

University Administrators' Understanding of Multimedia Copyright Guidelines

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ABSTRACT

The use of multimedia as a form of instruction is increasing in university classrooms. This paper assesses the awareness and understanding of copyright guidelines for multimedia use in education. Because copyright guidelines affecting multimedia production are both new and rapidly evolving, extensive research findings are unavailable and much uncertainty exists. A questionnaire was sent to 655 International Association for Management Education chairs to evaluate their understanding of these guidelines. Participants returned 126 completed questionnaires. Results seem to indicate a lack of understanding of the new copyright guidelines for multimedia production.

Keywords

Multimedia production, Copyright laws, Fair use guidelines, Educational use, AACSB

Literature Review

As educators develop multimedia presentations, they need to answer the following questions. Can an instructor take a clip from a popular movie, place it in a multimedia project and show it in the classroom and not break the copyright laws? Can a professor scan magazine photographs and show them on a large screen at a national conference without breaking copyright laws? Can instructors use music from popular compact discs for a multimedia presentation they are creating and not break copyright laws?

These questions were derived from parts of the copyright law, such as Section 106, on the exclusive rights reserved to the copyright holder; section 107, on fair use; section 108 on reproduction by libraries and archives; and section 110 on performances and displays that were cited in the fair use guidelines (Consortium of College and University Media Centers, 1996). These new guidelines are currently being implemented, interpreted, and challenged by multimedia producers. Much uncertainty exists in the area of copyright issues for multimedia production and many areas are subject to interpretation. Many areas have not been specifically addressed because applicable cases have not been tested in court (Consortium of College and University Media Centers, 1996).

This research asked one basic question: Do American Assembly of Collegiate Schools of Business (AACSB) chairs understand copyright laws and guidelines affecting multimedia use?

Copyright Issues Associated with the Production and Use of Multimedia

McCarthy (1989) defines multimedia as the integration of text, audio, graphic, still image, and moving pictures into a single, computer-controlled, multimedia product. Since a variety of sources are used to create the final product, the producers of multimedia programs must know how the use of all of these materials is affected by legal constraints (Consortium of College and University Media Centers, 1996). Copyright issues include student and faculty production procedures; transmission and downloading; implementation guidelines and display; distribution, retention, and storage procedures; and computer authoring systems. Serious concerns over data copyright have been raised due to the increasing use of multimedia data across the Internet and other digital media (NEC, 1997). Because the guidelines affecting multimedia production have recently been established, extensive research findings are unavailable and only a limited number of secondary sources exist.

In June of 1989, Robert McCarthy in *Electronic Learning* reported that multimedia was taking the educational technology community by storm. Today, thousands of multimedia projects are being created by university professors and students, who have little or no knowledge of copyright regulations. Some projects are receiving national attention for their creativity when displayed at professional conferences. Are these presentations legal or are copyright laws being broken?

Copyright Laws, Conventions, and Guidelines

In an effort to answer these questions, current copyright policies for use of works in multimedia productions must be examined. Some public domain materials are not protected by copyright such as any work of the United States Government. However, works which are in public domain in the U.S. may still retain protection in countries where multimedia projects may be distributed (Gerdes, 1993). The world-wide harmonization of the copyright laws is vital if unacceptable market distortions are to be avoided. Efforts to provide some international uniformity to copyright laws culminated in 1996 at a conference organized by the World Intellectual Property Organization (WIPO). Conference leaders updated the international system of copyright (previously updated in 1971) which was established by the 1886 Berne Convention for the protection of literary Artistic Works. The right of communication is a cornerstone of the system which gives the author the right to authorize communication of the work (Liedes, 1997).

Most other works are protected by copyright even though they do not bear a copyright notice (As of March 1, 1988, the use of copyright is optional, but recommended). Thus, the user bears the responsibility to determine who owns the copyright and to request permission for use (Guide to United States Copyright Laws as Applied to Multimedia Productions, 1996). Multimedia content use is not clearly covered in traditional rights agreements such as publishing agreements (Gereguras et al., 1996). A general legal rule in copyright licensing is to assume that any right not expressly granted in the license language is reserved by the owner. If a specific right is not granted, one should assume that one does not have permission for its use (Gereguras et al., 1996). The use of the contents of virtually every magazine, book, film, TV program, tapes, CD, and photo is copyrighted. To legally use any of this material, written permission must be obtained. This almost always involves paying a fee for the reproduction or public-performance rights (Seymour, 1993).

