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Citation: Secker, J. & Morrison, C. (2022). Copyright Education and Information Literacy. In: Navigating Copyright for Libraries: Purpose and Scope. (pp. 285-318). Walter de Gruyter. ISBN 3110732009 doi: 10.1515/9783110732009

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Link to published version: <https://doi.org/10.1515/9783110732009>

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13 Copyright Education and Information Literacy

Abstract: This chapter explores the relationship between copyright education and broader digital and information literacy initiatives. It traces the development of the term copyright literacy and explores the extent to which it has become recognised within the library and information profession and elsewhere. The authors run the website copyrightliteracy.org and share their insights into why copyright literacy matters and how it relates to other aspects of information and digital literacy. They highlight the relevance of copyright as part of digital education initiatives, particularly since the COVID-19 pandemic and rapid shift to online learning, and provide two case studies from their institutions which demonstrate how to approach copyright literacy from both practical and strategic perspectives.

Copyright laws were developed to encourage creation of cultural expressions and socially beneficial information such as scholarly communication. Copyright law attempts to do this by providing authors, artists and creators with exclusive rights that allow them or their representatives to decide how their work is copied and disseminated. However, the copyright space is highly contested with opposing voices from the creative and media industries, author/artist representative bodies, the technology sector and civil society groups taking quite different positions. At times it seems the stakeholder groups are locked in a perpetual battle. The greatest concern about copyright within the library, education and cultural heritage sectors is that it presents a barrier. This chapter therefore explores the value of critical copyright literacy as a way of addressing copyright in contested space and involves an analysis of the cultural, social and economic implications of the copyright system. Library users are likely to be both consumers and creators of copyright works and often draw on the experience of librarians to guide them. The chapter explores the role played by librarians in developing critical approaches, and the tensions encountered where colleagues and library users expect them to provide clear direction on how to access and use information. The final section reviews the practical application of the principles discussed through two case studies: the University of Kent Copyright Literacy Strategy and the City, University of London module in Digital Literacies and Open Practice.

Keywords: Copyright – Study and teaching; Information literacy; Digital literacy

Introduction

This chapter traces the development of the term copyright literacy, explores the extent to which the concept has become recognised internationally (IFLA 2018; Secker, Morrison, and Nilsson 2019) and examines the relationship between copyright education and broader digital and information literacy initiatives. The authors run the website copyrightliteracy.org and have undertaken research and led a variety of projects and initiatives in the copyright education field (Morrison and Secker 2015; 2017). The chapter makes the case for copyright literacy as a useful concept in supporting copyright law's aim of stimulating creativity and enabling cultural participation across diverse communities. Theoretical and practical aspects of information and digital literacy are presented and emphasise that copyright is a fundamental yet relatively under-developed element of existing information and digital literacy programmes. Critical approaches to information and digital literacy are considered along with the impact of copyright on the role of librarians and the potential for copyright literacy to develop greater engagement with the challenges of copyright in a digital society. The relevance of critical copyright literacy is explored in relation to the shift to online education following the COVID-19 pandemic. Finally, two case studies demonstrate how to approach copyright literacy from both practical and strategic perspectives.

Copyright Education and Copyright Literacy

Copyright education is written about in subjects such as law, librarianship, media, communication and cultural studies. A search of the term “copyright education” undertaken in the City, University of London Library [catalogue](#) in May 2022 retrieved 597 citations in the published literature. A brief analysis of the literature found that it included:

- Studies of how to teach copyright in formal education settings to specific groups including school students, undergraduates, academic staff, researchers as well as to those training to be librarians or work in the cultural heritage sector, and
- Research into the value of using specific tools, technologies or approaches to teach about copyright in new or engaging ways.

Meanwhile the creative industries tend to use the term copyright education on their websites and in publications to describe both training to inform creators about how to protect and monetise their work, and public relations campaigns

designed to influence consumer behaviour, for example, [Get it Right from a Genuine Site](#).

Governments and national agencies responsible for intellectual property (IP) also use the term copyright education, but their focus tends to be on increasing public awareness of copyright and intellectual property to support economic growth. For example, in Europe a study was commissioned on copyright and intellectual property education in school curricula primarily to tackle a perception that piracy and infringement were growing (EU. Office for Harmonization in the Internal Market 2015). Similarly in the UK, a government report was undertaken primarily to help launch a public copyright education awareness campaign aimed at “winning the ‘hearts and minds’ of consumers about the importance of protecting IP” (Weatherley 2014, 7). Hobbs suggests in an analysis of US copyright education campaigns that the key purpose of copyright education is to support the growth of and respect for the creative industries (2010).

The phrase “copyright literacy” is used less frequently, with 117 items found in a literature search using the City, University of London Library [catalogue](#). It is primarily used by authors in the field of library and information science (LIS) and most studies have explored copyright literacy in relation to LIS professionals. McDermott used the term in 2012, although not extensively, and provided no definition (McDermott 2012). The term was used systematically in research undertaken in 2013 involving a survey into levels of copyright literacy amongst librarians and professionals in the cultural heritage sector in Bulgaria, Turkey, France and Croatia. The findings were presented at an information literacy conference (Todorova et al. 2014). Devising a common survey tool meant that comparisons could be made around the world to see how countries differed in terms of levels of copyright literacy. In 2017 a further comparison of copyright literacy levels of librarians in thirteen countries was published (Todorova et al. 2017).

Secker and Morrison provided a definition of the term copyright literacy, defining it as “Acquiring and demonstrating the appropriate knowledge, skills and behaviours to enable the ethical creation and use of copyright material” (2016, 211). The motivation for creating the definition was to move beyond the largely quantitative findings of the research and understand more about the ways that copyright was experienced by information professionals. Subsequently Morrison and Secker undertook further research and published findings from a [phenomenographic](#) study of librarians which identified a number of variations in experience (2017).

In 2017, the International Federation of Library Associations and Institutions (IFLA) held a one-day meeting to explore the relationship between copyright education and information literacy. It took place as part of the World Library and Information Congress (WLIC) in Wroclaw, Poland, and librarians and edu-

cators from around the world came together to share their practices. It also led to the publication of a special issue of the *Journal of Copyright in Education and Librarianship*, featuring papers from the conference in 2019 (Journal of Copyright in Education and Librarianship 2019). The WLIC event was an opportunity to share research findings from the multinational survey, present case studies of good practice from around the world, and discuss common concerns. Hinchliffe explains how more than fourteen countries attended and discussed issues including “pedagogy, instructional design, learning theory, author rights, copyright limitations and exceptions, applications of the law nationally, international copyright, open access, and education for library and information science practitioners” (2019, 1).

In August 2018, IFLA launched a formal statement on copyright education and copyright literacy (IFLA 2018) and defined copyright literacy as having “sufficient copyright knowledge to be able to take well informed decisions on how to use copyrighted materials”. The statement included recommendations to governments, libraries, library associations and library educators. In early 2020 IFLA launched a survey of international library associations to collect data about copyright education around the world: findings are yet to be published. Importantly, the IFLA statement formally recognises not only the need for librarians to understand copyright, but also their role as copyright educators.

