

Sharing Works and Copyright Issues in Massive Open Online Courseware (MOOC)

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ABSTRACT

Various higher education institutions around the world have been adopting the Massive Open Online Courseware (MOOC), a new technological means to distribute and share knowledge across borders. While technology deem it convenient to share works online, the copyright issue cannot be taken for granted since it may lead to unnecessary legal actions that will hamper constructive teaching and learning. It is necessary to have clear awareness on the copyright issues and to understand what strategy could be used to provide a secure and positive MOOC environment. This paper is aimed at identifying and explaining the relationship between works sharing and copyright issues in MOOC environment. The paper highlighted strategies that can be undertaken by someone who want to share their works that fall under the public domain, creative common licenses and open access repositories.

Index Term— MOOCs, copyright, public domain, creative commons, open access.

1. INTRODUCTION

MOOCs basically refers to the capacity to involve a massive or large number of course participants with adequate internet connection to enroll into different variety of courses where it provides open content for all to use and learn from. While some MOOCs are free of charge, some do impose minimal fees. The open content normally offers a coherent set of resources and follow a sequence of activities organized by an instructor in order to address specific learning objectives or goals, bounded within certain time period (Hollands & Tirthali, 2014) which include software, registration, curriculum and assessment; communication including interaction, collaboration, and sharing; and learning environment (Chen, Barnett & Stephens, 2013) or the access

to materials, mainly scholarly publications in the Internet in such a way that the materials are free for all to read, use, reused to a certain extent. A MOOC generally provides interactive user forums that help build a community between students, professors, and teaching assistants.

Since MOOC's emergence in 2012, it has created a new trend in online learning. MOOCs have been accepted by various universities around the world and outsourcing companies have been launched to provide the infrastructure for it. Malaysia for instance was the first country in the world to implement a nationwide strategy that integrates MOOC with all its on-campus public university classes. The Malaysian Minister of Higher Education, Idris Jusoh, believed that this initiative will improve the country's tertiary education to a much higher

level (Rahmat, 2014) by way of combining online and in-class activities to achieve better understanding and collaboration among students.

2. THE CHALLENGE

MOOCs present complex copyright issues that can challenge the relationship between the higher education institution, its faculty, learners and MOOC providers (Educause, 2013). Through copyright law, authors or owners of original works were granted a bundle of economic rights namely to reproduce, rent out, lend, publish, issue copies, perform, show, play, broadcast, make adaptation or authorize others to use the work. Hence, copyright owner may have the opportunity to control or restrict the way his work may be used or exploited by others.

Copyright issues may emerge particularly when third party works or materials are used and shared in MOOCs. This may include images, text, displays, illustrations, audio and video clips, HTML files and other contents which belong to any party other than the MOOC creator or content provider. These materials may only be used with the permission from the copyright owner. The seriousness of this issue has been experienced by Webcopyplus, when their web copywriter innocently believed that web images which do not have any copyright notice were considered as public domain work and thus free to be used in their client website. The client were served with copyright infringement claim and instructed to remove the image at once. The case was then settled out of court for \$4,000 (Web Copywriters, 2011). Punishment for copyright infringement varies across different jurisdiction. In the UK for instance, it can entail to a maximum punishment of 10 years and/or an unlimited fine.

3. STRATEGIES WHEN SHARING MATERIALS IN MOOCs

Training and awareness are the first important step to avoid any copyright infringement when creating MOOCs. All lecturers, administrators or citizens need to be aware that they are responsible for whatever materials they share in MOOCs or else be accountable or subject to copyright claim. Certain strategies may be used to deal with copyright and access problems associated with MOOCs materials.

3.1. Use Own Original Materials

The most straight forward way to be safe when sharing materials in MOOC, is by using your own original materials. This means, using books, journals articles, photos, images, slides, films that you created yourself in which the copyright is yours. In terms of video, there can be different rights available. Music and images used within a video are called 'background IPR' while acts captured in the video such as a lecture are foreground rights. Often, the person who created the act, namely the author of the work will hold the foreground right while the background rights belong to the person or company who created the IPR originally and copyright clearance must be done before it could be used (Kernohan, 2014).

