Why OER?
Challenge for the Future

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The Challenge for the 21st Century

2025 + 98 million new students

4 universities each week (30k students)

How to educate ALL these learners?

British Council & IDP Australia
Internet is the biggest commons

Public domain is a priceless, shared heritage
Copyright: What it means

Copyright was instituted to “encourage learning and “promote the progress of science and the useful arts

NOT
to protect the rights of the author

Para-copyright or pseudo-copyright?
- Jaszi
Scriptural Scribes
20 000 years

“The concept of copyright was utterly foreign to the ancient mind.”

Tom Harpur
Columcille (St. Columba) 6th Century

- Copied St. Finian’s psalm book
- Defeated King Diarmit who ruled “to every cow its calf, to every book its copy” (Brehon Law)
- 3000 killed in battle at Cuildremne 561
Statute of Queen Anne
1710: An Act for the Encouragement of Learning

Queen Anne
Copyright: The Good Guys

USA:
Copyright Act 1790:
An Act to Promote the Progress of Science and the Useful Arts

George Washington
"I set out on this ground, which I suppose to be self evident, that the earth belongs in usufruct to the living; that the dead have neither powers nor rights over it . . ."

President Thomas Jefferson

Its peculiar character is that no one possesses the less, because every other possesses the whole of it. He receives an idea from me, receives instruction himself without lessening mine; as he who lights his taper at mine, receives light without darkening me."

"Inventions cannot be a subject of property"
“incentive NOT property or natural law is the foundational justification for American copyright - It is a privileged monopoly.”

President James Madison
"The greatest constraint on your future liberties may come not from government but from corporate legal departments laboring to protect by force what can no longer be protected by practical efficiency or general social consent."

John Perry Barlow
Electronic Frontier Foundation
Copyright: What it means

- No one owns ideas.
- They belong to everyone
- Copyright holders possess a “copy” right
- Copyright protects the expression of ideas NOT the ideas
- Holders have a limited right to control the expression of their ideas for a limited time
Copyright: What it DOESN’T mean

**DROIT D’AUTEUR**

[Author’s right]
OER?
Open Educational Resources (OER)

“… technology-enabled, open provision of educational resources for consultation, use and adaptation by a community of users for non-commercial purposes.
OER
Learning objects

Module
Lesson
Component
Course

Programme
Course

Equ. Simulation
Topical Unit
Reusable Learning Object
Information Objects

granularity
Changing OER

- Mixing – a new resource
- Adaption – multiple contexts
- Extraction – remove assets
- Localisation – change to suit
- Translation - other language
- Reuse/Repurpose
OER’s are Open (Mostly)

- OERs can be:
  - Augmented
  - Edited
  - Customized
  - Aggregated
  - Reformatted
  - Mashups!

See Scott Leslie’s 10 minute video at http://www.edtechpost.ca/gems/opened.htm
OER: Course Assembly
OER: Deboning

DORSAL - 80-88
LATERAL 40-44
RIB BONES 26-28
VENTRAL 44-48
Research publications ≠ Learning materials
Are OER free?
Cost considerations of OER

- OER are FREE
- No unnecessary duplication
- Sharing reduces costs of development
- Removes costs of copyright clearance
- Engages open communities
Cost considerations of using commercial content

- Developing and improving curricula
- Ongoing programme and course design
- Planning of contact sessions with students
- Development of learning materials
- Design of effective assessment

BUT OER ARE FREE & ADAPTABLE
Commercial Learning Service or Rent-a-book

- student owns nothing, can share nothing, save nothing, sell nothing
- subscription ends – ALL ends
- publishers own student data, notes, highlights
- students can’t transfer data
US Version
+20 000 movies per month
$ 7.99

+45 000 TV shows
$ 7.99

+15 000 000 songs
$ 9.99

TOTAL
$25.97

ONE Biology text
$20.25

-David Wiley
How open is an open licence?
- Avoids automatic copyright restrictions.
- For different countries, languages
- Licence generator (human, legal, machine)
- Others can copy or change without permission
- Authors rights; some freedoms restricted
  - Attribution, Reuse, Commercial, Changes
New to Creative Commons? [ Considerations before licensing ] [ How the licenses work ]

Explore the Creative Commons licenses. [ Want public domain instead? ]

- http://creativecommons.org/choose
Pentalogy, July, 2012

Canadian Supreme Court
Fair Dealing

WRONG
Overly restrictive & unnecessary requirements

RIGHT
MUST have a Large & Liberal interpretation
Fair Dealing

WRONG

Different rules for paper & digital

RIGHT

Technologically neutral
Fair Dealing

WRONG

10% limit or even 5%

RIGHT

A “reasonable amount” can be copied with a liberal interpretation

REASONABLE PERSON TEST

Y U NO REASONABLE?
Fair Dealing

WRONG

NO Class copies

RIGHT

Class copies are ok
Fair Dealing

WRONG

NO course packs

RIGHT

Course packs are ok
“The act of reading, by itself, is an exercise that will almost always constitute fair dealing even when it is carried out solely for personal enlightenment or entertainment.”
Privileged Monopoly
Intellectual Property?
OR
a manifestation of government intervention in social relations

- imposing duties
- restricting freedom
- inflicting burden on users

Waldron
Why OER?