The term copyright literacy has continued to be used at conferences and events, including the [European Conference of Information Literacy \(ECIL\)](#), [LILAC: The Information Literacy Conference](#) in the UK, and the [Canadian ABC Copyright Conference](#). In 2018, an international conference, the [International Copyright Literacy Event with Playful Opportunities for Practitioners and Scholars](#) (Icepops) was founded.¹ Meanwhile Secker (2020) has presented findings from research, noting copyright literacy is largely lacking amongst academic staff, and the University of Kent has published a Copyright Literacy Strategy (Morrison 2019; University of Kent 2020). Both initiatives are discussed in more detail in the case studies later in this chapter. [Copyrightliteracy.org](#) has continued to encourage copyright educators to share their work and resources on its website which hosts several copyright education resources such as the openly licensed games, [Copyright the Card Game](#) and the [Publishing Trap](#).

¹ Icepops has been held three times since 2018 attracting copyright educators from around the world, and from both within and outside the library community. Further details including the conference papers are available on the Icepops website: <https://copyrightliteracy.org/upcoming-events/icepops-international-copyright-literacy-event-with-playful-opportunities-for-practitioners-and-scholars/>.

Why Copyright Literacy Matters

An understanding of copyright has become increasingly relevant to society more generally because of the development and widespread adoption of networked digital technologies. Copyright protects original creative works regardless of their literary or artistic merit, without the need for formal registration. The omission of formal registration of copyright works for protection to subsist was a key component of the [Berne Convention](#) of 1886, the world's first international copyright treaty. Prior to the digital revolution, the informal approach provided a practical solution which gave professional authors and creators protection for their works without the need for engaging with costly administrative processes. However the widespread use of the Internet has led to an explosion in consumption and creation of new content, nearly all of which is automatically protected by copyright. As a result, the reasonable expectations of the public to access and share content across networks are often at odds with the way that copyright laws are drafted according to a pre-Internet 20th century paradigm.

The broader implications of the ways that copyright has developed are covered elsewhere in this book which explores the foundations and fundamentals of modern copyright. In addition, the book discusses in depth the limitations and exceptions which are a fundamental part of providing the balance required for copyright law to serve its function. This chapter focuses on aspects of copyright law which have a particularly important bearing on how copyright is experienced by the people that it affects.

The first is that copyright is a highly contested space with key stakeholders often taking extremely divergent positions on how copyright should work. Copyright wars are often characterised as battles between the those with an investment in the status quo and those who find advantage in establishing a new paradigm. Although there are many different perspectives, the protagonists with the loudest voices, and not coincidentally the biggest financial stakes in the clashes, are the creators of digital platforms, such as Google, Amazon and Facebook, and the more traditional legacy publishing and media companies. Legacy publishers typically claim they are the true representatives of authors' interests, maintaining the value of copyright works and providing meaningful remuneration to creators and producers. The digital platforms emphasise the democratisation of creative expression that their services provide, where anyone with an Internet connection can participate in cultural life and share work with others.

Developments in global copyright law in the 20th century largely reflected the interests of legacy media organisations in creating “longer and longer terms of protection, against more and more kinds of unauthorized uses, to more and more different kinds of so-called ‘works’” (Woodmansee and Jaszi 1995, 773). However,

despite strong laws, the new technology companies have thrived due to the significant consumer demand for their services and the speed at which technological innovation has outpaced law making. As Baldwin describes, the 1998 [Digital Millennium Copyright Act](#) (DMCA) in the US provided strong protections for copyright works and prohibited circumvention of technological protections. However, the “safe-harbor exemption allowed even infringing content to be posted online until its owners protested. This opened a large loophole in rightsholders’ hopes of controlling works on the web” (Baldwin 2014, 287). The most recent major reform to copyright law is the EU [Directive \(EU\) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC](#) (hereinafter DSM Directive) which at the time of writing is being enacted into the laws of the Member States of the European Union (EU). The DSM Directive includes provisions that require online platforms to ensure infringing content is not added to their platforms. It remains to be seen whether this latest set of legal reforms most benefits legacy media organisations or digital platform providers. However, although these groups have the largest financial stake, civil society organisations such as [Communia](#) and the [Electronic Frontier Foundation](#) have highlighted the need for copyright to provide people with greater freedoms to share culture.

The next consideration is that justifications for copyright often focus on the interests of the author. However, as Bently (2008) identified, although the concept of the romantic author has long influenced the copyright debate, it is no longer relevant to many domains of creative activity. For example, contemporary cultural works such as TV programmes, feature films and computer games are team efforts reflecting the creative input of large numbers of professionals such as illustrators, animators, coders, cinematographers, make-up artists and set designers. And even for areas where the romantic author ideal is relevant, it is clear that the current copyright framework often does not work in their interests. As stated in the recent posting on [Author’s Interest](#) by Giblin on the *Untapped* study in Australia, contractual arrangements in the publishing industry provide authors with sufficient remuneration in only a minority of cases (Giblin 2020).

However, even if one accepts the concept of the author as a helpful proxy for ensuring that value derived from consumption finds its way back to the originators of creative works, the reality of today’s networked environment is that the concepts of author and consumer, or creator and user, have become less distinct. It has been said that digital has led us all to become [prosumers](#), producers/consumers. The prosumer phenomenon can be seen in the rise of remix culture where existing works are constantly sampled, reinterpreted and reinvented in a seemingly infinite number of ways. The new remix cultural expression encompasses everything from high art and political commentary through to the inane

and the obscene and everything in between. There is of course nothing new in this type of activity. Cultural and artistic practices have always involved engaging with existing works and reinterpreting them. However, the paradigm shift of the Internet age means that works are made available to others at a speed and scale unimaginable before the dawn of the 21st century.

The implications of the shift to networked forms of creativity have wider societal relevance than the types of activity associated with remix culture. Open science and open scholarship recognise that the only way to address the current scientific, political and social challenges is to leverage the power of digital technology to share information and collaborate across geographical and temporal boundaries. For example, scientists working on climate change and global health crises are consuming and creating vast quantities of information, but are hampered in their efforts by an environment in which access to information is restricted. And copyright does not just present a challenge for the hard sciences. Scholars in the arts, humanities and social sciences find that licensing practices, underpinned by copyright law, can present barriers when access to archival material is restricted by institutions and individuals charging fees for reproduction rights. These barriers are particularly problematic in light of decreasing funding for research. Despite the developments in open access publishing, the scholarly communication system is still heavily dominated by a powerful publishing industry which protects its interests using a copyright framework that rewards enforced scarcity. In summary, [copyright's purpose](#) as framed in the US Constitution to “promote the progress of science and useful arts” is being compromised by legacy practices that are more aligned with the pre-Internet world.

The final key challenge for copyright in the digital age is that it has a markedly increased bearing on anyone engaging with information in any form, regardless of role, highlighting the importance of both the public interest in copyright and the extent to which the general public are aware of how copyright works. Although the concept of the public interest has been described as “vacuous, deceptive and generally useless” (Held 1970, 1) legal commentators have noted that it is still a valuable term primarily perhaps because there does not appear to be any useful alternative. How can laws be formulated except in the public interest? For example, Giblin and Weatherall (2017) discuss the relevance of the public interest in thinking about how copyright laws could be reimagined. However, they warn against its use in a way that is synonymous with the interests of users or consumers, such that the public interest appears to be in opposition to the interests of authors and copyright owners. Giblin and Weatherall also clarify that the public interest should not be conflated with the concept of the general public. Rather, public interest is a concept that aggregates the needs of all in society so that one group's interests do not dominate another's.

