

#WCETWebcast

WCET Webcast

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Welcome to today's WCET Webcast

July 23

The webcast will begin shortly.

There is no audio being broadcast at this time.

An archive of this webcast will be available on the WCET website and YouTube channel by next week.



July 23

What Campus
Leaders Need to
Know about
Copyright and
Intellectual
Property



Welcome!

#WCETWebcast

Use the question box for questions and information exchange.

Archive, PowerPoint, and Resources will be sent.

PowerPoint can be downloaded via the link in chat.

*Follow the Twitter feed:
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Questions from the Audience

If you have a question during the presentation, please add your questions to the question box.

We will monitor the question box and have time for Q&A at the end of the webcast.



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#WCETWebcast



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Moderator

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*Assistant Vice President, Course
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Copyright Law

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Copyright Basics

- U.S. Constitution, Article I, Section 8, Clause 8
 - "[the United States Congress shall have power] 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."
- Think of copyright as a balance between the rights of the users and the rights of the creators.
- Advance learning and incentivize creation.
- Creators receive bundle of “exclusive rights” for “original” creations.
- In addition to limits on rights (facts, ideas, limited ways to express), a cornerstone of that balance is the exceptions to those rights, particularly fair use.



Copyright 101

- Any original (not copied) creation gets a copyright once “fixed in a tangible medium,” only need registration to sue.
- No protection for ideas, procedures, processes, system, concept, principle or discovery (e.g., heroic circle, star-crossed lovers).
- §106 gives authors five rights for “limited times” (life + 70 years)
 - Reproduction
 - Prepare derivative works
 - Distribute copies
 - Publicly perform the work
 - Display the works public
- Number of exceptions (e.g., first sale) – focus today on Fair Use.



Fair Use §107 – Exception to Exclusive Rights

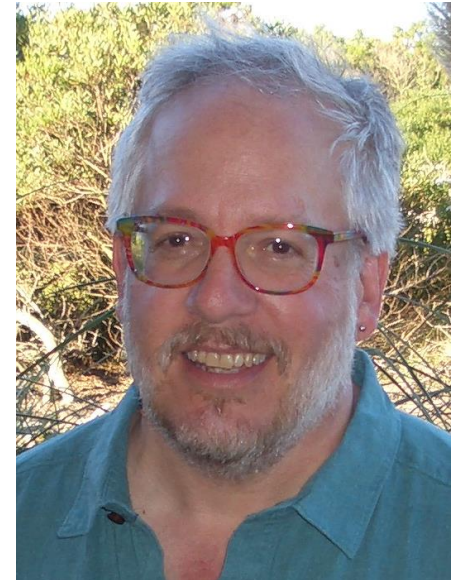
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 - (1) the purpose and character of the use, including whether such use is of a commercial nature or is ***for nonprofit educational purposes***;
 - (2) the nature of the copyrighted work [factual or fictional];
 - (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
 - (4) the effect of the use upon the potential market for or value of the copyrighted work.
- The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.



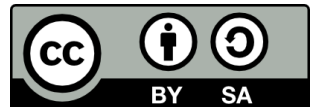
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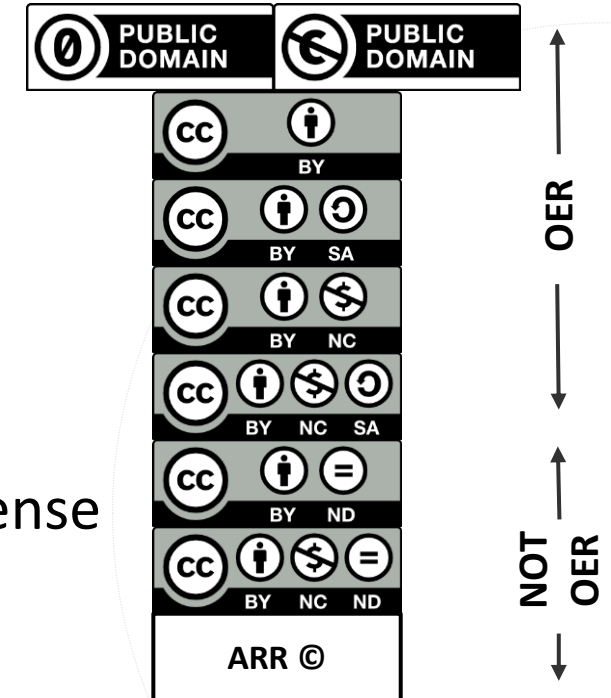
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W C E T W e b c a s t

Tools

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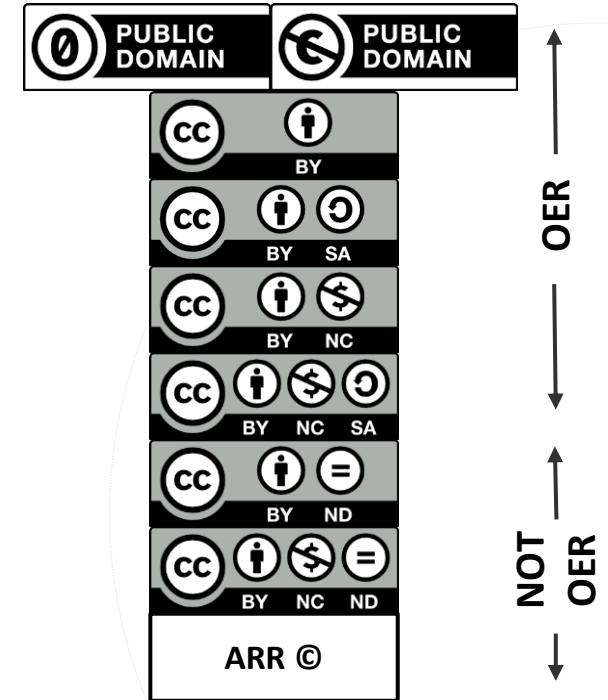
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Open Educational Resources [OER]: Potential