- DRM (digital rights management)
- Digital licenses

digital restrictions management?
defective by design
Who’s really losing?

Any obstacle that makes a record harder to listen to is bad news for the artist that made it

Sony Rootkit
DRM (Digital Rights Management)

You CANNOT

- Copy & paste, annotate, highlight
- Text to speech
- Format change
- Move material
- Print out
- Move geographically
- Use after expiry date
- Resell
DRM software needs deep permissions into the operating system

DRM can stop normal operating system functions.
ACCESS CODE?
But our device is our PROPERTY

- DRM restricts our freedom

- Can we not own & control our own property?

Nielsen.com
But, we’re innocent!
There's no theory of capitalism that says that my private property should be regulated by the state because there's a copyrighted work Inside of it.

Cory Doctorow
The uploader has not made this video available in your country.

Sorry about that.
We've done it!
Perfect copy protection!
A CD that self-destructs after one playing...
iPhone

Serial Number: n/a

iPhone Recovery Mode

iTunes

Error: The iPhone "iPhone" could not be restored. An unknown error occurred (53).
Canadian DMCA in Action:

Court Awards Massive Damages in First Major Anti-Circumvention Copyright Ruling
-- Michael Geist

access control TPMs do not need to employ any barrier to copying in order to be “effective”

digital lock rules create legal rights to limit access even without any actual copying.

Nintendo vs Go Cyber Shopping

$20,000 max. per infringement: $11.7 million. + $1 million in punitive damages.

Canada has one of the most restrictive and potentially punitive digital lock rules in the world
Digital Licenses

- Copy & paste, annotate, highlight
- Text to speech or hyperlink
- Format change
- Move material to another computer
- Print out
- Move geographically
- Use after expiry date
- Resell

- Owners have NO liability even if product doesn’t work
- Owners can “invade” your computer without permission
- Collect & use personal data
- User has a “privilege” to use the product not own it

- Prohibited to show your content to others
- Must accept that you have NO rights
We’re going to own all of your shit, whether you like it or not. **Deal with it.**

Brian Rakowski,
Product Manager
Open ETextbooks

- Copy & paste, annotate, highlight
- Text to speech or hyperlink
- Format change
- Move material to other computers
- Print out
- Move geographically
- No expiry date
- Reuse/Remix/Mash
- Retain privacy and digital rights

Essential for E-learning implementations
Microchip's authorized representatives will have the right to reasonably inspect, **announced or unannounced** and in its sole and absolute discretion, Licensee's premises and to audit Licensee's records and inventory of Licensee's use of the Software, **whether located on Licensees premises or elsewhere, at any time**.
Apple's iTunes EULA expressively forbids you from using iTunes to create missiles and biological, chemical, or nuclear weapons.
Do you own what you pay for?

**THE 2.0 MODEL**

MUM!!!!
HAVE YOU
READ MY
DIARY?

OF COURSE.
I BOUGHT YOU THE
NOTEBOOK.
HAVEN’T YOU READ
THE TERMS OF
SERVICE?

 Geek and Poke
Access Rights?

Vendors can control how, when, where, and with what specific brands of technological assistance audiences are able to access content.
Commercial Learning Service or Rent-a-book

- student owns nothing, can share nothing, save nothing, sell nothing
- subscription ends – ALL ends
- publishers own student data, notes, highlights
- students can’t transfer data
The Post-Ownership Society

We all just “share” and “rent” on the powerful platforms of Silicon Valley billionaires; this is far from a satisfactory alternative.
Companies NOT Aristocrats

Return to Feudalism – Cory Doctorow
somehow, the notion of actually owning the things you buy has become revolutionary.

If you bought it, you should own it—simple as that - Kyle Wiens.
There is nothing which so generally strikes the imagination, and engages the affections of mankind, as the right of property; or that sole and despotic dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe.

William Blackstone *Commentaries on the Laws of England* 1765-69
Openness is the skeleton key that unlocks every attempt at vendor control and lock in

David Wiley
Attack on Personal Property

When you subscribe to content through a digital service, the publisher achieves complete and perfect control over you and your use of their content

-- David Wiley
How to participate?
OER Chairs Network
UNESCO Chairholders in OER Partners
Global OER Graduate Network

PhD in the study of OER

Fred Mulder

OpenUniversiteitNederland
• Learners who access OER and acquire knowledge/skills cannot have their learning assessed and accredited

• OER Pathways

• +30 institutions/orgs on 5 continents
Traditional model

OERu model

Friesen & Murray
- Present systems
  - are unsustainable
  - are not scalable
- NEED: cost-effective learning systems with quality
- MOOCs are part of any solution
- How many learners??
If you're not confused, you don't understand
“Every day, computers are making people easier to use”

你知道一切都在变化

<innovation always produces hostility among those who prosper in old paradigms>
The restriction of the commons by patents, copyright, and databases is not in the interests of society and unduly hampers scientific endeavour.
Papal Encyclical

“On the part of rich countries there is excessive zeal for protecting knowledge through an unduly rigid assertion of the right to intellectual property . . .”

- Pope Benedict XVI