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## Email IP Questions for Pew Symposium in Learning and Technology in Miami

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Dear Bruce,

I am writing to ask your assistance in preparing for the Pew invitational symposium, "Who Owns Online Courses and Course Materials: Intellectual Property Policies for a New Learning Environment," to be held on February 17-18, 2000. I have prepared a list of questions that address the kinds of issues that I would like to discuss. I would like you to address each of these questions briefly in writing, recognizing that some will be more familiar to you (or of greater interest) than others and you should feel free to respond accordingly. My plan is to send a compendium of the answers I receive to the participants about a week prior to the symposium.

A major goal of the symposium is to establish a conceptual framework to assist institutions in developing appropriate policies and practices regarding course (and course material) ownership issues. My reading of the literature tells me that the "rules" governing this arena allow considerable flexibility in institutional arrangement (in Kenny Crews' words, they are "wide open to discussion and negotiation." So my goal is to avoid a "reading of the rules" on intellectual property and, instead, focus on institutional intention. In addition, stimulating the development of effective online learning materials is a major interest of the Pew Learning and Technology Program. We need to increase our understanding of the ways in which policies, practices and attitudes about ownership encourage or impede their development.

I would appreciate receiving your response electronically by February 7th. Please feel free to draw from previous writing and to list citations which can be included in the materials sent to participants. I am looking forward to a stimulating discussion.

## **QUESTIONS FOR DISCUSSION**

### **Definition: When do course materials become a course?**

In the ongoing discussion about course ownership, people often use the terms "course" and "course materials" more or less interchangeably. Do you see a distinction between courses and course materials? If so, what implications does that distinction have for discussions about ownership?

### **Analogies**

In what ways are online course materials similar to other forms of intellectual property that typically fall under university policies and processes for technology transfer? In what ways are they different? What is the implication of those similarities or differences for university policy?

### **Existing practice**

People frequently assert that university policies on intellectual property rights and the disposition of income from "products" of work by members of the faculty vary tremendously in their approaches and in their details. Is this true? Or are most policies more alike than they are different? If they are different, what characterizes those differences?

### **Catalyst or impediment**

Some believe that having a clear understanding of the implications of institutional support, intellectual property policies and faculty contracts is important to the long-term success of technology integration. If an institution wants to encourage the development and delivery of technology-based instruction, how should it address the issues of ownership?

### **The Gold Rush Scenario**

The Chronicle of Higher Education has reported that “the growth of distance education and the widespread use of multimedia course materials have convinced some administrators and faculty members that they're sitting on gold mines: It might be possible to package college courses and sell them over the Internet or on disks.”

How likely is this scenario? Under what circumstances would it occur?

### **The Paranoid Scenario**

Others like York University professor David Noble view this activity as a thinly veiled effort on the part of administrators and their corporate brethren to use the Internet to automate professors' work and thus to eliminate the faculty from the educational experience.

How likely is this scenario? Under what circumstances would it occur?

### **Differentiation**

Institutions engaged in online education differ in mission and tradition. Some have suggested that course ownership policies developed at a research university may be very different from those at an institution that does not engage in research or employ full-time, tenured faculty. Do you agree? How would the resultant policies be differentiated?

### **Should universities make money?**

One commentator on this issue recently said, “Each university will have to ask whether its courseware production is sufficiently related to its basic academic purpose so as to qualify for tax-exempt treatment. Questions can be expected about the desirability of forming for-profit subsidiaries or affiliates to undertake course production or distribution or both.”

Should universities be in the course development and distribution business other than for their own students?