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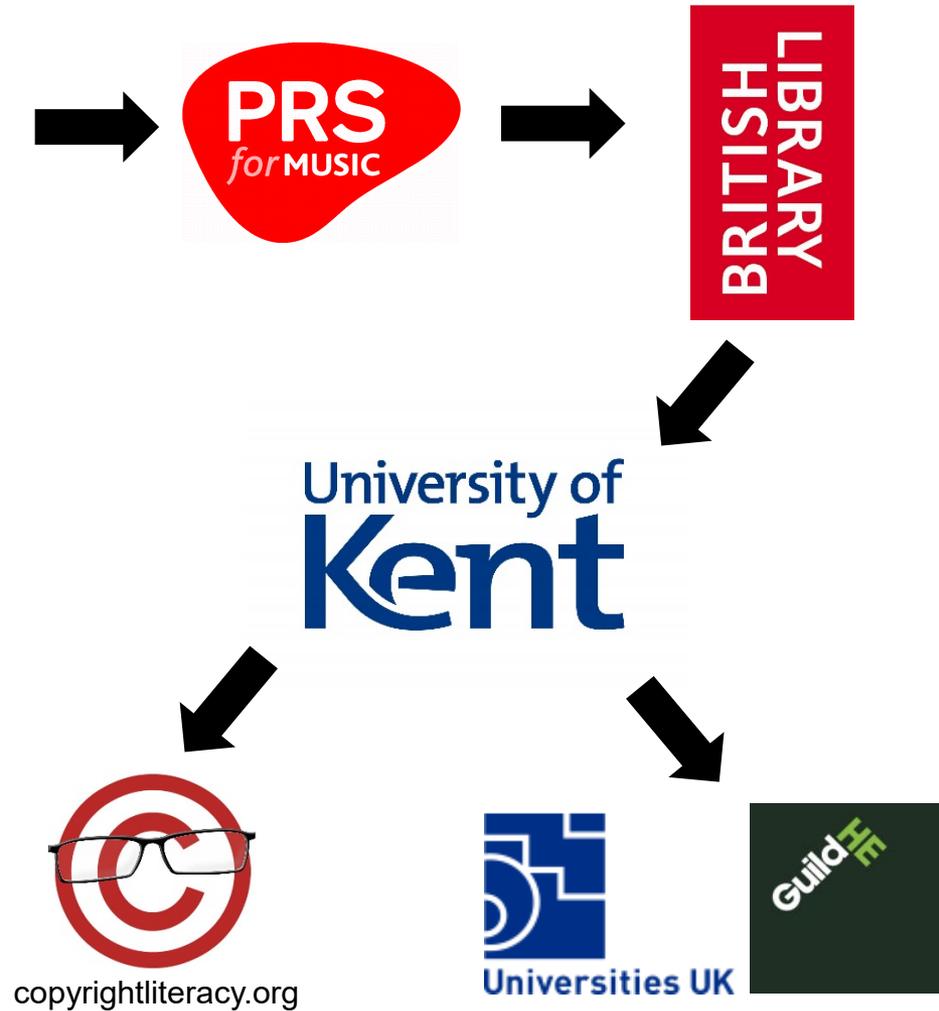# Digital Literacy, Copyright and Creativity

