

# **Making Resources Accessible**

## **(The economic importance of intellectual property in a digital world)**

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### **Abstract**

This session will provide both background and practical tips on how to trade and share learning resources while at the same time preserving your niche market.

Vocational Education is increasingly learning resource hungry as providers strive for flexibility and customer focus. It is just too costly to always design and develop your own resources from scratch especially when national training packages are reviewed and updated on a regular basis. At the same time there can be some strategic and economic advantage in providing access for other providers to your own learning resources.

As the education and training world becomes more global and more digital, managing intellectual property, and paying attention to copyright issues will become an essential ingredient of successful business operations.

*AEShareNet* provides a key infrastructure service facilitating the safe, secure and legal trading and sharing of learning resources. It brings together people who own resources with those who wish to license their use and adaptation both within Australia and across the globe. It works across state and national boundaries and across the public and private divide.

### **Introduction**

The VET industry is a customer focused one. It is however also highly government regulated and influenced. A large slice of VET is publicly owned through TAFE but significant activity is found in private and corporate training organisations. On a national level many learning materials are produced for public and private VET use, eg Toolboxes

At the state level, public TAFE providers have traditionally produced learning materials which they or may not make available to other state TAFEs and/or private providers. The market place though also includes publishers who sell materials to public and private RTOs. And last but not least private RTOs are developers and potential sellers of learning materials they produce in the course of their education/training delivery.

The nature of VET has been changing rapidly in the last 10 years in response to a changing work environment. VET curriculum has become nationally consistent through the

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implementation of training packages and this plethora of packages in the marketplace has resulted in an unquenchable thirst for tailored resources. This change has enabled much more sharing and trading of resources that support that curriculum. Even on a global level, in many fields, work is becoming more similar, and thus training less country specific opening up the possibilities of global use of learning materials. At the same time the world has become more digital. Resources that were once distributed via hard copy are now increasingly made available electronically or on line.

The use of specifically tailored learning materials in program delivery has increased as teachers and trainers strive to free learners from the constrictions of the time and place limitations of the traditional classroom.

So, more resources are being used, and more expensive on line ones at that. It is therefore imperative that education and training organisations make best use of available resources, their own and other peoples. On line resources also increase the importance of good IP and copyright management in an increasingly litigious world.

## Impact of digital

There is a new body of research emerging about the impact of the digital age on business models and the need for organizations to engage with the opportunities. As Christensen et al (2003) state:

“The incumbent’s business model often cannot accommodate the disruptive innovation, and the incumbent therefore is inclined to willingly give up ever-increasing amounts of market share. Ironically, the disruption often is in full flower before the incumbent players even realize their old game is in jeopardy”.

The term “disruptive technologies” aptly describes the world we currently live in. The same term has been used over time as similar “disruptions” impacted on society in ways that were also considered revolutionary. Recall how calculators replaced slide rules; or how the digital watch completely reduced the Swiss watchmakers empire; or the current-day computerized cash registers revolutionized business practices (CSC, 1999).

These new technologies are not the sole cause for the change, but **rather how the components are combined to produce new outcomes**. The rise of the internet is clearly identifiable as the current “wave” that is unsettling the marketplace. The world wide web and local intranets are still being explored as a means of entering into a new e-business world and have redefined customer service expectations. While many previous innovations took many years to gain take-up (pagers, faxes and VCRs), the internet has quickly engaged the ambitious and entrepreneurial as new supply chains emerge.

In his address to EDUCAUSE, Brian Hawkins saw the need for collaboration arising from a society based on the knowledge worker where change would not be incremental but discontinuous and transformational. Hawkins felt that this would impact on all educational sectors and they would be required to be nimble and agile in their responses to learner’s needs. More efficient use of resources would be one means of ensuring their “competitive survival” (2003).

