

Copyright and Libraries

Is 5% to 10% of your role getting out of hand:
the rise of copyright issues in education and
online

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Abstract:

Traditionally 5% to 10% of a Librarians role has been notionally set aside for 'managing copyright'. Many years ago when that simply meant that signs were up beside the photocopiers, and teachers were reminded occasionally 'not to copy more than 10%' this amount was reasonable.

More people are being affected by copyright than ever before. The Vocational and Technical Education (VTE) sector in particular is being 'buffeted' on all sides by copyright and intellectual property implications. The increase in casual staff, the need to maintain industry relevance and currency, the increase in private training organisations, and a push for online training materials has dramatically increased the need for the VTE sector to look at ways to improve understanding of copyright within the sector.

The online environment has meant that educational institutions are more transparent in their delivery and any minor incursions of copyright, by staff and students are more likely to be identified.

This presentation looks at these influences through a story based approach, and discusses if the 5% to 10% is adequate given our complex and mobile situation. It also examines the Australian Flexible Learning Framework's Project; the Copyright Kitchen. The Copyright Kitchen is an example of simple practice working well.

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Introduction

Intellectual property can be defined as: *“a group of legislative and common law rights affording protection to creative and intellectual effort and includes laws on copyright, design, patent, circuit layouts, plant varieties, confidential information, trade mark and business reputation (passing off and trade practices). Intellectual property encompasses both industrial property (patent, design and trade marks) as well as intellectual property.”* Butterworths

Within Australia, copyright law is the legal framework that manages the growing knowledge-based economy. In the past six years copyright law has changed, introducing a number of amendments that have been influenced by global shifts in the knowledge economy, and a requirement to clarify new technology within traditional copyright law. These intellectual property (IP) matters are looming over the Vocational Training and Education (VTE) sector.

Within the teaching field copyright is an assumed knowledge. That is by the time a learner has reached the tertiary sector, it is assumed they have been taught to work within and obey copyright law. For trained teachers it is assumed they have covered the relevant material needed for them to operate within their field. These are dangerous assumptions because;

- Many learners of the VTE sector do not come from countries that have copyright law;
- Many VTE trainers do not have traditional teaching backgrounds and come from industry' and
- Copyright law has been changing over the last few years and 'old' knowledge will not stand up to today's requirements.

A comment is 'I am again surprised at the lack of awareness of copyright laws by students entering my program and also at the lack of compliance shown within educational settings from which they have emerged' Napper (2003). Too often copyright is delegated to a quick PowerPoint slide among a range of topics, and its importance and relevance is not highlighted to learners

In many VTE providers the Library or its equivalent has the responsibility for copyright. The way this is handled and administered varies widely from education institute to education institute and from sector to sector, so generalisation is very difficult. For this paper I am using the VTE sector, as my sector and my experience from talking to a wide variety of "copyright interested" people in the sector over the last three years while working on the Australian Flexible Learning Framework's copyright projects.

Pinning down copyright activities in an average VTE educational provider is like pinning down the staff themselves, dam near impossible!

Methodology

A variety of print sources were used to locate information relevant to intellectual property within the VTE sector. Sources have included;

- Canberra Institute of Technology library;
- The VOCED database;
- Personal discussions;
- The Internet; and
- Australian Flexible Learning Framework.

Although the VTE sector has recently taken an interest of how copyright will affect it, much of the work has centred on to main research themes.

- (1) What technological solutions can be developed to help VTE providers manage their own intellectual property and hence derive an income from it.
- (2) Basic educational knowledge on copyright.

To simplify the paper, I will use the following words in a generic sense:

Provider – Any Registered Training organisation (RTO) delivering vocational education and training either public or private, including enterprise RTO's.

Learner – Any students or learner who is enrolled at the providers to receive information or instruction, they maybe in traditional classroom environment, online or learning in the workplace.

Library – Any area dedicated to managing resources for staff and students, it could also be called a resource centre.

