OERs & Copyright

One view

Rory McGreal
Stealing the Goose

The law locks up the man or woman
Who steals the goose from off the common
But leaves the greater villain loose
Who steals the common from off the goose.

Anonymous 1764 or 1821?
Internet is the biggest commons

Public domain is a priceless, shared heritage
Copyright: What it DOESN’T mean

DROIT D'AUTEUR
[Author’s right]

Napoleonic Code [Europe]
Copyright: What it means

- No one owns ideas.
- a “copy” right
- Protects the expression of ideas NOT ideas
- It’s a privilege to control for a limited time
Scriptural Scribes
20 000 years

“The concept of copyright was utterly foreign to the ancient mind.”
Tom Harpur
Medieval Pre-copyright

- Whosoever reads scripture in the mother tongue shall be condemned as traitors and heretics and shall have forfeit land, cattle, life and goods from his heirs forever

- English Parliament, 1413
Statute of Queen Anne 1710

An Act for the Encouragement of Learning

USA: Copyright Act 1790

An Act to Promote the Progress of Science and the Useful Arts
Copyright was instituted to “encourage learning and “promote the progress of science and the useful arts.” NOT to protect the rights of the author

Para-copyright or pseudo-copyright?
- Jaszi
Copyright created
The Public Domain
Copyright Then and Now

• THEN
  • It didn’t apply to many things
  • Few people were affected

• NOW
  • It touches everyone
  • You can hardly spend an hour without copyright

Everything triggers copyright
Access Rights?

Vendors can control how, when, where, and with what specific brands of technological assistance audiences are able to access content.
Copyright Agreements

Selling your Soul??

"By placing an order via this Web site on the first day of the fourth month of the year 2010 Anno Domini, you agree to grant Us a non transferable option to claim, for now and for ever more, your immortal soul. Should We wish to exercise this option, you agree to surrender your immortal soul, and any claim you may have on it, within 5 (five) working days of receiving written notification from gamesation.co.uk or one of its duly authori
US Bullying

• Intense lobbying
• Gunning for Canada

WATCHING YOU
+50% royalties to US
Anti-Counterfeiting Trade Agreement (ACTA)

• No identity-blocking software
• 3 Strikes and you’re out
• Backups are illegal
• Border checks on mobile devices
The THREAT

Free content
Free content
Free content
Free content
Free content
Free content

Freedom defined

Orphan Works

TEKRI
Athabasca University
Technology Enhanced Knowledge Research Institute

Canada’s Open University™
The THREAT

Freedom defined
Amateur & Professional

- What makes sense for professionals does not make sense for amateurs

» Lawrence Lessig
Why OERs?

- the world’s knowledge is a public good in general
- the WWW in particular provides an extraordinary opportunity for everyone to share, use, and reuse that knowledge.

Ownership and Licensing

• Familiar problems
  – Who owns resource - educators or the institution?
  – inflated expectations

• New problems
  – OER’s are not journal articles
  – Articles are not “reworked”
    Is attribution critical?
    Commercial exploitation?
• http://cnx.org/content/m15211/latest/
UNESCO OER Community

- OER Wiki
- OER Discussion group
- International
Online/paper texts from Athabasca University Press

www.aupress.ca
Funding Models (from Downes, 2007)

- Endowment
- Membership
- Donation
- Producer contribution — (Publishers dream!)
- Sponsorship - Itunes University
- Government funding
- Institutional
CREATIVE COMMONS WANTS TO HELP DEFINE THE SPECTRUM OF POSSIBILITIES BETWEEN FULL COPYRIGHT -- ALL RIGHTS RESERVED -- AND THE PUBLIC DOMAIN -- NO RIGHTS RESERVED. OUR LICENSES HELP YOU RETAIN YOUR COPYRIGHT WHILE ALLOWING CERTAIN USES OF YOUR WORK. THEY HELP YOU OFFER YOUR CREATIVE WORK WITH SOME RIGHTS RESERVED.
Why the Public Domain?

- facilitates reuse & repurposing
- Attribution is ethical in any case
- For-profit is not always evil
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Problems with OER

• Little take up by conventional teachers
• Little reward/recognition for authors
• Few learners engage with content
• A business case?
• Little remixing & reposting
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Solution? Vibrant communities
OERs for Development

Goal of developing together a universal educational resource available for the whole of humanity… hope that this open resource for the future mobilizes the whole of the worldwide community of educators”

UNESCO 2002
Culturally Appropriate OER’s

“e-learning courses are cultural artifacts, embedded with the cultural values, preferences, characteristics, and nuances of the culture that designed them, and inherently creating challenges for learners from other cultures.”
Edmunnsdon, 2009
¼ of the world’s population

1.6 million Internet connexions
World population: 6.8 billion

The world is going mobile
1/3 only access internet via mobile

3.4 billion mobile devices
1.3 billion mobile internet users
Wireless Access
A Balancing Act

Ken Anderson, Scholarlykitchen.org

http://farm1.static.flickr.com/32/50088733_58935531ce.jpg
Fluid design \((\text{elastic or liquid})\) for OERs
Design for Mobile FIRST
The restriction of the commons by patents, copyright, and databases [right] is not in the interests of society and unduly hampers
“On the part of rich countries there is excessive zeal for protecting knowledge through an unduly rigid assertion of the right to intellectual property . . .”

- Pope Benedict XVI
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- Pope Benedict XVI
When people are free to do as they please, they usually imitate each other. There are no chaste minds. Minds copulate wherever they meet.

Eric Hoffer
If you're not confused, you don't understand
Let’s steal back the commons
Whither OER?

• Do you use OERs?
• Have you created an OER?
• Why don’t your colleagues use OERs?
• Will students use OER and avoid using your institution’s programs?