Why OER?
Challenge for the Future

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The Challenge for the 21st Century

2025 + 98 million new students

4 universities per 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 Diarmait 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
Copyright: The Good Guys

George Washington

USA:

Copyright Act 1790:
An Act to Promote the Progress of Science and the Useful Arts
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 less, because every other possesses the whole of it. He who 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

- Course
- Module
- Lesson
- Component

Programme

Granularity

- Eg. Simulation
- Topical Unit
- Reusable Learning Object
- Information Objects

Course
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

1. Insert the connector into the pole.
2. Push the connector in place.
3. Adjust as needed.

It's so simple.
OER: Deboning

DORSAL - 80-88
LATERAL 40-44
RIB BONES 26-28
VENTRAL 44-48
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
Explore the Creative Commons licenses. [ Want public domain instead? ]

- http://creativecommons.org/choose
Some rights reserved

Attribution (BY):

No derivatives

ShareAlike

Non-commercial
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

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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”.

Intellectual Property

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?
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...
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 computer √
- Print out √
- Move geographically √
- No expiry date √
- Reuse/Remix/Mash up √
- 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 Licensee's 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?

MUM!!!! HAVE YOU READ MY DIARY?

OF COURSE. I BOUGHT YOU THE NOTEBOOK. HAVEN'T YOU READ THE TERMS OF SERVICE?
Access Rights?

Vendors can control how, when, where, and with what specific brands of technological assistance audiences are able to access content. You buy but you don’t get.
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
In the absence of those laws, it’s not hard to break DRM, and there are plenty of good reasons to do so (for starters: you can sell the jailbroken, more capable versions to the customers who’ve been trapped by the extractive, feudal versions).
Heart pump

Cory Doctorow
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
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Martin Weller
UK
Global OER Graduate Network

Fred Mulder

PhD in the study of OER
Learners who access OER and acquire knowledge/skills cannot have their learning assessed and accredited

- OER Pathways

- +30 institutions/orgs on 5 continents
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
God is on our side