

The Clash: MOOCs vs. Copyright

Marcus A. Banks, Samuel Merritt University
San Jose State University Open Access
Un/Conference
October 25, 2013

Thank you for the opportunity to speak today

--Will be an interactive session, after a brief introduction will divide the audience into smaller groups to discuss various case studies

--We'll then reconvene to discuss the case studies as a whole group

--Will close with my views of how librarians should proceed [Promoting OERs or copyright form as appropriate, minimizing consortial licensing], which I hope will stimulate some discussion and perhaps debate

The Idea: Copyright as Incentive



Article 1, Section 8, Clause 8 of the United States Constitution: Empowers Congress "To promote the Progress of Science and useful Arts, by securing for **limited Times** to Authors and Inventors the **exclusive Right** to their respective Writings and Discoveries."

--Copyright protections needed as an incentive to creation, but were intended for limited lengths of time. Today's very protracted copyright terms actually inhibit the progress intended by copyright law, by making it more challenging than it should be to build upon previous work. Our actual practices do not match the intent of the law, so reform is needed.

The Problem: Length of Copyright

Type of Work	Copyright Term	What's in the public domain in the U.S. as of January 1 st , 2013?
Unpublished works	Life of the author + 70 years	Works from authors who died before 1943
Unpublished anonymous and pseudonymous works, and works made for hire (corporate authorship)	120 years from date of creation	Works created before 1893
Unpublished works when the death date is not known	120 years from date of creation	Works created before 1893

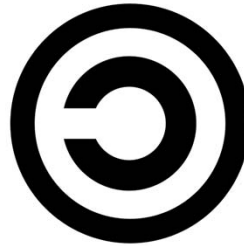
Source: Copyright Term and the Public Domain in the United States
<http://copyright.cornell.edu/resources/publicdomain.cfm>

To illustrate the problem. This is part of a very comprehensive chart maintained at Cornell about the length of copyright terms.

Copyright Alternatives



WIKIPEDIA



Alternatives exist:

--With Creative Commons, creators proactively assert how their creations can be re-used without always requiring permission

--OER is an umbrella term for educational content that is available to be reused and modified online, sometimes via Creative Commons licenses

---Wikipedia is one of the world's most visited web sites, a constantly evolving free encyclopedia that anyone can edit. Most of Wikipedia's content is licensed to be re-used at no charge using the Creative Commons Attribution-Share Alike License.

--Copyleft is a broad term meant to signal a challenge to the current application of copyright law. It often applies to software or code that is designed to be freely redistributed.

Main point here: The Internet age has stimulated much thinking about copyright alternatives, but the main tenets of the law remain very much in effect. There is a clash between how we wish to operate online—in a fluid and unfettered manner—and the way we make copyrighted works available online.

Enter the MOOCs: Copyleft Cubed

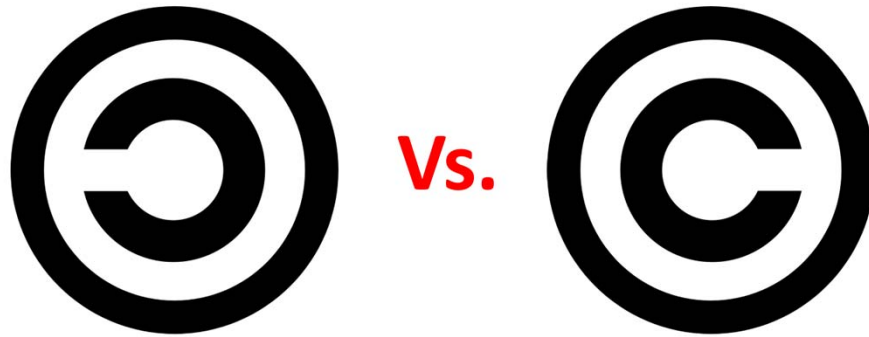
The Coursera logo, featuring the word "coursera" in a blue, lowercase, sans-serif font.The edX logo, consisting of a pink "e", a grey "d", and a blue "X" with a small blue square at its base.The Udacity logo, featuring the word "UDACITY" in a brown, uppercase, sans-serif font.The Khan Academy logo, which includes a stylized tree with green leaves and a brown trunk, with the word "KHAN" in bold black uppercase letters above "ACADEMY" in smaller black uppercase letters.

MOOCs are Massive Open Online Courses. For example, San Jose State has entered into a partnership with the MOOC Udacity.

--Anyone with an Internet connection can enroll in a MOOC, for credit or not. These students do not need to be affiliated with the university that sponsors the MOOC.

--Their pedagogical value is a matter of intense debate which is likely to persist. Although this debate is highly relevant to the future of higher education it is not our focus here. Our focus is the implicit assumption behind all MOOCs: that all the course materials – the book chapters, journal articles and other resources – will be equally available to all students because they can be distributed online. While this is technically easy, this is legally vexed. The MOOC world assumes a level of ubiquitous access to scholarly resources that we have not yet achieved due to the constraints of copyright.

The Clash



This, then, is the clash. Any questions or comments at this point?

--We'll now turn to case studies and divide into groups. The case studies present several options for how librarians can make resources available in the context of a MOOC, with the hope of stimulating thinking and clarifying options. PLEASE feel free to challenge my core assumptions, and/or to develop new options. We will reconvene in 30 minutes.

Case Studies

Thank You!

Marcus A. Banks
Samuel Merritt University
mbanks@samuelmerritt.edu
@mab992

My views:

- OER promotion or copyright/fair use reform equally valid
- Minimize consortial licensing of traditional resources, unless this is truly the only acceptable option for your institutional context. This perpetuates the problem on a wider scale. If you do this please also suggest the more bold alternatives for future consideration.