Digital Literacies and Open Practice Webinar, City, University of London 22 October 2019
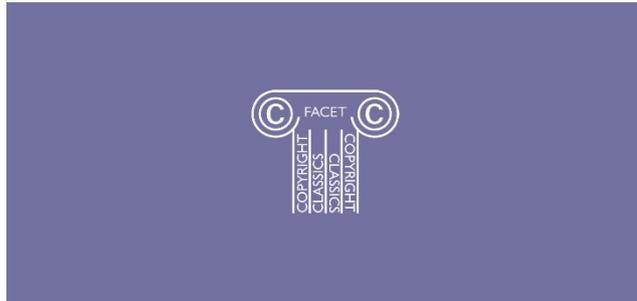
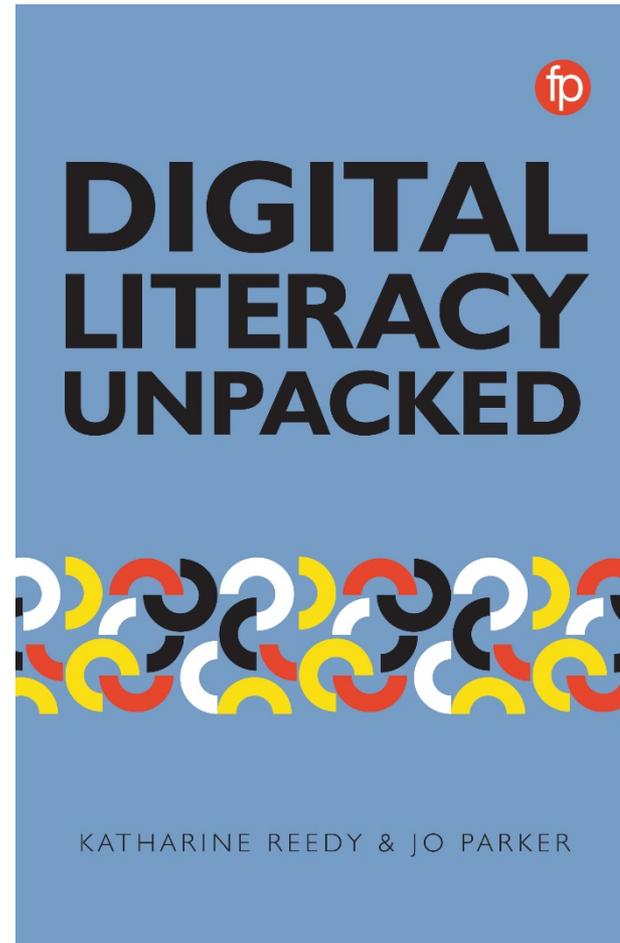Chris Morrison: Copyright, Licensing & Policy Manager, Information Services

Chris Morrison - Introduction

Two books from Facet Publishing

Copyright and digital literacy

7

Copyright and digital literacy: rules, risk and creativity

Chris Morrison

Introduction and definitions

Copyright is now an inescapable aspect of learning and research when using digital technologies, and therefore awareness of it is a fundamental part of digital literacy. Rather than being a separate concept that can be considered in isolation, copyright implications arise whenever anyone creates, interacts with or shares content with others. It is therefore woven through all the key aspects of digital literacies and capabilities, with particular relevance for the ethics of sharing.

Copyright has traditionally been seen primarily as a compliance issue for educational and cultural institutions such as libraries, universities, colleges and museums – protecting an institution from claims of infringement by 'locking down' processes and procedures. Copyright literacy however seeks to situate the subject in a critical and empowering context. It draws on developments in the field of information literacy, which have been shaped in recent years by theories of critical pedagogy (see for example Elmborg, 2006; McNicol, 2016; Smith, 2013; see also chapter 1 in this volume). Jane Secker and I recently defined copyright literacy as: 'Acquiring and demonstrating the appropriate knowledge, skills and behaviours to enable the ethical creation and use of copyright material' (Secker and Morrison, 2016, 121).

The term was first used in Bulgaria 2012 by Tania Todorova who carried out a survey of librarians' levels of knowledge and understanding of

Morrison, C (2018) Copyright and digital literacy: rules, risk and creativity. In: Reedy, K. and Parker, J. (Eds.), Digital Literacy Unpacked. (pp. 97-108). London: Facet Publishing. ISBN 178330197X

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How does copyright make you feel?

Copyright Literacy Definition

"acquiring and demonstrating the appropriate knowledge, skills and behaviours to enable the ethical creation and use of copyright material."

Secker and Morrison, 2016, p.211

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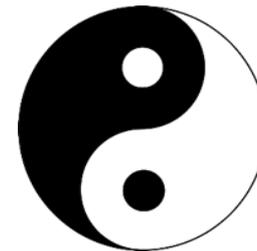
Copyright Literacy in Practice

Getting comfortable with uncertainty

```
01101100
01101111
01110110
01100101
```