It is important that there is public engagement with copyright law to inform people's choices about both creation and consumption of copyright works, and thereby ensure an effective democratic process when new laws are made. Edwards and Moss (2020) have recently explored the lack of the public voice in government consultations on copyright law and have identified interventions that could enable more meaningful engagement from underrepresented groups. They also discovered through empirical research with members of the public that, despite what many might assume, people are not motivated only by self-interest. Instead they understand the balance required between restriction and dissemination of cultural goods. In fact, when presented with clear information about copyright law, the public actively engages with the nuanced arguments and considerations that have occupied legal scholars for decades.

However, even though there is potential for the general public to engage with copyright, for the most part awareness is low. Despite copyright and licensing now governing significantly interactions with media content, few people read let alone comprehend, the licensing agreements that shape interactions with digital technologies on e-readers, smart phones and other digital devices. Arguably the lack of knowledge of agreements is unproblematic. Copying and sharing content have long taken place according to community-based norms that operate in the shadow of the law. However, as Craig and Tarantino (2020) have argued, cultural participation increasingly takes place in a privately ordered digital system that operates according to its own rules, not according to the balance struck by the statutes. For example, copyright infringements on YouTube are dealt with by a notice and take down process which allows users little opportunity to object if the content they post is claimed by a rightsholder. One of the key challenges to copyright in a digital environment is the extent to which people are able to make use of copyright exceptions, that is the fundamentally important legal uses of copyright works without the permission of the copyright owner.

Having established that the public interest is central to a well-functioning copyright system, and having highlighted the importance of public awareness, it is worth considering the concept of the public domain. Those unfamiliar with copyright are often unaware of the specific meaning of public domain in the context of copyright law, assuming that it refers to any content that has been published or presented for public consumption. Its generally accepted meaning in copyright circles is a work to which no exclusive intellectual property rights apply because they have expired or been expressly waived by the rightsholder. However, Deazley (2006) argued that the public domain is poorly understood even by legal commentators. His analysis identifies the difference between the perceived public domain, which tends to focus on expired copyright works, and the much broader true public domain which incorporates many different ele-

ments of the intellectual commons that allow society to function. The elements include ideas, insubstantial parts of copyright works, public interest defences and exceptions to copyright. Deazley warns that the public domain is constantly under attack from those who seek to take advantage of the system by enclosing the commons to the detriment of society.

Clearly there are many challenges to a well-functioning copyright system, and given that this chapter is part of a book aimed at the information profession, now seems a good time to reflect on the role that libraries and librarians play in addressing copyright issues. Firstly, as discussed elsewhere, libraries rely extensively on copyright exceptions to undertake their missions. As a result organisations such as [IFLA](#), [LIBER](#), the European Bureau of Library, Information and Documentation Associations ([EBLIDA](#)), and Electronic Information for Libraries ([EIFL](#)) advocate nationally and internationally on behalf of libraries and their users to ensure that copyright does not become a barrier to learning, research and cultural participation. In addition, libraries must operationalise the provisions in national and international copyright law to take full advantage of hard-won legal provisions. Finally, librarians are responsible for communicating clearly with their users about how copyright law impacts on what they want to do.

The Role of Libraries, Librarians, and Copyright Specialists in the Information Profession

Copyright law and the licensing of copyright works underpin many services that libraries offer in the digital age. Many aspects of librarianship require a good understanding of copyright, including knowledge about digitising collections, tracing rights, identifying orphan works, supporting online learning and providing guidance on open access and open education. International research has found over 90% of librarians believed that copyright should form a vital part of their education and continuing professional development (Todorova et al. 2017). Around the world there has been a growing demand for copyright training for information professionals. Dr [Kenneth Crews](#) spearheaded work in the US when he established the first university-based copyright office at Indiana University in 1994. Innovative training programmes for librarians exist, such as the [Copyright First Responders](#) created by Kyle K. Courtney at Harvard University Library. Copyright is a popular topic for library conferences. For example in the UK, the [CILIP Copyright Conference](#) regularly attracts over 200 delegates. Canada's [ABC Conference](#) is similarly popular. In 2018 a report emanating from Columbia Uni-

versity Libraries in the US examined current practice in copyright education and provides a list of current and past education offerings (Kelly 2018, Appendix E).

Despite numerous professional development opportunities, the Columbia University Libraries report (Kelly 2018, 5) concluded copyright education for librarians and the wider cultural heritage sector in the USA was “ad hoc sporadic, inconsistent, unreliable, sometimes conflicting”. In short, the study concluded copyright education needed to be improved. Todorova et al. (2017) found levels of confidence in copyright literacy amongst the wider library profession were relatively low in non-English speaking countries. In developing countries, much work on copyright education for librarians has been led by EIFL, who build the capacity of librarians in copyright, provide resources and advocate for both international and national copyright reform through [specialist programmes](#).

One way of dealing with copyright in better-resourced countries and institutions has been the creation of roles for copyright specialists in libraries. Designated individuals have the time to develop their knowledge and focus on building copyright literacy within their communities. For example, in the UK, 64% of all libraries surveyed had a dedicated copyright officer and the figure was up to 74% in universities (Morrison and Secker 2015, 88). In comparison, only 7% of libraries in Bulgaria employed a copyright specialist (Todorova et al. 2017, 334). Hudson’s longitudinal study of copyright in cultural organisations in Australia, the UK, Canada and the USA suggests knowledge of copyright has improved over time in these countries. She observed development of a less risk-averse mindset in relation to copyright and attributed it to greater resources being dedicated to copyright (Hudson 2020a, 292–3). In a study of copyright specialists in UK educational and cultural institutions, the most common activities undertaken by the specialists were found to be: providing advice and support to staff, students and visitors; producing written guidance; obtaining copyright permission; and delivering workshops and training for staff and students (Hatch, Morrison, and Secker 2017, 6).

Providing copyright support to others remains challenging to librarians for several reasons. The Columbia University Libraries study (Kelly 2018) noted: a lack of courses in copyright within LIS programmes; many copyright courses were pitched at a basic level; there was no requirement for continuing professional development; and tension was caused by librarians being viewed as enforcers of copyright rather than educators. Morrison and Secker observed in their study that librarians with responsibility for copyright rarely command the seniority in their organisations required to effectively influence policy changes or to take risks based on a more forward leaning interpretation of copyright exceptions (2017). Their research revealed that many librarians experience copyright as a problem and something they want to avoid. Additionally, outside the larger US

universities, librarians are unlikely to be qualified to give legal advice. All these factors can lead to overly risk-averse attitudes and problems when librarians are required to provide guidance to users on how to interpret copyright exceptions and the concepts of fair dealing and fair use. In the US, the Libraries, Archives and Museums (LAM) sector is attempting to improve copyright education through the creation of a [Virtual Copyright Education Center](#) for professionals working in LAM. [Five courses](#) have been developed since its launch in 2020, including a [basic course](#) which has been made freely available. However, elsewhere in the world copyright education challenges remain.

