

Intellectual Property

Uepū	Taumatua
Policy Owner	Pouwhakahaere Taumatua
Policy Holder	Senior Legal Advisor
Approved by	Te Mana Whakahaere
Date Established	June 2016
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1.0 Te Pūtake

Te Wānanga o Aotearoa (TWoA) is committed to recognising and protecting its intellectual property and other's vested rights through the consistent management of intellectual property across the organisation while ensuring it complies with the laws of New Zealand, including the application of knowledge of ahuatanga, kaitiakitanga and tikanga Maori.

2.0 Ngā Ture Whakapai

- Copyright Act 1994
- Education and Training Act 2020
- Fair Trading Act 1986
- Trade Mark Act 2002

3.0 Tikanga Whakahaere

Ngā Uara	Policy
Te Aroha Having regard for one another and those for whom we are responsible and to whom we are accountable <i>Policy statements related to the allocation of responsibilities or accountabilities.</i>	<p>3.1 TWoA will develop and provide a robust framework – Whakairo Hinengaro – to ensure that the management and use of intellectual property (by the organisation, kaimahi and tauira) is consistent with Ngā Uara, Tikanga Wānanga and its responsibility for mātauranga Maori.</p> <p>3.2 TWoA will make all reasonable efforts to acknowledge the moral rights of creators of original works (including kaimahi and or tauira as provided for under this Tikanga Whakahaere), unless agreed otherwise, or where creators have waived their moral rights.</p> <p>3.3 Kaiwhakaterere is the custodian of TWoA IP and the responsible agent for all of TWoA rights and obligations. Kaiwhakaterere delegates custodian responsibilities to the Delegate of the Uepū that created or identified the IP.</p> <p>3.4 The Senior Legal Advisor will support TWoA and kaimahi in protecting TWoA IP, and assist and advise in relation to all agreements required under this Tikanga Whakahaere.</p> <p>3.5 Kaimahi and tauira will take all reasonable steps to:</p>

Ngā Uara	Policy
	<ul style="list-style-type: none"> a. respect the IP rights of TWoA and the legal and moral rights of others. b. comply with the terms of IP licencing schemes entered into by TWoA; and c. ensure (for kaimahi) that all agreements with external parties, including contractors, will appropriately protect TWoA IP.
<p>Te Whakapono The basis of our beliefs and the confidence that what we are doing is right</p> <p><i>Policy statements related to stakeholder participation or reporting.</i></p>	<p>3.6 Rangahau outputs commissioned by TWoA either by scholarship or other funding (including resource use or time) that generate any kind of commercial value, and the value will be equally shared with the applicable TWoA entity by the creator or subsequent assigned owner, unless agreed in writing stating otherwise.</p> <p>3.7 All Rangahau contributors grant TWoA an irrevocable, royalty-free, perpetual licence, to adapt, copy, distribute and store Rangahau outputs for any reason it deems appropriate. TWoA will acknowledge contributor' original contributions and moral rights. This is subject to any agreement in writing, stating otherwise.</p>
<p>Ngā Ture The knowledge that our actions are morally and ethically right and that we are acting in an honourable manner</p> <p><i>Policy statements related to compliance or process / system integrity</i></p>	<p>3.8 TWoA IP may be shared with external parties for copying or distribution (not adaptation), only by prior written approval by Kaiwhakatare or Delegate. An appropriate written agreement with the external party is required in relation to the copying or distribution or adaptation of TWoA IP.</p> <p>3.9 Where TWoA uses IP it does not own or have rights to, the permission of the owner will be obtained before copying, distributing and/or adapting that IP, through an appropriate written agreement.</p> <p>3.10 Where TWoA uses historical mātauranga Māori that it does not have rights to, the principle of kaitiakitanga and respect the rights of iwi and hapū over ngā taonga katoa will apply.</p> <p>3.11 Where kaimahi create original work in his/her own time, using their own resources and facilities, and for a project unrelated to any TWoA project or work relating to their employment, then the copyright in such works will belong to that kaimahi.</p> <p>3.12 Where original works are created by kaimahi during the course of employment, the IP rights, including copyright, in those works will belong to the applicable TWoA entity, unless an alternative</p>

