a digital complication or a MP3 file. The negotiated deal could mean that the record studio owns rights to the master and recorded overlays while the singer/songwriter owns copyrights in the original music composition (score, lyrics and concert performances).

Ever wondered what it takes to produce a music video?

Use your mouse to discover more!



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Novel publication showcase

Getting a novel published can involve a number of people who contribute their skills expertise and creative energy to produce the final product.

Use your mouse to discover more!



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How to do the right thing!

HOW TO DO THE RIGHT THING!

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Need permission to use a media resource in your classroom?

Unsure how to check if it's okay to use movies or sound recordings any way you like when you are teaching?

Didn't know there were educational licensing schemes tailor-made for schools?

Then you've come to the right place.

How shines a light on everything you need to know from [School licensing schemes](#) to [permission consent forms](#)!

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Licences

A **licence** is a contract where the intellectual property owner (licensor) gives written permission to the named party (licensee) to use but not own their intellectual property under agreed terms and conditions.

Just as a video store sets the rental fee you pay to hire a movie DVD and how long the rental period is, a licensor can control who can use their intellectual property and how and where it can be used.

Terms and conditions can include:

- **Territory restrictions** governing what countries you can use the creative work in. For example, a New Zealand only use restriction could exclude website postings and stop you from entering Australasian organized competitions.
- **Use restrictions** precisely setting out how you can use the creative work. For example, a provision allowing you to adapt and edit.
- **Time limitation** allowing you to use the creative work for a strict time period only. Typically, there is a deadline to return the original work and delete any copies that might have been incorporated into teaching resources and school collections like lesson plans, student activity sheets and school online databases.
- **Royalty payment details** explaining how to pay the licensor for the use of their creative work. Royalties may be calculated on the number of times the material is used, length of time it's used for or the licence may have a student roll based set fee.

Get in touch with the licensors themselves if you are uncertain about terms and conditions – head to the [copyright agencies](#) page to find out how.

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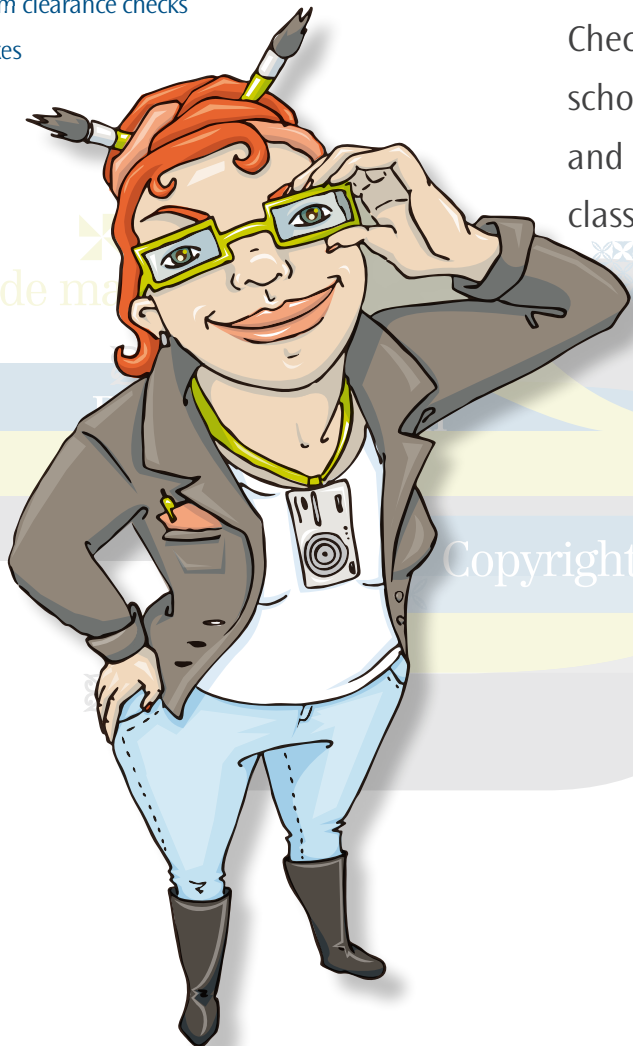
School licensing schemes

Your school should have **licences** in place that allow teachers to use specific media resources for **teaching purposes**, and for students and teachers to use the software applications loaded on school PCs.

Check the licensing terms and conditions with your school administrator so you know exactly how and what media resources you can use in your classroom.

Often licences restrict school use of the licensed media works to non-commercial use for teaching or private research. Licence terms and conditions could prevent you and your students from:

- showing adapted or remixed media products to family, friends and potential employers;
- performing the work or showing the product outside of the classroom;
- making copies.



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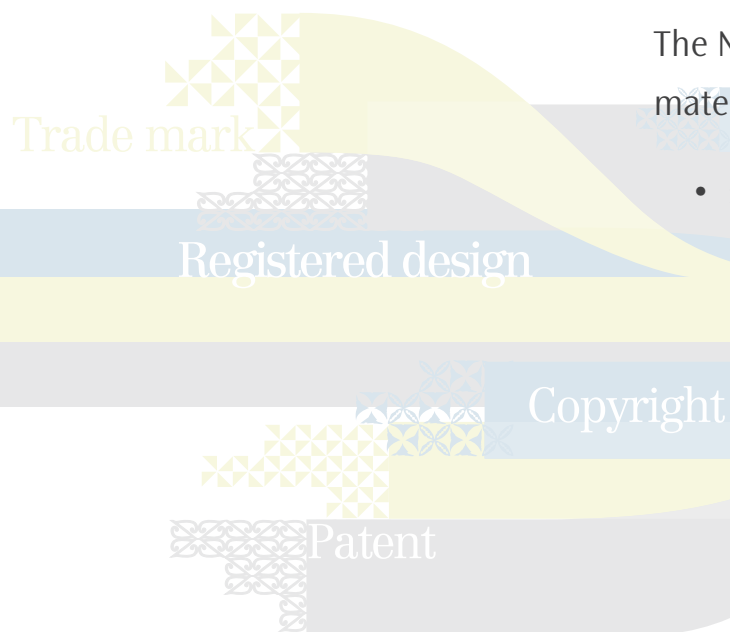
The New Zealand Schools Trustees Association (NZSTA), representing copyright agencies, operates a licensing scheme for New Zealand Schools. The scheme provides a legal means of using intellectual property owners' work in the classroom at reasonable cost.

The NZSTA licensing scheme essentially lets you use designated commercial work for teaching and gives the creators appropriate remuneration for their creative effort.

The NZSTA licensing scheme limits your use of material to educational purposes, this means:

- students need separate authorization to use NZSTA licensed material like commercial music or digital footage for a project that is used outside the classroom or shown to people other than yourself or classmates. This could prevent student projects being included in portfolios or bar entry from competitions.

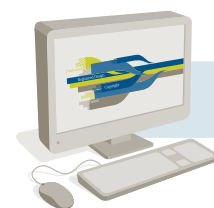
- your school cannot screen a film or DVD if the screening isn't part of a structured learning activity. Teachers cannot show a licensed creative work to entertain students during a rainy lunchtime or to keep boarders amused at the weekend or raise money for a school event.
- licences are school-specific so they do not allow you to copy materials for other teachers to use unless they have the same licensing arrangement.



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Your school is sent an invoice for the licence royalty payments each year based on the current school roll. Check with your school administration for what media works are available under your school's NZSTA licensing scheme.



[NZSTA](#)



NZSTA help desk 0800 663 486.



NZSTA licensing schemes

The NZSTA One Stop Shop Licensing Scheme offers these licences:

[APRA Music \(Public Performance & Print\)](#)

[APRA Music Recording \(Audio/Video\)](#)

[CLL Print copying](#)

[TV & Radio Copying.](#)

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APRA Music (Public Performance & Print Music) Licence

Allows the public performance of musical works by students.