Avoiding binaries

Education not training

Balance between content and approach

Copyright History timeline

Invention of the printing press
c. 1440

Statute of Anne
1710

Berne Convention
1886

Information Society Directive
2001

Copyright Act 1956
1956

| 1440 | 1488 | 1536 | 1584 | 1632 | 1680 | 1728 | 1776 | 1824 | 1872 | 1920 | 1968 | **2019** |
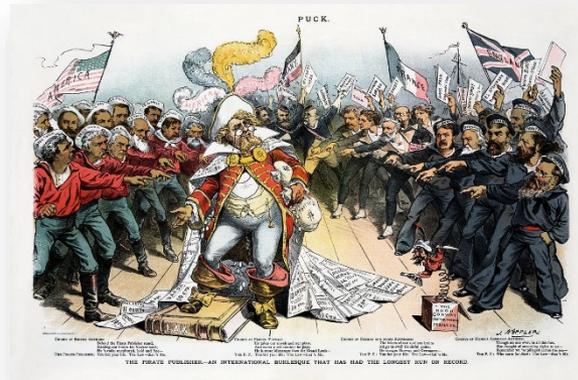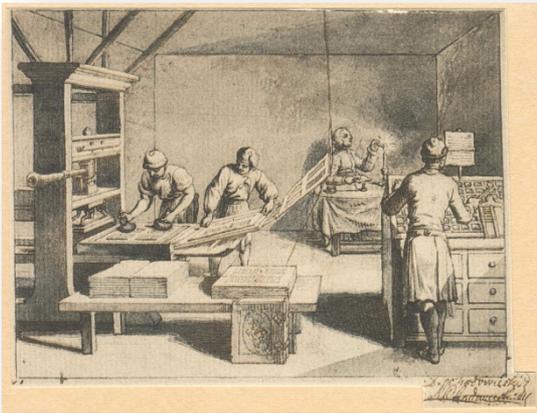
2014
Changes to UK copyright law

1988
Copyright, Designs and Patents Act 1988

1911
Copyright Act 1911

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What is copyright?

Works
(The things it protects)

Licences
(Legal use with permission)

Usages
(The activities it regulates)

Exceptions
(Legal use without permission)

Communication to the public

Licences

Library E-resources

Creative Commons / Open Licences

'Bespoke' permission

Website Terms and Conditions

IPO Orphan Works Licensing Scheme

You made it yourself

You work for / in collaboration with rights holder

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Creative Commons

Users:

- Flickr

- GlaxoSmithKline

- Wikipedia

- Al Jazeera

- Europeana

- Open Access
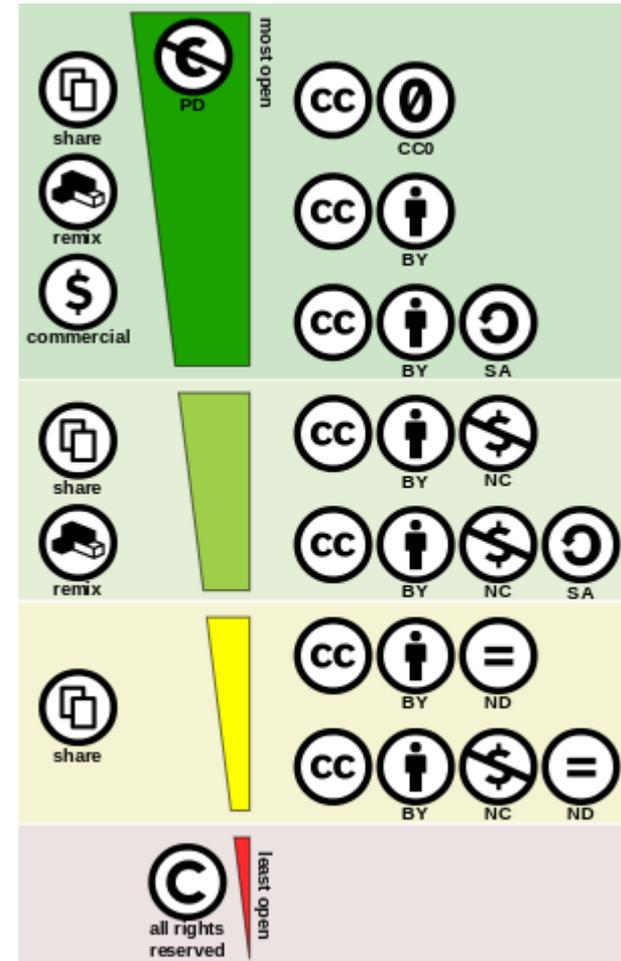
Key UK provisions for academics and students

Research & private study

Text and data mining

Quotation

Orphan works

Illustration for instruction

Dedicated terminals

Library privilege

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Fair Dealing and Fair Use

Copyright literacy research

- MA in copyright law at King's College London
  - Interpretations of Illustration for Instruction in UK universities

  Morrison (2018) - https://kar.kent.ac.uk/73310/

- Research by UUK/GuildHE Copyright Negotiation and Advisory Committee (CNAC)
  - Response to UK government 2019 call for evidence on impact of copyright reforms

  UUK/GuildHE (2019) - https://www.universitiesuk.ac.uk/policy-and-analysis/Documents/2019/uuk-copyright-group-ipo-call-for-evidence-response.pdf

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University interpretations of copyright law

- Examples of good practice

- But inconsistently applied across the sector

- Tensions within academia

- Copyright difficult to communicate

- Issues with legislative drafting

- Locating latent flexibility in the law

Morrison (2018) - https://kar.kent.ac.uk/73310/

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Academic perceptions

Were you aware that UK copyright law changed in 2014?

