

OERs: Issues and Challenges of Copyrights, Licensing and Access

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Abstract:

Quality assurance represents an important aspect of OERs development, both in content development and issues related to online conversion, such as copyrights, licensing and access. Most of the time when developing OERs many a time little attention is paid to copyright and licensing aspects which can affect access to the learners. Hence, the present paper deals with different dimensions of licensing and copyright issues in the development of OERs. It also focuses on the steps to be taken in order to avoid the pitfalls in OER development. This paper answers the above questions in light of the study undertaken by the University of Hyderabad team in E-QUAL project.

While working with multi-disciplinary “Environment, Natural Resources and Sustainable Development” (ENRS) modules, it was observed that a multiple interdisciplinary methodological approaches are required to assimilate themes relating to different areas of knowledge relating to sciences, social sciences and humanities. Different pedagogical strategies are to be adopted keeping in view the diverse backgrounds of the learners. The purpose is to enable the learners to get an exposure to the basic concepts and perspectives across disciplines related to the topical areas. This will empower the learners to choose ones areas of interest for future learning in a holistic perspective.

In view of the above, the challenges of licensing and copyrights in OER development become all the more necessary to be critically analysed. This will not only ensure quality in OERs development but also facilitates their access. It acquires special significance in multilingual, multicultural, multi-ethnic and diverse socioeconomic contexts. It poses challenges in content development and its online conversion in order to ensure, besides quality, equity in learning. One can ensure sustainability of access and equity only if one ensures the sustainability of the process.

Key Words: Quality, OERs, Access, Equity, Sustainability

Introduction

The growing economies are becoming rigid with regard to investing in educational infrastructure and expanding knowledge industry. Education has become a commodity today and teaching is no longer a noble profession. In the past, education was largely subsidised, which increased the access to many of the economically weaker groups to education and knowledge. Today, the public expenditure in education has come down and this space has been handed over to the private interest groups. This has an impact not only on the access but even the quality of delivery of knowledge. The intake in many of the existing educational institutions, be they the Universities or Colleges or even the schools, has lot of limitations. This also has something to do with the geographical location too. There is a greater concentration of educational institutions, be they professional or general, in the urban centres, leading to skewed or uneven development, as is also the case with economic development. There is an utter neglect of rural and tribal regions in the country. It will not be an exaggeration to say that it is the case with many of the underdeveloped and developing countries. Given this scenario, what is the best way to reach quality education to large masses of potential population, especially the underprivileged and the poor, be they rural or urban? As is the case with the existing structure and investments, the current system of formal institutional approaches cannot cater to the educational needs of a large section of the population in the country. There is a need to think of innovative ways of imparting knowledge, alternative

systems of pedagogy, increasing access to knowledge sources, etc. In the current globalised world when we wish to open the knowledge access to everyone, ensuring equity and quality, the issues of copyrights and licensing become one of the important issues to be addressed. The present paper would address these issues in a very structured way taking into consideration the examples of systems of open education resources and their management.

Changes in the Perception of Delivery of Education

The efforts of the Government of India right from its independence showed a greater interest to educate its population, be they the children or adults. It always tried to use the available technology and medium to reach education to large sections of its citizens. It is a daunting task but the efforts have been met with mixed success. To meet the educational needs, it opened up education – especially primary, secondary, college and professional education – to private investment and this has paradoxically led to the decline in the quality of public funded institutions and their utter neglect. This has also widened the gap between the demand and supply due to the cost factors involved in the delivery of education. There is also a skewed development of these private educational enterprises. Many of them were established away from rural and tribal hinterland making it more difficult to the children from these backward regions to pursue their education. Over a period of time education has become a mirage to many from the deprived and underprivileged sections. There is also a contradictory situation with the emergence of open schools and open universities to cater to the needs of those who may have dropped out of schools or colleges due to many reasons or those who wish to pursue their education while working.

With the emergence of ICT in India, the efforts to introduce technology into teaching and to widen the reach of education to far-flung areas and people has picked up momentum. These efforts were bolstered through supportive policies and legal enactments. With the spread of internet and mobile technology all over the country, it is all the more has become possible to meet the educational needs of a wider population through the use of technology. This has also revolutionised the modes of teaching and learning. New pedagogies and learner-centric approaches have strongly emerged. It appears to be in line with the process and philosophy of globalisation and economic liberalisation. In the commodity market products have to fulfil the criteria of quality, satisfaction, and affordability in order to be successful in the enterprise. Now education is also a commodity that needs to meet the criteria of quality, reach/access, affordability, and availability. The product needs to be packed in an attractive capsule for it to be widely acceptable and saleable. There are now a number of entrepreneurs in the rat race, some producing things individually or others collaboratively (both national and international), to be in the business of education. There are entrepreneurs as well as social entrepreneurs engaged in these ventures. Whatever be their intent, the expected outcome is to reach education to the vast majority of masses. The international community through UNESCO has strived to arrive at a global policy for OERs that culminated in arriving at the Paris OER Declaration in 2012. There is greater clarity with regard to the way the OERs need to be developed and wherever public funding is involved they need to be available free to the learners/public, taking into consideration issues of copyrights, licensing and IPRs.