Includes:

- Performances of music in **concerts**, by school bands, orchestras, or choirs
- Playing music at **school dances** or **music festivals** on **school premises**
- Photocopying **sheet music (up to 30 copies of orchestral or five copies of choral)**.

APRA Music Recording (Audio/Visual) Licence

Allows schools to make recordings of music onto a CD or other media format only for the purpose of instruction. The recordings may be made for students and distributed free of charge, or on a cost recovery basis.

Includes:

- CD compilations
- Live performances
- Music used in video or film recordings made at school.



Music Public Performance Licences

The APRA licences do not cover sound recording rights. Schools are required to hold both APRA and PPNZ Public Performance Licences to play recorded music to an audience.



For more information about PPNZ licences, please contact mark@ppnz.co.nz

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CLL Print Copying Licence:

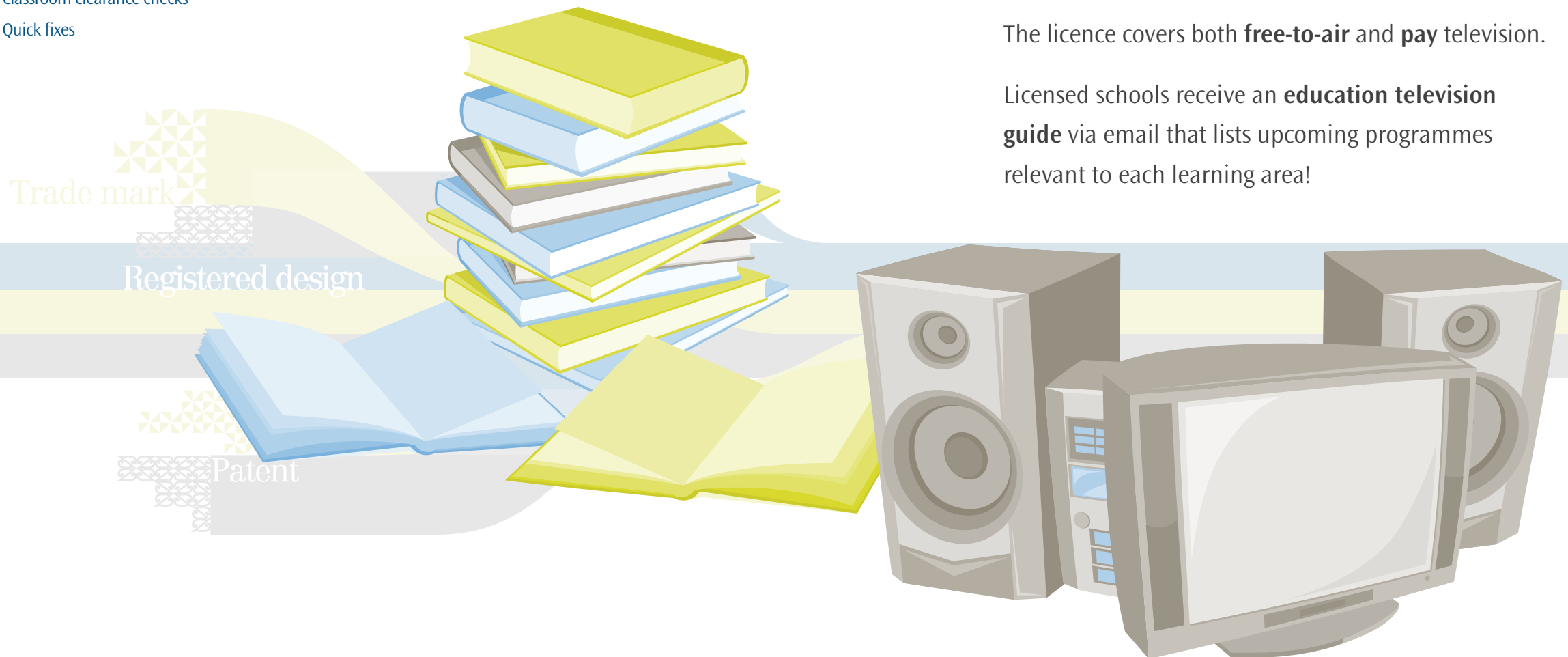
Allows teachers to copy extracts from books, journals, and periodicals for classroom based learning activities.

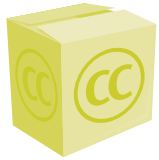
TV and Radio Copying Licence:

The [Screenrights educational copying licence](#) allows teachers to copy whatever they want, whenever they want, from TV and radio, so long as it's used for educational purposes.

The licence covers both **free-to-air** and **pay** television.

Licensed schools receive an **education television guide** via email that lists upcoming programmes relevant to each learning area!






Creative Commons licensing schemes

HOW TO DO THE RIGHT THING!

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- One stop shop
- Creative Commons licensing schemes
- How you can raise student IP awareness
- Clearance checking
- Classroom clearance checks
- Quick fixes

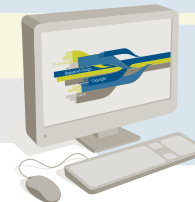
Creative Commons (CC) is an online, not-for-profit resource, providing a selection of copyright licences that a copyright owner can choose to use. CC licences use icons and acronyms to show how the copyright owner wants to be acknowledged and the limitations on how the copyright work is available for use by others.

Creative Commons  Attribution Share Alike (by-sa) licences let others remix, tweak and build upon your own work even for commercial use. In return, they must credit you and license their new creations under identical terms.

All new works based on yours will carry the same licence, so any derivatives will also allow

commercial use under the by-sa CC licence. Media products that use this licence can be very useful for student-driven adaptations, so keep an eye out for anything that carries the Creative Commons by-sa licence indicator.

CC licences might not fit all the IP owners' requirements. For example, in situations where the work includes media supplied under a school licence or if you want to be notified and keep track of who and where your work is being used (i.e. record licensees).



For more information, head to the [Creative Commons website](https://creativecommons.org/)

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How you can raise student IP awareness

You can **inspire** your students by showing intellectual property (IP) owners' creations and innovations and initiating IP related discussions. For example: show an item of movie merchandise and let your students discover all the **IP markings** on the product and/or packaging and then use this information to find out more about the IP owners and creative talent behind that product.

You can **encourage** your students to learn how to capture and protect their own IP assets.

You can **learn** about the school licensing schemes and use the information in this resource to do the right thing and **lead** by example.



Teaching resources

[Guide sheet](#)

[NCEA connections](#)

[Classroom discussion](#)

[IP showcases](#)

[Glossary](#)



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Clearance checking

Commercial media producers take great care to make sure they haven't mistakenly used the creative work or intellectual property (IP) assets of other IP owners without authorisation – a written release, consent or licence – and payment.

Film studios, recording artists, book publishers and multi-media producers put their work through tough clearance checks before market launch. Key elements like branding, photographs, clipart, and music need to be legally available for use; quotations must be accurate, and correct credit must be given to all involved in the creative enterprise.

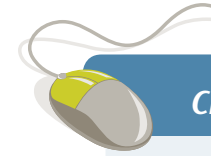
Media producers, authors and publishers can come down hard on anyone using their intellectual property without permission.

Classroom help

[Quick fixes](#)

[IP clearance checklist](#)

[Letter templates](#)



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Classroom clearance checks

Clearance checks help avoid legal trouble. Journalists often have to research the integrity of information and clear articles with their legal teams. Privacy and intellectual property (IP) issues are checked through before publication.

Owner permission:

If you want to perform, play or show creative works to a wider audience (including parents, guardians and the general public), then you will need to get specific authority from the copyright owner either directly or through the relevant licensing body.

Permission may be granted subject to a signing a licence or release contract with specific conditions like restriction to a one off fund raising or student project showcase event. You may or may not have to pay to use copyright protected material.



