

Copyright

What is copyright?

Copyright protects original works. Copyright does not protect an idea but it protects how an idea is expressed.

A copyright owner has the right to stop others from copying their original work. The Copyright Act 1994 sets out New Zealand’s copyright law.

What types of works does copyright protect, and how long does it last?

Type of work	Length of copyright protection
Literary work	Copyright lasts for 50 years from the end of the calendar year when the author dies.
Musical works	
Dramatic works	
Artistic works	
Films	Copyright lasts for a period of 50 years from the end of the calendar year when the author created the work, or when the work was made available to the public by an authorised act within this period.
Sound recordings	
Cable programmes	Copyright lasts for 50 years from the end of the calendar year when the broadcast is made or included in a cable programme broadcast service.
Broadcasts	
Typographical arrangements of published editions	Copyright lasts for 25 years from the end of the calendar year in which the edition is first published.

How do you get copyright protection?

You automatically get copyright protection when you create an original work. Copyright is unlike other intellectual property rights such as patents and registered designs that involve a registration process.

Who owns copyright?

The Copyright Act sets out the rules on who owns copyright.

The basic rule is that the creator of the work will be the first person to own the copyright. There are, however, three exceptions to this rule. The first two exceptions are:

- where an employee creates a literary, dramatic, musical, or artistic work as part of their job, then the employer owns any copyright in the work
- where the author is commissioned to create certain works then the party that commissions the work will own the copyright.

The third exception allows parties to agree who will own the copyright.

What rights do copyright owners have?

Copyright owners have the right to:

- copy the work
- sell or give copies of the work to the public
- perform, play or show the work in public
- broadcast the work or include the work in a cable programme service
- adapt the work

- license another person to do any of the activities listed here
- stop others from doing any of the activities listed here.

Should you mark a copyright work?

We recommend you clearly mark your original work with a copyright notice. An example of marking is "© John Doe 2007".

What actions infringe copyright?

Someone will infringe the rights of a copyright owner (or their licensee) by doing something that only the copyright owner has the exclusive right to do. This includes making copies, issuing copies to the public, importing copies, possessing copies, or dealing with infringing copies of a work.

Can a copyright owner license rights to their work?

A copyright owner can earn money from their copyright by issuing licences to parties that want to use or reproduce the copyright work. In return the copyright owner is paid a license fee or royalty payments. The licence sets the boundaries for the licensee's use or right to reproduce the copyright work.

Owners of rights in musical works can assign their rights to the Australasian Performing Right Association. APRA licenses those rights for a fee to anyone wanting to perform those works in public.

Owners of rights in sound recordings can assign their rights to the Phonographic Performance Association, which controls and licenses public playing of sound recordings.

Copyright protection overseas

Many countries, including New Zealand, belong to international copyright conventions or treaties. Under these conventions and treaties, member countries must give the same protection to overseas copyright owners that they give to local copyright owners.

This means that people who are New Zealand citizens, live in New Zealand when they create a copyright work, and others who first publish their works in New Zealand, automatically have copyright protection in many overseas countries.