



What a Difference a MOOC Makes!

Copyright management for online courses

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The MOOC Context

- “Massive” means more attention
 - Some course have 100,000+ participants
- “Open” means that much of our traditional copyright analysis does not work
 - TEACH Act, i.e.
- Rapidly changing environment.
 - No final answers!



Who MOOCs?

- About 2/3 of participants from outside U.S.
 - 31% Europe, 16% Asia, 10% Latin America, 3 % Oceania & 2% Africa
 - Coursera taking steps to increase enrollment from China
- Over 80% have college degree(s).
- Wide range of ages.

Why should libraries care?

- Disruption of teaching & library models
- Changing fast, externally-driven
- A vast experiment in the social construction of learning.
 - Role of discussion forums, flipped classrooms
- ??s re place of MOOCs in an environment of rising costs and questions about quality

= A laboratory for changing library services
(including around copyright & permission)

© in MOOCs -- A taxonomy of issues

- Ownership of course content
 - Work Made for Hire?
 - Joint authorship
 - Campus policy
 - Contractual relationships
- Using third-party materials
 - Linking (legally OK, but practical issues)
 - Use in courseware (transformative fair use)
 - As assignments (permission)

A note on “closed” online courses

- TEACH Act
 - Requires access be limited to students enrolled in course that is “regular part of systematic mediated instructional activities.”
 - Must not normally allow downloads.
- MOOC & social media platforms
 - Usually do not meet TEACH Criteria

