

NMIT COPYRIGHT AND INTELLECTUAL PROPERTY PROCEDURE

MOKAMOKA WHAKAAETANGA | APPROVAL DETAILS

Section	Executive		
Approval Date	18.08.2026	Sponsor	Director Digital and information
Next Review	01.01.2029	Approved by	SLT

NGĀ WHAKATIKATIKA | AMENDMENT HISTORY

Version	Effective Date	Created/ Reviewed by	Reason for review / comment
1	01.07.2026	Transition Lead	New

Section 1: Copyright

Tirohanga Whānui | Overview

This procedure provides guidance for implementation of the [NMIT Copyright and Intellectual Property Policy](#) (Section 1 Copyright) by establishing how NMIT manages copyright compliance, provides advice, maintains licences and responds to copyright issues.

The purpose, scope and principles stated in the Policy apply to these Copyright Procedures.

Ngā Haepapa | Responsibilities

Role	Responsibilities
NMIT Library team	Manage all aspects of NMIT's copyright governance and compliance: - Administer copyright licences - Negotiate and maintain current licence agreements - Monitor legislative and licence changes - Provide advice and guidance to kaimahi and ākonga - Maintain, review and update licence documentation, guidance, templates and notices - Review and monitor compliance - Provide advice on, assess and support the management of suspected copyright breaches - Coordinate usage surveys and reports
NMIT staff and learners	Take personal responsibility for complying with the Copyright Act 1994 , applicable copyright licences and these procedures, including appropriately acknowledging and referencing copyright material.
Managers and senior leaders	Ensure compliance within the team and respond to breaches in accordance with the appropriate policy and procedures Report and escalate any risk arising from serious breaches of copyright.

Ngā Hātepe | Procedure

Managing copyright licences

The Library team maintains NMIT's copyright licence agreements and communicates changes to licence conditions that affect staff or learners.

Staff and learners must comply with the terms and conditions of the relevant licence when using copyright material.

Before using copyright material

Before reproducing, adapting, sharing or uploading copyright material, staff and learners must ensure that their use complies with the [Copyright Act 1994](#) by:

1. confirming whether the material is protected by copyright, and
2. determining whether the proposed use is permitted under the Copyright Act, or an NMIT copyright licence, or other applicable reuse conditions, and
3. ensuring the material is appropriately acknowledged, and
4. obtaining permission before use, where that is required, and
5. seeking advice from the Library team if uncertain about any aspect of copyright compliance.

Seeking copyright advice

When staff are unsure whether material can be copied, shared, adapted, performed or uploaded, they must consult NMIT Library copyright guidance or the Library team before proceeding, to:

- interpret licence conditions, or
- get advice on Copyright Act exceptions, or
- assist with permissions, or
- consider alternatives such as Open Educational Resources or Creative Commons resources.

Referencing and acknowledging copyright material

All staff and learners must acknowledge the source of third-party material used in teaching, learning, research and administrative resources.

Staff and learners using copyright material have a responsibility to:

- follow the referencing and attribution guidance provided by the NMIT Library team, and
- ensure references are accurate and sufficiently detailed to identify the original source, and
- retain bibliographic details for copyright material reproduced under a copyright licence, where required, and
- comply with any attribution requirements specified by the copyright owner or licence (for example, Creative Commons licences), and
- use the referencing style required for the context (for example, APA for teaching materials where applicable).

Copyright breaches

All staff are responsible for ensuring that any suspected breach of copyright is identified, reported and assessed to enable the appropriate response to be taken.

Step	Action
Identification	Suspected copyright breach is identified
Reporting	Suspected copyright breach is reported to the relevant manager and NMIT Library
Assessment	Suspected breach is assessed to determine whether a breach of the Copyright Act 1994 has occurred
Response	Depending on the nature of the breach and where it has occurred, the person assessing the breach will respond by:

	• removing material if necessary • obtaining permission if appropriate • notifying manager • recommending other corrective action
Escalation	Where appropriate, the matter is escalated through the appropriate management or governance channels; or in accordance with staff misconduct, learner misconduct or academic misconduct processes. Serious breaches that may expose the individual and/or NMIT to civil or criminal liability under the Copyright Act 1994 are escalated to the Senior Leadership Team.

Section 2: Intellectual Property (IP)

Tirohanga Whānui | Overview

This procedure supports implementation of the [NMIT Copyright and Intellectual Property Policy](#) (Section 2: Intellectual Property) by providing guidance on the identification, management, ownership, protection and sharing of intellectual property created through NMIT activities.