Classroom clearance checks

You can encourage students to develop their own set of best practices.

[Classroom clearance checklist](#)



Check out our [WHO](#) section for contact details of copyright agencies and more!

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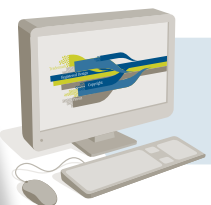
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Seeking permission

Seek permission before using copyright protected work. You could write a letter or send an e-mail to the author or rights holders.



[Copyright Council of New Zealand resource](#)



[Permission letter template](#)

Seeking consent

Students need to seek consent from the people they film, record, interview or photograph.

Remind them to obtain signed consent agreements that give them permission to capture and publish images and words.



[Consent letter template](#)



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Quick fixes

Here are some typical illegal student behaviours to be aware of with some quick fix suggestions:

Plagiarism

Problem: Not giving creative credit and author acknowledgement.

Typical behaviours: Copying from textbooks or classmates; copying and pasting text or images from the Internet.

Solutions: Add a bibliography, quotations, footnotes, and other forms of acknowledgement like screen credits.

Piracy

Problem: Acquiring, copying or creating a duplicate/fake of another copyright owner's work.

Typical behaviours: Illegal ripping, burning, copying or recording of any form of media; illegal sharing of copyright protected work.

Solutions: Buy original products and seeing live performances and legal screenings.



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Counterfeit products

Problem: Producing imitations/fakes.

Typical behaviours: Selling t-shirts or school production programmes with other people's copyright images and trade marks.

Solution: Use student-created images. Design unique trade marks for the school performance group.

Sharing, exchanging and publishing

Problem: Students using work that they can't legally adapt, remix, and then share outside the classroom.

Solutions:

- Get written authorization. Use a [permission letter](#) to ask the owner if your students can use the material.
- Buy sheet music and get students to record their own version. Copyright in the new musical arrangement (orchestration, mixing notes) and the performed or recorded final product can be owned and controlled by the students working on the project.
- Use open source licensed works.

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- Government
- Interest groups
- Licensing agencies



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Government

Ministry of Economic Development (MED)

MED's responsibilities include policy relating to the protection of intellectual property. The MED IP Policy team promotes New Zealand's interests in IP issues in the international arena such as World Intellectual Property Organization (WIPO) meetings and free trade negotiations.

Intellectual Property Office of New Zealand (IPONZ)

IPONZ is a business unit of the Ministry of Economic Development. IPONZ is responsible for maintaining the New Zealand Patent, Trade Mark, Design and Patent Attorney Registers. Key activities IPONZ is involved in include: examining new applications, recording changes in ownership and licence agreements, publishing the official Journal, and managing registrability hearings. IPONZ also manages the New Zealand Plant Variety Rights Office and acts as a Receiving Office for Patent Co-operation Treaty (PCT) International applications on behalf of the World Intellectual Property Organization (WIPO).

The [IPONZ website](#) includes: search engines and searching guides for retrieving information from the New Zealand IP Registers; general information about IP assets and online resources developed for New Zealand teachers and students.



0508 4 IPONZ
(0508 447 669)



info@iponz.govt.nz

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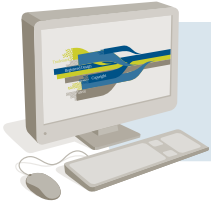
Licensing agencies



Interest Groups

Copyright Council of New Zealand

The Copyright Council of New Zealand is a not-for-profit incorporated society that represents the interests of New Zealand copyright creators and owners. It is also associated with [Copyright Licensing Limited](#), the licensing body for book publishers and authors.

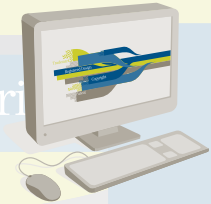


Copyright Council of New Zealand

Check out the online resources for New Zealand copyright owners and users.

Recording Industry Association of New Zealand (RIANZ)

RIANZ is a not-for-profit organisation that represents the rights and interests of major and independent record producers, distributors and recording artists in New Zealand. RIANZ acts as an advocate for the recording industry.



Check out both the [RIANZ](#) website for composers, performers, and teachers; and the [Love Music](#) website for news, competitions and information from the record companies, artists and music providers in New Zealand.

WHO TO CONTACT

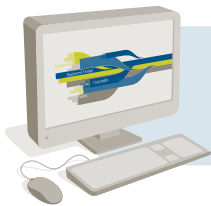
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Interest groups

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New Zealand Federation Against Copyright Theft

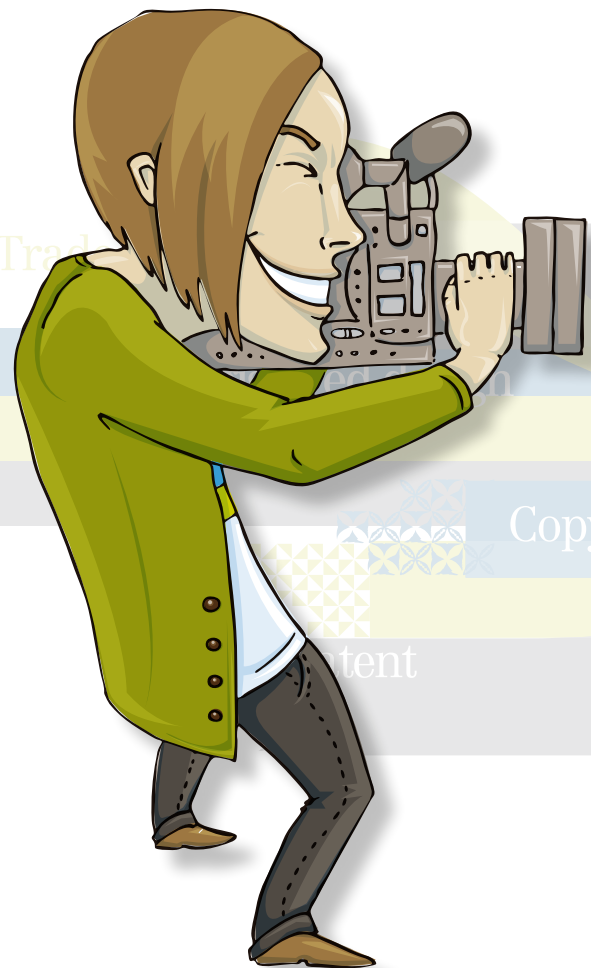
NZFA©T is the education and movie piracy investigation and enforcement arm representing the Motion Picture Association in New Zealand.



Check out both the [NZFACT](#) and [Stop Piracy in New Zealand](#) websites for the latest news and educational resources.



0800 COPYRIGHT (0800 267 974)



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Printed works

[Book Publishers Association of New Zealand Inc \(BPANZ\)](#): represents book publishers and distributors in New Zealand.

[New Zealand Society of Authors \(NZSA\)](#): represents New Zealand writers and illustrators in New Zealand and internationally.

[New Zealand Writers Guild](#): represents scriptwriters working for radio, television, film and theatre in New Zealand.

Photographic works

[Advertising and Illustrative Photographers Association \(AIPA\)](#): represents professional photographers working in advertising, editorial and illustrative areas.

[New Zealand Institute of Professional Photography \(IPP\)](#): represents professional photographers and allied industries operating in a wide range of photographic and related disciplines.

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Film and video works

Motion Picture Distributors Association of New Zealand (MPDA): represents major international film studios and the distribution of their motion pictures.

New Zealand Film Commission: represents film investors through sale and marketing of New Zealand films.