One possible solution is for more librarians to receive formal legal training. However, it is important to distinguish between the role of legal counsel, who are qualified to provide general legal advice, and that of the information professional. Copyright specialists may be better served by thinking about their roles, not just as legal experts, but also as educators in the wider context of information and digital literacy who put a greater focus on empowering library users to make their own decisions, moving librarians away from a primarily compliance-based approach to copyright. The next section provides an overview of information, digital and media literacies and considers the extent to which they currently address copyright.

Information, Digital and Media Literacies

Information, digital and media literacies are important and inter-related concepts relevant to copyright. Common across the literacies is that they are cultural and communicative practices; they are not just knowledge but also contextual practices comprising skills, behaviours and values. A brief overview of each field is provided together with how copyright is currently addressed within each.

Information Literacy and Copyright

The concept of information literacy, dates back well over 40 years and librarians both in formal and informal educational settings have an important role to play in developing the information skills of the communities they serve. Many librarians offer a variety of training, formal education and support to their user communities. The United Nations Educational Scientific and Cultural Organization (UNESCO) in the [Alexandria Proclamation on Information Literacy in 2005](#) recognised the need for information literacy stating that it:

...empowers people in all walks of life to seek, evaluate, use and create information effectively to achieve their personal, social, occupational and educational goals. ... It is a basic human right in a digital world and promotes social inclusion in all nations (Garner 2006, 3)

There are numerous frameworks of information literacy, many developed by library associations around the world. In the US, the Association of College and Research Libraries (ACRL) created standards and more recently a framework of information literacy that informs the teaching of librarians in the US and around the world (ACRL 2015). In 2018 CILIP, the UK's professional library association, defined information literacy as:

the ability to think critically and make balanced judgements about any information we find and use. It empowers us as citizens to develop informed views and to engage fully with society (CILIP 2018, 3)

Increasingly, as with other literacies, many librarians see information literacy as a process that is contextual and constantly evolving, rather than a competency framework. There are consequent implications for how literacies are taught, to whom and at what point in formal and informal education. In general, many librarians work with teachers and other educators to embed information literacy into the curriculum. But the reality is that there are still many sessions delivered in schools and universities as standalone library classes.

In the last fifteen years, starting in the US, there has been a growing interest in critical approaches to information literacy. Drawing on critical literacy theory, the approach seeks to highlight power structures and address issues of social justice and reflects the changing role of librarians from service providers to active educators (Elmborg 2006, 192). Tewell defined critical information literacy as “an approach to education in library settings that strives to recognize education’s potential for social change and empower learners to identify and act upon oppressive power structures” (2018,11). Of the five topics that Tewell identified as being taught in critical information literacy approaches, understanding “academic conventions and access” (ibid., 15), which links to the [ACRL frame](#) “information has value”, lends itself most closely to teaching about copyright. Tewell’s research did not identify copyright as a particular focus for librarians teaching critical information literacy. Similarly a monograph on critical literacy for information professionals (McNicol 2016) contains numerous case studies but the subject of copyright is largely absent. While there are many global issues related to social justice and inequalities which warrant consideration, the role that copyright and licensing plays in governing access to information is an area that remains somewhat overlooked by those teaching critical information literacy.

Most information literacy frameworks address the ethical use of information and align understanding copyright with referencing, citation and avoiding plagiarism. As already noted, ACRL places understanding copyright under the frame of “Information has value” and states that learners should be able to “articulate the purpose and distinguishing characteristics of copyright, fair use, open access, and the public domain” (ACRL 2015). Meanwhile CILIP (2018) maintains that information literacy “...means working ethically, understanding the implications of data protection, intellectual property rights, such as copyright”.

Copyright is sometimes discussed as part of wider intellectual property issues, such as applying for patents or trademarks. Librarians teaching intellectual property and copyright tend to draw on the more functional side of information literacy teaching, seeing it as a set of rules to be followed, rather than a regime to be critiqued. It is fair to say that copyright currently plays a small part in most information literacy frameworks, which consequently means few librarians teach dedicated sessions on copyright, although change is beginning amongst academic librarians in the field of scholarly communications. Copyright issues are referred to in the context of open access. Academics and researchers need to understand publishing contracts, licensing schemes such as Creative Commons and different routes to open access. More recently, developments in Europe from the major funders with guidelines on access to scholarly content such as [Plan S](#) mean that understanding copyright will become more important for researchers publishing the results of funded work.

Digital Literacy

Digital literacy was a term first used by Gilster (1997), who stressed it was not a new term for computer literacy but a cognitive act. While the term is now in common usage, it has a variety of meanings. Reedy and Parker explain how digital literacy “ranges from basic access to sophisticated ‘maker’ skills” (2018, xxi) and that it is underpinned by critical thinking about online information, tools and people. In the UK in universities the Jisc framework is widely cited, although it built on earlier work on what were first called “learning literacies” by Beetham, McGill, and Littlejohn (2009). Jisc undertook various projects related to digital literacy and digital capability, defining digital capability as “the capabilities which fit someone for living, learning and working in a digital society” (Killen, Beetham, and Knight). Jisc uses the term [digital capability](#) to describe the skills and attitudes that individuals and organisations need if they are to thrive in today’s world. The framework is significant in the UK as it has been adapted and rolled

out by [Health Education England](#) (HEE), who provide education and continuing professional development to all UK health practitioners (UK.NHS 2018, 2).

The six elements of [digital capabilities](#) according to Jisc include “information, data and media literacies” and it is here that copyright sits. On closer examination the framework presents copyright as a series of rules that need to be followed. For example, the [role profile](#) developed for a university lecturer includes: “Know the rules of copyright and plagiarism and alternatives such as creative commons licensing; use appropriate referencing for digital materials and support learners to do the same” (Jisc 2018, 2). The HEE framework similarly presents a functional view of copyright, stating as part of the domain covering “Information, Data and Content” that health care practitioners will have “the ability to understand and adhere to digital copyright, intellectual property and privacy rules and regulations” (UK. NHS 2018, 7).

In other models of digital literacy there is a greater emphasis on the critical rather than functional role. For example, Hinrichsen and Coombs (2013) proposed five resources of critical digital literacy. Although they do not reference copyright specifically, two aspects of their framework, using and analysing, discuss the legal and ethical components of digital literacy. Meanwhile the Open University’s [Digital and Information Literacy framework](#) suggests that [copyright](#) is a fundamental part of understanding how to manage and communicate information that all learners need. The Manage, Create and Communicate Information section from level 0 through to Master’s level refers to copyright under the heading of Academic Integrity and Ethical Use of Information (Open University n.d.). Reedy and Parker’s practitioner guide to digital literacy includes a chapter specifically addressing copyright and digital literacy (2018). It states how copyright, rather than being a “separate concept that can be considered in isolation... is woven through all the key aspects of digital literacies and capabilities” (Morrison 2018a, 97).