Trainer – Any teacher, workplace trainer and assessor, or resource developer, who is developing materials to be used in the provider's organisation.

This paper looks at what effect copyright laws is having on librarians and trainers in their daily routines of helping learners, and why copyright has become almost a required curriculum for today's learners.

This paper does assume a basic knowledge of copyright law, and at the same time as the subject area can be very broad has kept within defined parameters of VTE trainers using and teaching copyright within curriculum and the effect that would have for their librarians.

Global context

World knowledge economy

The pressure of change that globalisation is creating is being managed differently across the VTE sector, depending upon the industry that the VTE provider concentrates on. In (Australian Flexible Learning page 3) states that "Within Vocational Educations and Training (VET) internationalisation and

globalisation strategies are less formal, however the imperatives are recognised at all levels of VET and strategic activities are occurring on a number of fronts". This highlights that the VET sector has responded to globalisation in a number of ways, depending upon how globalisation has affected either the industry they train in, or the location they are in with ethnic diversity.

Kenway, Bullen, Robb (2003 paragraph 13) states that "the economy always puts pressure on education systems. The global knowledge economy puts most pressure on education systems to serve the needs of the new economy particularly with regard to the supply of 'knowledge workers' and 'innovators', or those who are capable of converting research and knowledge into a commodity. "

The statement above highlights that globalisation is also changing Australian labour markets. The demand for an effective 'knowledge worker' or 'innovator' is growing. As any worker must know the legal framework in which they work, and for knowledge workers and innovators that is Intellectual Property law. This is also demonstrated in the Australian Bureau of Statistics, statistics in Dumbrell (page 14) that between 1990 and 1999 traditional vocational have been declining in number of jobs like mining down 17.14%, and electricity, gas and water down 37.89%. While some industries are on the increase like property and business services up 61.60% and accommodation, cafes and restaurants up 37.69%, this requires a different type of workforce, and different training. All of the increasing industries have a requirement to understand copyright law. Many property and business services produce written material that is protected by copyright, service industries are required to have an understanding on how they can use other people's copyright like music within their commercial operation, while protecting their own trade mark and business reputation.

Although globalisation maybe recognised at the trainer level, understanding of global copyright is not. This is important for providers as they are increasingly expected to understand copyright laws not only for their trainers, but learners as well, and the applications of copyright and IP laws in learners' industry fields.

Technological influence

The Internet allows Australians to surf and view web pages from around the world, this unlimited access means that Australian's need to be cognisant of the laws that govern those pages, usually copyright law, the Internet also provides access many websites about IP. As global knowledge trading increases, so does a desire to harmonise and work under similar rules around the world. This is led by the United States of America (USA), which is one of the world's most influential knowledge-based economies. While viewing pages on the Internet, many countries laws will appear similar, creating an illusion that they are the same. There are many misconceptions about IP within Australia, a lot caused by viewing information about IP from foreign countries. As harmonisation of laws occurs between countries the laws continue to look

the same, yet retain their own countries idiosyncrasies. A typical confusion in Australia is the USA 'fair use' principles and the Australian 'fair dealing' principles, while there are some similarities like the use of copyright material for research and study, they are still particularly different, Australian's assume 'fair use' applies in Australia, leading to infringing behaviours by many trainers and learners in the VTE sector.

This is demonstrated through many personal examples, where trainers and learners assume home copying is legal, because under USA fair use it is, but in Australia under fair dealing at the moment it is still illegal.

The Internet also allows Australians to access a vast information warehouse. In *BeSpacific* (2003) is says "The World Wide Web contains about 170 terabytes of information on its surface, in volume this is seventeen times the size of the Library of Congress print collections" and email generating "about 400,000 terabytes of new information each year worldwide". This wide availability of information means a different set of skills is needed by learners, the ability to access and filter this information effectively, and once obtained the knowledge to use it ethically.