It is expected that OERs can resolve the problems of access by ensuring the principle of equity, and offer quality education to the learners free of cost. In a way, it is intended to democratise learning and knowledge generation or creation. Put differently, spreading of education through open sourcing is to make the citizens better and knowledgeable. This would make learning a lifelong endeavour. Following UNESCO's initiatives, many countries have been making efforts to evolve OER policies. It is now a fast evolving system with a lot of initial hiccups and hazy areas. In fact, it is one of the steps in internationalising education, especially higher education.

Challenges in Designing of OERs: The Case of ENRS under E-QUAL Project

There are a number of challenges with regard to designing of OERs, the way the content is organised and how it is converted into online. This becomes all the more challenging when the subject involves a multidisciplinary content which needs to assimilate themes associated with different areas of knowledge relating to diverse disciplines relating to sciences, social sciences and humanities require different interdisciplinary methodological approaches. Under the E-QUAL project funded by the European Commission, the University of Hyderabad team has chosen the theme 'Environment, Natural Resources and Sustainable Development (ENRS)' to develop about 40 hours of OER modules from a multidisciplinary perspective for the undergraduate students in collaboration with the partnering institutions. Designing the OERs taking note of multidisciplinary content, issues of pedagogy, multimedia, and other aspects were a challenge. While designing the curriculum and the content we had the objective of providing the learner exposure to basic concepts and perspectives across disciplines dealing with the above topical area. It is assumed that an exposure to these OERs will enable the

learners to choose their respective area of interest for their future learning in a holistic manner. This required different pedagogical strategies to take note of diverse backgrounds of the learners. We also plan later to use the technology to convert the contents into other languages by using machine translation. In the present paper, we are only trying to focus on the problems and concerns dealing with issues of copyrights, licensing and access. In this process, we need to also grapple with the problems related to quality assurance relating to the process involved in assuring the quality of the product.

Quality assurance of OERs is one of the important issues and this involves number of things to be taken care of. As Camilleri et al (2014: 13-14) stated 'Quality is an amorphous concept, and not an objective entity'. They aptly mention that quality as a confluence of concepts of 1) efficacy, 2) Impact, 3) availability, 4) accuracy, and 5) excellence. They also opine that three levels of quality approaches need to be applied to the domain of 'Technology-enhanced Learning': 1) Quality of organizations, 2) Quality of Courses, and 3) Quality of Metadata. All these can ensure the quality of OERs generation which can be further accredited through self-evaluation, peer review, user reviews and rating, and SWOT analysis.

Issues of Copyrights and Licensing in OERs Development

While we were working on the ENRS modules we faced several problems relating to issues of copyrights and licensing at different levels. They are related to the content, software, images, animations, and other related aspects. It will be pertinent to present here the process undertaken by us in designing the ENRS modules (OERs). When the team started working on the design of the ENRS OERs, extensive discussions with faculty from across the disciplines with the Project Technologist were held to discuss threadbare about the contents, the images, animations, mixing, and issues of quality of the OERs that would be generated, as it involved the reputation of the University. The discussions on all these went on for several days till some clarity was achieved. Meanwhile, the team looked into the issues of licensing and copyrights. When we talk of copyrights, a need was felt to look into every input that goes into OERs. For some, we tried to look into the copyright holders and attempted to get permissions from them. It was observed that it is not only a cumbersome process but also time taking. Understanding the issues of copyrights for distance mode of writing is different from what one comes across with OERs. The issues of plagiarism are well stated with regard to academic writing but it certainly is more complex as far as OERs are concerned. For instance, copying of images, diagrams, pictures or photographs, animations, etc., from the internet, books, and other sources.

Thus, multiple issues of copyrights are one of the major issues with OERs. Besides, one need to know what materials are available for open learning. Nevertheless, it is difficult for anyone to handle it individually. Production of OERs is a team effort and synchronisation of a number of aspects is an essential part of the process of planning and coordination. In the case of OERs, unlike in the conventional academic writing or teaching, adopting Creative Commons (CC) licensing and borrowing contents, images, or animations from the pool of CC licensed products can help in overcoming the problems of copyrights. However, one need to have a lot of caution in choosing the images, contents, animations, etc., from CC. If one wants to avoid these complications, one need to be equipped with multimedia experts who can develop animations, workout images necessary for insertion in the OERs, and well trained in mixing and online transmission. Legal software for undertaking all these things is an important task. Besides issues of copyright and issues of licensing, getting the dedicated web server is also an important aspect of hosting the OERs. All these have their restrictions and conditionalities, besides being expensive.