Media Literacy

Media literacy is a contested term, subject to differing interpretations and debate amongst media educators. The communications regulator in the UK defines [media literacy](#) as “the ability to use, understand and create media and communications in a variety of contexts” (UK Ofcom n.d.). However, media literacy is an important component of media and communication studies with a wide body of academic literature that is beyond the scope of this chapter. One of the key scholars in the field, Renee Hobbs, from the [Media Education Lab at the University of Rhode Island](#), has written widely about the relationship of media literacy

and copyright. Her book *Copyright Clarity: How Fair Use Supports Digital Learning* (Hobbs 2010) focused on “dispelling copyright confusion” which she attributes to anti-piracy campaigns from the creative industries that led many teachers and students to avoid using copyright works in education. She worked with two legal scholars Aufderheide and Jaszi, to create the [Code of Best Practices in Fair Use for Media Literacy](#) in 2007, which sought to strengthen public understanding of copyright and fair use. Rather than presenting teachers with copyright rules, Hobbs suggested asking three questions to help educators determine if their use is fair: whether the use of copyright material transforms the material; if the material taken is appropriate in kind and amount; and if the use is likely to cause economic harm to the copyright owner. She likens media literacy to a critical process of inquiry (*Code of Best Practices in Fair Use for Media Literacy* n.d.). This code of fair use was one of the first to be drawn up by the education community in the US and over [fifteen others](#) now exist to support other communities in their interpretation of copyright law (American University. CMSI n.d.).

This brief analysis indicates that understanding copyright can be framed as a fundamental part of the growing number of literacies that everyone needs in today’s digital environment. Jacobson and Mackey (2011) call the multiple literacies “metaliteracy” which is one attempt to reconcile the troublesome and competing terminology. The way copyright is addressed in each of the different types of literacy is different. Digital literacy tends towards the functional approach to copyright, often related to online learning. Meanwhile information literacy focuses not only on how publishing and knowledge creation works, but also on how to use, re-use and share content. Most of the work that focuses on the critical aspects of copyright sits within media literacy where students and teachers often use and adapt copyright works and to do this ethically and legally they need a wider understanding of copyright. Consequently copyright education remains a small and specialist part of wider literacy teaching.

Copyright Education, Information Literacy and Criticality

This section explores the opportunities to build on the relationship between copyright education and other literacies, and specifically how to incorporate critical approaches to copyright into information and digital literacy programmes. There are several considerations when incorporating discussions about copyright into information or digital literacy contexts.

The first challenge is the extent to which information literacy practitioners have sufficient understanding of copyright law. Much work has been done to build capacity in the library sector, but many librarians still lack confidence. What exactly is expected of the information professional who engages with copyright education? There is a conflicting range of roles for someone supporting others with copyright: legal adviser, gatekeeper, service provider or critical friend. A key challenge when teaching others about copyright is that because it is a body of law, people have a tendency to conflate concepts of lawful and unlawful with concepts of right and wrong. Many learners are on an ethical back foot with a perceived lack of knowledge compounded by a sense that they are doing something wrong. Simple binary concepts are not useful when navigating the nuanced and complex world of copyright in the digital environment.

It is helpful to refocus the discussion on literacies as cultural and communicative practices which are situated in specific information landscapes (Lloyd 2010). It is tempting to focus on the knowledge element of a literacy, rather than viewing it as a social practice in which community members must negotiate which information and activities have meaning. As Tuominin, Savolainen, and Talja describe, a literacy means “being able to enact in practice the rules of argumentation and reasoning that an affinity group in a specific knowledge domain considers good or eloquent” (2005, 337). The behaviours relating to copyright that are accepted by a community must be more than lawful; they must also be accepted by members of that community as meaningful. Discussions about copyright must not only be based on an accurate representation of the law, but also empower people and provide opportunities for critical reflection within a specific domain of activity.

For the reasons outlined, the concept of critical copyright literacy might be helpful. It was first proposed by Morrison and Secker following research into librarians’ experiences of copyright. They argue:

Critical approaches mean acknowledging the contradictions and tensions that exist (for example the growing use of sites such as Sci-Hub in academia) but also raising awareness of the flaws in copyright law, and potentially being a champion for copyright reform and social justice (Morrison and Secker 2017, 365).

The critical approach can be applied in any field of activity where copyright has a significant bearing on community activity. As previously discussed, it is already a part of some media literacy programmes and highly relevant to learners and practitioners in artistic and creative fields where community codes of practice have been developed (Aufderheide and Jaszi 2018). However, to realise the potential of librarians’ responsibility for both copyright and providing information literacy sessions, a more critical approach to the copyright education of librarians is

needed as a priority. Educating librarians would acknowledge and address the tensions and complexities of copyright law, and empower them to support their communities. However, teaching in this way is often not a comfortable space and may be particularly challenging for librarians who sometimes struggle to view themselves as educators (Wheeler and McKinney 2015). Even in the US, where copyright education is well developed for librarians, research points to confusion and anxiety in the sector, because of a lack of reliable and dependable information on copyright (Kelly 2018, 14). In critical copyright literacy, educators need to become comfortable with uncertainty and recognise they need to draw on authoritative information, which rarely provides people with a set of hard and fast rules. Instead, through teaching communities to think critically about copyright, educators can empower others to make their own decisions.

To provide a solid grounding in copyright, Secker, Morrison, and Nilsson proposed a critical copyright literacy framework covering five key areas:

1. The history and philosophy of copyright including the underlying ideologies and narratives about why copyright exists and what its future purpose is
2. Boundaries and balance, which covers the subject matter of copyright, subsistence of protection, exclusive rights, exceptions, and the concept of the public domain, and considers how balance is achieved in the system as well as the power relationships that exist between various groups
3. Licensing, including the permissions models available to creators and users of copyright material as well as the practices that grow up around them, and open licences
4. Communication and sharing, which focuses on what individuals and organisations want to communicate and how they do it, including from the individual's perspective, making an ethical and meaningful contribution to online communities in a way that respects and encourages creativity
5. Consequences and risk, which covers the actions individuals and organisations might take to avoid unwanted consequences of copyright infringement claims and involves understanding the opportunities and risks associated with copyright (Secker, Morrison, and Nilsson 2019).

Although the framework was initially developed as a curriculum for a standalone course for librarians, relevant topics can be embedded in any educational intervention. In fact, embedding copyright in context is a key step in promoting a critical approach to copyright literacy given that many learners may not perceive standalone copyright courses as relevant. The development of a critical copyright literacy framework might provide information and digital literacy practitioners with a tool to expose power structures and help learners identify inequalities in the copyright regime. However, the framework also needs to include appropriate guidance on possible teaching methods, drawing on dialogic approaches used in critical pedagogies.

It is important to acknowledge that copyright is a technical area of law and that a balance needs to be struck between the level of legal detail provided and enabling meaningful critical reflection. It is important for copyright specialists to work with their information literacy colleagues to develop critical approaches to copyright sessions that reflect good practice in information literacy teaching and an accurate representation of the law. There are signs this is starting to happen amongst copyright educators in academic libraries, who recognise their work sits at the intersection of both scholarly communication and information literacy. Recent examples can be found in Benson's (2019) monograph which has chapters and case studies from across higher education exploring how to have copyright conversations with different audiences. Meanwhile Pyman and Sundsbø (2021) provide a case study on teaching copyright in an engaging session aimed at early career researchers. More examples of how to teach critical copyright literacy are being collected to support the development of the framework.

