

Intellectual Property/copyright, potentially more than just an elective

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Abstract:

Intellectual Property training is seen to be the domain of the legal profession. This is entirely appropriate if you believe that the only people who invent or create are scientists in laboratories supported by multinationals who take out patents to protect the developments and commercialise the outputs. This paper explores the options open to Technical and Further Education (TAFE) Libraries in relation to copyright education. Utilising the Information Literacy Guidelines places a TAFE library in a unique position to provide their institution's copyright training across a wide range of subjects in a balanced compliant manner.

Introduction

Intellectual Property training is seen as the domain of the legal profession. Training is usually taken in final years, as an elective. This is entirely appropriate if you believe that the only people who invent or create are scientists in laboratories supported by multinationals who take out patents to protect the developments and commercialise the outputs.

In the digital environment, where copyright creators and users interact and new methods of copying are being developed regularly, there is an emerging field of 'quasi-legal' copyright based on new behaviours. Digitisation and storage of digital objects, internet, social networking and bookmarking and folksonomies all require knowledge of Intellectual Property and copyright legislation.

Dale Spender in her 2006 discussion "Living in an Intellectual Property (IP) World" says "In the information economy, Intellectual Property (IP) plays an increasingly important role as a unit of wealth and trade. It is essential that anyone living in an information society should know about the properties, profits – and politics – of IP." For anyone accessing the internet, understanding the properties, profits and politics of IP is imperative.

Michael Lean in 2001 wrote

"Universities are not acting in isolation in their use of and payment for information, but are part of a complex web which involves government, legislators, departments political parties, individual members of parliament, copyright collecting societies, publishers, creators, broadcasters, film makers and other copyright owners, all of whom have their own interests and agendas. While the Australian Vice-Chancellor's Committee acts for the Australian universities in negotiating and litigating these matters, it too is composed of a number of interest groups, perhaps with somewhat more of a common interest, which includes universities, academics, administrators and lawyers. This group shares that common interest with the school and TAFE sector, as well as entities like the CSIRO, and to some extent, corporate Australia, which is also being encouraged to take out voluntary licences for the copying it does. This diversity of interest groups is a fertile ground for misconceptions, misunderstandings, rumour, some unintended consequences, and unfortunately, a lack of coordinated approach."

He was discussing the cost of copyright materials to the university sector, but his point regarding the diversity of interests and the consequences are pertinent to copyright education today.

In 2006, when the Canadian Access Copyright Agency (CACA) tried to introduce copyright training through its Captain Copyright initiative, the media and online blogs responded aggressively calling the campaign propaganda. The initiative was cancelled and CACA's website subsequently stated "we have come to the conclusion that the current climate around copyright issues will not allow a project like this one to be successful".

Anything to do with education and copyright tends to bring extensive discussion from 'both sides of the fence'. Even Wikipedia is not immune to this debate, with its site

defining “Intellectual property education” as “the teaching of explanations of and arguments concerning intellectual property laws, especially copyright and related violations. Proponents argue that such education should be implemented because of increasing copyright infringement by students (and the general population). Detractors argue that such education is tantamount to forced indoctrination of propaganda”. The following notice has been on this site for quite some time.



The politics of IP is one of the most important and scary elements of copyright. Unlike standard politics where you know who is in which political party and where they are likely to stand on issues, the politics of copyright is not always so open. How then to introduce balanced, relevant training for the masses across all subject matter?

Training Packages

In the Vocational Education and Training (VET) sector, the need to train the mechanic running his own business and website through to the 3-D animator designing their own video game in relevant Intellectual Property issues is becoming more important in this digital environment. The VET sector uses training packages to train their students.

“A training package is a set of nationally endorsed standards and qualifications used to recognise and assess the skills and knowledge people need to perform effectively in the workplace. Training Packages are a key resource for registered training organisations (RTOs) in the delivery of structured, accredited training. A Training Package states what competencies need to be achieved but does not prescribe how an individual should be trained. It is the responsibility of the RTO, through its trainers, to develop teaching strategies and assessment methods to meet the needs, abilities and circumstances of students. National competency standards are the skills and knowledge a person must be able to demonstrate at work and are defined by industry and packaged into combinations that form various qualifications aligned to the Australian Qualifications Framework (AQF).” (Training.com.au 2008)

An increasing number of training packages contain the competency of ‘address copyright’. Even in other training packages, such as managing your small business in the digital environment, some understanding of copyright issues is required.

The ‘address copyright’ competency appears in 11 training packages.