“OER are teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that permits their free use and re-purposing by others. Open educational resources include full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.” -- [William and Flora Hewlett Foundation](#)



Open Educational Resources [OER]: Potential Continued

- “Free repurposing” and Wiley’s **5Rs** amount to nothing more or less than pedagogical academic freedom.
 - In fact, it’s a little weird that faculty are so accepting of educational resources under ARR ©...
- “Free use” amounts to getting off the gravy train (for publishers) which has seen textbook costs rise at many times the rate of inflation. It’s hard to justify textbooks that cost \$200 or even \$300 or \$400 when: total student debt in the US is **\$1.74 trillion**; 39% of students surveyed in 2019 were food insecure in the month prior to be surveyed, 46% were housing insecure in the prior year, and 17% were homeless.
- Because of textbook cost, students take fewer classes, do more poorly, take longer to complete their studies, *etc.*; many students do not buy required texts or online access, but share books or skip those points.
- Studies show when courses switch from commercial resources: student and instructor satisfaction goes up; academic performance goes up and DFW rate goes down -- and these effects are significantly larger for Pell-eligible and self-identified minority students, by as much as a factor of three.

5 Rs	
Wiley:	Jhangiani:
Retain	Respect
Reuse	Reciprocate
Revise	Risk
Remix	Reach
Redistribute	Resist



OER: Reality

The Good:

- OER have saved students at least \$1 billion.
- Millions of students use OER, at more than half of US colleges and universities.
- The Open Textbook Library (open.umn.edu/opentextbooks) has 766 books, most reviewed by instructors.
- OpenStax (openstax.org) has around 60 textbooks that look very much like commercial ones.
- LibreTexts (libretexts.org) hosts nearly 400 resources and has a sophisticated remix tool.
- OASIS (oasis.geneseo.edu) and OER Commons (oercommons.org/) are OER search engines.
- Platforms like PressBooks (pressbooks.com), PreTeXt (pretextbook.org), and others make copying, adapting, and creating beautiful OER quite easy.
- Organizations like The Open Textbook Network (open.umn.edu/otn) and The Rebus Community (rebus.community) support campuses with organization, platforms, training, *etc.*
- All of these wonderful resources and tools circulate freely and without legal obstacles to the **5R** permissions because they are under Creative Commons licenses.



OER: Reality Continued

The Bad and the Ugly:

- OER may not have as many supplemental materials as commercial resources - but this is improving!
- OER are thought not to be as accessible (i.e., ADA-compliant) as commercial resources - this is **false**.
- Most problematic: there is a widespread belief that “you get what you pay for,” so OER must be worthless since they cost nothing. This is in fact the opposite of the truth, for the academic freedom reasons mentioned above among many other reasons -- e.g., open [or OER-enabled] pedagogy is the most interesting and powerful pedagogical innovation that has happened in decades!



Conversation with our Speakers



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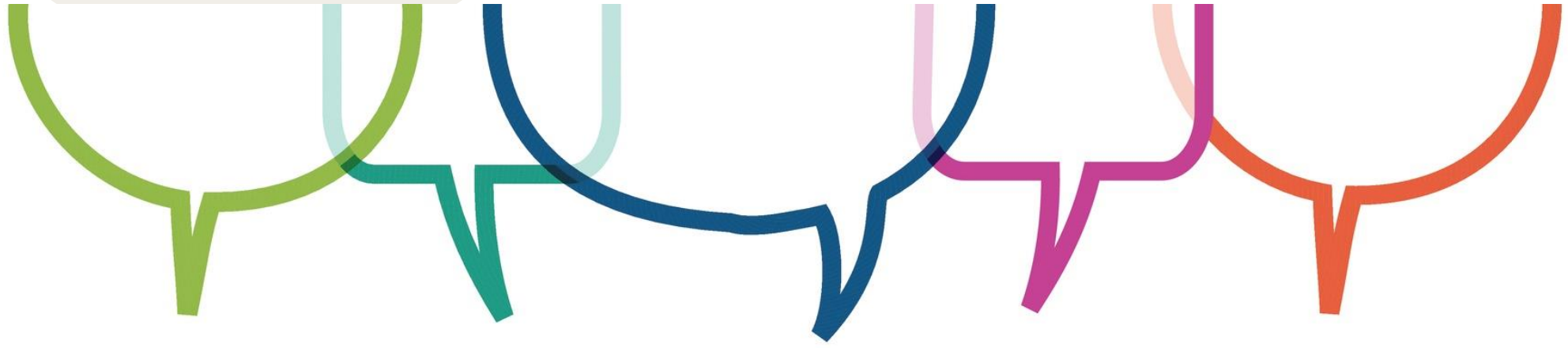


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Questions from the

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ADDITIONAL INFORMATION AND RESOURCES

Access to the resources discussed during this webcast, including the archive, will be available next week.

<https://wcet.wiche.edu/connect/webcasts>



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