Guidelines for the use of literary or written works, photographs, film clips, and music works are complicated and are often subject to interpretation. Copyright licensing is further complicated by the absence of a single clearance agency that provides information for obtaining rights to use a specific work. Some privately-owned rights clearance agencies are available to assist in identifying the owner of a pre-existing work and negotiate a license. A United States Multimedia Clearinghouse has been proposed to assist in the licensing process. Guidelines and participation incentives are currently being planned (Gereguras et al., 1996).

Fair Use Guidelines

Fair use is a possible defence to copyright infringement in an educational or non-profit environment, but not in a commercial application (Gereguras et al., 1996). Fair use is a legal principle that attempts to balance the rights of copyright owners with the needs of those who wish to make use of portions of existing copyrighted works to create new works (Fair Use Guidelines for Educational Multimedia, 1996). Fair use is determined on a case-by-case basis and is based on the interpretation of factors such as the amount of the copyrighted material used and the potential to harm the copyright owner's market (Graves & Kupsh, 1994). Stock houses and media libraries are an alternative to obtaining rights through clearing agencies. Libraries of video clips, photographs,

illustrations, music, and sound effects that can be licensed for use in a multimedia product are maintained in these stock houses. As educators we must be aware of the issues involved in multimedia production (Gereguas et al., 1996).

Even video-, photo-, and sound-clip-file packages which are purchased often contain legal restrictions for use in multimedia productions. While some companies do an all-rights buy out making their product royalty-free, others require the user to buy publication rights. Seymour (1993) suggests that one should read the fine print concerning publication rights before reproducing any product.

In an effort to deter copyright pirating, NEC USA, Inc. has established Signafy, a new venture company which will market its digital watermarking software technology for use in the protection of copyrights of multimedia and DVD content. This new digital watermarking technology is also referred to as digital finger-printing because it allows the user to permanently embed an invisible identification code in multimedia works. The watermark, which can be applied to audio, video, and still images, is virtually impossible to remove (NEC, 1997).

Jacobson (1995) warns that time is running out for colleges to insure that students and faculty members can routinely use electronic versions of copyrighted works without seeking permission or paying a fee. In fact, Talab (1995) reports that many faculty members have been scared off by the difficulty of securing permissions from many copyright holders or by the cost of purchasing the rights to use materials.

A book by Kenneth Crews (1994), *Copyright, Fair Use, and the Challenge for Universities; Promoting the Progress of Higher Education*, researched university copying policies. Crews obtained 98 research university copying/reproduction policies. Sixteen of these had no written copyright policies or standards. The remaining 82 had highly varied policies on a number of issues. He found that faculty had a surprisingly small role (3.3%) in developing policies.

Today's technology makes it possible for virtually anyone to use scanners, sound boards, OCR, digital samplers, video frame grabbers, and multimedia authoring systems to incorporate copyrighted material in business or other presentations (Seymour, 1993). But having the technology does not imply the right, and a sure way to invite a lawsuit is to assume that it does (Glushko, 1990). Books, films, television programs, tapes, compact discs, etc. are all copyrighted and cannot legally be used without written permission and a fee payment for reproduction rights. Copyright abuse is rampant among multimedia users, few of whom are caught (Seymour, 1993). To make complying with the copyright law easier, vendors could negotiate all-rights buy-outs with the creators of material and pass along royalty-free status to customers (Seymour, 1993). Educators, the scientific community, librarians, right-holders, and members of the content industry will continue to search for balanced solutions in the field of copyright (Liedes, 1997).

Practical Interpretation of Guidelines

Educators should be aware that:

- A copyright is valid for fifty years after the author's death, even though a previously published work is out of print.
- Any creative work is copyright protected, both published and unpublished as long as it is a tangible product.
- Since the Berne Conference in 1980, no copyright notice is required.
- The Fair Use Doctrine permits use of copyrighted work without the owner's permission only under limited circumstances like classroom use. Substantiality (the amount of a work used) is also an issue.
- The Fair Use Doctrine does not allow duplication of materials for use in multimedia productions for educational use. An instructor can only use the presentation in his/her classes and may not duplicate them to be used by peers teaching other sections of the class.
- An educator may create multimedia works in class for demonstration purposes without copyright permission as long as the product is not distributed to others or used for profit.
- Students may use copyrighted materials to develop a presentation using video clips from Star Wars, etc. as long as the product is not duplicated for distribution or used for profit.
- Students may use copyrighted materials from the Internet, etc. when creating their electronic portfolios as long as the product is not duplicated for distribution or used for profit.
- An educator may display at conferences or workshops his/her multimedia project that includes lawfully acquired copyrighted excerpts; however, the opening screen should give notice of the copyrighted materials in the presentation.