However, this suggestion can be less favourable since it is time consuming and costly to produce original materials for every courses. These may however be achieved by Professors or senior lecturers who already have a large collection of his own notes, materials and resources under his own name in which copyright belongs to him. Yet, if a Professor wrote a journal article, the copyright may be transferred to the journal when he signs the copyright form and the Professor may need to get permission from the journal in order to distribute his own work to his students in MOOC. Hence, it is important for lecturers to understand the effect when they send their articles for journal publications. Harvard, for instance adopt a plausible open access university where faculty authors grant the university a nonexclusive, irrevocable right to distribute their scholarly articles for non-commercial purposes. These scholarly articles were stored, preserved and made freely accessible in digital form in their Open-Access library's repository and be made available for MOOC students.

3.2 Seek Permission from Copyright Owner

In situation where third party materials are shared in MOOC, the content provider must first seek permission from the copyright owners. This may involve sending email or requests for copyright owner to allow for their materials to be used in MOOC. This process may take time, strings of emails, and patience before one will get to the final decision whether permission is actually granted or not granted. Sometimes, permission may be granted with certain payment or conditions attached. Studies revealed that generally it may take three months to obtain copyright clearances for hardcopy while

obtaining permission for electronic environment may take longer since there is still a feeling of caution amongst publishers (Tailor, 2005). In collaborative setting, these tedious processes of obtaining right clearance for MOOC courses can be time-consuming and potentially expensive (Educause, 2013) as well as restrictive of creativity. To help ease this challenge it would be very convenient if a small team from the library for instance, is established to obtain copyright permission. They will either send email or letters to request, or at least guide faculty members in requesting permission from the copyright holder to use the materials in a MOOC course.

3.3. Utilize Materials in the Public Domain

Another way of sharing materials in MOOCs is by using works that is in the public domain which are free from copyright protection (Courtney, 2013). Anyone are allowed to use or modify the public domain materials freely, albeit for commercial use. Even attribution is not required although such is appreciated. Nevertheless, there are still some constraints on how public domain works can be used. The exception is basically based on common sense where works cannot be used in a way that may be deem offensive, unless it is consented (Pixabay, 2015).

Deazley (2007) categorized the materials that fall under the public domain in the UK as follows:

1. 'those works which fail to meet whatever threshold requirements have been stipulated before protection will be attributed to them' ('non-original' works);
2. 'works whose periods of protection have expired';
3. 'ideas, generic plots, themes and so on, as well as certain unoriginal materials';
4. 'use of an insubstantial part of a work';
5. uses of a copyright work outside the 'acts restricted by copyright' (or 'private domain of what is copyright protected');
6. 'any use which falls within the statutorily defined "acts permitted in relation to copyright works"';
7. 'use of works which the courts refuse to protect on the grounds of public policy';
8. uses of a work which would otherwise amount to copyright infringement which are authorised by the

courts because they are in the public interest (which can be considered 'within the common law public interest defence').

Legal scholars from other jurisdictions are proposing for wider definition of public domain works (Greenleaf & Bond, 2013). Yet, determining whether a material falls in the public domain or not is not a simple matter. Studies (Erickson et al., 2015) revealed that it is difficult to locate and secure high-quality sources of public domain works in digital format. Public domain works may also be more available in certain area such as comics and theatre compared to publication (Erickson et al., 2015). One may need to seek assistance form the archives, museums and libraries in order to access the public domain works. Studies revealed that many public domain materials remain unavailable and under-used because its status has not been ascertained (Erickson et al., 2015). Situation may also happen where certain work falls in the public domain in a particular jurisdiction but not in another jurisdiction which may lead to unnecessary legal risk.

3.4. Use materials under the General License Terms

Other alternative on resources that can be used when sharing materials in MOOC is by using work that has been offered to public via unrestricted license such as the GNU Lesser General Public License (LGPL) or Creative Commons (CC) licensing systems (Courtney 2013). A Creative Common (CC) License is also a form of copyright license except that it is a public copyright licenses which enable free distribution of an otherwise copyrighted work. A CC license is normally used when an author or a copyright owner wish to give people the right to share, use, and build upon a work that they have created, in other words, it allows online content to be shared and even adapted by other users (Clement, 2013). The UK for instance, require that its providers and universities obtain the Creative Common License for MOOC purposes.