It is worth acknowledging that the discussion so far has largely considered information literacy programmes within universities. However, as previously stated, copyright impacts on the lives of many different communities regardless of whether they are in formal education settings or not. Unfortunately, as Edwards and Moss (2020) highlight, opportunities to engage critically with copyright are limited for many in society. In addition, many public education campaigns on copyright generally reflect the interests of the creative industries who exert significant power over public policy (Hobbs 2010). Arguably, a greater investment on resources that support a broader and more critical approach to copyright literacy such as copyrightuser.org, an independent online resource aimed at making UK copyright law accessible to creators, media professionals, entrepreneurs, students, and members of the public, would enable a better law-making process. Some in the field of media policy have reservations regarding the use of the term literacy. Klein, Moss, and Edwards (2015) see a focus on literacies as problematic from a democratic perspective if individuals are expected to make choices about acceptable behaviour as an alternative to having an inclusive policymaking process.

Broader questions about public perceptions of copyright, how laws are formulated and whose interests they serve are highly relevant to the information profession. The critical approaches being developed within the education and library sectors may also provide a template for wider public engagement with copyright. However, it is important to acknowledge the scale of the challenge, and focus finite resources on the areas which provide the greatest benefit.

The next section focuses on activity in the UK higher education sector in response to the COVID-19 pandemic and is followed by two case studies from UK universities which demonstrate critical approaches to copyright literacy. The authors acknowledge the importance of not just seeing these challenges from a

higher education perspective. However, the university sector is fertile ground for combining academic subject knowledge and pedagogic innovation with communities of learners to whom copyright is directly relevant.

Copyright Literacy and Online Learning

This section is a reflective account based on the authors' experiences of providing copyright support to the UK higher education community since the outbreak of the COVID-19 pandemic in March 2020. It considers the challenges faced by copyright specialists in UK universities and how the pandemic has led the academic community to become more critical about copyright. It also highlights how the value of copyright literacy is being recognised beyond the library community, to support online learning.

The past twenty years have seen a growth in the use of learning technologies in education and training with [virtual learning environments](#) (VLEs) used to support learning, teaching and assessment. Technology allows teachers to create and share content, communicate with their students, develop interactive learning packages, manage assessment and provide student feedback. Until March 2020 most UK universities were using learning technologies as a supplement to their face-to-face teaching. In the first few months the shift to online learning, referred to as the digital pivot, was an attempt to allow students to progress with their studies without access to physical locations on campus. Libraries responded by trying to increase the number of digital resources available to support students studying remotely. Additionally, many publishers [temporarily made additional resources available for free](#) (Publishers' Association. n.d.). As the situation continued into 2021, more sustained efforts were needed to plan for and deliver high quality online teaching. As budgets across education became stretched, educators and librarians urgently considered the balance between maintaining access to existing collections and finding more sustainable solutions. Shifting teaching online raises many technical and pedagogical challenges for institutions. Copyright became one area of concern which was reflected in the number of blog posts and articles published on the subject around the world. For example, in the US came the "[Public Statement of Library Copyright Specialists: Fair Use & Emergency Remote Teaching & Research](#)" created by US colleges and universities and in Ireland Eoin O'Dell produced "[Coronavirus and Copyright – or, the Copyright Concerns of the Widespread Move to Online Instruction – Updated](#)" (O'Dell. 2020).

Online learning gives rise to copyright challenges because teachers often need to upload and share copyright-protected content and resources with stu-

dents. Copyright tended to be viewed as a barrier to teaching online, which led staff to avoid it (Secker and Morrison 2016, xvi). At specialist online education institutions, resources are often devoted to clearing copyright and devising policies and procedures to manage the risks. The pandemic therefore left many institutions grappling with how to deal with copyright for the first time. Experience has suggested copyright rarely features in teacher training or staff development programmes although copyright support in universities is more developed. In UK universities copyright is traditionally regarded as a compliance issue. The pandemic provided an opportunity to deal with copyright more holistically and perhaps more critically by engaging people across education.

Prior to the pandemic, a key practitioner textbook (Secker and Morrison 2016) considered how UK copyright exceptions and licences could facilitate access to copyright protected content. Despite amendments made to [UK copyright law](#) in 2014 designed to make it “fit for the digital age” (UK 2014), many UK universities adopted a risk-averse approach. As a result many did not feel confident in relying on exceptions to share content on digital networks (Secker and Morrison 2016, 52). Morrison (2018b) explored the interpretation of the copyright exception “illustration for instruction” in UK universities and concluded that there was inconsistency partly related to a lack of case law since the law was updated in 2014. Morrison suggested there was latent flexibility in the law and that larger, well-funded institutions were able to put measures in place to make better use of copyright exceptions. This observation may be borne out in a comparison of the UK to the US, where universities are much more active in supporting fair use and typically employ legally qualified copyright experts whose roles involve responding to legal challenge. Hudson provides a recent in-depth analysis of approaches to copyright risk in cultural and educational institutions in English speaking countries (2020a). Being able to take advantage of flexibility in the law requires copyright literacy.

Since the pandemic, there have been several legal commentaries on key copyright issues associated with the shift to online learning. Hudson and Wragg (2020) argued for expanding the remit of copyright exceptions to encourage collective licensing solutions that better meet the needs of educators. They also suggested UK universities might embrace in-house, open access publishing more swiftly. Meanwhile in Canada, Craig and Tarantino (2020) proposed recalibrating the copyright system due to the damage done by a permission-first approach to the use of digital platforms. They also questioned the narrative that copyright encourages learning or the creation and dissemination of new copyright works.

The pandemic highlighted the need for improved copyright education and there have been numerous webinars and online events on copyright-related topics. Civic society organisations such as [Creative Commons](#) and [Communia](#) have undertaken research, written blog posts, and run online events to support

the community. For example, Communia launched a [Copyright for Education](#) campaign and have undertaken surveys on copyright and remote learning. The number of queries posted to the UK higher education sector’s copyright discussion list [LIS-Copyseek](#) almost doubled during the period from March – December 2020 with 941 posts compared to the previous year’s posts of 514. The response to the growing interest in the topic was initially to write a [blog post](#) “Copyright, Fair Dealing and Online Teaching at a Time of Crisis” in March 2020, which as of November 2021 has received over 6500 hits. Shortly after, a webinar on the topic was hosted by the Association for Learning Technology. [Webinars continued throughout 2020 and 2021](#) and have covered a wide range of copyright issues related to online learning. The topics discussed have included:

- The challenges of sourcing readings for students resulting from the closure of academic libraries during country wide lockdowns
- Responses from collective management organisations such as the Copyright Licensing Agency to make amendments to their licence terms to help alleviate the problem, and
- Problems getting access to audiovisual content, particularly when it is needed by students based overseas.

