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Lori Wallace writes a useful article about the practical approach by which a university that offers distance education courses approaches copyright issues in higher education. She understands the constraints of copyright laws and how they impact digital distribution of learning material in distance education courses. She maintains that while the popularity of distance education has grown, and with it the demands of digital transmission of copyrighted learning material, efficient mechanisms for clearing the materials for use has not kept pace. She provides description of a pilot program at University of Manitoba that successfully manages the challenges of clearing and using copyrighted materials in an efficient and inexpensive manner. The ultimate goals of the pilot project are to develop digital copyright clearance policy and procedures, share policy and best practices with faculty, and provide digital copyright clearance services at the university.

Lori sets the background of this issue by explaining that understanding of copyright laws by academics is generally poor, and indeed most in Canada do not know that to digitally distribute copyrighted material for a course requires clearing the copyright with its holder. She expresses that American laws are more liberal in this regard due to provision of fair use. This is important for American educators to remember, although the procedures developed in this pilot program and the advice provided is useful for all distance educators and learning institutions.

During the pilot program, stakeholders partnered with university teaching services to schedule, advertise, and evaluate copyright clearance workshops. Educational and information services at the university supported the pilot program by providing learning material supplier contact details to facilitate the clearance of media for use on distance education servers. These highlight the importance of utilizing all available university resources, and the institutional group efforts required, for efficiently using copyrighted material.

During the pilot year project staff educated the university's faculty on copyright law, with the aim of enabling faculty to know when material was copyrighted and the procedures for clearing material before use in online courses. A website was made to publicize best practices and procedures, and an email listserv was set up where copyright experts at Western Canadian post-secondary institutions exchanged information and experience. Policy was developed, including requirement for faculty to declare that copyright has been cleared before digital material could be uploaded to a server for distribution. Practical advice was also shared: it is best to place hyperlinks to learning material that open in a separate outside window instead of serving the digital material directly. This is a practical step costing nothing extra that allows learners to obtain the same material, and which can also be useful in the United States as well where relevant copyright law may be less strict than Canada.

Lastly, a copyright clearance service was set up where faculty could count on specialized help for obtaining clearance, hence reducing the labor faced by faculty and allowing them to focus on teaching. Data gained during the pilot program showed not as many faculty used the service as had been hoped, albeit the service was effective and economical with an average turn-around of 25 days and a mean fee of \$64 to obtain clearance. It may be ideal to provide a complete service, with sufficient expertise in copyright law, which begins by faculty providing a list of learning material for each class. The service may then proceed to assess and advise which items do not require clearance under fair use, to obtain copyright clearance for items requiring clearance, and to maintain clearance records and arrange for appropriate payment to copyright holders. Such a service may have the added benefit of educating faculty by providing appropriate feedback, resulting in fewer requests for copyright clearance over time.

Distance educators in the US or Canada and elsewhere should neither be inadvertent criminals nor can they be too scared to use the best material in learning environments for fear of breaking copyright. Institutional responses to digital copyright issues in distance education settings should not be hands off and laissez faire; but rather informed, proactive, and practical. Each academic institution can take steps to educate faculty on copyright issues, develop policy and best practices, and provide services and advice to faculty to strike the proper balance between the needs of copyright holders and those wishing to use the learning material. This way, copyright holders may receive the rewards of their work, while learners may have access to the best material available. Lastly, it may be possible to meet the goals by partnering with and leveraging existing university resources, including librarians and law experts.

Reference

Wallace, L. (2004, Spring). Dealing with Digital Copyright Issues in Higher Education: No is Not a helpful Institutional Response. *Journal of Distance Education*, 19(1), 92-104.
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