This free and open public license allow creators to specify under which conditions works may be used by the public provided that proper citation or acknowledgement is present when the work is being used. Furthermore, the CC license becomes very convenient when MOOCs educator want to use resources beyond the MOOCs environment as the license gives the permission to all MOOC participants, regardless instructor or student to generate, use and share content with

each other (Vollmer, 2012). However, some works under CC licenses can only be used for non-commercial purposes only. So, in the event MOOC is charged and made as commercial, the works can no longer be used. Users of CC license must also attribute the creator of licensed material, unless that requirement has been waived or when the name of the author was not supplied. If modifications were made to the work, such as taking an excerpt of the work or crop a photo, that changes should be indicated and a credit reasonable to the means and medium being used should be made, that the MOOC material has been used in the adaptation. It is sufficient to provide a link to a place where the attribution information may be found in order to satisfy the attribution requirement. A guide the correct way of attribution is at <http://creativecommons.org.au/content/attributingccmaterials.pdf>

More works are being made available under the Creative Commons License. According to the State of the Commons report, approximately 882 million works are licensed under creative common in 2014. For example, MOOC providers like Udacity have made its video courses available in YouTube under Creative Commons 3.0 license, which the videos can be viewed and shared for non-commercial purposes (Carr, 2013). MIT and Harvard for example aim to make much of the edX course content available under more open license terms that will help create a vibrant ecosystem of contributors and further edX's goal of making education accessible and affordable to the world." (Cheverie, 2013). A few websites such as Pixabay released its images under the Creative Commons CC0. Millions of other photos licensed under creative commons are also available at Flickr while other stock photo sources may require some payment starting from \$1 per image such as from GettyImages, iStock, Depositphotos and Stock.XCHNG. In the event the material is already online but it is not under Creative Common License, alternatively, a link could be created rather than including it in the course.

Apart from creative common, there are also open repositories made available by institutions or based on subject matter that are also open and freely linkable. The Directory of Open Access Journals (DOAJ) contains more than ten thousand open access journals covering all areas of science, technology, medicine, social science and humanities.

3. ADMINISTRATORS' TASK

MOOC administrators, particularly the higher educational institutions need to make sure that any external material they use is free from copyright restrictions or appropriately licensed. To do this, several things can be done in order to address the copyright concerns in MOOCs namely by:

- a) Creating awareness on different types of copyright materials that may potentially be used such as diagrams, plans, images, music and maps which may need copyright clearance. This may be done by providing sufficient education, training and online help that instill good practice among content providers. The training can also include how to take charge of copyright materials, ways how to seek publisher's permission and good copyright habits. Guidance notes, documents and information provided via websites or LMS may also be useful to ensure extensive information about rights management.
- b) Providing a standard permission seeking template letter which only needs small amendments, for content providers to use to make it much easier to request permission from right holders.
- c) Monitoring every course content with the help from the library team or special copyright team who have the right to query any obvious infringements before the course is made available online.
- d) Ensuring that the content provider declare that the materials are free from copyright encumbrances.
- e) Collaborating with legal service department at the educational institutions or copyright officers to ensure copyright clearance is adequately conveyed.
- f) Allocating special copyright officers who can provide training and advice in case of any doubt or concern.

4. CONCLUSIONS

The risk of copyright infringement when sharing works in MOOCs are very real and should not be taken lightly. Every content providers and users should have sufficient awareness on the copyright issues and their vulnerability when using or sharing copyrighted materials. This paper has focus on strategies that can be undertaken when getting resources to share in MOOCs namely by using own materials, getting prior

permission before using other's work, using materials from the public domain, using work licensed under the creative commons or open access repositories. This paper further recommends that administrators take the initiative to address any copyright concerns to avoid any unnecessary problems. This paper also shows that technology still offers users many alternative resources that can be used in MOOCs.

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