Australian Free Trade Agreement with the USA

As part of Australia's negotiations with the USA, we agreed to harmonise Australian IP laws to more closely reflect those of the USA. While what is meant by 'harmonisation' has not really been clarified, it is clear that Australian copyright law was amended to include;

- 'increasing the term of protection for copyright material for an extra 20 years;
- more closely align Australian criminal standards for copyright infringement and on remedies and penalties with the USA's;
- create a more expeditious process that allows for copyright owners to engage with Internet Service Providers and subscribers to deal with allegedly infringing copyright material on the Internet; and
- provide for protection against a wider range of unauthorised reproductions.' Commonwealth Department of Foreign Affairs and Trade

Trainers will be under additional pressure to ensure they do not engage in infringing behaviour, and ensuring that learners are adequately advised, so that VTE providers do not become liable for infringing behaviour due to the increased criminal penalties. Depending upon the rate of change in a particular subject area, the additional 20 year copyright period may also place a financial burden upon VTE users.

Open content movement

In the global market, there is a small, but growing movement called the open content movement. It started in the USA, and has a growing following in Australia. It is similar to the software movement of open source. Its followers believe that recent trends in IP laws forecast a 'locking up' of information that will result in less people being able to access information. The disadvantage

of declaring information in the public domain is that anybody can then use that information, publish it, and 'lock it up' in a published edition. The open content movement releases information under 'limited licences' that enable users to use the information freely, for non-commercial and educational uses, and any resultant improvements must be released back under a similar 'limited licence'. Some of the more common versions are called;

- 'free for education';
- 'copyleft';
- 'creative commons'; or
- 'lionshare'.

Trainers will increasingly be pressured to use open content material, to reduce the cost of copyright to their VTE providers.

At the same time the Web2 technologies are fostering an open and sharing of content, by utilising the Creative Commons licences, blog, book marking, and all the free video and sound sites require you to agree when your material is being placed on these sites to have your material under a creative commons licence.

National Context

Political influences

The government as a key stakeholder has been pushing the education market "from a nationalist approach to an internationalist focus. Thus, education's traditional role in the production of citizens in the interest of national identity is being displaced by a requirement that education delivers productive 'human capital' in the interest of international competitiveness" Wickert (downloaded 17 July 2004). As part of this international focus, the government has been looking at education as a commodity, that, in the knowledge economy can be sold. This is highlighted in Tapsall & Ryan (1999, p. 160) where it highlights the Commonwealth government's priority of "unlocking the market potential of the health and education sectors". Thus demonstrating that as a key stakeholder the Commonwealth government's priority has been to turn education into a product that can be sold nationally, but more importantly internationally.

It was also promulgated through the now defunct ANTA's national strategy that stated in 'objective 12, facilitate access to international markets – vocational education and training exports increase, on-shore and off-shore'. ANTA (2004 p. 17) Development and support of this objective was clearly seen in research of copyright issues affecting VET. 'The strategy calls for fast development and ongoing customisation of services and teaching and learning materials to respond to changing market needs, necessitating development of an IP [intellectual property] management system that supports quick turnaround, innovation and responsive adaptation of materials.' Bates (2004 p. 8)

For trainers and Librarians, it is important to track all copyright material used in courses so that if it used as a commercial product appropriate permissions can be obtained.

Economic influences

'Creative and copyright industries are the United States' biggest exports. In Australia, a recent study by the Allen Consulting Group has shown that, in 1999/2000, creative industries contributed \$19.2 billion in industry gross product, or 3.3% of gross national product, increasing at an average annual growth rate of 5.7%. 3.8% of the workforce is directly employed in the creative copyright industries. Unfortunately we continue to be a net importer of content and copyright. Australia's trade deficit in the creative industries and intellectual property is growing.' Cutler (2002)

'It is estimated that 20% of copyright income collected in Australia, is remitted overseas' Richardson M. et al. (2000). With the additional burden of extending the copyright period, under the free trade agreement, the economic costs to Australia is increasing.

