Higher Education Gets Serious About Digital Rights Management

With digital information on the Net proliferating and demands for content ownership rising, what do institutions need to do to prepare themselves for copyright protection in the digital world? In an NLII 2003 Annual Meeting session titled, “Digital Rights Management: Whose Rights Are We Protecting?”

EDUCAUSE policy analyst Garret Sern laid out the challenges faced by college and university presidents and information technology administrators as they attempt to balance good cybercitizenship with community privacy and the integrity of our networks.

In November 2002, the Technology, Education, and Copyright Harmonization (TEACH) Act was signed into law, amending U.S. copyright law to allow nonprofit educational institutions to use the Internet for providing copyrighted material for registered students taking part in “mediated instructional activities.” The law essentially expands the categories of works that can be performed in distance education and removes the concept of physical classrooms, which is good news for institutions that are promoting distance education. It also allows storage of copyrighted materials on a server, allows institutions to digitize works, and authorizes that distance-learning participants not be held liable for infringement for any transient copies made through digital transmission.

To take advantage of the TEACH Act, however, institutions are responsible for educating their communities on U.S. copyright law. They must also institute policies regarding copyright and install so-called reasonable technological protection measures to prevent the unauthorized retention and redistribution of copyrighted materials.
Sern recommends that institutions prepare themselves to take best advantage of TEACH by creating policies on the use of copyrighted materials. He also suggests that they protect themselves by copyrighting educational and informational materials and by closely examining and adhering to licensing practices and software/information contracts terms and conditions.

What else can institutional leaders do? According to Sern, they should designate a Digital Management Copyrights Act contact (see http://lcweb.loc.gov/copyright/onlinesp/), and they should initiate or continue faculty-student copyright education programs, such as the University of Texas at Austin’s Crash Course on Copyright (http://www.utsystem.edu/ogc/intellectualproperty/cprtindx.htm#top) and the University of Virginia’s IT Policies (http://www.ite.virginia.edu/policy/). They should also implement reasonable technological protection measures. To find out more, see EDUCAUSE’s policy program at http://www.educause.edu/policy/ or visit EDUCAUSE’s Information Resource Library at http://www.educause.edu/ir/.

**NLII Activities: Policy**

NLII staff are working with Garret and several NLII member volunteers to develop an NLII policy agenda. The agenda will concentrate on four key issues: intellectual property ownership issues related to distributed learning, assessment and accountability policy issues, learning objects and policy issues and policy issues related to student records and electronic portfolios. Research on intellectual property ownership issues is being carried out by Sara Ulius—an EDUCAUSE intern and a student at the University of Michigan (http://www.umich.edu/)—and will build upon and extend the policy issues brief on digital copyright (http://www.educause.edu/ir/library/pdf/NET0303.pdf) and the Current Issues resources page (http://www.educause.edu/issues/faculty.html). Research on policy issues related to learning objects and digital repositories is being done by Veronica Diaz, a doctoral student at the University of Arizona (http://www.arizona.edu/), who’s working with NLII 2003 fellow Patricia McGee.