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# Education 4.0 –

## Policy Implications for an enhanced Copyright System in the Knowledge Society

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# Background of the study



- **Sparkling Science Research Project:** „From ‚User-Generated-Content‘ to ‚User-Generated-Copyright‘“ (funded by the Austrian Ministry of Science, Research and Economy)
- Interdisciplinary Approach / “Citizen Science”
  - Inclusion of young students, aged 14-20 (digital natives), as “young scientists”
- **Goal:** Definition of requirements for a modern, well-balanced copyright system in the light of the “prosumer”-paradigm.

## ■ Educational institutions / Teachers

- Access to teaching material
- Digital reproduction
- Editing
- Performance / Display (lecture cast)
- Online-Distribution (Download-resources; digital coursepacks)

- **Student A:** *"In 90% of our lessons we are working with computers, the rest is classic teaching. [...] We are partly in computer equipped classes and if we are in the normal classes, everybody has own devices."*

## ■ **Learners**

- Access to digital learning resources
- Reproduction (digital copies for learning purposes)
- Editing ("student generated content")
- Sharing (collaborative learning)

- **Student B:** *"Our school promotes it [the use of communication technologies in learning]. For example, when mails are sent to us, chat rooms for communication with classmates are attached."*

- **Scope of copyright protection**
  - Idea/expression dichotomy
  - Duration
  
- **Access to digital resources**
  - Technical Protection Measures (Art 11 WCT)
  - Legal restrictions
    - Circumvention of TPM
    - Digital consumption and unlawful sources (e.g. Art 5 (1) InfoSoc-Directive)?

## ■ **Digital Learning Copies**

- Learning as “private use” (Art 5 (2) lit b InfoSoc-Directive)?
- Learning as “scientific research” (Art 5 (3) lit a InfoSoc-Directive)?

## ■ **Sharing in class / with classmates**

- Class and closed learning groups as public?
- Scope of exceptions unclear (e.g. Sec 42 §6 UrhG, Sec 42g UrhG)

**Student C:** *"We do not publish things extensively, [...] we do this within a closed frame."*

**Student B:** *"I'm a little under-informed about the issue, we do not talk about it much at school."*

**Student A:** *"It simply lacks transparency. The consequence of this, I would say, is that it becomes a matter of indifference."*

- What are the consequences of a lack of awareness?
- Does the individual copyright knowledge has an impact on students and teachers behavior?

Stakeholders have to face manifold legal uncertainties, caused by an **unclear legal framework**.

- Understandable, **express regulations with a clear scope**; general clauses are not workable within the edu sector
- Defined **space for social norms** (e.g. Quotation, disclosure of source);
- **Balance** between sufficient **flexibility** (technology neutrality) and **legal certainty** (specific determinations of exceptions)

# Policy Implications II

## Balancing stakeholder interests

- **Inhomogeneous groups of stakeholders**
  - **Authors** (differentiated by work category)
    - Authors of edu-works (works for intended for edu purposes)
    - Authors of scientific works
    - Authors of works, not intended but used for edu purposes
  - **Users**
    - Educators
    - Students
    - Adult Education
    - extended vocational training
- **Divergent interests**
- **Incentives for authors? (Remuneration or Compensation)**

- **Copyright's fundamental function is to promote creativity and innovation by protecting the authors moral and economic interests, as far as it necessary for this purpose.**
- **Innovation and Creativity needs a fertile soil, namely an educated (knowledge) society.**
- **Thus – also from an fundamental rights perspective – free access to cultural heritage, knowledge and scientific content is crucial.**
  - Free? "Libre", not necessarily "gratis"
  - No one fits all solution / a differentiated approach is required

## **Further Requirements:**

- Rethinking the role of publishers -> Social Publishing / sharing economy ("uber for edu")
- Effective protection of moral interests / reviewing social norms

# Kontaktinformation



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Research Project - Details:  
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