In Spring 2020 the webinars reflected the need for staff in UK universities to make risk-based decisions for teaching to continue in disciplines such as film studies. For students and teachers relying on audiovisual content, alternative arrangements were needed because copyright laws permitted showing of films without a licence only within the physical classroom. Community discussions prompted a legal analysis by Hudson (2020b) which was then used to inform institutional practices, supported by the webinars. Further critical analysis was conducted through a series of workshops with film studies lecturers with a view to creating a community-developed Code of Fair Practice.²

The crisis has highlighted problems in the way in which ebooks are sold or licensed to academic libraries. The webinar discussions frequently referred to a campaign launched in the UK in summer 2020 to lobby the government to investigate the pricing of academic ebooks. Spearheaded by three academic librarians, the [campaign](#) attracted support from well over 2500 individuals and organisations and gained media attention. Copyright was one of the particular challenges cited in the letter sent to the UK government. The webinars featured updates on

² This project is a collaboration with Bartolomeo Meletti, creator of [copyrightuser.org](#). At the time of writing the code of fair practice is in draft and it is hoped a version will be ready during the academic year 2021/22.

the practice of [Controlled Digital Lending](#) (CDL) in the US which provides a legal justification for digitising and lending books on a loaned to owned ratio.

The webinars allowed discussion of wider intellectual property issues impacting on teaching staff, such as who owns the content that lecturers create. Many copyright specialists recognised the need to amend and update existing lecture recording policies during the pandemic with the growth in the use of virtual classroom tools and pre-recorded video lectures. Policy issues were further compounded by the reliance on third party technology platforms which provided their services under contracts with intellectual property clauses. The contracts generally pass liability for intellectual property infringement to institutions, whilst potentially increasing users actions to increased scrutiny from rights holders (Pascault et al. 2020).

Despite all the challenges, there has been a greater level of critical engagement with copyright since March 2020, including from academic colleagues. The UK copyright community developed as a more active “community of practice” (Lave and Wenger 1991), where copyright literacy is partly a social practice in which community members negotiate which information and activities have meaning. The digital pivot has highlighted inequalities with the current system of scholarly publishing and led commentators to question if copyright is serving its intended purpose. It has also highlighted the need for a greater level of copyright literacy amongst policy makers, administrators, teachers, lecturers and students.

Copyright Literacy Case Studies

In the final section the authors present a case study from each of their current institutions to highlight two contrasting approaches to developing copyright literacy, including a more strategic approach at the University of Kent complemented by a case study from City, University of London, where copyright literacy is a central aspect of a new module aimed at teaching staff and introduced into the MA Academic Practice in 2018.

Case Study from University of Kent

Introduction

The University of Kent responded to the challenges of copyright by developing a Copyright Literacy Strategy in 2020. The development, engagement with aca-

demical and professional services staff and students, and its impact on academic practice are outlined in this case study.

The Development of the Strategy

The strategy was led by Chris Morrison, Copyright, Licensing and Policy Manager, and work began in 2019 with the aim of identifying the ways in which copyright impacted on the University, and creating a long term vision for addressing the issues. The work undertaken was informed by Morrison's Master's research (Morrison 2018b) which noted the range of institutional approaches to copyright and identified opportunities for a more progressive approach.

A working group was convened which met at a series of workshops, first identifying types of activity where copying was an issue and then listing out the desired behaviours (Morrison 2019). The working group comprised a range of professional services and academic staff who were able to bring varying perspectives. The group was asked to consider the University's overarching 2025 strategy (University of Kent 2019) and to identify its elements relevant to copyright. The results inspired a series of draft statements which the group discussed and built on. The activity led to a series of further refinements which were given a high level of scrutiny by the working group and relevant management committees. A final round of peer review from a series of UK and international copyright advisors, specialists and academic experts produced a draft which was approved in May 2020 and published in July (University of Kent 2020).

The Strategy

The strategy is in four sections: a five year vision, a series of values, activities and success measures.

Vision

The vision is that:

By 2025 people working and studying at the University of Kent will feel confident in making informed decisions about using copyright material and will understand the role copyright plays in innovation and creation of new knowledge.

The University's approach to copyright education will support its strategic objectives by informing policy and practice.

The vision makes statements about the two key areas of copyright: the need to navigate the use of third party material and the considerations of what to do when copyright works are created at the University. Whilst one of the motivating factors of the strategy was to support the use of copyright exceptions, the group considered it important that the strategy should make reference to all aspects of copyright as they often need to be considered in conjunction with each other. The working group included a representative from the team responsible for commercialisation of intellectual property which led to a discussion about the benefits and drawbacks of both open and proprietary approaches to licensing. Whilst the group had diverse views on what approach the University should take, consensus was reached on increasing awareness and understanding of the issues involved when making decisions.

Values

As with the main university strategy, the copyright literacy strategy identifies a number of values that will guide the vision. Three key values are outlined. The first states that "staff and students are expected to behave lawfully and responsibly, but should be able to question assumptions about copyright law". This value was expressed with a clear intention to apply a critical mindset to copyright issues, and not simply focus on compliance. The next key value states that "a balance is required between the concept of copyright as private property and the importance of communication and dissemination of knowledge". This value acknowledges that there are different perspectives on copyright which need to be taken into account when making decisions. The final key value states that "the use of fair dealing and statutory copyright exceptions is an essential aspect of academic activity and a vital supplement to the use of licensed resources". The statement was developed to provide support to staff and students who rely on copyright exceptions, and to normalise acceptance of the use of exceptions. It was intended to progress Kent's position from typical university statements about copyright which may describe exceptions, but often leave people without a clear idea of what type of action the institution regards as acceptable.

Activities

The activities section of the strategy is expressed at a relatively high level so that it can adapt to changes in the institution over the five years for which the strat-

egy runs. The decision to create a steering group was influenced by the finding in Morrison's master's research that all institutions who had created a consistent approach to copyright had created a high level decision making body. The statement that the university would "[r]eview its policies relating to copyright law to ensure they reflect the institution's strategic objectives..." and that "...[t]his process will highlight potential conflicts and suggest ways of addressing these where appropriate" was perhaps the most controversial element of the strategy. The working group debated the difference between a stated aim of becoming well-informed about policy matters, against a decision to undertake specific policy directions such as embracing open practice. The former ran the risk of creating a talking shop, and the latter could be seen as an unhelpful attempt to circumvent the process of developing policy according to the university's established governance structure. The compromise solution accepts that copyright is a sufficiently complex topic and that many different groups both within and outside the university have a different stake in how it should be managed. However, the stated activity crucially creates the space for issues to be considered and for recommendations to be made. The creation of a Copyright Steering Group provides a route for recommendations to be acted on.

The strategy states that the university will "develop a network of staff whose roles involve advising on aspects of copyright law to identify opportunities for education, training and communication". The activity was originally expressed as an intention to create an educational programme which would inform about copyright from a top down perspective. However, further discussion revealed that this approach to embedding copyright literacy was overly hierarchical and ran the risk of exposing the subject out of context in a way that was not meaningful to staff and students. This was particularly relevant because of the number of other compliance topics that people needed to be made aware of such as data protection and accessibility. As a result, a network approach was agreed and a statement added that it "recognises that copyright often has to be addressed in context and alongside other issues".