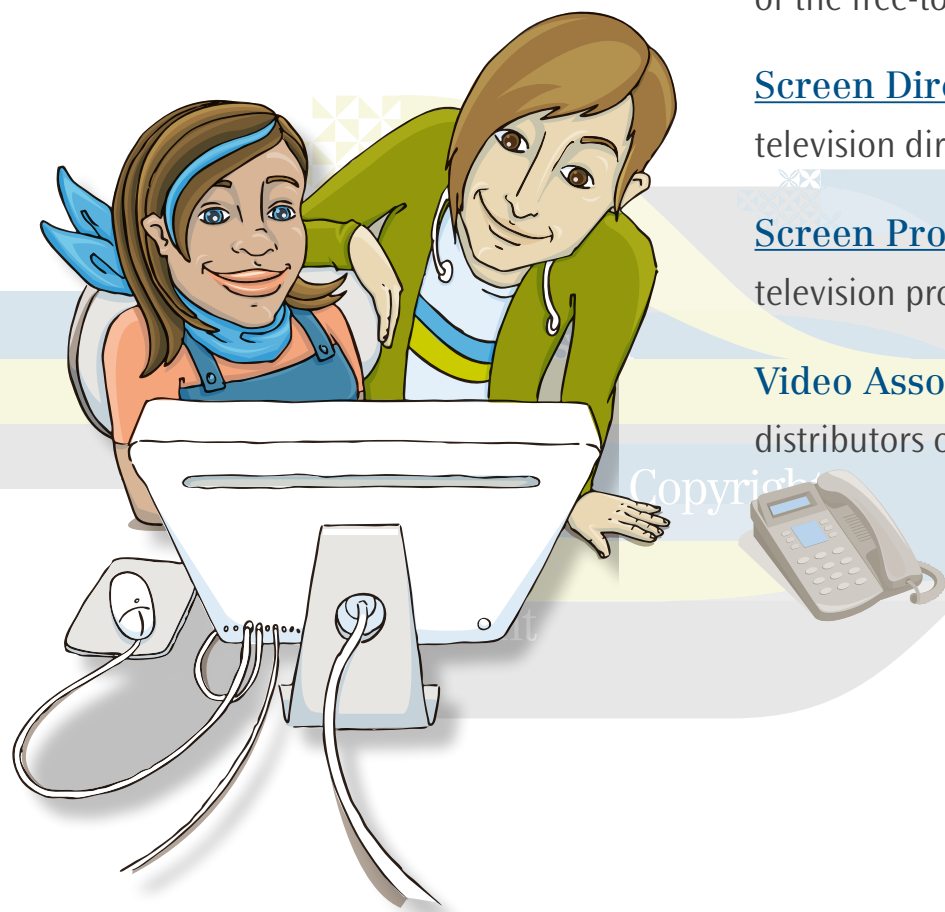
New Zealand Television Broadcasters Council: represents the non-competitive interests of the free-to-air television networks.

Screen Directors Guild of New Zealand: represents the interests of New Zealand film and television directors.

Screen Producers and Directors Association (SPADA): represents New Zealand film and television producers and directors.

Video Association of New Zealand: represents major international producers and distributors of motion pictures in video format.

09 376 4480 or fax 09 360 1135



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Licensing agencies

In New Zealand, there are a number of agencies who deal with copyright licensing. These agencies are authorised by the copyright owner(s) to grant licences for use of their creative work.

Printed works

[Copyright Licensing Limited \(CLL\)](#): represents book publishers and authors from New Zealand and overseas, providing licences for copying from printed copyright works.

Film and video works

[Screenrights – The Audio-Visual Copyright Society](#): represents the interests of film and television directors.

Visual arts

[Viscopy](#): is the only visual artists' copyright agency in the Australia Pacific region.

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Musical works

[Australasian Mechanical Copyright Owners Society Ltd \(AMCOS\)](#): an association of music publishers that administers the reproduction rights of copyright music.

[Australasian Performing Right Association \(APRA\)](#): an association of composers, lyricists and their publishers that administer the public performance and broadcast rights of copyright music.

[Phonographic Performance New Zealand Ltd \(PPNZ\)](#): an association of recording artists and recorded music owners (e.g. record labels) that administer the public performance and broadcast rights of copyright recorded music.

[Recording Industry Association of New Zealand \(RIANZ\)](#): represents major and independent record producers, distributors and recording artists throughout New Zealand



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Public screenings of film or video

There is currently no central public performance licensing mechanism in New Zealand for screening films or DVDs. If you want to get permission to publicly screen a movie, you'll need to contact the company that has the distribution rights for that film.

Here is a list of New Zealand contact numbers for the large motion picture studios and film distributors:

United International Pictures

Tel (09) 379-6269

Twentieth Century Fox

Tel (09) 309-0955

Roadshow Film Distributors

Tel (09) 820-8880

Roadshow Entertainment (NZ) Ltd

Tel (09) 820-8800

Walt Disney Studios

Tel (09) 302-7566

Columbia Tristar (NZ) Ltd

Tel (09) 366-9499

Warner Bros Video Ltd

Tel (09) 379-2964

Universal Pictures Video

Tel (09) 375-774



Please call NZFACT on 0800 267 974 if you have problems tracking down the studio copyright owner.

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- NCEA connections



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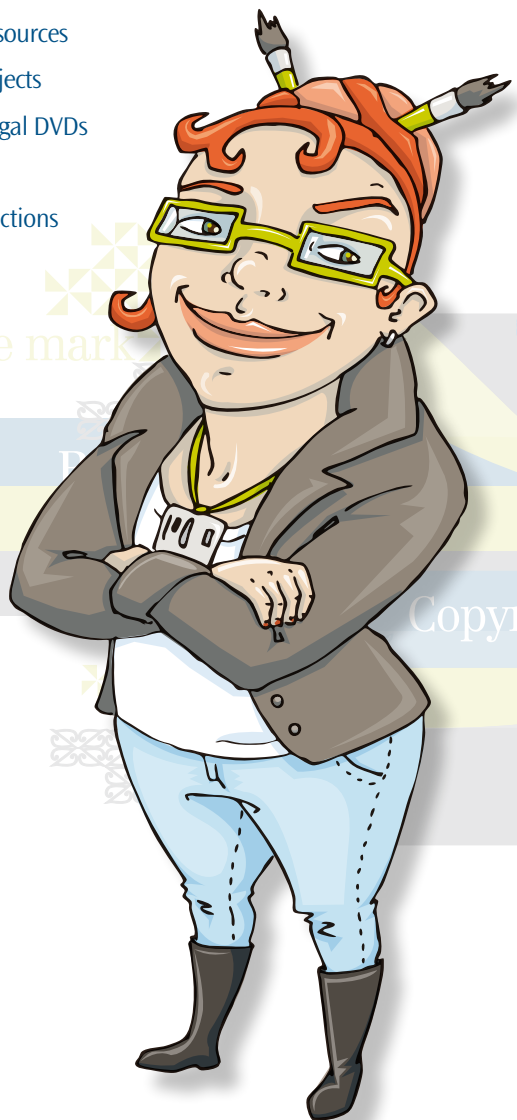
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How can you help your students?

You can lead by example.

Always acknowledge the source of other people's material including student work used when teaching.

Respect owner's intellectual property rights by buying or hiring original material.

Run [clearance checks](#) to see that you're not breaching any laws when reproducing someone else's material including photocopying, scanning, recording, and taking material from the internet.

Raise student intellectual property awareness by introducing IP related topics and into your teaching programme. You can show them how IP owners commercialise and enforce their

legal rights using recently reported media articles and news footage.

Help your students to understand intellectual property is a valuable collection of business assets.

Regardless of what product a business makes or service it provides, it will encounter, create and use intellectual property.

To survive and grow, a business person needs to know how to capture, protect and manage IP assets, and how to avoid conflict with someone else's IP rights.

Encourage your students to find out more about intellectual property. Warn them that every country has its own set of laws. IP information retrieved from the worldwide web or library might

not apply in New Zealand, or the information could be outdated.

