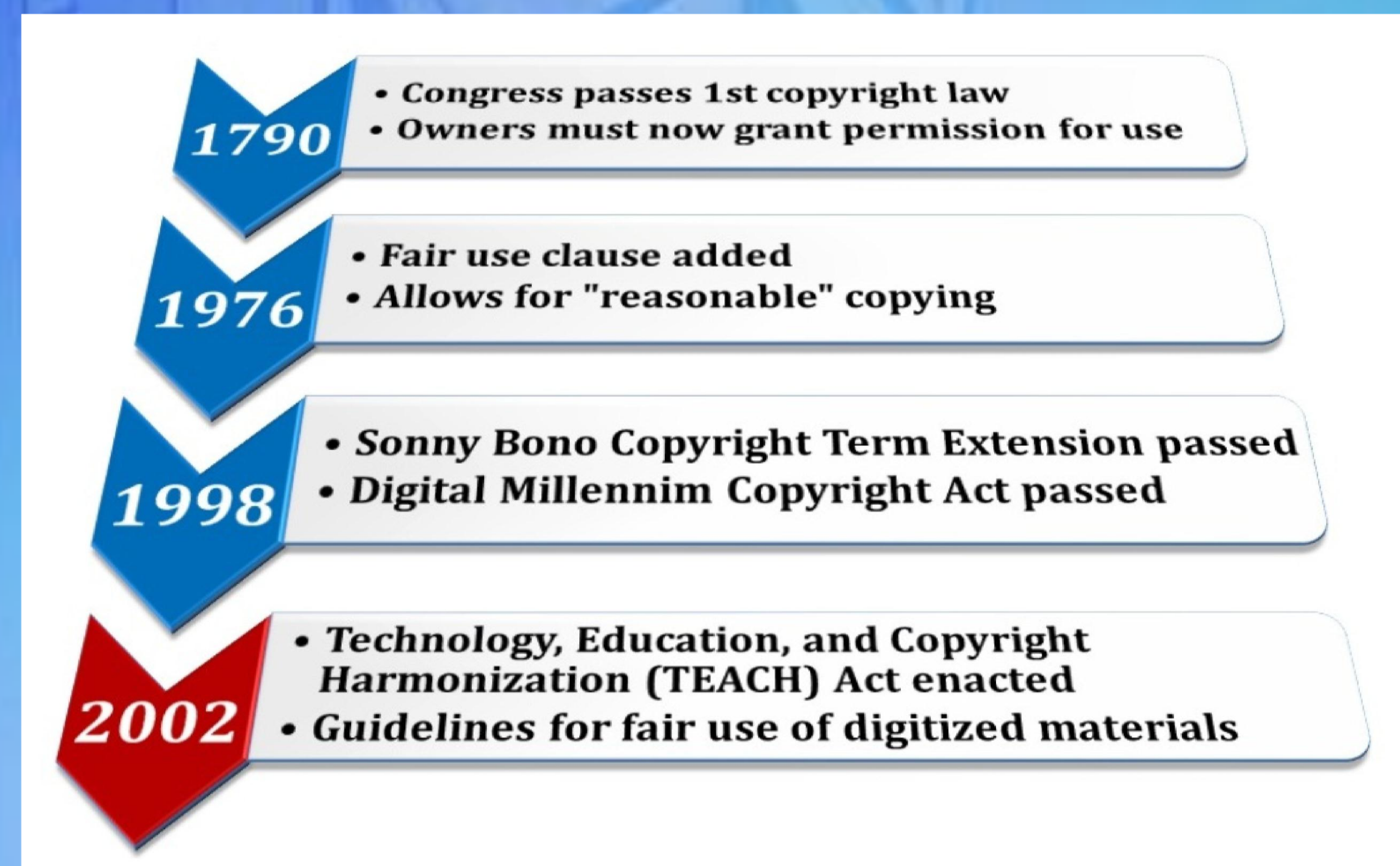


Copyright Law in Distance Education

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Introduction

Article 1, Section 8 of the U.S. Constitution empowers Congress to help protect authors' and inventors' writings and discoveries for a limited time (U.S. Copyright Office, 2011), but many educators are still unclear of what is considered to be fair when reproducing someone else's work and distributing it throughout the Internet. Distance education requires that instructors provide course materials in electronic form, and because class sizes can sometimes be large, instructors invariably may find themselves in violation of fair use (Ncube, 2011). Additionally, rightful ownership of lesson materials—intellectual property—remains a debate between distance educators and their employers.



Current Trends

Some of the most notable court cases have involved publishing companies versus university administrators and outside/interest groups versus universities. Amazingly, before the government drafted the first revisions to the law in 1976 only two documented cases against teachers were filed, and in both cases the teachers lost (DeVary, 2008).

Cambridge University Press et al. vs. Patten et al. (Publishers vs. Georgia State Univ.)

Case # 1:08-cv-01425-ODE, Filed 04/15/2008 in Atlanta District Court

- Plaintiffs' argument that GSU violated **99 copyright laws** with "systematic, widespread and unauthorized copying and distribution of vast amounts of copyrighted works" via the school's website (Baughman, 2012, p. 2).
- GSU officials chose to use a combination of their library's e-reserves or electronic reserves and posting the reading materials directly onto the instructors' websites instead of spending more money on purchasing Course Packs from printers.
- Ruling on May 11, 2012 in favor of Plaintiffs, but Defendants only found guilty on five counts of infringement.

The Association for Information and Media Equipment (AIME) vs. UCLA

Case # 2:10-cv-09378-CBM-MAN, Filed 10/03/11 in California District Court

- Plaintiffs alleged that the Defendants were in violation of using its members' video footage, and defendants illegally posted the videos in their online CMS (Course Management System) without advanced approval.
- Plaintiffs alleged that the Defendants illegally copied licensed DVDs from "The Plays of William Shakespeare" and placed the copied material on the Internet.
- The case was dismissed with prejudice on 10/03/11 on the grounds that the Plaintiffs failed to prove their case.

Fair Use Guidelines for Media Use

Type of Media	Suggested Acceptable Use
1. Motion Media	10 percent or 3 minutes, whichever is less.
2. Music	10 percent, but no more than 30 seconds.
3. Text	10 percent or 1,000 words, whichever is less.
4. Illustrations/Photographs	Entire illustration/photograph, no more than 5 images by one artist. Collective work, 10 percent or 15 images.
5. Numeric Data Sets	10 percent or 2,500 fields or cell entries, whichever is less.

Note: From "Copyright and Distance Education: The Impact of the Technology, Education, and Copyright Harmonization Act," by E. Nelson, 2009, *Association for the Advancement of Computing in Education*, 17(2), p. 96. Copyright 2009 by Eric Nelson. Reprinted with permission.

Opportunities for Research

The legal system remains a work in progress. Future research will be valuable for:

- Addressing the loose interpretations of fair use
- Providing educators with a solid plan for creating copyright policies and procedures
- Simplifying the ownership of intellectual property for education professionals
- Creating universal guidelines for distribution of digitized materials

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