The final and related activity that is worth comment is the university's commitment to "[d]evelop its copyright guidance to support staff and students using user experience design principles". The copyright guidance web pages were updated to coincide with the launch of the strategy and followed the objective of being "concise, in plain English and easy to access". They incorporated insights gained from focus groups and card sorting exercises and reception of the approach has been extremely positive. The number of page views has increased four-fold and people are spending more time on the pages than before, with a lower bounce rate (people who look at a page but then take no further action). The university has licensed the guidance under a Creative Commons attribution

licence so that others in the sector may reuse it. Other institutions have contacted the university to say they intend to base their guidance on Kent's work and have described the pages as "very clear and concise" as well as "succinct and classy".

Measuring Success

The final section of the strategy considers how the university will determine whether the strategy has been a success. It acknowledges the difficulty in compiling quantitative data on behavioural change, and instead identifies a range of quantitative and qualitative ways of reflecting on progress with the strategy. It states that case studies are likely to be the most powerful way of determining its impact.

In conclusion, the University of Kent's Copyright Literacy Strategy was created to apply the latest developments in copyright literacy research in a specific institutional setting. Early indications show that the strategy is starting to deliver the intended benefits. It was finalised and launched at a time of pandemic and enforced lockdown which posed some logistical challenges. However, its creation is particularly timely given the challenges that the much greater reliance on digital communication presents and the need for copyright issues to be considered holistically and strategically.

Case Study from City, University of London

Introduction

At City, University of London, a module called *Digital Literacies and Open Practice* was launched as part of the MA in Academic Practice in October 2018. The module is also an elective module offered to students on the MA/MSc in Library and Information Sciences. This case study discusses the module as an example of a critical approach to copyright literacy. It also draws on research into the attitudes of academic staff towards digital literacies and open practice specifically exploring the data about copyright. The findings suggest that in order to use technology in their teaching effectively, academic staff need to a combination of digital, information and copyright literacy (Secker 2020).

Background

The MA in Academic Practice programme provides staff with the knowledge and skills they need to develop and enhance their teaching practices. It is a part-time

programme, and staff can also gain an Introductory Certificate, a Postgraduate Certificate or a Postgraduate diploma. *EDM122: Digital Literacies and Open Practice* is an optional module also available to Library and Information Studies master's students.

Course Content and Teaching

The creation of the module was partly inspired by a course at the University of Manchester which is part of its Postgraduate Certificate in Higher Education. The module tutor also gained valuable experience teaching a module on copyright literacy and open practice at the [Universidad de Republica](#) in Montevideo, Uruguay in August 2018. These experiences shaped the content and approaches used in the new module. It was also an opportunity to design a module where copyright literacy was embedded throughout.

The module has a blend of face-to-face and online teaching. It includes a webinar series from expert guest speakers. One webinar focuses specifically on copyright literacy and its relationship to open practice and digital literacies. The webinars are all recorded and made available from the [course blog](#). The module explores a range of topics including definitions and terminology associated with open practice and digital literacies, students as digital natives, definitions of open education and open access, Creative Commons licences and the role of copyright. It also explores the concept of digital scholarship, online identity, finding open educational resources and creating digital media. Finally, it considers how to embed digital literacies and open practice in the curriculum.

The cohort of participants also plays the educational game, the [Publishing Trap](#), that was co-created by the authors of this chapter. It is an openly licensed role play game where players in teams follow four academics through their careers. They are asked to make choices about how they want to publish their research and share their expertise throughout their life. The game has a particular focus on copyright and open access.

Assessment

There are two assessments as part of the module including a video and short reflection and a 2000 word essay. Participants are free to choose an aspect of either digital literacies or open practice on which to focus.

Feedback and Evaluation

The module has received positive feedback, including evaluation scores of 4.5/5. The module has attracted interest from other universities after featuring as part of several conference presentations (Secker 2020). The webinar series is open to anyone not formally enrolled in the course and the recordings are made available publicly. Statistics show that the module has an impact beyond the institution.

The Research

Alongside the launch of the module, a small research project was undertaken in summer 2019. Six interviews with academic staff were undertaken to understand their attitudes towards digital literacies and open practice and the implications for their own teaching. All those interviewed had studied the module EDM122. The study took a phenomenographic approach to explore how staff experienced both digital literacy and open practice. It built upon the author's previous research which explored the experiences of librarians in relation to copyright (Morrison and Secker 2017).

The project revealed several interesting findings in relation to copyright literacy. For example, prior to undertaking the module, all staff felt they had a limited understanding of copyright and licensing issues. The interviews suggested copyright was one of several factors that impacted on their confidence when using educational technologies (Secker, 2020). The research explored what might motivate staff to be more open, what the barriers were and the role of training and support. There was a wide variety of experiences and levels of knowledge and some notable disciplinary differences. For example, one academic in health sciences explained how the module developed her understanding of open access and open science. She realised that clinicians in hospitals did not always have access to the journals available in the university. She had also realised that healthcare professionals in the global south were limited in the journals they could access. Meanwhile an academic working in arts and humanities, felt that sharing research openly at an early stage might hamper chances of being published, or lead to ideas being stolen by other researchers. The findings reveal different ways in which academic staff experience copyright. In the first example copyright was recognised as restricting access to published content; however in the second example copyright could be a valuable way of protecting one's own work.

Going Forward and Discovering More

The module was shifted online in October 2020 due to the pandemic. The author hopes to conduct further research to build on the findings, to see how the pandemic and experience of online teaching might have impacted on staff experiences. Teaching about copyright as part of a wider module to inform academic practice has a number of strengths, allowing a critical engagement with the subject. It also means copyright has become a central aspect of how to teach and do research in the digital age. Updates on the module are made available on the [course blog](#).

Conclusion

This chapter has made the case that copyright literacy provides a helpful way of addressing the challenges of copyright in the digital age, particularly by considering copyright from a critical perspective rather than focusing on it only from a functional perspective. The chapter began by charting the use and development of the terms copyright education and copyright literacy. It then set out the key challenges of copyright in a digital environment: that copyright is a contested space; that traditional concepts of authorship are no longer dominant in many creative domains; that science and scholarship are being hampered by a pre-digital paradigm; and that copyright law does not reflect the public interest.

The chapter then discussed the relevance of copyright to librarianship and the opportunities librarians have to learn about copyright and apply it to their practice. In order to consider why a literacy approach to copyright was beneficial, the chapter then provided a brief overview of information, digital and media literacies, identified the extent to which copyright was discussed in these fields and established that copyright was relevant to all of them, but addressed inconsistently. The chapter concluded by highlighting the opportunities to combine copyright education with broader information and digital literacy programmes. It argued that a more critical approach to copyright literacy is needed to address inequalities in the current copyright system and suggested a framework for use. The impact of copyright as part of the shift to online learning was explored and two case studies provided evidence of how critical copyright literacy is being put into action.

It has been argued that the term copyright literacy is useful. Taking a literacy based approach to copyright which focuses on communities of practice and their behaviours, not just on knowledge about the law, is crucial to navigating copyright issues. Copyright is experienced in different ways by different communi-

ties who need to be informed, but must also make sense of information provided according to their own values and practice.

Librarians play an important role as both copyright educators and information literacy teachers. However, fusing the two areas of responsibility together may require different thinking about how librarians are educated and how they develop their skills. Addressing skills and knowledge development both nationally and internationally will help the information profession meet its mission of providing access to information and enabling cultural participation for the community.

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