

6.5 Creative Commons

Statement of Intent

Onslow 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 for the use and benefit of Onslow College.

This policy was developed to clarify expectations about availability and use of resources, intellectual property created within the college.

Definitions of Intellectual Property

- In this policy *Intellectual Property* (“IP”) includes the rights to all work created or used as a teaching or learning resource at the College
- Outputs are the products that are created by an individual or group of individuals. This may include for example artworks.
- 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, web site, or an exhibition.

Board Expectations

Onslow College encourages staff and students to support free and open access to IP and also to apply the Creative Commons Attribution framework to work created for use at Onslow College.

Onslow 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. Asserts that 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 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-Noncommercial* (“BY-NC”), *Attribution-Noncommercial-Share Alike* (“BY-NC-SA”), *Attribution-No Derivative Works* (“BY-ND”) and *Attribution-Noncommercial-No Derivative Works* (“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.

Ownership of IP and outputs arising from intellectual activity

In general IP and the outputs and outcomes arising from that IP are owned by the creator. While Onslow College will derive benefits from the outcomes; exceptions to this include:

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 Onslow College and the staff member.
3. Onslow College does not make any claim over the ownership of outputs or outcomes of students' work. These belong to the creator.

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. If the dispute is still not resolved the parties may by agreement refer the dispute to mediation by an appropriate authority.
4. If mediation is not agreed to or is unsuccessful the dispute shall be resolved in accordance with New Zealand law.

Supporting Documents

Creative Commons Licences – as attached

Delegation

The implementation of this policy is delegated to the Principal.

Review date August 2018

Date for next review August 2021

Creative Commons Licences.

Introduction

Creative Commons licences make it easy for you to share your copyright works. The six Creative Commons licences ensure that others can copy and distribute your work, provided they give you credit — and only on the conditions you specify.

Produced by the expert Creative Commons Aotearoa New Zealand legal team, the New Zealand Creative Commons licences are legally robust, free of charge and easy to understand. For other resources explaining the licences, including brochures and videos, [visit our Resources page](#). There are hundreds of millions of items made available under a Creative Commons licence. Licence users include the White House and the New Zealand Government. For examples of other New Zealand licence users, you can read our [case studies of licence users](#). You can read case studies specific to your area of interest via [our projects pages](#).

Layers

Each Creative Commons licence is expressed in three ‘layers’:

- Commons Deed. This is a ‘human-readable’ plain-language summary of the licence, with relevant icons. This means that others will be able to easily understand the range of permissions you are allowing.
- Legal Code: This is the ‘lawyer-readable’ licence, with full legal terms.
- Digital Code: This is a machine-readable translation of the licence that helps search engines and other applications identify the licensed work, ensuring that others will be able to find your work.

Versions and Ports

Every few years, Creative Commons has revised its licences to ensure that they are completely up-to-date.

Many countries around the world have also ‘ported’ the licences, to make sure that the licences are compatible with local copyright and other law.

We recommend that New Zealanders use either the 4.0 licences or the 3.0 New Zealand licences, which were produced by the Creative Commons Aotearoa New Zealand legal team. Both licence sets are internationally valid. You can read more about [versions and ports here](#).

If you work at a government agency, please note that the New Zealand Government Open Access and Licensing framework adopts the 3.0 New Zealand Creative Commons licences.

Licence Elements

There are four Creative Commons licence elements.



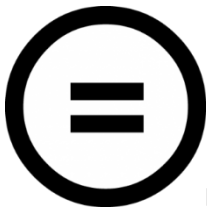
ATTRIBUTION

This means that others must credit you as the original creator of the work. All Creative Commons licences require users to provide attribution. More information on [how to provide attribution can be found here](#).



NONCOMMERCIAL

This means that others may not share, adapt or reuse use your work if their use is primarily intended for commercial advantage or monetary compensation. More information on [the definition of Non-Commercial can be found here](#).



NODERIVATIVES

This means that others can share your work, but they must not change it. Note that users still have the range of Fair Dealing rights granted to them under the Copyright Act 1994.



SHAREALIKE

This means that those who adapt or remix your work must use the same Creative Commons licence on any derivative works. Before remixing works that have different licences, check [this licence compatibility chart](#).

The Licences

These four licence elements combine to make six Creative Commons licences. They are free for anyone to use. You can read more about the Creative Commons licensing approach on the [Creative Commons international website](#). If you want to know how to licence your work using a Creative Commons licence, [we explain how to do that here](#). If you already know how to do this, visit [the Creative Commons Licence Chooser directly](#).



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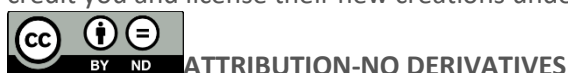
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This licence is the most restrictive of our six main licences, only allowing others to download your works and share them with others as long as they credit you, but they can't change them in any way or use them commercially.