Promote the 'intellectual property respect' message. Show material to inspire students to produce their own creative work.

Use the information in this guide to encourage responsible actions when sharing, reusing, adapting and remixing other IP owners' creative works.

Be prepared to tackle the hard issues like student plagiarism, illegal downloading and making copies (burning, ripping, Bluetooth sending) for class work, family and friends [see the [Classroom checklist](#) and [Permission letter](#), and [Quick fixes](#)].

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Classroom discussion

Start a student discussion about using IP assets in their own works!

Video competition:

Two groups of students are working on separate video production projects to meet NCEA requirements.

They also plan to enter their films in the **Cut Video Competition** for media arts students run by the **Waikato Institute of Technology**.

The students want to know whether they can incorporate material from other media sources in their videos. Coincidentally, both groups want to use the following material, but for different reasons:

1. Extracts from the film, *Once Were Warriors*.
2. A Hollie Smith song track
3. A classical music track performed by the NZSO
4. Excerpts from recent television current affairs programmes.



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Group 1 – Sharma’s documentary

Sharma’s group is preparing a **current affairs documentary** about family violence in New Zealand. The students want to include extracts from *Once Were Warriors* to give a dramatic depiction of their subject. They also plan to use recent television items.

The group has chosen Hollie Smith’s song because some of the lyrics are consistent with their overall idea. They want to use an NZSO recording of a percussion concerto by New Zealand composer Gareth Farr for ambience.

The excerpts from *Once Were Warriors* and television items may be permitted under Fair Dealing provision – Reporting Current Affairs Permitted Use provided that the scenes used directly relate to the story and are not used excessively or gratuitously.

The song track has copyright in both the **song itself** and the **sound recording**. Copyright exists in the NZSO’s orchestral arrangement and their recorded performance and Gareth Farr is the composer of the percussion concerto.

In using an existing CD, tape or music score, the students will need the consent of both the **artist through APRA**, and of the **record company** through PPNZ / RIANZ. The Wintec video competition website carries [clearance application and licensing forms](#) to get these permissions.

If they do not get permission or the conditions imposed are too onerous, then they could consider buying sheet music for a vintage classical work that’s out of copyright and then organising students to record a performance track. The music track details including the sheet music publisher and musician list should be added to the film credits.

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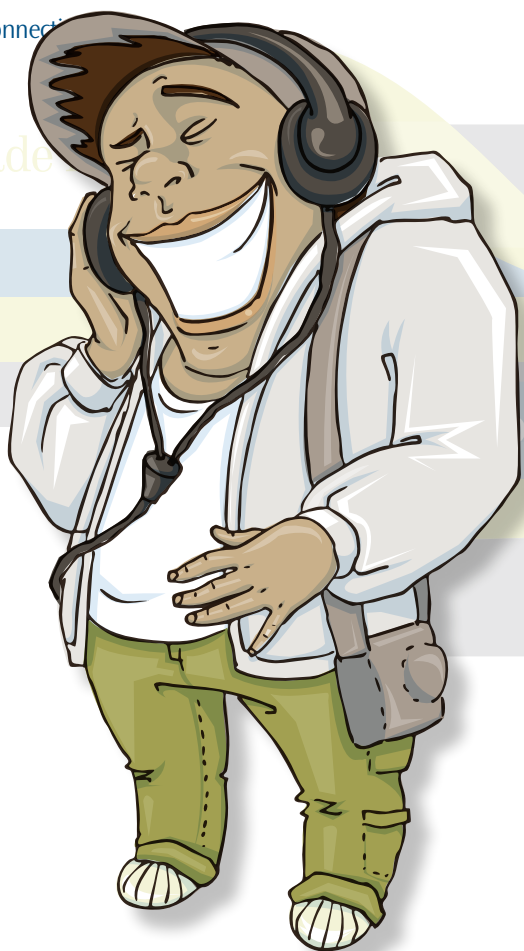
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Group 2 – Bodhi’s Music Clip

Bodhi’s group want to make a **music video** using the same song track. They intend to adapt it by interspersing extracts from a version of the Gareth Farr concerto that they have recorded using Apple’s *GarageBand*[™] programme. The video itself will feature actor Temuera Morrison and TV presenters Mark Sainsbury and John Campbell all popping up randomly.

The student’s orchestration of the Gareth Farr concerto is their own original work for which they automatically have copyright protection. If the orchestra members all have store brought sheet music or the school has a licence for Farr’s composition, then there are no copyright clearance issues attached to the recording.

The students face the same issues with the song track as did Sharma’s group and will **need to get permission** from APRA and PPNZ RIANZ.

The students could write to the television current affairs programme presenters for permission to use their images in the video.

If the images are stills from the movie and television footage then the students need to get permission from the studio and television networks who own copyright in the film and television broadcasts. They might be able to get photographs that they could use for **non-commercial work** from the *Once Were Warriors* official website, TVNZ and TV3 websites.

Another option would be to **contact Temuera Morrison** (or his agent) and the television presenters directly and ask for a digital “promo” photographs that they could use with their permission for this competition.

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Teaching resources

Generally, anything you create in the course of your employment as a teacher will be owned by the school unless agreed otherwise. Your employment contract and internal policy documents may already cover intellectual property ownership.

It's best to discuss ownership, reuse, and recirculation issues up-front with your employer before you start a project. You might get written permission to share your resources with teachers from other schools or permission to reuse these teaching resources for your own non-commercial use throughout your teaching career.

Occasionally, the school is contracted to create a commissioned work. The contract should set out who owns the intellectual property in the commissioned work and whether it can be trialled in the classroom or continued to be used in the school after the work is completed.

Student projects

You can help your students identify the potential intellectual property assets they are creating (see the [Guide sheet](#)) and point out other people's IP assets that they're learning about and being inspired by. The students might want to investigate the intellectual property registration process available for IP assets like patents and trade marks.

Media studies student projects and productions tend to be collaborations. You can foster professional working habits by getting them to discuss copyright

ownership and intellectual property protection issues before they start working together. Individual components like original photographs, clips and scenery drawings can be marked with the copyright indicator [copyright symbol © + owner(s) name + year the work was first created]. Copyright protection for student work provides them with the opportunity to build up their professional reputation and earn a living from their own creativity.

[Guide sheet](#)

[Classroom checklist](#)

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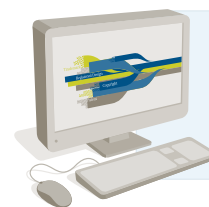
Spotting illegal DVDs

Watch out for titles that are “Too New to be True”. Movies that have yet to be released in New Zealand or are still showing generally are not available on DVD.



[More about movie piracy](#)

Look for the Censorship label required by [The Office of Film and Literature Classification](#).



[NCEA censorship resource](#) that includes case studies.

Check the quality. Beware of products that don't look genuine with inferior quality printing; missing artwork, studio, publisher or distributor logos; non-standard regional zone markings like 0-region or No Region, and poor sound or film production.

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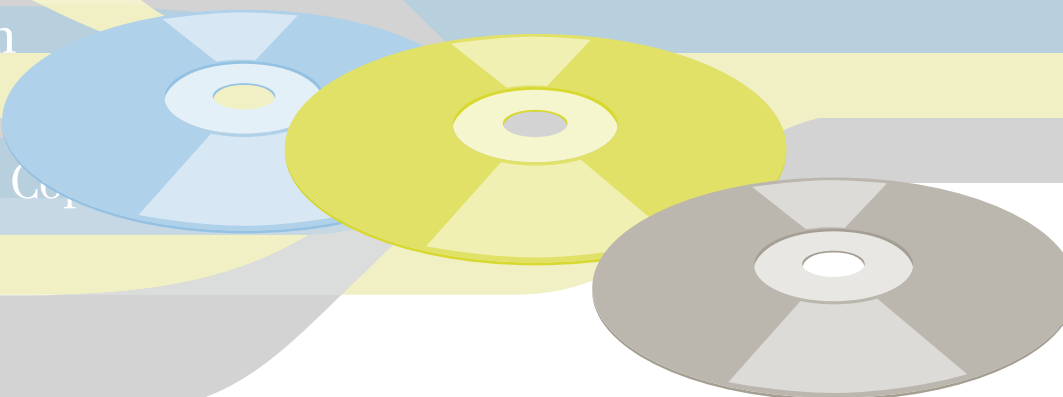
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Guide sheet

The guide sheet is designed to help you and your students recognise what kind of intellectual property is created whenever a student creates an original work.

