



# WAIMEA COLLEGE

## Policies and Procedures

**Policy:** NAG 6 – School Creative Commons

**Date Approved:** 21 September 2020

**Review Date:** 2023

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### Rationale

The Board of Trustees recognises and protects the intellectual property of Waimea College.

### Purpose

Waimea College wishes to encourage the open and free exchange of information, knowledge and resources; and support the collaborative production of intellectual property that is freely available to all.

### Guidelines

Waimea College:

1. Asserts its copyright over school employees' work created during the course of employment.
2. Applies by default a Creative Commons by Attribution License (BY) to all its teaching materials and policies and to its other work wherever possible.
3. Intellectual property in relation to other work (other than teaching materials and policies) is protected by default and may only be waived or altered as detailed in Clause 4 below and with the express agreement of the Principal.
4. May make exceptions to the sharing of Intellectual Property (IP) it owns on a case by case basis with detailed reasons for limiting the free access to material; any such restrictions should be time dependent and will include consideration of applying other Creative Commons licenses to the work including:
  - Attribution – Share-Alike (BY - SA),
  - Attribution - Non-Commercial (BY - NC),
  - Attribution - Non-Commercial - Share Alike (BY - NC - SA),
  - Attribution – No-Derivatives (BY - ND) and
  - Attribution - Non-Commercial - No Derivatives (BY - NC - ND).
5. Will transfer the copyright of created works to the original creator when a license which meets the free cultural works definition (i.e. Creative Commons by Attribution License (BY) or Creative Commons Attribution - Share Alike (BY - SA) is applied to them.

Waimea College encourages staff and students to support free and open access to Intellectual Property and also to apply the Creative Commons Attribution framework to work created in their capacity as an individual.

Waimea College does not make any claim over the ownership of outputs or outcomes of students' work. These belong to the creator.

### **Definitions of Intellectual Property**

1. In this policy "intellectual property" includes the rights to all created work.
2. Outputs are the products that are created by an individual or group of individuals. This may include examples of artworks.
3. Outcomes are the consequences or results arising from the development of or use of IP other than products that are created from IP. Examples may include a publication such as a book, website or an exhibition.

### **Ownership of IP and outputs arising from intellectual activity**

In general all IP and the outputs and outcomes arising from that IP are owned by the creator. While Waimea College will derive benefits from the outcomes there are exceptions to this, as follows:

1. Outputs and IP created by staff in the course of their employment are owned by the school unless otherwise expressly agreed by way of contractual obligations in an employment agreement.
2. Outputs and IP will be jointly owned by the school and a staff member only where such joint ownership is expressly agreed between Waimea College and the staff member.

### **Clarity of Licensing**

All published works should be clearly labelled using the appropriate symbol from the Creative Commons icon set.

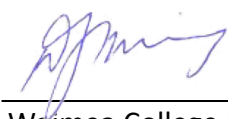
### **Disputes**

Where there is a dispute over ownership, including co-ownership of IP, and/or the commercialisation of any co-owned IP, the following process will apply:

1. In the first instance the dispute should be documented and presented to the school Principal.
2. If the dispute is still not resolved, then the documentation should be presented to the Chairperson of the Board of Trustees.
3. Mediation with an appropriate authority will be undertaken if the dispute cannot be resolved by the Principal and/or the Chairperson of the Board.

**Date Adopted:** 21 September 2020

**Chairperson:**



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Waimea College Board of Trustees