Under the traditional copyrights for academic writing, the copyright owner can use her/his work for an economic purpose and it is very restrictive in use by the others. To overcome this restricted use of traditional copyrights, alternative system of open licensing for the OERs has emerged. It was considered that the Creative Commons license under attribution, represented as CC BY, is the best and regarded as the most generous to register the OERs under CC BY license. It appears that it is less cumbersome and easier to adopt. It allows the others to reuse, redistribute, revise, and remix and build upon the OERs worked out by us. It can be even be used commercially so long as it acknowledges or credits the original creators. Does this indicate that the original developers of the OERs, with some borrowings from the CC licensed productions, can utilise their OERs on commercial basis? Or, the CC BY license has restrictions on using OERs purely for commercial purpose, as it denies the principles of equity and access. These are not only the questions of legality but even questions of ethics.

Learners' Perspective, Importance of Technology, and the Issue of Access

Apart from the issues of licensing and copy rights, there is a concern for training and orienting the faculty to the OER process. This requires a good amount of understanding of developing the concept paper for each OER and

planning about its online conversion. This calls for a good understanding of the learner's perspective and designing the OER accordingly. There is a whole lot of new learning and collaborative working together. Unlike the conventional classroom teaching, this needs a lot of planning and visualisation. There is a need to search online on the subject concerned to avoid any duplication or repetition. Also, we had to skim through the internet with regard to the issues concerning intellectual property rights (IPRs) and issues of copyrights. The nature of assessments that the faculty in a conventional University are accustomed to needed a new learning to work out on different ways of assessing the learners and also assigning some tasks to test and reaffirm their learnings. The modules developed needed testing for not only the content and its presentation but even for its lucidity and comprehension. This requires the developed OERs needed to be put across a wider spectrum of people for their worthiness of utility and effectiveness. Thus, piloting of the OERs was done with the undergraduate learners from diverse disciplines. We also tried testing them with teachers from different colleges and institutions in order to understand the problems of the design, outlay and the overall presentation of the OERs.

Besides these, our main concerns while developing OERs in a public institution dealing with conventional methods of teaching and offering degrees is to how to switchover to new methods of imparting Technology Enabled knowledge through the internet. The main concern here is that when we switch over to massive online open courses (MOOCs), how can we ensure the problems of assessment and awarding the degrees or certificates to the learners by charging a fee? This, in a way, conflicts both theoretically and ethically, the concept of OER, their access and ensuring equity in their dissemination.

Open Universities and centres of distance or correspondence education conventionally charge fees for certification of the degrees, as is also the case with the regular Universities that charge the students for instruction, experimentation, demonstration, etc., and for the degree to be awarded. In contrast to this, the open learning system is more transparent and acknowledges the sources. In the conventional education, the learning is more hierarchical and authoritarian. The challenge is whether one can balance between OERs under MOOCs and running courses for offering degrees by charging fees for that purpose. Otherwise, how can the public institutions generate income to run their enterprise? Institutions invest in developing the OER materials, and if the resources invested are from public sources one need not indulge in charging for the access of OER materials. However, if the institution invests in funding their human and administrative costs, how will they compensate them or recover them? If the OERs are developed with funding from public sources, and if the institutions lend their brand name in awarding the degrees or certificates to the persons, are there ethical issues involved in charging fees for assessment and evaluation of the persons. On the contrary, if one has copyrights and licenses for such use, then it no longer becomes open educational resource but a restricted educational resource. Here two things become pertinent to recognise: 1) OER meant for only learning and is available free for generating further knowledge, and 2) OERs as a means to earn a degree that can enhance the opportunities of employability of the learner on one side and a source of revenue generation for the institutions offering such degrees. Whatever be the issues involved with these aspects, OERs have opened new vistas in learning opportunities. However, it still does not answer the issues of equity and access. A large section of people who are outside the ambit of digital divide cannot access OERs. It certainly requires a good amount of thinking in this direction to make education more inclusive.

Concluding Remarks

Pawlowski and Hoel (2012: 2) aptly observed that 'The concept of OER seems promising, potentially leading to educational collaboration, reducing costs for education, allowing access to education. However, the awareness of OER opportunities is still low. This is the case for user level as well as the policy level'. It is suggested to promote the use of OERs to increase the 'access to education at all levels, both formal and non-formal, in a perspective of lifelong learning , this contributing to social inclusion, gender equity, and special needs education. Improve both cost-efficiency and quality of teaching and learning outcomes through greater use of OER' (ibid. p.3). They discuss the implications of implementing Paris Declaration on OER for governments to act upon various issues relating to infrastructure development, licensing policy, etc.

It is important to note that OERs have to deal with two important aspects of openness: 1) few restrictions on the use of resources and the availability of the internet, and 2) no technical, price and legal barriers should be placed for the end user. It is widely observed that so long as the sources are kept open from all respects under open licensing without any ambiguity, it will certainly be able to meet the challenges of access to the learner. Thus, the challenges and the dilemma that the OER creators face a need to be addressed clearly and unambiguously. Otherwise, the danger of OERs meeting the same fate of Open Schools or Open Universities are more. There is a need to prepare both the learners and teachers for accepting the OERs as future of learning and building knowledge. There is a promise of OERs delivering the education to a large mass of people who may otherwise

lack opportunities and resources to formal education, be it through regular institutions or through conventional open systems of learning.

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