Australia's workforce in copyright industries is also increasing, and this has the effect that more people are reliant upon their IP income to live. Resulting in less tolerance of infringement and then in court action to recover lost income.

Trainers will be under additional pressure to ensure they do not engage in infringing behaviour, and ensuring that learners are adequately advised, so that VTE providers do not become liable for infringing behaviour as the risk of legal action is increasing.

Technological influence

Technology has also had a subtle influence in the area of copyright. Before personal computers (PC's) were available on every desk, a limited number of people/providers published material. A creator had to go through a publisher to have their creation made available to the world. Notwithstanding other issues, a publisher acted as a filter, ensuring appropriate publishing and copyright standards had been met. Once PC's become widespread, anybody could publish, although many do not know good publishing and copyright standards. The net effect is where once only a few were required to understand and apply copyright law, now almost everybody has to. This also applies to copying material, where copying of material was ordinarily the domain of the photocopier in the Library, Librarians had an opportunity to inform learners and trainers of copyright obligations under the law. Today, as copying occurs in many places and on many different machines in a VTE provider, now everybody has to have the same knowledge that once was located only with the Librarian's.

This is a dramatic result for trainers, who now must adhere to copyright law, where once they let the Librarian's handle it. This has a major effect for

Librarians were once everyone came to them, usually at some point in the copying process, now a trainer may never enter the librarians domain, resulting in the librarian needing to go out into the provider and find and train everyone.

Implications for VTE

VTE trainers as IP creators

Directions for VTE indicated in the strategic plan of the Australian National Training Authority;

- Increasing provider expectations of autonomy and the opportunity to benefit directly from successful commercial activity.
- Finding an acceptable reconciliation between the needs and expectations of private providers, TAFE colleges, the OFTE and the Minister. Coopers & Lybrand Consultants (1995 p. 9)
- Establishing a clear, workable and commercially realistic procedure for managing intellectual property rights, including appropriate licensing of curriculum material to enable its use and development. Coopers & Lybrand Consultants (1995 p. 9)

The sandstone providers of VTE are now competing with private providers of training and it is increasing that VTE is being undertaken in high schools and also in universities. "Learners won't necessarily care about where the online (any learning) product comes from: they will just be concerned with whether it is good." Spender (2004) The number of VTE providers will continue to increase, as will their diversity, and ANTA's strategic plan for managing intellectual property will become the *edge* that separates the different providers.

The previous ANTA strategic plan concentrated on a national approach, working on VTE to manage their IP and developing licensing to enable use and development. The current ANTA strategic plan (discussed in political influence); takes this IP management to the next stage to export it as a product.

For trainers, understanding their roles, as creators of a piece of IP called curriculum, and their knowledge of IP will be imperative. They will need to understand current law in using IP materials, including where the boundaries are. They will also need to understand their rights and responsibilities to their employing providers are regarding IP, and what this means when they move between training providers.

RTO's have to have clear IP policies that enable their trainers to do their work. All staff in a provider will need to understand what materials can be shared via the Web2 technologies, what should be kept within learning management systems, that only staff and learners can access. These policies and activities could be the difference between a provider's commercial success or failure.

VTE trainers as users of IP

Statistical information of VTE as a user of intellectual property is not really available. Anecdotal evidence would suggest that VTE would be a high user of IP, preferring to using recent material aligned close to current workplace practices, hence material less than 5 years old and all within current IP or copyright

The statutory licences ensure that public providers can copy and use material they need for the class. Each State¹ and Territory usually pays the licence at the state level, but each public provider is required to meet the contractual obligations. Over a 5 year period the TAFE's in Australia have paid, or will pay over 19 million dollars (CAL TAFE contract) to CAL alone, as TAFE's are only one part of the VTE sector and CAL is only one of the collecting societies, the actual budget for VTE paying for intellectual property is significant. It is also interesting to theorise the effect on the different statutory licences available of the expansion of VTE curriculum into areas like Universities and high school were the statutory licences are based upon different curriculum.