Look for the appropriate type of creation on the left hand side, work out how it has been captured into a solid state or medium, and then find out what potential IP assets could be involved.

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Student project	Creative work	Captured	Potential IP asset(s)
Writing	essay, article, review, poem, script, project outline, advertisement	hand product, file, email, text message, printed work	copyright, confidential information, trade marks traditional knowledge
Music	score, lyrics, ring tone, jingle, arrangement, recording, broadcast	manuscript, recorded track or footage, live transmission or performance	copyright, trade marks traditional knowledge
Art	drawing, sculpture, graphic works, advertisement	hand product, file, email, screen shot	copyright, trade marks, designs, patents
Dance	performance piece, choreography and production outlines	manuscript, notes, diagrams, recording, live performance	copyright, trade secrets traditional knowledge
Technology	photography, recording, computer graphic imaging, design	photograph, file, recorded track or footage, design or computer programme, webpage, transmission or live performance	copyright, patents, integrated circuits, designs, trade secrets

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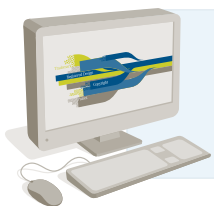
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NCEA connections

Here are a few suggested connections to standards that may include intellectual property related topics.



Note: Standards are currently being reviewed to align with The New Zealand Curriculum. Please consult the [NZQA website](#) for latest information.

Standard		IP related topic suggestions
Practical standards		
AS90604 (Level 3)	Complete and justify a concept and treatment for a media product	IP issues surrounding the creation of a product. What are the student's rights and responsibilities?
AS90765 (Level 2)	Design and produce a media product and evaluate the process used to create the production	
AS90606 (Level 3)	Create a media product using appropriate media technology	

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Standard		IP related topic suggestions
Theoretical standards		
AS90599 (Level 3)	Demonstrate understanding of a specific media industry	IP issues – rights holders. Who owns the work created by the industry?
US 7466 (Level 3)	Investigate how media audiences are identified and targeted	Target Marketing: Trade mark selection Branding
AS90779 (Level 3)	Investigate an aspect of media and explain its significance for New Zealand	All IP issues to do with the media
US 7469 (Level 2)	Investigate ethical issues that affect the media	Copyright Act Creative Commons Internet journalism
US 7473 (Level 3)	Investigate the promotion of New Zealand identity in the media	Buy New Zealand Made/Designed Campaigns. Toi iho trade mark.
US 7476 (Level 3)	Analyse a period of history of one of the media in New Zealand	Brand/trade mark placement in New Zealand films and television programmes.
US 18188 (Level 3)	Demonstrate knowledge of the rules and ethical codes that apply to journalism	Study a critic's review of book, film or television (moral rights and fair dealing issues); IP ownership acknowledgement.

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MEDIA GUIDE

Film, video & digital works

Images

Online

Music



Media guide

Need a hand finding material from different forms of media?

Want to quickly check up on consent procedures and other IP related issues associated with student project work?

Then you've come to the right place!

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Film, video & digital works

Filming

- Students need to seek consent from the people they film, record, interview, or photograph – no matter who they are!



More about consent!

- **Film reviews:** students can use dialogue quotes and screen shots from a film so long as they **properly credit their source**. This includes mentioning the film title, giving script writer/director attribution, and **maintaining the integrity of the work**.



More about moral rights!

- **Location shoots:** students will need permission from building owners when filming in public places such as museums and galleries. Exhibiting artists and artwork owners might also have to be contacted.



More about getting permission!



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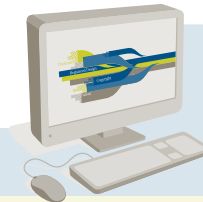
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Promotion

- Encourage students to use the [copyright indicator](#) on flyers, sleeve covers, discs, and all other assets that they've created!
- Get them to run a [clearance check](#) before anything copyrighted is shared outside of the classroom.

New releases

- If you or your students are studying movies, remember that **official studio websites** are a great classroom resource! You can generally download wallpapers, trailers, and other content like behind-the-scenes film clips and costume and set designs to use in the classroom. Usually, downloaded material can't be adapted, remixed or used commercially.



For the latest movie trailers, head to places like [Movie guide!](#)

Images

Releases

It's best practice to get release consent from people who will prominently feature before the image is taken. Bear in mind that sometimes **privacy issues** can still arise when the image is published, especially if the image is used in a less than flattering or offensive manner.



Learn more!

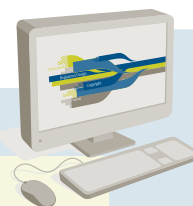
[Photographers & copyright](#)

[Visual artists & copyright](#)

Copying and downloading images

A good place to get free images – for use in both **commercial** and **non-commercial** settings – is [Wikimedia Commons](#). Just make sure you respect the requests of the contributors – they might want credit to be given even if their work is adapted.

The following sites also have freely available photographs:



[Pics4learning](#) (educational images)

[Bigfoto](#)

[Morguefile](#)

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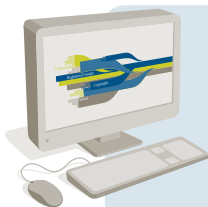
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These sites offer images with non-commercial use [Creative Commons](#) licences:



[Open Photo](#)

[Flickr](#) (special Creative Commons section)

Getting permission to use images

If you would like to use an image that is owned by someone else, try getting in touch with them directly or through the appropriate licensing body.

[AIPA](#) and [IPP](#) represent photographers, so they're a good first port of call.

[Letter template](#)

Protecting your own images

The best way you can protect your own images is to use the [copyright indicator](#) and be cautious about who you are sharing images with and where you're submitting images to. Consider using low resolution copies and watermarking your copyright work with "proof" or "sample" if you want people to see but not use your work.



Online

While it's easy to forget, it's important to remember that **all original work gets copyright protection**—even on the Internet!

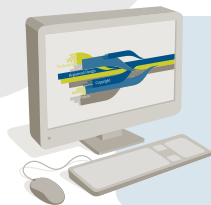
Encourage your students to be wary when posting material online unless they're sure they know what they're doing. Search for online statements explaining how posted materials on that specific website can be used by others. Check out any “Legal”, “Copyright” or “Terms” landing pages.



[Learn about copyright!](#)

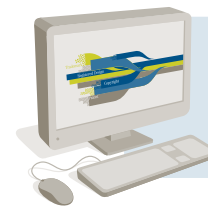
Free downloads of books & text

These sites have libraries of books that are in the **public domain**, which means they can be used in any **commercial** or **non-commercial** project:



[Online Books Page](#)
[Eldritch Press](#)
[Project Gutenberg – ebooks](#)

There are also a number of sites which offer downloadable texts with non-commercial use [Creative Commons](#) licences:



[Internet Archive](#)
[CC Licensed Books](#)

Getting permission to use written material

Try getting in touch with the author and publisher directly, or through the relevant licensing body.

[CLL](#) provides school licensing schemes for copying from printed copyright works.

