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Copyright in education: bringing the classroom to life

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As the daughter of a refugee, education as a necessity was drummed into me. 'You need to get a good education' was my father's lead mantra. My father was denied that right, and although he spoke seven languages, he could barely read one. My father saw education as a way to find purpose in life and escape the poverty he experienced as a child. Throughout his adult life, he faced challenges in securing and maintaining employment because he never got the chance to go to school.

In education, what matters in the classroom are the educators. Research shows that every student benefits from high-quality teaching, but it is not enough to demand that educators are provided with affordable, high-quality training. Educators require access to high-quality teaching materials and up-to-date research to inform their teaching. Copyright law makes the idea of this seem unattainable for most educators and, in the case of some developing countries, outrageous.

Our research shows that copyright law exceptions for educators have led to absurd outcomes in Fiji and the Philippines. Educators in both these countries want to comply with copyright law, but when faced with hard decisions about where they can get teaching materials, it is easier to sidestep copyright law, as navigating copyright law is fraught with all sorts of confusion.

Understanding copyright law is the purview of Intellectual Property lawyers, interested copyright owners and publishers. The expectation is unrealistic that educators should know what a 'copy' is for the purposes of copyright law. Most of the educators in our research showed that they used copyrighted material regularly, and thought they were not breaking the law. Why would they think otherwise? These educators were using it in their PPTs, in their handouts and in their classrooms as supplementary teaching materials. Faced with out-of-date textbooks, and a paucity of relevant teaching materials – sourcing materials off the internet (their go-to place) is not only their best option, but an easy option.

"Even educational institutions in wealthy countries are struggling with the cost of copyright licences. If high-ranking universities in the USA are cancelling subscriptions with commercial publishers, what hope is there for

A creative commons licence (or some version of it) is supposed to provide some relief from copyright infringement for educational institutions. However, even this is unrealistic for many countries because it has to be purchased (and usually in US dollars). Educational institutions in developing nations are faced with eking out meagre budgets in an attempt to meet the needs of large populations of students. Not surprisingly, most of our respondents had never heard of the creative commons licence. Yet they were faced with providing teaching materials for large classes – many of those participating in our research had more than thirty students in classes.

Even educational institutions in wealthy countries are struggling with the cost of copyright licences. If high-ranking universities in the USA are cancelling subscriptions with commercial publishers, what hope is there for nations with developing economies? The financial resources in developing countries are more limited, they have less bargaining power vis-à-vis the commercial publishers and if the copyrighted material cannot be used, access to up-to-date education materials and critical research is denied to those who need it most. Inevitably, many of the respondents felt the cost of materials was expensive and unaffordable. They had no hope of being able to afford the materials they needed.

Technology and the internet have made finding teaching materials easier. The educators in our research had grown accustomed to sourcing materials from various digital sources and as long as they referenced them, they believed they weren't breaking the law. This mindset is unlikely to change even with copyright training because even though the respondents liked the idea of complying with the law – they did not have the resources to pay for compliance.

Copyright enforcement against educators, especially in developing countries should be of concern to everyone. The copyright exceptions for educators in the Philippines and Fiji are complex and difficult to navigate. More importantly, current copyright laws prevent teaching excellence and prevent educators from using and sharing the materials they need. We found that for most educators in Fiji and the Philippines, the fear of infringement played on their minds. But it needs to be said that copyright is something that educators come into contact with as part of their everyday teaching; most things found online, such as textbooks and workbooks, are protected by copyright laws. So that using materials, sharing with students or using expertise from other educators in other educational settings is almost impossible for educators in Fiji and the Philippines to do legally.

It is from this perspective that copyright laws need to be relaxed for our educators and moved out of our classrooms. Our research has established the current exceptions for education are unworkable and outdated. My father's dream that his children would have the education that he never had has been realised – my siblings and I have good jobs thanks to our father's focus on education. Yet if all students are to have equal access to education regardless of location, current copyright laws for educators must change.

The opinions expressed in this blog are those of the author and do not necessarily reflect any official policies or positions of Education International.

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