

Copyright information

Teachers, trainers and developers

Although there are certain concessions to using materials in education, these only apply where there is a specific licensing agreement, such as the arrangements in the UK for photocopying and making off-air recordings of TV and radio broadcasts. These agreements are subject to clear restrictions and to penalties for misuse. There also exists the category of 'fair use' or 'fair dealing', which is enshrined in a new Act in the USA but is not easily defined in the UK and Europe in general.

Developers of materials, as well as users such as language teachers and trainers, should be aware that what applies in a teaching, training and learning session becomes a quite different matter when creating materials for distribution (whether or not they are to be sold for gain).

Unless the original material is clearly stated to be free of copyright or unless it is not covered by copyright legislation by virtue of its age, it is illegal to photocopy, photograph, record, download, scan or otherwise copy materials for onward distribution (even if no financial gain takes place). It is a common misconception to think that there is an exception for educational usage. In most countries no such exemption applies, other than certain specific arrangements for research. Nor is it the case that because an item is 'in the public domain' – which is often interpreted (wrongly) to mean that it is published on the Web – it is free from protection. In fact all work is protected. A work is only in the public domain and free to use if it is specifically stated to be so. This does sometimes occur and is often referred to as 'copyleft' material.

Implications

There are obvious implications for the developers of learning materials and teachers and trainers when taking copyright into consideration. Not only do they have to ensure that they themselves have complied with the law in all respects but, given that multimedia creation is very often a collaborative venture, they should also make arrangements so that all those colleagues who might have contributed parts to the work guarantee in writing that they own the rights to the work in question and indemnify against breach of copyright.

Further information

- i. The UK government's comprehensive website on copyright and related matters: www.intellectual-property.gov.uk.
- ii. A fairly recent and useful article which concentrates on the application of copyright law to e-learning is to be found on: www.jisclegal.ac.uk/.