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Recording

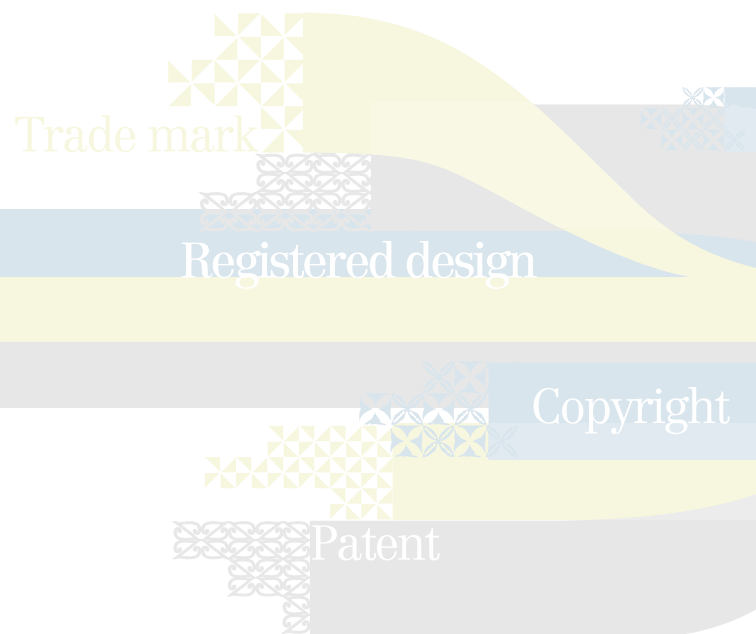
When creating new work, try and encourage your students to mark their **masters** and **demos** with copyright indicators, showing **when and who wrote the music**, and **who produced the recording**.

**Tip:**

*Intellectual property (IP) information can be embedded into the **metadata** of the file itself!*

Performances and Broadcasts

When you want to play a copyright protected song, you need to first get permission from the appropriate record studio or licensing agency. Don't even bother with artists such as The Beatles, Pink Floyd, Queen, or Tool – they have a policy of never giving out clearances of any kind!



Here is a list of distributors in New Zealand to get in touch with. These people represent record companies from across the globe:

Distributor / record label	Contact	Email	Phone
EMI Music	Derek Wallace	derek.wallace@emimusic.com	09 356 1591
SonyBMG	Fiona Perry	fiona.perry@sonybm.com	09 523 8516
Warner Music	Laurissa Hollis	laurissa.hollis@warnermusic.com	09 361 4848
Universal	Aimee Vaughan	aimee.vaughan@umusic.com	09 375 7575
Border Music	Soren Lundberg	soren@border.co.nz	09 415 0540
Global Routes	Alan Holt	alan@globalroutes.co.nz	09 376 1808
Shock	Daren Humphries	daren@shockrecords.co.nz	09 353 6963
King Music	Steve Popham	steve@kingmusic.co.nz	09 820 5086
Māori Music	Neil Cruickshank	neil@maorimusic.com	09 476 9911
Parachute Music	David Curtis		09 366 1627
Rattle Records	Tim Gummer	info@rattle.co.nz	09 309 0404
Rhythmethod	Peter Baker	peter@rhythmethod.co.nz	09 630 0575

If you're unsure who you should get in touch with contact [PPNZ](mailto:jacque@ppnz.co.nz) for a search of the [RIANZ](#) artist & label repertoire.



jacque@ppnz.co.nz

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Frequently asked questions

Can I use sound recordings in my school performance?

Yes, under exemptions in the Copyright Act, and provided the performance is not for the public (people other than students and teachers at that school).

You can seek permission from the copyright owners to perform in public. You would also require two **public performance licences** from both [APRA](#) and [PPNZ](#), to enable public performance of the musical works or recording. Check to see whether your school has these licences.

Who owns what in a recording?

For any given musical recording, there are at least two copyright works involved. First, there is copyright in the **musical work** (lyrics and score). Composers, lyricists and/or music publishers will be the copyright owner.

Then there is the copyright in the **sound recording**, which covers the recorded performance of the musical work. A record company usually owns this copyright and sometimes ownership might be split with the featured artist.

Copyright in music can be complicated, and is mainly dealt with by way of **written agreements** or **licences** that clearly state who owns what rights for what purposes, for how long and for what payment. It is important that new musicians are aware of the copyright in their own original works. Seeking professional advice is recommended!

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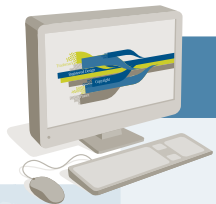
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Music

How do I know if a particular piece of music has copyright protection?

All original music and sound recordings are subject to copyright protection from the **date they are created** and for at least **50 years afterwards**.

You may find the copyright indicator or copyright statement but these are not necessary to gain copyright protection.

*Learn more!*[Love New Zealand music](#)

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Assignment

An assignment is a sales contract transferring ownership of IP rights, in the listed IP assets, from the current owner (assignor) to the new owner (assignee). An assignment must be signed and dated by the parties and their witnesses.

Company name

A company name is the legal identity of an enterprise. Directors of a limited liability “Ltd” company are not personally liable for company debts and liabilities.

Confidentiality agreement

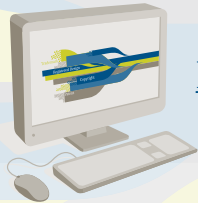
A confidentiality agreement clarifies what information is to be kept confidential, who owns it and who the owner has agreed to disclose it to. Confidentiality agreements can be used to guard against public disclosure while an invention is under development or when entering into discussions with a potential business partner. Also known as secrecy, non-disclosure and confidential disclosure agreements.

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[Learn more!](#)

Copyright

The term “copyright” refers to a bundle of exclusive rights conferred by the New Zealand Copyright Act 1994 for original works. There is no formal registration of copyright in New Zealand. Copyright protection comes into existence automatically every time an original work is created. There can be a number of copyright layers in a work. For example, a piece of original music could have copyright protection for the lyrics, score and sound recording; and a product design could have copyright protection in the 2D drawing and visual appearance of the 3D article.

Design registrations

A registered design protects eye appealing product design features that attract customers – shape, configuration, pattern and ornamentation applied to the manufactured article. It gives the owner the exclusive right to make, import, sell or license the design for up to 15 years. Design registration doesn’t cover functional aspects of the design unless those aspects contribute to the product’s eye appeal. Functional design features may be protected by a patent.

Domain name

A domain name is an Internet address. Domain names must be registered with a service provider to be valid and usable.



[Learn more!](#)

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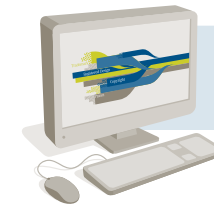
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Franchise

An IP owner who has a high profile business (the franchiser) can team up with another enterprise (the franchisee) who will bring in expertise of their own or financial resources to provide goods or services directly to the consumer. The franchiser will ensure, through the supply of technical and management skills, that the franchisee maintains the quality and other standards in relation to the use of the trade mark under which the franchise operates. The franchise agreement usually requires certain standardised features like a uniform trade dress.

Intellectual property (IP)

Intellectual property is the umbrella term for 'creations of the mind'. IP assets include: patents for new inventions, trade marks for identifying a trader's goods or services, designs for eye appealing product features, and copyright for original works.



[Learn more!](#)

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IP indicators

Copyright: The internationally recognised copyright indicator uses the © symbol followed by the name of the copyright owner and the year the copyright work was first created. Although not required by law, it is a good idea to include a copyright indicator or statement on a work.

IP Registers: Every IP asset that has been entered onto an official register can be found by its unique number. Products, tags, labels, packaging and promotional material can be marked with the appropriate IP indicators.