- Entertainment
- Information and Communications Industry
- Music
- Film, TV, radio and multimedia
- Community Recreation Industry
- Fitness Industry
- Museum and Library Information Services
- Outdoor Recreation Industry

- Sports Industry
- Tourism
- Printing and Graphic Arts

In a two year certificate course with multiple teachers where does an RTO introduce intellectual property issues? If left to individual teachers, at what point should the topic be introduced? For many teachers, copyright is a scary subject; it is rightly perceived as complex, because it needs to be contextualised to subject matter and is dependent upon whether you a typically 'user' or 'creator' of copyright, again the politics of copyright.

I believe that within the teaching field, copyright is an assumed knowledge. That is, by the time a student has reached the tertiary sector, it is assumed they have been taught to work within and obey copyright law. For teachers/lecturers, it is assumed they have covered the relevant material needed for them to operate in their teaching field. These are dangerous assumptions because:

- Many students of the VET sector do not come from countries that have copyright law At Canberra Institute of Technology (CIT) approximately 3% are international students;
- Many VET teachers or lecturers do not have traditional teaching backgrounds and come from industry. Although requirements vary between RTOs, many accept industry experts, such as in the trades, to teach subjects on contract basis, without teaching qualifications in the first instance;
- The Australian Copyright Act has been amended a number of times over the last five years. Even previously informed people need to keep their knowledge up to date. While recent amendments allowed for format shifting it was for personal use and only applies to the educational sector in limited circumstances.
- Copyright legislation has not kept up with changing technology. While it is acceptable to get students to copy well known trademarks for learning purposes in the classroom, it is not acceptable to then load those subsequent works up on the internet for the world to see.

Napper commented "I am again surprised at the lack of awareness of copyright laws by students entering my program and also at the lack of compliance shown within educational settings from which they have emerged" (Napper 2003) Too often copyright is delegated to a quick PowerPoint slide among a range of topics, and its importance and relevance is not highlighted to students. The CIT Library and Learning Centre are working to change this, and ensure CIT students undertake relevant copyright training for their industry.

Why the Library?

Since the beginning of the digital age, libraries have undertaken an important role in assisting users, whether patrons, students or learners, to access and use digital technologies, and at the same time have also promoted the legal and ethical use of this information. This is clearly demonstrated through the information literacy standards outlined in Australian and New Zealand Information Literacy Framework: principles, standards and practice (Bundy, 2004)

Copyright compliance has long been the domain of the TAFE library. It is the place in the organisation that understands the basics of copyright law. The library balances the compliance of the organisation with the rights of students to access copyright material.

Standard six of the information literacy guidelines states “The information literate person uses information with understanding and acknowledges cultural, ethical, economic, legal, and social issues surrounding the use of information”. (Bundy 2004) Understanding copyright is certainly part of using information in a legal way. Libraries also usually cover students’ copyright rights and obligations as students, manage the compliance of the statutory licensing schemes within their institutions and provide an understanding of copyright issues.

The TAFE library is in a unique position to provide copyright training to RTO staff and to provide copyright training to students across the wide range of subjects in a balanced, compliant manner.

The Information literacy guidelines state that “By leading individuals to think critically, and by helping them construct a framework for learning how to learn, educational institutions provide the foundation for continued growth throughout the careers of graduates, as well as in their roles as informed citizens and members of communities.” (Bundy 2004) These guidelines give the libraries a mandate to provide a copyright foundation that will enable students to be informed about the legislative framework of the internet.

What can libraries run?

The types of sessions a TAFE library can easily run are as follows.

Understanding your copyright obligations

This 20 minute to 30 minute session is a compliance session. As most institutes make available a wide variety of copying equipment, the sign above the photocopier becomes less and less relevant to today’s students. This short compliance session outlines a student’s obligations and rights while a student of the organisation. These basic sessions are designed for first year students not only as an introduction to copyright concepts, but more importantly as a demonstration by the organisation of its commitment towards copyright compliance. Also the court case determining signs above the library photocopiers is over 20 years old, and in today’s environment, this sort of session would clearly display commitment. Although this type of session could be generic, it would be important that all examples used in the session are contextualised to the subject areas of the students.

While these sessions are limited, commentary feedback has shown that by using current and relevant examples students are more likely to connect with the topic.

Addressing the copyright competency

Obviously, there will be a wide variety of views of how this competency must be addressed in each training package, and there is no right or wrong answer. For many subjects, a one hour session on copyright and the relevance of copyright to the industry is sufficient. Assessment of competency can be achieved in a number of

ways: it can be left to the teacher to run a test or quiz on the basics covered in the session, or this can be done immediately following the session. Alternatively, I have found making the students negotiate a copyright contract, and then writing a report on the negotiation, is a suitable method of assessing competency. It works well as a practical example of how copyright is usually negotiated in many industries and demonstrates the variability of copyright outcomes. This is particularly relevant for industries such as museums or library services where they are more likely to be obtaining licences to use copyright material

CIT (Canberra Institute of Technology) has run ad-hoc tailored copyright sessions across a number of subject areas including interior design, architectural drawing, museum studies, sports trainers, graphic design, photography, creative writing, indigenous art to name a few. With such short sessions, it is difficult to gauge impact. When sessions have been split with a minimum of a week in between, students have time to reflect upon information provided and appear to gain more from the sessions. This is evidenced by the types of questions asked and better results in quizzes or negotiation activities.

