

Wāhanga	Taumatua
Owner	Tumutaumatua
Approved by	Te Ohu and Te Rautiaki Mātauranga
Date first approved	June 2016
Date approved	June 2016
Date of next review	June 2019

1.0 Te Pūtake

Te Wānanga o Aotearoa (TWOA) is committed to recognising and protecting its intellectual property (IP) 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

2.0 Tikanga Whakahāere

TWOA aims to ensure that the management and use of intellectual property are consistent with Ngā Uara and Tikanga Wānanga:

Te Wānanga o Aotearoa Values		Principles
Te Aroha	Having regard for one another and those for whom we are responsible and to whom we are accountable	<p>2.1 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, then copyright in such works will belong to that kaimahi.</p> <p>2.2 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 agreement has been made between an appropriate TWOA Delegate(s) and the kaimahi involved.</p> <p>2.3 Where taura create original work in the course of study at TWOA then copyright in such works shall belong to that taura, 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 are more than the standard programme offerings, in which case the applicable TWOA entity will share ownership rights and will seek an agreement with taura that is fair to all parties.</p>

<p style="text-align: center;">Te Whakapono</p>	<p style="text-align: center;">The basis of our beliefs and the confidence that what we are doing is right</p>	<p>2.4 Kaimahi will take all reasonable steps to respect the IP rights of TWoA and the legal and moral rights others.</p> <p>2.5 TWoA IP may be shared with external parties for copying or distribution (not adaptation), only by prior written approval by Te Taiurungi or Delegates. An appropriate written agreement with the external party is required in relation to the copying or distribution of TWoA IP.</p> <p>2.7 Kaimahi and taura will comply with the terms of IP licencing schemes entered into by TWoA.</p>
<p style="text-align: center;">Ngā Ture</p>	<p style="text-align: center;">The knowledge that our actions are morally and ethically right and that we are acting in an honourable manner</p>	<p>2.8 TWoA will make all reasonable efforts to acknowledge the moral rights of creators of original works, unless agreed otherwise, or where creators have waived their moral rights.</p> <p>2.9 Where TWoA uses IP it does not own or have rights to, kaimahi will obtain the permission of the owner before copying, distributing and/or adapting that IP, and will obtain an appropriate written agreement to do so.</p>
<p style="text-align: center;">Kotahitanga</p>	<p style="text-align: center;">Unity amongst iwi and other ethnicities; standing as one</p>	<p>2.10 Te Taiurungi is the custodian of TWoA IP and the responsible agent for all of TWoA rights and obligations. Te Taiurungi can delegate custodian responsibilities to Delegate(s).</p> <p>2.11 Kaimahi will ensure that all agreements with external parties, including contractors, will appropriately protect TWoA IP.</p> <p>2.12 Rangahau outputs commissioned by TWoA either by scholarship or other funding (including resource use or time) that generate any kind of commercial value, 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>2.13 All Rangahau contributors grant TWoA an irrevocable, perpetual licence to adapt, copy distribute and store Rangahau outputs for any reason it deems appropriate. TWoA will acknowledge contributor's original contributions and moral rights. This is subject to any agreement in writing stating otherwise.</p> <p>2.14 IP that is determined as significant will be placed on the IP Register.</p>

3.0 Whanuitanga This tikanga whakahaere covers all kaimahi and taura of Te Wānanga o Aotearoa and Governance Members.

4.0 Whakamaramatanga

Term	Definition
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.
Delegates	Tumu or delegated 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, position description, position title, directive or other pertinent document related to the employment relationship.
Governance Members	Members of any established Te Wānanga o Aotearoa governance group eg Te Mana Whakahaere.
Intellectual Property	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, merely guidance for the purposes of this Tikanga Whakahāere.
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, seconded, and authorised contractors by/to/of Te Wānanga o Aotearoa.
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 (TWoA Rangahau Strategy): https://twoa.sharepoint.com/sites/Rangahau/_layouts/15/start.aspx#/SitePages/Rangahau%20-%20Our%20Word%2C%20Our%20Way.aspx
Taura	All persons currently or previously enrolled in TWoA programmes or courses.
Te Wānanga o Aotearoa	Includes Te Wānanga o Aotearoa and all direct and indirect subsidiaries such as Dynaspeak Limited.
Third Party	External persons (including a company) that are not part of TWoA eg. Suppliers or contractors.

5.0 Ngā Hononga

The following references are applicable to this tikanga whakahaere:

- Copyright Act 1994
- Trade Mark Act 2002
- Fair Trading Act 1986
- MBIE guide to Copyright protection in NZ.
- TWoA Intellectual Property process and procedure
- Rangahau IP process and procedure.

These references are not exclusive, and other IP laws may also be relevant.