Due to the growing incidence of litigation regarding IP, discussion surrounding using IP amongst VTE has stopped, as there is a fear that to 'ask the question' may give cause for investigation and litigation. There have been rumours of possible cases regarding copyright infringement by VTE providers, but these have usually been settled or sorted prior to any court action and no public record exists.

The copyright budget is increasing, anecdotal evidence suggest that many educational providers undertake risk management, with trainers engaging in close to infringing behaviours. No real evidence will surface, as no provider is willing to discuss issues for fear of litigation.

VTE trainers as IP teachers

VTE in its role as preparing people for the workforce and life-long learning of employed people have the important role of keeping up to date with the workplace. "Every educational institution (and training unit) has to meet the knowledge economy challenge. Where learning and earning equate with creativity and intellectuality." Spender (2004) Is the VTE sector adequately meeting this challenge and training its learners for this environment?

In 2003 the TAFE sector adopted the *Information Literacy Standards*. The Standard 6 states 'The information literate person uses information with understanding and acknowledges cultural, ethical, economic, legal, and social issues surrounding the use of information.' Bundy (2004 p. 22)

The implications of applying these standards in the VTE sector are still being explored, but it is clear in the following examples that copyright and intellectual property will develop into a relevant and important part of any curriculum including information literacy standards.

¹ Victoria withdrew from the national agreement at the end of 2005.

- understands fair dealing in respect of the acquisition and dissemination of educational and research materials
- respects the access rights of all users and does not damage information resources
- obtains, stores, and disseminates text, data, images, or sounds in a legal manner
- demonstrates an understanding of intellectual property, copyright and fair use of copyrighted material. Bundy (2004 p. 22)

Also in *Training needs of emerging industries* Misko & Saunders (2004 p. 24) it clearly shows that a wide range of employees in emerging industries will need a basic to advanced understanding of intellectual property in the future. Managers will have to be knowledgeable about intellectual property issues that affect their industries, financial personnel will need to be able to cost and manage the IP assets, sales and clerical staff will need a basic understanding of IP issues.

Understanding IP issues is becoming an important standard skill needed for small to medium sized businesses in Australia. Between 1999 and 2001 trademark registrations increased by almost two-thirds Misko & Saunders (2004 p. 15), this was in a wide range of industries including;

- Advertising and business services
- Insurance and financial services
- Bleaching, cleaning preparations, perfumery, cosmetics
- Communications
- Haberdashery
- Wines, spirits, liquors
- Lighting, heating, cooling, ventilating, water supply
- Fresh fruit and vegetable and animal products
- Jewellery, clocks, precious metals and stones

Patent grants are also on the increase particularly in the pharmaceuticals, cosmetics, medical engineering, telecommunications, and biotechnology and to some degree information technology. Misko & Saunders (2004 p. 14)

Trainers will be under greater pressure from industry to teach learners their obligations under IP laws for the workplace, as well as their obligations under IP laws as learners

VTE trainers as online mentors

VTE in its role as preparing people for the workforce also work heavily to engage and use new technologies as appropriate and have embraced online learning and even mobile learning. The social or Web2.0 technologies that enable online sharing of information, photos and video open a new avenue to copy and move information, while many of these systems rely upon the open content licences to contain and share the information held. It also relies upon users to be cognisant of copyright law and expects users to work within the law. This places burdens upon trainers and trainers who encourage their learners to use the new technologies to also ensure they understand the limits

placed upon usage of the information they are extracting, or what licensing scheme they are placing their information into.

VTE Organisational Context

Copyright within any organisation or provider is usually a 'political hot potato', being moved around departments on a regular basis, depending upon individual manager's strengths and weaknesses and understanding in the area of copyright. It will usually fall into two places within VTE providers, (1) if copyright is perceived as an income (VTE as creators), then copyright will be managed by a corporate area, (2) if copyright is perceived as a cost (VTE as users), then copyright will be managed by a service area like a Library.