Within the VET Sector, the technological advances have been on the one hand both exponential and unprecedented. (Fripp, Blakeley, Macnamara 2003) The current-day training organisation now has a range of platforms including a Learning Management System, Customer Relationship Management, Student Support System, financial and administration

packages; e-library, content development system and/or repository, and some have shopfronts and websites. Very few of these systems have historically been interoperable and metadata management was not a high priority (FLAG, 2003) but these platforms have now become drivers for collaboration in the use of standards for interoperability and the management of data so that effective cooperative development of resources and delivery models can take place.

On the other hand traditional classrooms with teacher led activities still predominate but how can this cottage industry approach to learning services be sustained? Some of the big educational institutions that are also educational publishers have a division of labour professional approach. In many places the teacher still attempts to do a whole range of activities, from administrator to counsellor to teacher to instructional and web designer.

### **Intellectual Property challenges**

In the main RTOs have excelled in delivering customer focused state of the art education and training programs but they are not necessarily equipped to manage IP and copyright. When institutions were grounded in traditional face-to-face classroom delivery, this may have been of lesser importance. Although it could be argued that it has always been a necessary skill set. Today, when many are engaged in a whole range of delivery styles, using learning materials to facilitate flexible and individual learning, it is of paramount importance. Without strong IP and Copyright management, organisations have potential to:

- Waste scarce monies duplicating resources already in existence
- Fail to gain maximum return on investment from use of home grown resources
- Infringe copyright laws by inappropriate use of other peoples IP, in a public web type domain

In other words threaten the viability of the business. While copyright and IP management conjures up visions of complex stuff and rooms full of lawyers, it does not have to be so. A simple checklist approach is currently being developed to help training organisations work through what the copyright choices are, and to demystify the jargon inherent in copyright licences.

### **The AEShareNet model**

Copyright is not so much about “copying” but about the “right to adapt” – what those conditions are and your legal responsibilities to the original owner. The Model saves you getting legal advice to work out the conditions required to protect the copyright through four license protocols, which are registered as trademarks.

The *AEShareNet* Model provides standardised copyright templates underpinned by an elegant legal framework; while ensuring there is flexibility to cater for individual needs. In summary, the license protocols are:

<i>AEShareNet-U</i>	<i>AEShareNet-P</i>	<i>AEShareNet-S</i>	<i>AEShareNet-C</i>
U is for unrestricted usage	P is for preserve the integrity of the material.	S is for standard, core material	C is for commercial material

Full details on these license protocols can be viewed at <http://www.aesharenet.com.au/coreBusiness/>. The strength of the four trademarks is the extent to which they permit creation of Derivative materials, the extent of vetting and the provisions for ownership of copyright in those Derivatives. This particularly applies to Derivatives that fall into the category of Enhancements – an area where there is unexplored potential to maximize saving on costs of new resource development.

With an ‘S’ licence, no charge is made by the licensor to the licensee. All enhancement work done by the licensee goes back to the licensor as their copyright. In other words; the major incentive beyond the copyright concept is the value of “adaptation” not “copying”.

With a P licence no charge is made and no changes can be made to the original resource it can just be use as is.

Invariably, organizations wish to create particular conditions for unique situations, and to cater for this need the *AEShareNet-C* protocol allows the copyright owner to set and negotiate various changes in an online environment. During the data capture stage in the Local System, the copyright owner creates a ‘Customisation Profile’ for each desired set of conditions and associates one of these profiles with each material. The areas where negotiation can occur are; vetting, enhancements, supplementary, exploitation, purpose, beneficiaries and compilation. Useful background reading is available at <http://www.aesharenet.com.au/coreBusiness/legal/057derivative.asp>

Members are also able to specify for each Profile whether negotiation with individual licensees is required. If negotiation is not required, a licensee is able to obtain a licence on the spot, electronically. If the owner specifies that negotiation is required, they can set individual conditions for each licensee within the template of the *AEShareNet* licence profile. The C protocol then facilitates straight trading of resources, though it too can enable sharing especially when resources are tagged as “in development”.

