Education 4.0 – Policy Implications for an enhanced Copyright System in the Knowledge Society
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Background of the study

- **Sparkling Science Research Project:** „From 'User-Generated-Content' to 'User-Generated-Copyright’“ (funded by the Austrian Ministry of Science, Research and Economy)

- Interdisciplinary Approach / “Citizen Science”
  - Inclusion of young students, aged 14-20 (digital natives), as “young scientists”

- **Goal:** Definition of requirements for a modern, well-balanced copyright system in the light of the “prosumer”-paradigm.
EDU 4.0 - A teachers perspective

- Educational institutions / Teachers
  - Access to teaching material
  - Digital reproduction
  - Editing
  - Performance / Display (lecture cast)
  - Online-Distribution (Download-resources; digital coursepacks)

- **Student A:** “In 90% of our lessons we are working with computers, the rest is classic teaching. [...] We are partly in computer equipped classes and if we are in the normal classes, everybody has own devices.”
EDU 4.0 - A learners perspective

- **Learners**
  - Access to digital learning resources
  - Reproduction (digital copies for learning purposes)
  - Editing ("student generated content")
  - Sharing (collaborative learning)

- **Student B**: “Our school promotes it [the use of communication technologies in learning]. For example, when mails are sent to us, chat rooms for communication with classmates are attached.”
EDU 4.0 - Typical legal problems (European perspective) I

- **Scope of copyright protection**
  - Idea/expression dichotomy
  - Duration

- **Access to digital resources**
  - Technical Protection Measures (Art 11 WCT)
  - Legal restrictions
    - Circumvention of TPM
    - Digital consumption and unlawful sources (e.g. Art 5 (1) InfoSoc-Dir)?
EDU 4.0 - Typical legal problems (European perspective) II

- **Digital Learning Copies**
  - Learning as “private use” (Art 5 (2) lit b InfoSoc-Dir)?
  - Learning as “scientific research” (Art 5 (3) lit a InfoSoc-Dir)?

- **Sharing in class / with classmates**
  - Class and closed learning groups as public?
  - Scope of exceptions unclear (e.g. Sec 42 §6 UrhG, Sec 42g UrhG)

**Student C:** "We do not publish things extensively, [...] we do this within a closed frame."
Copyright Compliance / Awareness

Student B: "I'm a little under-informed about the issue, we do not talk about it much at school."

Student A: "It simply lacks transparency. The consequence of this, I would say, is that it becomes a matter of indifference."

- What are the consequences of a lack of awareness?
- Does the individual copyright knowledge has an impact on students and teachers behavior?
Policy Implications I

Stakeholders have to face manifold legal uncertainties, caused by an unclear legal framework.

- Understandable, express regulations with a clear scope; general clauses are not workable within the edu sector
- Defined space for social norms (e.g. Quotation, disclosure of source);
- Balance between sufficient flexibility (technology neutrality) and legal certainty (specific determinations of exceptions)
Policy Implications II
Balancing stakeholder interests

- **Inhomogeneous groups of stakeholders**
  - **Authors** (differentiated by work category)
    - Authors of edu-works (works for intended for edu purposes)
    - Authors of scientific works
    - Authors of works, not intended but used for edu purposes
  - **Users**
    - Educators
    - Students
    - Adult Education
    - extended vocational training

- **Divergent interests**
- **Incentives for authors? (Remuneration or Compensation)**
Copyright's fundamental function is to promote creativity and innovation by protecting the authors moral and economic interests, as far as it necessary for this purpose.

Innovation and Creativity needs a fertile soil, namely an educated (knowledge) society.

Thus – also from an fundamental rights perspective – free access to cultural heritage, knowledge and scientific content is crucial.

- Free? "Libre", not necessarily "gratis"
- No one fits all solution / a differentiated approach is required

Further Requirements:

- Rethinking the role of publishers -> Social Publishing / sharing economy ("uber for edu")
- Effective protection of moral interests / reviewing social norms
Kontaktinformation

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Research Project - Details:
www.u-g-c.at