Activity suggests that VTE tends to focus in one of the key areas at a time, at this time VTE as creators is the focus, and there are many technological solutions (like AShareNet) being developed to assist VTE in taking advantage of the IP it owns. The Australian Flexible Framework is funding some projects that support a technological answer.

Due to the changes to the TAFE-CAL contract recently (Electronic Use Surveys) there has been shifts in the way TAFE's manage their recording of usage, again technological solutions have been at the forefront.

It is difficult in any organisation, particularly in VTE, that whole 'bigger picture' of copyright and the current global and national activity is planned for in a holistic approach.

Managing Copyright

Provider Level

Providers need a holistic approach to Copyright management. This includes a Intellectual Property policy that includes instructions for commercialisation of IP.

A technological solution like a learning objects repository that includes a copyright management module would assist providers IP identification and possible exploitation of their own IP, as well as identify and use efficiently licensed material.

The Library

Traditionally 5% to 10% of a Librarians role has been notionally set aside for 'managing copyright'. Many years ago when that simply meant that signs were up beside the photocopiers, and trainers were reminded occasionally 'not to copy more than 10%' this amount was appeared reasonable. That amount usually has a first priority of activities that manage the cost of copyright including the following activities:

- managing statutory licence surveys (CAL and ScreenRights);
- ensuring appropriate copyright signage to meet Copyright Act 1968 requirements; and

- educating staff and learners on their copyright obligations to reduce liability risks.

Whilst these activities are still important, the ways in which they are conducted have changed dramatically.

The last contract that TAFE's had with CAL included a new communication licence that enabled TAFE's to digitise and make available to learners copyright material, the Screenrights licence also included a communication component. This has meant that surveys are more complex as they include not only the traditional photocopiers, but also include digital material.

Ensuring appropriate signage, the s.39A copyright notices once only applied to photocopiers located in an Providers Library, it was amended recently to include different equipment like printers, scanners and computers. While under strict interpretation of the legislation, signage is only required on equipment in the library, it is prudent to consider all places learners are likely to be using this type of equipment and include signage there, like learner labs. Also given the sessional employment of many staff it may also be relevant to include the signage of photocopiers and equipment that trainers and trainers have access to as well.

As with any employer educational providers will be vicariously liable for any infringing activity of staff and probably learners using their equipment as well, unless it can be demonstrated that the provider took reasonable steps to adequately inform staff and learners of their obligations under copyright. What is reasonable will differ between providers, but it would be expected that a provider would have to be seen to be proactive in their education of staff and learners of their copyright obligations and rights under the law. For staff at one provider, that includes, information sessions, briefs at staff meetings, information sheets on the staff information system, and a 'mini helpdesk' where staff can ring or email at any time with a copyright inquiry. For learners, there is information in the online study support course, and 'guest lectures' in classes.

Issues for the Library

Education staff, like any worker in a knowledge industry, is required to understand the legal framework in which they work, but individuals needs vary depending upon what area they work in, and the knowledge of copyright they have. The Library as the historical holder of the providers' copyright management is well placed to introduce education staff to the concepts and requirements of copyright. Once this was an easier task as all staff eventually entered the library, with all discussed in this paper, it is clear that the librarians role may mean 'going out' to the staff either physically or virtually.

Trainers are pressured to develop content that can be delivered to learners, but also sold as a product, and the copyright rules change for each situation. Trainers are under the added pressure to ensure their learners are aware of their copyright obligation to eliminate possibility of vicarious liability, but at the same time, understand enough of IP in the industry they are in to prepare

workers for the knowledge economy. The dual pressures to use others copyright, while creating valuable IP, and at the same time teaching this to learners, is challenging. An opportunity for the librarian to extend the copyright managing from one of simply compliance to looking broadly to IP management and the advantages this could bring their provider.