To summarise *AEShareNet*:

- Has developed four licence protocols covering virtually all the kinds of transactions likely to be required in the sector. This legal framework is “an embodiment of and formalisation of several years of collaborative agreement building (sometimes called “the *AEShareNet* model”). (Gilding and Fripp, 2003)
- Developed an online system that enables resources to be discovered and licensed through a website i.e. licences could be transacted (and stored) electronically. The process also allows the appropriate financial transactions and for tracking of users. This includes a reporting function for vendors.

## Emerging Business models

Many of those currently “selling” resources are dealing with hard copies as well as paper-based licences. However, with the digital explosion, the sector is now moving onto licensing a resource rather than a single copy sale, as it gives more flexibility for use within an increasingly wide range of delivery opportunities.

*AEShareNet* facilitates the licensing of resources on line whether print or digitally based. It relies on its resource owning members to make seamless the process of licensing and acquiring the actual resource as well as any preview opportunities. Some systems are experimenting with integration, for example, TAFE frontiers have gone some way to integrating sales and licences but separate billing still means the services are not yet fully bundled. (<http://www.aesharenet.com.au/aesharenet/148tfintegrate.asp> *AEShareNet* Website 2003). But *AEShareNet* has recognised the need to ferment some more seamless service provision and is currently sponsoring some further integration trials to ensure that buyers can discover, preview, license and obtain resource all in one motion.

The emerging digital VET environment has created both complications and opportunities for *AEShareNet*. On the one hand, having materials online creates an urgency to sort out copyright ownership and a cost imperative to use existing resources rather than create from scratch. On the other hand, developers of learning resources have to consider new levels of granularity with the advent of learning objects, however these may be defined. Basically this could reduce the lowest level of currency for materials from say a \$10 note to a 5-cent coin.

However much debate exists in the sector and across education about how to define/size such things and generally there is more hype than reality about how to trade or share at the learning object level. *AEShareNet* stands ready to facilitate trading and sharing at any level of granularity but the debate about learning objects, repositories and interoperability has created much noise in the sector and to some extent blurred the basic issue of sharing and trading learning resources at whatever level.

At the same time *AEShareNet* has been busy making contact with all 3,200 private RTOs in Australia. More than 40% of you expressed interest in acquiring licences to use and adapt other peoples learning resources. Perhaps more surprisingly, it discovered that up to 400 of you, have resources that you may wish to share and trade with others. The big concern expressed was the ability to protect a RTO niche while at the same time making resources available to other selected providers.

There is a need for RTOs to distinguish the essential features of their niche. Sometimes it is the learning resources and it might not be strategic to sell in the “local market” although these could be sold offshore or interstate. At other times it will be the value add services: learning management arrangements, teaching expertise or business processes and there may then be commercial advantage in trading and sharing. The RTO business model like the *AEShareNet* one needs to be robust and evolving to meet the challenges of the current marketplace.

## Conclusion

The evolving digital economy has propelled copyright management into the limelight, with intellectual property issues now driving development of e-commerce models. Given the

large volume of intellectual property migrating onto the internet, the demand for rights management models is high. *AEShareNet* is a concept well before its time, even at its embryonic stage. While still in implementation phase, the model has proved its capacity to meet both present and future user needs. In this increasingly online world, there is an emerging need for a range of business models that cater for e-commerce functions and *AEShareNet* is well positioned to add value as the sector moves towards considering integrated systemic solutions. Debate has previously concentrated on technological considerations and the need to update legislations, whereas there is now recognition that new business models may hold the key to moving forward.

*AEShareNet* has evolved into a learning resource trading infrastructure service company. But a driver of *AEShareNet* is how to continue to build robust business models that will suit the changing nature of public and private VET in Australia. In that regard the extension of service to include all aspects of the value chain of learning resource development and dissemination is seen as critical.

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Note: URLs on *AEShareNet* website updated 11 May 2004 to reflect new site structure.