Ngā Uara	Policy
	<p>agreement has been made between an appropriate Delegate(s) and the kaimahi involved.</p> <p>3.13 Where tauira create original work in the course of study at TWoA then the copyright in such works shall belong to that tauira, unless TWoA and/or kaimahi have made significant inventive contributions to the work and/or the work incorporates existing IP that belongs to the applicable TWoA entity that is more than the standard programme offerings, in which case the applicable TWoA entity will share ownership rights and will seek an agreement with tauira that is fair to all parties.</p> <p>3.14 Notwithstanding 3.13, where tauira create original work (whether in their assessments or otherwise) in the course of their study at TWoA which contain historical mātauranga Māori, the principles of kaitiakitanga will be applied, and the work will not be copied, distributed or adapted other than for the purposes of the tauira completing their study with TWoA.</p>
<p>Kotahitanga Unity amongst iwi and other ethnicities, standing as one</p> <p><i>Policy statements related to cohesion, uniformity, integration or transparency</i></p>	<p>3.15 Kaimahi that create or become aware of any IP being created in the course of their or another kaimahi's employment, whether new or pre-existing, that may have potential to generate any IP which has commercial value, significant business value or historical value must notify their Delegate and the Senior Legal Advisor and record this on the IP Register by the kaimahi that created or identified the IP.</p> <p>3.16 Te Wānanga o Aotearoa will develop and implement tikanga here to provide for, and give effect to, this Tikanga Whakahaere.</p>

4.0 Whanuitanga

This tikanga whakahaere applies to all Governance and Kaimahi of Te Wānanga o Aotearoa.

5.0 Whakamāramatanga

Term	Description
Copyright	Is a type of Intellectual Property Rights are conferred and controlled by the Copyright Act 1994 in New Zealand. The Act provides automatic rights to owners of any original literary, artistic, dramatic, musical or other work.
Creator	Person responsible for creating an original work.
Delegate	Pouwhakahaere or Lead
During the course of employment	Includes activity and associated outputs that kaimahi have been employed to do and are described in any contract, agreement,

Term	Description
	position description, position title, directive or other pertinent document related to the employment relationship.
Intellectual Property (IP)	Creations arising from intellectual activity; it includes literary, artistic and scientific works, performances, sound recordings, broadcasts inventions, scientific discoveries and industrial designs and the like that may be protected by the laws of New Zealand such as trademark, patent, copyright, trade secret and the like. This is not meant to be a comprehensive definition of IP, but for guidance purposes for this Tikanga Whakahaere.
IP Process	Intellectual Property process and procedure.
IP Register	The central repository for TWoA intellectual property items that are 1) owned by TWoA and deemed significant; and 2) licensed by TWoA from another IP owner for copying, distribution and/or adaptation or the item.
Kaimahi	All persons employed by, seconded to, volunteering to, and authorised contractors of Te Wānanga o Aotearoa.
Line Manager	The person who a kaimahi directly reports to and has direct influence over an individuals employment through decisions and recommendations related to such matters as assessment of performance, salary, budget and discipline.
Licensing scheme	Where a licensing body represents many copyright owners for collective licensing of copyright material eg. Copyright Licensing New Zealand.
Moral rights	As defined under New Zealand's Copyright Act 1994, which in summary include the right to be identified as the author of a work, the right to object to derogatory treatment of the work, and the right not to have a work falsely attributed to them, and equivalent rights elsewhere in the world.
Original work	A creation that is not received from others, and to the extent it is not copied from, the work of others.
Rangahau	As defined in the Te Rautaki Rangahau - Rangahau Strategy
Te Wānanga o Aotearoa	Includes Te Wānanga o Aotearoa and 100% owned and controlled entities.
Te Wānanga o Aotearoa Governance Members	Members of any established Te Wānanga o Aotearoa governance group e.g. Te Mana Whakahaere.
Third Party	External persons (including a company) that are not part of TWoA eg. Suppliers or contractors.

6.0 Ngā Hononga

Related tikanga whakahaere:

- Tikanga Ako

Related tikanga here:

- TWoA Intellectual Property process and procedure
- Rangahau IP process and procedure
- Whakairo Hinengaro (Intellectual Property) Framework Guide
- Assessment Misconduct Procedure