Learners undertake a diverse range of subjects; therefore copyright content is also very diverse. For many learners copyright is a cost (using other people's), while it may come free while they are studying this will not always be the case. Understanding the concepts of '*while you are a learner you can do this, but in the commercial setting you need to follow these copyright rules!*' can be a difficult concept for many learners to understand. In many industries there are also many urban myths and assumptions about using copyright. The librarian is well placed to provide a balanced introduction to copyright while debunking industry myths that exist.

Copyright Kitchen

The Copyright Kitchen has been around for a few years now, and many VTE trainers have the brochure on their desks. It is a resource developed by the Australian Flexible Learning Framework: Research and Policy Advice Project

<http://copyrightkitchen.flexiblelearning.net.au/>

The kitchen allows VTE trainers and librarians to hop into the site and locate questions that are similar to the ones they are thinking. The kitchen provides answers tailored to various circumstances for instance, when there are differences to the answer due to private or public provider.

While viewing the site all questions and their answers can be collated into a cookbook and then the cookbook can be emailed for later reference.

Copyright Kitchen Cookbook

Copyright Kitchen Cookbooks allow you to group copyright questions (recipes) into a package to be downloaded or emailed to you for later reference.

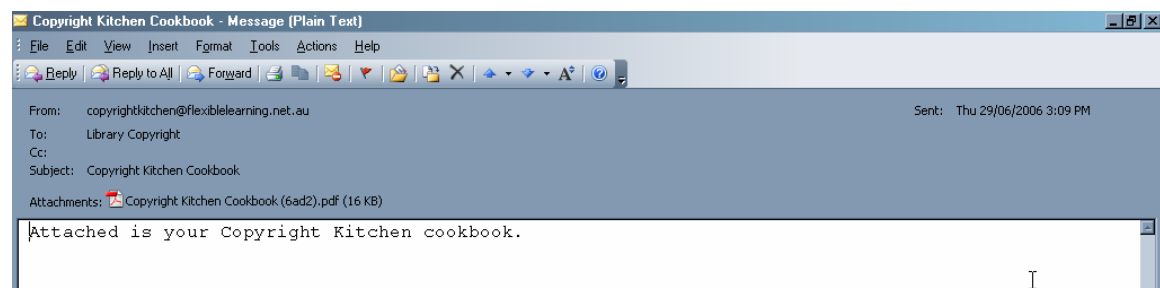
You can add as many recipes as you like to your cookbook. To add a recipe, browse or search for it, then click "Add this recipe to my cookbook" or "Start a cookbook with this recipe".

When you have added everything you want to your cookbook, you can download your cookbook as a PDF or you can email it to yourself.

Please note, the cookbook is only valid for one session or visit to this website and will not be saved for your next visit.

Title	Question	
Developing resources - contract employee - public RTO	I am a casual/contract teacher and I have developed a trainer resource kit. I work in a public RTO. Am I the copyright owner?	Remove
Developing resources - casual trainer - private RTO	I am a casual trainer and I have developed trainer resource kit. I work in a private RTO. Am I the copyright owner?	Remove
Minimising copyright costs - private RTO	I work in a private RTO. How can I minimise the cost of copyright material I want to use?	Remove
Developing resources - use of copyright material - public RTO	I work in a public RTO. When can I use copyright material for my work without needing to seek permission from the copyright owner?	Remove

The Copyright Kitchen is useful in that, it allows browsing through the questions, to enable identifying more useful questions, or is can be searched, as answers that suits the trainers needs are found a cookbook of recipes is built. This can then be downloaded or emailed to the trainer.



Providers can also visit the Copyright Kitchen and as managers the kitchen has suggestions and thoughts for managers managing IP to think about for their organisation.

