

COPYRIGHT, COMPLIANCE, & THE BIG WIDE WORLD OF MOOCS

Massive Open Online Courses (MOOCs) are the hottest new thing in education right now. Not only are they free and open to anyone with an internet connection, they are offered by some of the world's leading universities. You can study animal behavior at the University of Melbourne or cryptography at Stanford University, all from the comfort of your lounge room. MOOCs signal the start of a brave new world for universities and there are many challenges to be faced.

The University of Melbourne is scheduled to launch a number of courses in 2013 on Coursera – one of several providers of MOOCs established last year. One of our biggest challenges is dealing with copyright. The global nature of MOOCs makes copyright particularly difficult. How do you manage copyright across several legal jurisdictions with different rules in each country? Do the same rules apply if you're making content available to the whole world rather than a small number of Australian students?

The unique and special role that educational institutions, along with libraries, have in society is reflected in copyright law. There are specific exceptions for education, such as showing material in class. There are also two statutory licences, which allow us to provide copyright material to enrolled students in return for licences paid to creators and copyright owners. But these provisions only cover students who are enrolled at the university. MOOCs students are enrolled with the MOOC, not the university providing the course, so the usual copyright provisions don't apply.

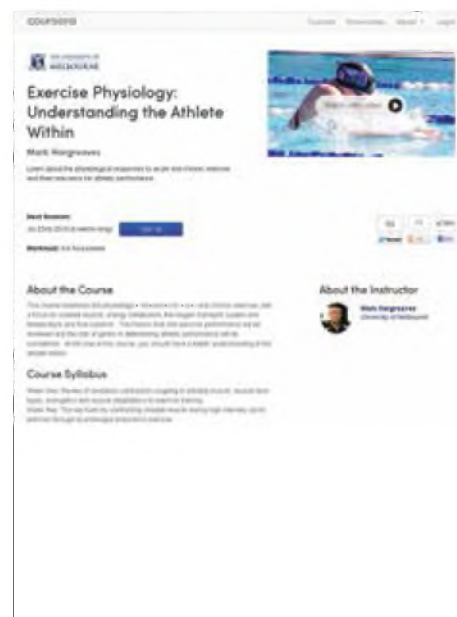
The global nature of MOOCs makes copyright particularly difficult. The statutory licences and other exceptions on Australian copyright law function on the assumptions that an Australian university is delivering the course to a student who is enrolled in Australia and accessing course material from Australian servers. If the course material is created by a professor in Melbourne, uploaded to and hosted on a server in California, and then accessed and downloaded by a student in Karachi, which copyright law applies? Unfortunately, the answer is not very clear. The copyright rules for Australia are different from the US, the UK, and many other countries. Do the Australian

laws apply because the course is developed in Australia by an Australian professor at an Australian university? Or do copyright regulations apply based on the country the servers are hosted in? Course content must comply with all relevant statutory requirements including copyright laws not just in Australia, but around the world. This creates a lot of challenges, particularly resourcing.

Course content is either being created by academics or licensed from the copyright owner. Obtaining individual licenses for content is resource intensive and time consuming, so it is not feasible when dealing with large amounts of content. Copyright owners often want licence fees, which can be significant. Licence fees have to be absorbed by the university providing the course. The philosophy of MOOCs is to provide access to free education: this includes course material. The costs of providing course materials are not passed onto students. Where possible open licensed material, such as Creative Commons, or public domain material is used instead.

Material that is freely available on the web can be linked to and used in courses. Care must be taken not to link to infringing content. Linking to infringing material is seen as authorising infringement and is itself a breach of copyright. Geoblocking – technology that blocks access to online content from particular countries or regions – can also be a problem. Unfortunately, it is not always easy to tell if a website that you can readily access in Australia is only available to users in Australia.

MOOCs represent both a challenge and an opportunity to universities globally and have the potential to fundamentally change how we learn and teach. Dealing with copyright is part of the challenge. As with many new and emerging technologies, we're learning as we go. It is actually a good time to be considering this issue as many countries are reviewing their copyright law to see how and if they are keeping pace with ever changing technology. The Australian Law Reform Commission announced an inquiry into copyright and the digital economy last year. Universities Australia and the University of Sydney have both lodged submissions which raise the issue of copyright and MOOCs. The highly anticipated ALRC report is due in November 2013 and will reveal



whether copyright and MOOCs will be clear path ahead or a path full of new challenges and opportunities.

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