General format = Country code + IP type + allocated number

IP infringement

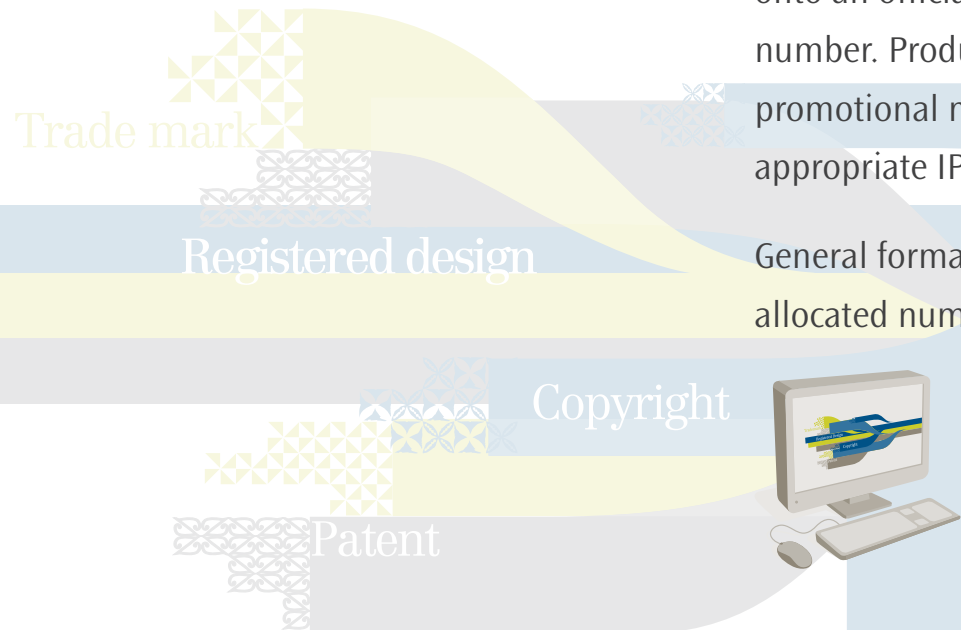
Unauthorised use of an IP owner's IP rights. IP infringement includes illegal activities like peer-to-peer file sharing without the copyright owner's permission; copyright piracy of music and films, selling a patented invention that wasn't made by the New Zealand patent owner or their authorised licensee, and using an identical or similar looking/sounding brand to a competitor's trade mark.

IP symbols

® = registered trade mark.

TM = trade mark

© = part of the copyright indicator



You can search the New Zealand patent, trade mark, design and plant variety right databases online at www.iponz.govt.nz

Joint venture

A joint venture is a business relationship that involves two or more enterprises pooling their resources for a common purpose. Often, one partner will contribute technology or know-how and the other partner contributes financially or brings expertise to the project. The joint venture can be registered as a limited liability (Ltd) company or operate under licensing and confidential disclosure agreements to ensure that use of one another's IP rights is controlled and reciprocally compensated.

Licence

A licence is a contract where the IP owner (licensor) gives permission to a licensee to use but not own the IP assets under agreed terms and conditions. Terms may include a time limitation and market territory restriction. Conditions may include quality testing and royalty payments. Terms and conditions need to be negotiated. There is no model licence and it is important for the two parties to get independent legal advice.

Patent

A patent is an exclusive right granted by the government for a new invention. The owner of the patent (the patentee) may exclude others from commercialising the invention as claimed for up to 20 years.



Patent attorney

A person who has qualified and registered as a patent attorney. Registered patent attorneys can prepare patent specifications for IP owners and provide legal advice on intellectual property issues.



[New Zealand Patent Attorney Register](#)

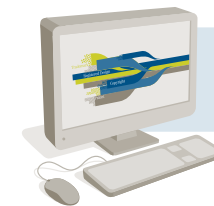
Patent specification

A written description of an invention, often including drawings and tables, to show how it is made and works. In New Zealand, a patent application can either be filed with 1) a provisional specification or 2) a complete specification. A provisional specification broadly describes the invention and how to perform it. A complete specification accurately describes the invention and the best method of carrying it out, and

ends with one or more claims that define the scope of the invention. If filing option (1) is chosen, a complete-after-provisional (CAP) specification must be filed within the set deadline to keep the application alive.

PCT

PCT stands for the Patent Cooperation Treaty. It allows applicants from member countries to file a single international application as a first step towards gaining a family of national and/or regional patents selected from the contracting states. New Zealand is a member country/contracting state and the Intellectual Property Office of New Zealand (IPONZ) is a PCT Receiving Office (RO) where PCT applications can be filed.



[Learn more!](#)

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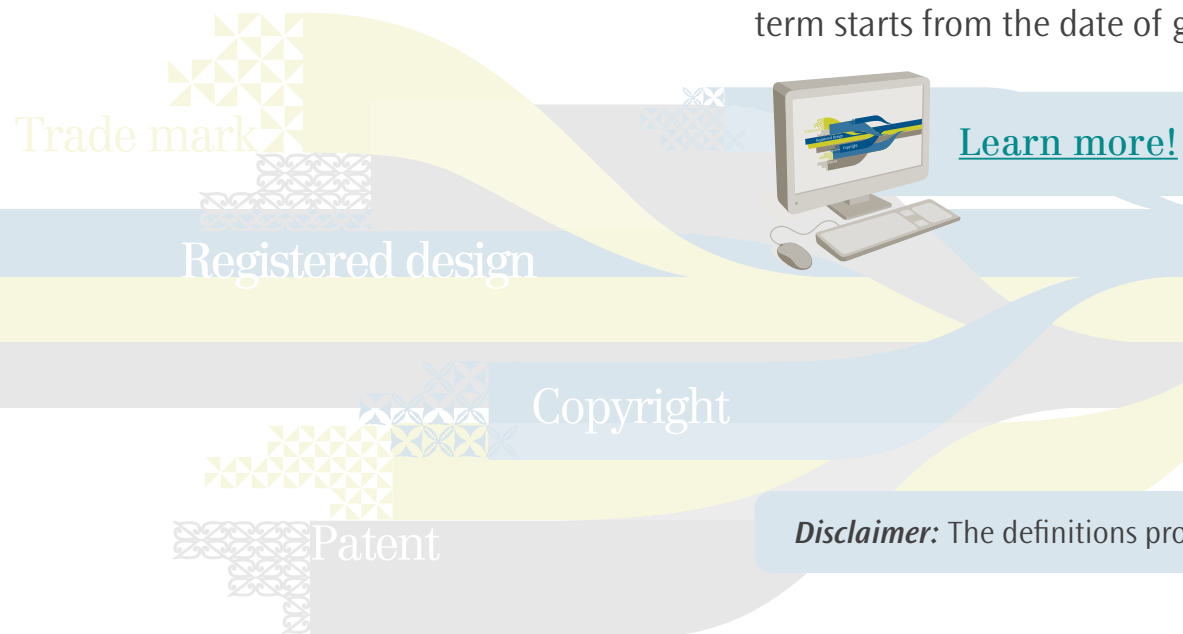
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Plant variety right

A plant variety right (PVR) is granted for a new, distinct, uniform and stable plant including clones, hybrids, stocks and cultivars. A PVR gives the owner the exclusive right to sell plants and propagating material of the protected variety. The full term of a PVR is 20 years in the case of non-woody plant varieties or 23 years for woody plant varieties, providing the annual renewal fees are paid. The term starts from the date of grant.

Trade mark

A trade mark is a unique sign that identifies and distinguishes one trader's goods or services from other traders in the same or a related market. Trade marks can include words, logos, colours, sounds, smells – or any combination of these, as long as they can be graphically represented. Once a trade mark is registered, the ® symbol may be legally used against the trade mark. A ™ symbol indicates that a trader is using a sign as a trade mark but does not indicate whether the sign is registered.



Disclaimer: The definitions provided are intended to be used as a general guide, not taken as legal definitions.