The Copyright Kitchen is useful in that, it aims to cater to a number of specific groups like managers, both public and private, or trainers and teachers in both full-time and casual roles, one day it will also cover learners' issues in the mix. That is why it is a Kitchen; it allows users to mix ingredients to suit their own needs, provider or trainers, user or creator and a variety of other issues. It doesn't aim to provide legal advice, but to be just-in-time learning, raise the issues, get the person thinking about them, and direct them to more information if they want it. Sometimes the Kitchen will simply say something like, "these are your options and you need to make a decision on what you will do".

Copyright Task	Your Role	Your Organisation
	Casual or contract teacher/trainer/resource developer Copyright Student user Copyrighted material creator Copyrighted material user Developer teams Full-time teacher/trainer/resource developer Manager	
Copyright Task	Your Role	Your Organisation
		Other Registered Training Organisation (RTO) Private Registered Training Organisation (RTO) Public Registered Training Organisation (RTO)

The Kitchen is easy to show, the Kitchen analogy is something that everyone understands with AShareNet's generous support with the aprons, it has very quickly developed a cult following with Australian Flexible Learning Representatives holding their own Kitchen sessions and many providers ensuring every teacher or trainer has a Kitchen brochure on their desk. It doesn't aim to solve everyone's problems, but it does aim to raise general awareness, get people thinking about the issues, provide a balanced approach, covering protection options as well as open licensing options. The VTE market is different to both schools and higher education and the kitchen aims to cover some of that diversity in its discussions.

The Kitchen was developed through a matrix that ensures every question in it is considered from four points of view.

1. System: looking at whole of sector point of view
2. Provider: looking at whole of RTO or Institute point of view, a manager's perspective.
3. Trainer: looking from a teacher or trainers point of view
4. Learner: looking from a learners point of view

Some questions will not have different answers from the different perspectives and some answers conflict with different perspectives.

The Kitchen is always looking for feedback and more things that interest people, it has a contact page for people to send through their questions. There are lots more issues that the kitchen could cover, eventually it could cover VET in schools, dual sector institutions that are using the AVCC educational statutory licence, it could look at what teachers could be teaching learners in the classroom about IP, as we all know that IP is becoming an issue more generally in our society and we would want our VET learners

leaving their training armed with the balanced knowledge they need, whether that is about protection, sharing or using copyright material.

Conclusion

Copyright in the VTE sector is currently in a state of flux. While the impacts of changes that occurred two to three years ago are now filtering down and being applied practically in the sector, other changes are happening and will also need to be incorporated.

Global activity such as the knowledge economy is putting huge pressure on the VTE sector and in particular trainers. Not only to teach and prepare learners to work in the knowledge economy and understand the legal framework in which the work, but to perceive their own work as a commodity to be bought and sold in the knowledge economy as well.

Technology has had a major effect globally and nationally, it has enabled knowledge workers to access huge amounts of copyright material, requiring that they also understand the legal framework in which they use this material, and created a whole range of issues surrounding digital copyright.

VTE is a major user of copyright material, and needs to budget for copyright costs and educate staff of issues surrounding usage of copyright material.

VTE, as creators of an education commodity that can be bought and sold, need to understand the framework in which this material can be created. This can be a difficult concept for trainers used to sharing resources without cost.

VTE as trainers of vocational training, must train learners to meet the knowledge economy, and the framework to which they will work.

VTE providers that can identify and implement effective copyright regimes, and have trainers that can effectively create, use and teach IP will have the 'edge' in their industry sector of VTE.

Nationally projects are being funded that support a technological solutions, while not addressing the base issue that trainers cannot assume copyright knowledge of their learners or other trainers and up-skilling in this area is required.

Librarians are well placed within their providers to assist trainers with education about copyright in all the guises, and provide a valuable service to their providers in training trainers to understand copyright obligation and reduce the risk of litigation. The big question is; can this be achieved when only 5 to 10% of a librarian's role is dedicated to the copyright function?

'Why, in a society rich with information and an exponentially expanding reservoirs of accessible resources, are our public educators the least likely to understand how to access and use these materials and the least likely to pass on an awareness of copyright laws to their students?' Napper (2004)

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