Semester-based subjects

Where copyright is imperative for the students' future careers, like music or media, a 36-hour semester course is very important. Run over 18 weeks for 2 hours a week, this allows for detailed time to be spent on what is copyright, the law behind it, competing parties in the copyright world, and time to be spent on how it will affect their industries. Time can also be spent on contract law, and the management of copyright in contract and looking critically at the issues behind copyright in the news. This can easily be assessed over a period of time, through a number of methods including quizzes, negotiation activities and copyright reports, such as a synchronisation sheet for media students.

While the legislative framework for copyright exists, a large part of understanding copyright is ethical behaviour. Across some industries certain behaviours until recently were considered appropriate: if you look at the fashion industry, typically plagiarism occurred very quickly after new fashion lines were released. The government has extended Design law to cover this particular circumstance. In other industries, the range of understanding of what is considered 'ok' has been changing rapidly, with the development of digital technology and copyright law, again, providing an opportunity for TAFE Libraries to assist teachers and lecturers in providing an ethical, balanced and current view of copyright.

While the information literacy guidelines also include ethical use of information, how do you teach ethical use of information? Once students reach a tertiary level, they have already developed their own set of morals and study habits. However, when longer sessions are available this subject can be introduced while discussing the economical and social issues of copyright. Competing views are easily located current relevant news stories about copyright, and through critically analysing the viewpoints of the writers. Given that copyright and intellectual property laws are constructs of the government, the importance of lobby groups and their influences can be used to challenge students, particularly their past experiences with copyright, and to allow them to review these experiences in light of current information.

The CIT has been running these semester-long copyright specific subjects for media and music students now for 3 years. While its 'success' can only be determined by the students themselves when they go to negotiate their own copyright contracts, feedback from many students has indicated that they feel more confident about understanding the copyright contracts, understand the options open to them in both contract and open-source information, and feel more prepared to use copyright to their benefit in the future.

Why take on this extra workload?

"62% of Australian households are currently accessing the internet" (ABS 2006), in the Australian Capital Territory it rises to 75%, So many Australians are already engaging with copyright law in some form. For many, they would be accessing their fair dealing rights to engage in research and study. The CIT has many online programs and actively encourages students to use the internet in a variety of ways; as a result, we also need to ensure these students understand their rights in accessing and using the digital material.

Within the CIT we believed that even without the online programs, with 75% of our households accessing and using internet resources, there was a need for users to understand the legalities of copyright. Just as we require student drivers to understand the technical aspects of how to drive a car, we also expect them to understand road laws. In our library, when assisting students on technical aspects of using the internet, we introduce some laws as well.

Any copyright sessions we run are balanced, covering compliance issues, but also covering their rights, and the advantages and disadvantages of accessing and using the open-source licences like Creative Commons.

Many Australians are using the internet extensively. They are probably using sites like Flickr to upload and share their photos, they will be reading, and adding to the myriad of blogs and social network sites. This activity creates a need to understand their copyright rights and the advantages and disadvantages of applying the open-source licences to their own digital material.

Conclusion

Copyright training provides an important and relevant opportunity for the TAFE library. Many TAFE teachers or lecturers are not trained in copyright; while there is an immediate need to ensure these teachers understand **their** copyright obligations as teachers, there is also the opportunity for TAFE libraries to assist them to address this competency in an up-to-date and balanced way.

In December 2006, the Australian Parliament passed an important set of copyright amendments, allowing limited new private uses of copyright information. While not affecting the education sectors directly, what they have done is introduce a new requirement upon the education sector: to teach students the differences between private use, education/research use, and professional use. Now, more than ever, it will be up to educational institutions to educate their students in copyright rights and obligations. TAFE libraries are best placed to take the role of this new educational requirement, as they have a long history of copyright compliance, and, through the

information literacy guidelines, a mandate to implement programs to benefit their organisations.

As part of the 2007 election the Australian Labor Party released its “A digital education revolution policy document” (Rudd 2007) it states “this initiative is aimed at ensuring that one million Australian secondary school students get an education with the latest technology, to prepare them for jobs of the future”. Many of these students will start to enter higher and vocational education and expect access to the latest technology and it will be essential that they should know about the properties, profits – and politics – of IP. Prior to the Internet, this field of ‘quasi-legal’ copyright education was not a high priority in the TAFE sector; today the digital environment makes it a priority and an opportunity for TAFE libraries.

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Training Packages

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