Ownership



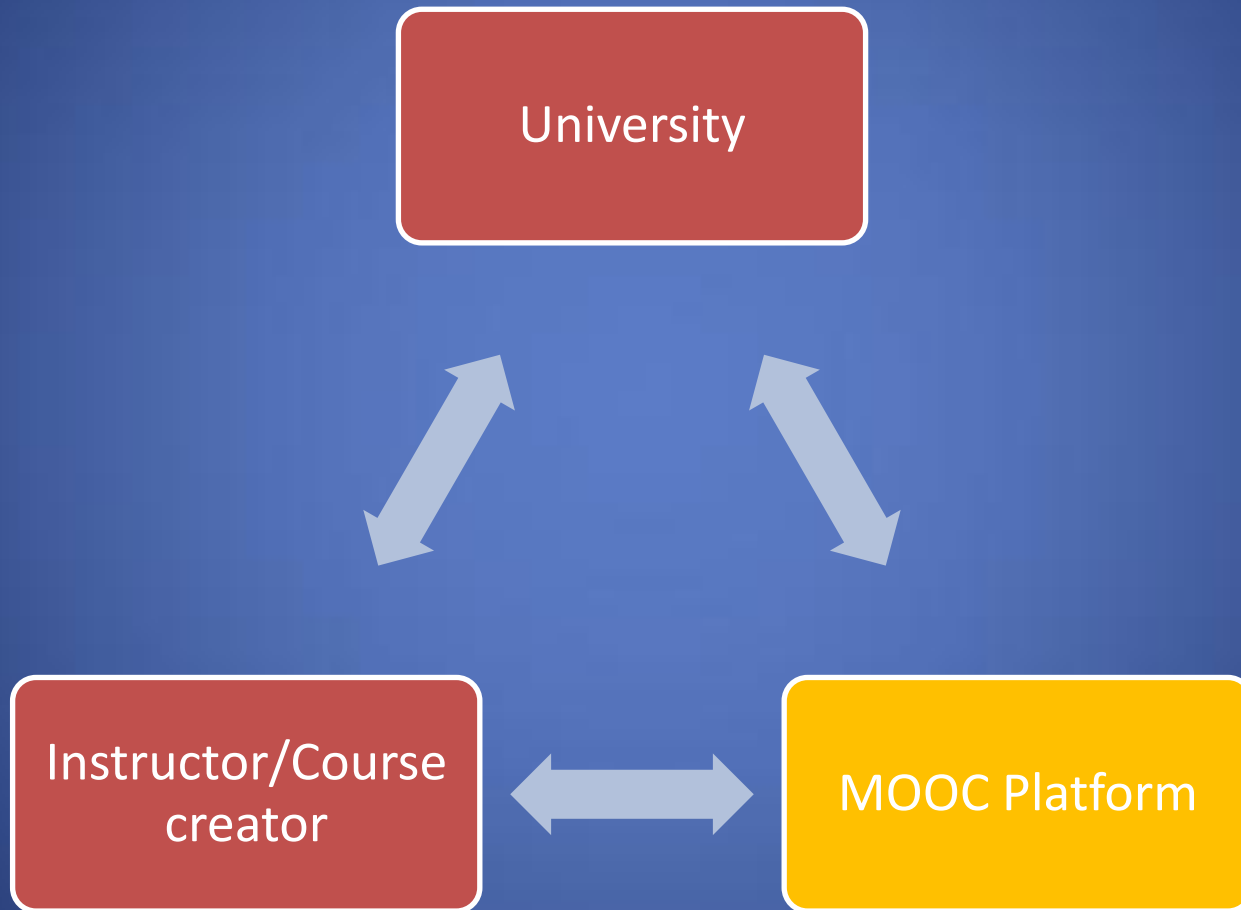
WMFH & Joint Authorship

- “Work Made for Hire” would apply, by definition, to most academic work.
 - Usually renounced by policy, at least for books & articles.
- MOOCs, like digital humanities projects, always created by joint authors.
 - Need for agreement about ownership, use.

Campus policies

- Often claim online courseware as WMFH.
 - Sometimes because of extra support or use of extraordinary resources.
- Alternative is a license to the university for broad use & reuse, leaving © with faculty creator.
- Also need to look at Conflict of Interest policies

Contractual relationships



Using 3rd-party content
(i.e. other people's stuff)



Linking

- Probably no legal issue.
 - Could a link be contributory infringement, if material is itself clearly infringing?
 - How could we know?
 - Good faith is important
- Practical problems
 - Reliability
 - Access in other countries
 - Access for the disabled

In courseware

I just want SOME content

- Use public domain material
- Use licensed material
 - Open license
 - Blanket license

I want THAT content

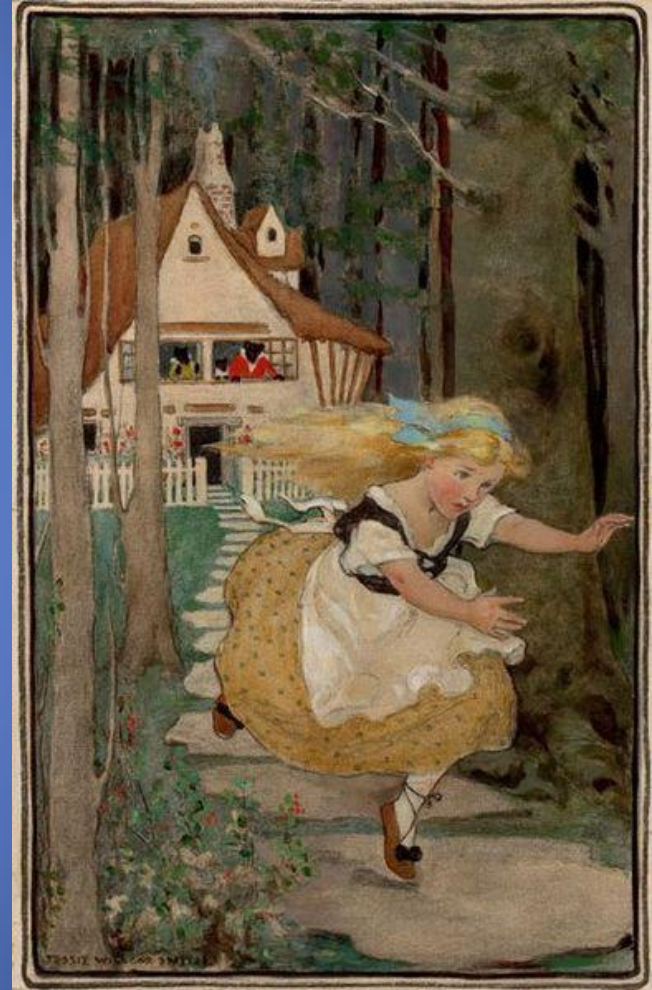
- Determine © status
- License?
- Is it fair use?
 - Transformative?
- Can I get permission?

Transformative fair use

- Transformation when it becomes part of something new, or is re-purposed.
- Much content incorporated into lectures is transformative fair use.
 - Analogy with quotations in an article
 - Evaluate need for THIS content
 - Good teaching = good © practice

Three questions

- Does it help me make my new point?
- Will it help my students get the point?
- Did I use just what was needed?



As assignments

- Wide distribution makes fair use problematic
 - Less clearly transformative
 - Does commercial nature of platform matter?
- Best to rely on
 - Open Access materials (lots of options!)
 - Permission

Getting permission

- Result vary greatly.
- First task is getting a response.
- Emphasize new marketing opportunity
 - Mutual benefit

Publishers want

- Link to purchase
- Download stats
- Click-through data



Questions?



Photo from Flickr, by Steven Stratton