- A multimedia instructional program containing copyrighted materials can only be used in the classroom for two years.
- An educator may use only three minutes or ten percent (whichever is less) of a copyrighted video without permission.
- Written permission to use copyrighted materials must be received. Silence does not constitute permission to use copyrighted materials.

Purpose of the Study

The purpose of this study is to assess the awareness and understanding of copyright guidelines. An assessment instrument was developed based upon the practical interpretations of these guidelines in the previous section. The assessment instrument was sent to 655 department chairs at member institutions of the International Association for Management Education. This prestigious institution was formerly known as the American Assembly of Collegiate Schools of Business, and still retains the AACSB acronym. AACSB is recognized as the leading accrediting agency of schools of business in the United States.

AACSB department chairs were chosen as the sampling units for two reasons. The first is the leadership role AACSB has taken with respect to technology education. Member institutions should be on the forefront of issues such as copyright guidelines for the production and use of multimedia forms of instruction. The second reason is that faculty who are directly involved in the production and use of multimedia must receive the support of department chairs, deans, and others in educational administration. In turn, administrators must themselves be knowledgeable in order to manage producers and users of this technology.

Methodology

A questionnaire was constructed to assess AACSB chairs' awareness of copyright laws. Demographic information was also requested on the questionnaire. Data was gathered by sending the questionnaire to 655 AACSB chairs at 352 member institutions. A total of 126 completed surveys were returned. A database was created from responses to the questionnaire and returned data was statistically analyzed. The first 15 questions tested the chairs' knowledge of multimedia copyright guidelines. The responses were measured at the nominal level. Questions 16 through 19 assessed demographic characteristics of the respondents, and were measured at either the nominal or ordinal level. These characteristics included the following: whether or not a chair had personally been involved in the creation of a multimedia classroom presentation, whether or not there was a center for multimedia presentation production on campus, the academic discipline of the chair, and the size of the institution. Cross-tabs and chi-square were the tools of analysis. Nonparametric analysis of variance (Kruskal-Wallis) was used to contrast responses to questions according to demographic characteristics of the respondents. Only statistically significant results are reported below.

Analysis of Findings

While only AACSB department chairs were surveyed, 9.84 percent of the respondents were from disciplines other than business. Table 1 indicates the breakdown of responses by discipline. Because of the insignificant number of responses from disciplines other than business, it was not possible to determine if responses to the questions varied by discipline.

Discipline	Arts	Business	Education	Science	Other
Percent	2.46%	90.16%	1.64%	0.82%	4.92%

Table 1. Survey Responses by Discipline

Chi-square tests were conducted to determine if the understanding of copyright laws was independent of institutional size. Responses to question 17 were dependent upon institutional size at the .01367 level of significance. Responses to all other questions were independent of institutional size at 10% level of significance.

With respect to question 17, only 66.7% of the smallest schools (enrolments less than 5,000) have multimedia centers, while 92.6% of the largest schools have them (enrolment over 15,000). It appears that the ability to provide multimedia centers increases with institutional size as indicated in table 2.

Question 17	Less than 5,000	5,001 to 10,000	10,001 to 15,000	Over 15,000
Yes	66.67%	67.77%	91.67%	92.59%

Table 2. Survey Responses by Institutional Size

Kruskal-Wallis Anova tests were also conducted to determine if the responses varied by institutional size. Again, only the responses to question 17 were found to vary by institutional size, at .0142 level of significance.

A summated scale of responses to the first 15 questions was constructed. These questions tested the chairs' knowledge of multimedia copyright guidelines. The frequency distribution of these scores is reported in table 3. Note that this distribution is highly skewed. While the mean score was 63.13%, the modal score was 80%. It should be noted that 32% of the chairs scored 66.67% or less on the test.

One-way Anova was used to determine if the mean scores varied with institutional size. There were no differences in means at the 10% level. Finally a t-test was done to see if mean scores were higher at institutions with multimedia centers. Surprisingly, there were no differences in mean scores for institutions having centers and those who do not. This suggests that the presence of multimedia centers on campuses does not enhance the understanding of copyright laws among the population surveyed, AACSB department chairs.

As indicated in table 4, less than 60% of respondents correctly answered questions 7, 11, 13 and 14. Question 7 is based upon the doctrine of fair use which provides that educators who demonstrate how to use software to create multimedia presentations may use copyrighted materials without permission. However, they may not use software to create multimedia for personal gain.