The purpose, scope and principles stated in the Policy apply to these Intellectual Property (IP) Procedures.

Ngā Haepapa | Responsibilities

Role	Responsibilities
Managers and senior leaders	Ensure intellectual property matters are appropriately considered within their areas of responsibility and that ownership and use arrangements are clarified before work commences where required.
NMIT staff	Comply with the Intellectual Property section of the Policy, identify potential intellectual property created through their work, seek advice where ownership or use is uncertain, and protect confidential or commercially sensitive intellectual property.
Learners	Comply with the Intellectual Property section of the Policy and respect the intellectual property rights of others.
Director Academic and Teaching	Provide or coordinate advice where ownership, commercialisation or other significant intellectual property matters require institutional consideration.
Director Learner Success and Māori	Provide or coordinate advice where intellectual property incorporates or is derived from mātauranga Māori or other taonga

Ngā Hātepe | Procedure

Identifying IP at the outset

When starting a project, programme, research activity or other work that may create intellectual property, staff should:

1. identify whether intellectual property is likely to be created
2. consider whether the work is being undertaken:
 - as part of normal employment, or
 - under a specific commissioning arrangement, or
 - jointly with another person or organisation, or
 - for an external organisation.
3. clarify ownership and use arrangements before work begins where required.

Establishing Ownership

Where ownership is not clearly determined by the Policy or employment agreement, staff must seek advice before work commences. Ownership arrangements should be documented where:

- work is undertaken collaboratively
- external organisations are involved
- NMIT has specifically commissioned work
- commercialisation is being considered
- intellectual property will be jointly owned.

Mātauranga Māori

Where intellectual property incorporates or is derived from mātauranga Māori or other taonga, staff must:

- act consistently with Te Tiriti o Waitangi
- recognise principles of kaitiakitanga
- seek appropriate guidance where ownership, access or use may affect Māori interests
- ensure the integrity of the knowledge is maintained.

Managing agreements with third parties

Before commencing work with external organisations (including government agencies), contractors or partners where intellectual property may be created or shared, staff must ensure that ownership, licensing and rights of use are clearly documented through an appropriate agreement.

Managing learner IP

Staff must respect the intellectual property rights of learners.

Where NMIT, a staff member or another organisation proposes to use, develop or claim an interest in learner-created intellectual property outside normal educational use:

- ownership and intended use must be discussed before the activity begins
- any agreement must be documented
- appropriate consent must be obtained.

Using and sharing IP

Before using or sharing intellectual property, staff must:

- check ownership
- consider whether Creative Commons is appropriate
- ensure confidential or commercially sensitive information isn't released
- obtain any required approvals
- comply with contractual obligations.

Commercialising intellectual property

Where intellectual property created through NMIT activities has potential commercial value, staff must seek advice before disclosing, publishing, licensing or otherwise commercialising that intellectual property for NMIT.

Commercialisation may include, but is not limited to:

- licensing or assigning intellectual property rights
- developing products, services or educational resources for commercial purposes
- entering into commercial partnerships or agreements
- generating income from intellectual property.

Before any commercialisation activities commence, staff must:

- notify their manager of the opportunity
- seek advice from their Director to determine ownership, commercial potential and any legal or contractual obligations
- ensure appropriate agreements are in place before sharing or commercialising the intellectual property
- obtain any required approvals in accordance with NMIT's delegations and approval processes.

Staff must not enter into agreements to license, assign or otherwise commercialise NMIT intellectual property unless authorised to do so under NMIT's delegations.

Intellectual property disputes

Where uncertainty or disagreement arises regarding ownership or use of intellectual property, staff should:

- discuss the matter with the relevant manager in the first instance
- seek advice from the appropriate NMIT business unit
- document any agreed ownership or usage arrangements
- where necessary, escalate unresolved matters through the appropriate management process.

Ngā Hononga ki Tuhinga kē | Links to other documents

NGĀ KAUPAPA-HERE E HANGAI ANA | RELATED POLICIES

[NMIT Copyright and Intellectual Property Policy](#)

[NMIT Academic Integrity and Academic Misconduct Policy](#)

[NMIT Kaimahi Misconduct Policy](#)

NGĀ TUKANGA ME NGĀ HĀTEPE | RELATED PROCESSES, PROCEDURES

[NMIT Library Research databases and websites - Copyright](#)

[NMIT Library - Referencing](#)