Are you confident that you understand enough about copyright?

UUK/GuildHE survey (2019) n = 464

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Academic perceptions

Were you aware that UK copyright law changed in 2014?

Yes ▮ **173** (37.9%)

No ▮ **284** (62.1%)

Are you confident that you understand enough about copyright?

UUK/GuildHE survey (2019) n = 464

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Academic perceptions

Were you aware that UK copyright law changed in 2014?

Yes ▓▓▓▓▓▓▓▓ **173** (37.9%)

No ▓▓▓▓▓▓▓▓▓▓▓▓ **284** (62.1%)

Are you confident that you understand enough about copyright?

Yes ▓▓▓▓▓▓▓ **161** (35.5%)

No ▓▓▓▓▓▓▓▓▓▓▓▓▓ **293** (64.5%)

UUK/GuildHE survey (2019) n = 464

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European Copyright Reform

Copyright
Directives

Member State
laws
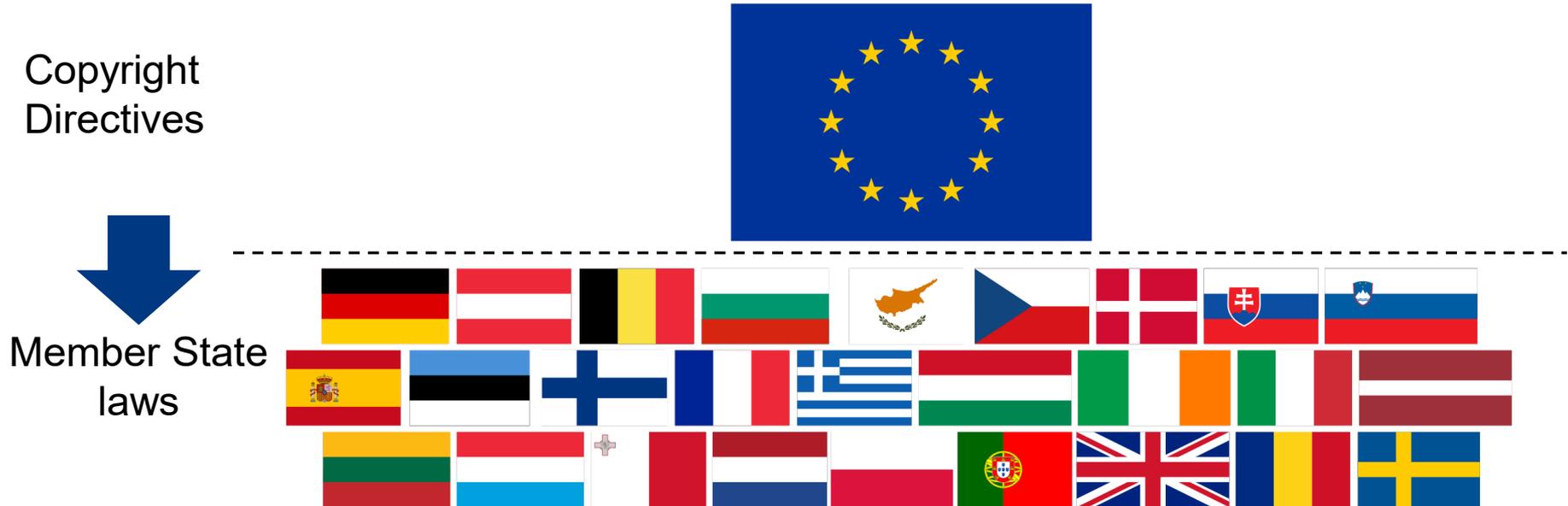
Digital Single Market (DSM) Directive proposal, adopted March 2019
http://www.europarl.europa.eu/doceo/document/TA-8-2019-0231_EN.html?redirect

BR*X*T

Copyright and Brexit

Even if we don't have to adopt the DSM Directive, EU copyright law will continue to have a huge influence on UK copyright law.

