

NELSON PUBLIC LIBRARIES COPYRIGHT POLICY

General principles

1. The Library strongly supports the principles of copyright and the rights of copyright owners, and therefore takes all appropriate actions to ensure that copyright is not breached within the Library, either by staff or by users.
2. Library staff have a responsibility to investigate and stop any apparent breaches of copyright which they observe taking place on Library-supplied photocopiers, scanners, audio, video and DVD players, computers and other equipment.
3. The Library has a compliance programme in place, with regular checks being made that the conditions of the Copyright Act are being observed.
4. The Library has a responsibility to educate its staff and its users on copyright issues affecting them, including issues relating to copyright and the Internet.
5. The Library treats its staff and its users with respect, observes and preserves their privacy, and considers them to be innocent unless evidence proves otherwise.
6. The Library has an obligation to investigate and respond in a timely manner to charges of alleged copyright infringement sent to it by IPAPs (Internet protocol address providers) or copyright owners.
7. The Library has the right to challenge and dispute such charges.
8. The Library advises IPAPs or copyright owners if its systems do not enable it to identify individuals who have used Library computers on dates and times at which breaches of copyright have been alleged.
9. Restriction of access to the Internet or equipment within the Library is always seen as a last resort.

Library staff

10. All Library staff receive instruction on copyright issues relating to libraries, based on publications listed on the LIANZA copyright website at <http://www.lianza.org.nz/resources/copyright>, and in particular LIANZA's *The Copyright Act 1994 and Amendments: Guidelines for Librarians*.
11. Queries regarding copyright which are not able to be answered by front-line staff are referred to a senior Library manager who has been designated with a special responsibility for copyright matters.
12. Library staff who observe an apparent breach of copyright in the Library either deal with it themselves in accordance with this Policy, or refer it to a senior Library Manager.

Library users

13. Education on copyright issues relating to library users is provided as appropriate.
14. The Library posts warning notices about illegal copying, and the provisions of the Copyright Act relating to fair dealing, adjacent to its photocopiers, scanners and other Library-supplied equipment.
15. The Library posts warning notices regarding copying and downloading from the Internet adjacent to its public-access computers and on screen-savers.
16. Where possible, the Library blocks access to Internet sites the sole purpose of which is known to be to facilitate the illegal downloading of materials from the Internet.

Allegations of breaches of copyright

17. If the Library receives notification from an IPAP or copyright owner that there has been an apparent breach of copyright on a library-owned computer, the Library investigates and takes appropriate action, as detailed below.

Staff computer

18. If the alleged breach is identified as having taken place on a Library staff computer, and if the individual staff member can be identified, the facts of the case are ascertained. If the alleged breach is substantiated, the staff member is given additional instruction on copyright law in general and the current incident in particular, and warned that a repetition may result in disciplinary action being taken under the Library's employment contract with that staff member.
19. If the alleged incident is not substantiated, or if the individual staff member can not be identified, this is reported back to the IPAP or copyright owner.
20. At the same time, all Library staff are reminded of their obligation to comply with copyright law.

Public-access computer

21. If the alleged breach is identified as having taken place on a Library-owned public-access computer, the Library attempts to identify the name and contact details of the person using the computer on the specified date and time.
22. If the person can be identified, the facts of the case are ascertained. If the alleged breach is substantiated, the person is given information on copyright law as this affects library users, and is warned that a repetition may result in the person being banned from using public-access Internet computers in the Library. If notification is received of a second apparent breach of copyright by the same person, and if that breach is substantiated, the person is given a second warning. If notification is received of a third apparent breach of copyright by the same person, and if that breach is substantiated, the person is told that s/he may not use Library-supplied public-access Internet computers in the Library, other than to access the Library Catalogue or Library-subscribed electronic resources, for a period of six months. If the person is a member of the Library, this information is noted on the person's Library record.

23. If it is not possible for the Library to identify the person using the public-access computer on the specified date and time, either because the Library does not require users to authenticate, or because records of use are kept for only a very short period or not at all, the Library reports back to the IPAP or copyright owner that the alleged breach has been investigated but that the alleged infringement can not be substantiated or infringer identified.

Response to IPAP or copyright owner

24. The Library always responds within 14 days to a detection notice, warning notice or enforcement notice received from an IPAP, giving details of the investigations undertaken and any actions taken. Copies of correspondence are kept for one year.
25. A copy of this Policy is provided on request as evidence that the Library is taking all actions within its power to comply with copyright law, and to attempt to ensure that breaches of copyright by either Library staff or Library users within the Library are minimised.

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