Question 11 concerns the sharing of teaching materials which were developed using copyrighted software. Educators are permitted to perform or display their own multimedia projects in presentations to their peers, for example, at workshops or conferences. Question 13 concerns limitations on the time limits for using copyrighted materials incorporated under the fair use doctrine. Educators can only use these materials for two years after the first instructional use with a class. Further use requires permission for each copyrighted portion incorporated in the production. Question 14 concerns the use of only a portion of a copyrighted video for instructional purposes.

Scores on Survey Questions	Frequency of Score
40.00%	1
46.67%	2
53.33%	4
60.00%	12
66.67%	13
73.33%	21
80.00%	23
86.67%	15
93.33%	9

Table 3. Survey Scores for Questions 1 - 15

Questions	Responses Yes	Responses No	Correct Answer	Grade
1. Does the fact that a previously published work is out of print affect its copyright protection?	6.50%	93.50%	No	A
2. Does copyright protection cover both published and unpublished works?	78.23%	21.77%	Yes	C
3. Does the absence of a copyright notice mean that the work in question may be freely copied?	15.45%	84.55%	No	B
4. Does the Doctrine of Fair Use in limited situations permit the use of a reproduced portion of a copyrighted work, without the copyright owner's permission?	81.15%	18.85%	Yes	B
5. Under the Fair Use Doctrine, does educational use alone make it possible to duplicate materials for use in multimedia production?	18.70%	81.30%	No	B
6. Is an educator infringing on someone's copyright if multiple copies of multimedia productions are distributed free?	87.83%	12.17%	Yes	B
7. May an educator who wants to demonstrate to a class how to create a multimedia work use copyrighted materials without permission?	55.56%	44.44%	Yes	F
8. May students use portions of copyrighted media lawfully acquired in their multimedia projects to fulfil assignments without copyright permission?	68.64%	31.36%	Yes	D
9. May students use copyrighted material lawfully acquired in their portfolios for job interviews?	69.75%	30.25%	Yes	D
10. May an educator display at conferences or workshops his or her multimedia project which includes lawfully acquired copyrighted excerpts?	91.74%	8.26%	Yes	A
11. May an educator share with peers multiple copies of his or her locally produced multimedia teaching materials which contain lawfully acquired copyrighted segments?	61.48%	38.52%	No	D
12. In a multimedia presentation should an opening screen provide notice of copyrighted materials included in the presentation?	85.83%	14.17%	Yes	B
13. May an educator use in classes for unlimited periods of time multimedia programs containing copyrighted works incorporated under the fair use doctrine?	44.26%	55.74%	No	F
14. May an educator in a multimedia presentation for classroom use only 10% or less of a copyrighted video without obtaining permission?	49.12%	50.88%	Yes	F
15. If you request permission for use of copyrighted materials and do not get a response, can you assume that permission has been granted?	3.23%	96.77%	No	A
16. Have you created or helped create a multimedia classroom presentation?	36.29%	63.71%		NA
17. Do you have a multimedia center for presentation production on campus?	77.05%	22.95%		NA

Table 4. Responses to Questions 1 through 17

Up to 10% or 3 minutes (whichever is less) of a copyrighted motion media may be included as part of a multimedia project. The responses to questions 7, 11, and 14 indicate that participants answered conservatively, assuming that copyright restrictions are more restrictive than they actually are. The responses to question 13

indicate that educators incorrectly think that uses which come under the fair use provisions grant an unlimited time for use.

Summary

As university professors increase their usage of multimedia with text, graphics, and videos for classroom lectures or conference presentations, their knowledge of copyright laws and guidelines affecting multimedia will be essential. The fact that 32.00 percent of the chairs scored 66.67 percent or less on the assessment instrument indicates a lack of understanding of the new and rapidly evolving copyright guidelines for multimedia production. An statistical analysis of responses suggests that the presence of multimedia centers on campuses does not enhance the understanding of copyright laws among AACSB department chairs.

The analysis indicates that department chairs incorrectly think that multimedia projects may be used for an unlimited time. Survey participants with less multimedia experience answered conservatively, assuming that the copyright restrictions are more restrictive than they actually are. AACSB department chairs need to better familiarize themselves with the multimedia guidelines for several reasons. In this rapidly changing field, department chairs and other university administrators should assume a leadership role in educating their faculty as to their responsibilities in this area. These administrators also have a responsibility to ensure compliance with copyright restrictions.

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