



**Copyright:**  
*Enabler or Barrier  
to the Educational Use of  
the Internet?*



# What is Copyright?



# Copyright and Digital Technology

- The way copyright law applies to digital uses is insufficient to meet changing realities.
- Governments around the world are dealing with the challenges of revising copyright law to reflect digital technology.



# What revisions does the education sector want?

- Key objective is a copyright law permitting educational use of the Internet.
- One that would permit students and teachers, in day-to-day instruction, to copy, perform, and exchange copyright materials made publicly available on the Internet.



# Free vs Fee

- Implied license theory
- Internet a vehicle for commerce but also for communication.
- Publicly available--defines the boundaries:
  1. no technological protection measure
  2. posted with consent of owner
  3. notice and take down or notice and notice
  4. must have knowledge that posting is infringing
  5. students required to acknowledge source

# Why does the education sector need changes to copyright laws?

- Students and teachers often break copyright law when they use the Internet to:
  - copy an image for a school project
  - copy text to study later
  - forward an e-mail to a student or teacher



# Why does the education sector need these changes?

- Students and teachers need to be able to use the material they find on the Internet without infringing copyright.
- Necessary to develop the skills needed to participate in a global knowledge economy.



# Why does the education sector need these changes?

- Obtaining copyright clearance for day-to-day instruction is not possible or practical.
- Blanket licensing through a collective of “publicly available” material on the Internet is not practical.



# Why does the education sector need these changes?

- There are often glaring inconsistencies in government policy.
- A Canadian Example:  
one arm of the federal government invests millions of dollars in projects designed to develop Internet skills among Canadian students, while another federal policy, reflected in the copyright law, makes much of what students do under these federally funded projects illegal.



# Digital Copyright Reform

- In the US, Australia, and the European Union copyright laws have been changed to deal with some digital issues:
  - Caching
  - Technological Protection Measures (TPMs)



# CACHING

- Caching is the storing of digital information, temporarily or permanently in the process of transmission, storage or viewing
- US, Australia and European Union have recently amended their copyright laws to permit temporary caching.



# Technological Protection Measures

- TPMs are things like password protection, encryption and other embedded programming to restrict access to information or programming code in digital material
- Extremely controversial: different legislation in the U.S., European Union and Australia



# Educational Exceptions

- Countries that have changed their copyright law have not provided for educational use of the Internet.



## What needs to be done?

- Obtaining appropriate changes to copyright laws will require intense lobbying and enormous political influence.
- Unless strong pressure is brought to bear, copyright laws will not include measures to permit educational use of the Internet.



# Implications for Learning

- Institutions will be restricted in how they use the Internet.
- Schools will not be able to harness the full potential of digital technology because of copyright law.
- Investments in ICT infrastructure will be reduced.
- Schools will lose ground in their attempts to educate students for the new economy.



# Implications for Learning

- Opportunity to learn with your own cultural materials could be lost.



# Action Plan

- Governments need to be convinced of the need for changes to permit educational use of publicly available materials on the Internet.
- Convincing them will involve a prolonged and concerted effort by the whole education community.
- Your role: convince your government that copyright law needs to be changed to permit educational use of publicly available material on the Internet.