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EU DSM Directive and internet freedom

Press publisher right article 15*

- New right for press publishers to licence aggregation of links

- Lasts for 2 years from publication

- Does not apply to academic periodicals

- It will impact on the way links to news articles are disseminated

Online content-sharing services article 17**

- Online platforms will be liable for content posted by users

- Automatic upload filters on online platforms

- Does not apply to academic repositories

- Will it kill the meme and do machines understand fair dealing?

*previously article 11

**previously article 13

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DSM Directive and researchers / institutions

- Mandatory exceptions

- Text and data mining (articles 3 and 4)
  - Provides some restrictions on publisher use of technical protection measures to prevent researcher access

- Use of works for teaching (article 5)

- Range of library and cultural heritage exceptions
  - Preservation (article 6)
  - Mass digitisation (articles 8-12)
  - No protection for facsimiles of out of copyright visual works (article 14)

- No contract override (article 7)

Copyright Education: Games and Creativity
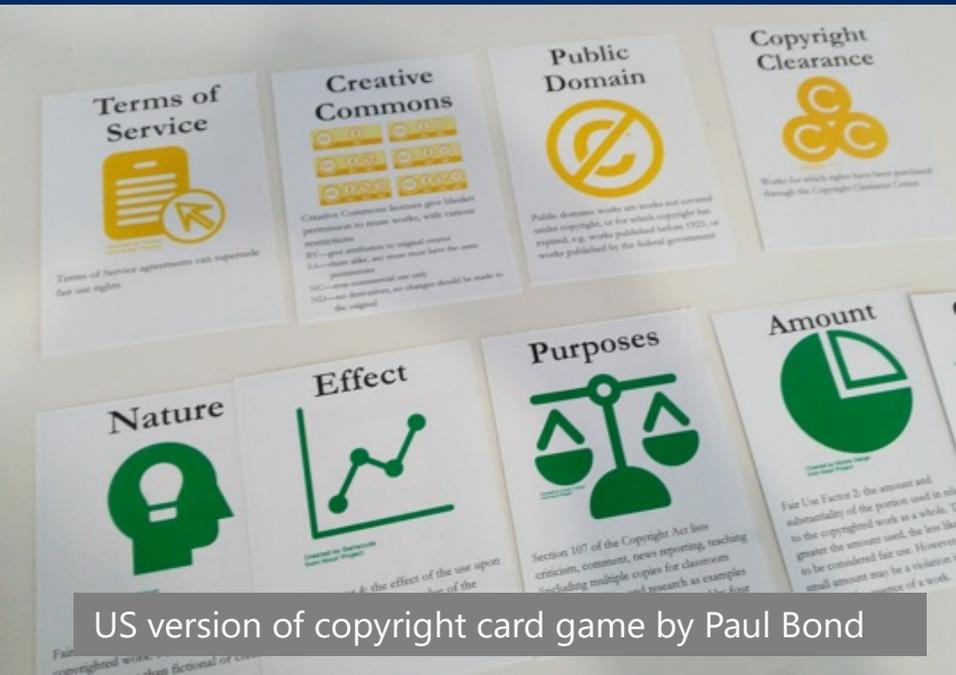
Copyright the Card Game

The Publishing Trap

by UK Copyright Literacy

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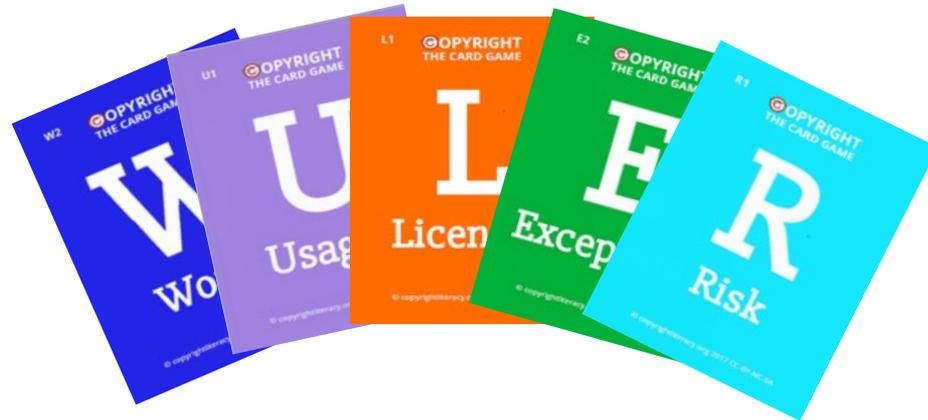
©OPYRIGHT
THE CARD GAME

- © UK game downloaded over 2,500 times from Jorum

- © Over 7,500 hits on https://copyrightliteracy.org/resources/copyright-the-card-game

- © International versions in development

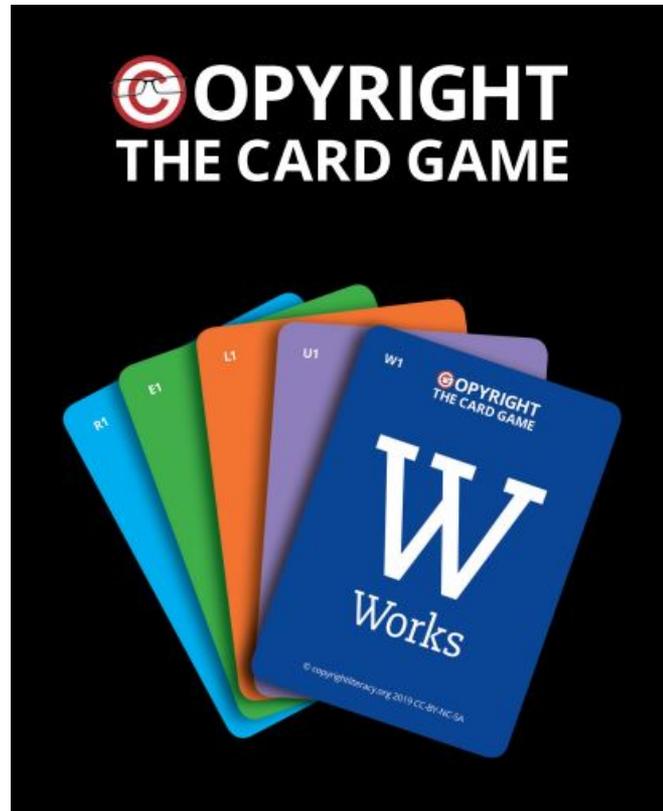Playing Copyright the Card Game in Scotland

US version of copyright card game by Paul Bond

Canadian version of Copyright the Card game

Play copyright the card game

31 October 1-3pm at City, University of London

https://www.city.ac.uk/events/2019/october/copyright-the-card-game

🦉Downloads and hits on website:
- over 8,300 hits on website
- 502 downloads to date*

🦉Who has played it
- Librarians, students, researchers, friends, family members

🦉Worldwide interest
- UK, USA, Canada, Australia, New Zealand, France, Germany, Lithuania, Sweden, Czech Republic, Norway, Spain, Denmark, Japan, Singapore, Saudi Arabia and many more!

* as of 18 October 2019

Copyright Waffle Podcast

https://copyrightliteracy.org/resources/copyright-waffle/

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Further Reading

- copyrightliteracy.org

- copyrightuser.org

- Morrison, C (2018) Copyright and digital literacy: rules, risk and creativity. In: Reedy, K. and Parker, J. (Eds.), Digital Literacy Unpacked. (pp. 97-108). London: Facet Publishing. ISBN 178330197X

- Morrison, C and Secker J. (2015) Copyright Literacy in the UK: a survey of librarians and other cultural heritage sector professionals. *Library and Information Research*. 39 (121) http://www.lirgjournal.org.uk/lir/ojs/index.php/lir/article/view/675

- Morrison, C & Secker, J. (2017). Understanding librarians' experiences of copyright: findings from a phenomenographic study of UK information professionals. *Library Management*, 38 (6/7)

- Secker, J and Morrison, C. (2016) Copyright and E-learning: a guide for practitioners. Facet publishing: London.

- Secker, J and Morrison C (2018). The Publishing Trap. *Information Professional*. April 2018 edition Available at: https://www.cilip.org.uk/page/PubTrapAprMay18

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- Slide 25, photo of US game © Paul Bond, photo of Canadian game © Sarah Severson
- Slide 27, photo courtesy of University of Cambridge Office of Scholarly Communication

Next webinar

Tuesday 5th November 11.00am-12.00pm:

Lorna Campbell, University of Edinburgh,

Open Education

Pre-reading:

http://lornamcampbell.org/higher-education/the-soul-of-liberty-openness-equality-and-co-creation/