

Copyright in teaching, especially in teaching remotely

What does the freedom of education mean?

The teacher may choose his/her teaching methods and material. This entails both the methods and the contents. However, the teacher is obligated to follow the rules and regulations regarding the organisation of education and teaching.

Who owns the copyright?

It is the task of professors and other teachers to teach, not to prepare materials for others. Copyright always belongs to the author or authors, not to the university.

At which point has the copyright transferred to the employer?

For the copyright to be turned over to the employer, the employer must present grounds for the transfer as well as its scope. In practice, this means having made a specific agreement regarding the issue.

The details to consider making an agreement regarding the use of lectures

The scope of the transfer (e.g., the mediums where the material may be used), the temporal scope (e.g., the right to use for the duration of the course, term, or employment relationship), the geographical scope, the topical scope, the right to edit possibly, the compensation, etc.

The issues to consider with open access publishing

Publishing lectures with open access one should consider how much of the copyright one wishes to give up. Part of the CC licenses contain also giving up the right to edit (this for example in CC BY).

Which materials can I use in my lectures?

The Copyright Act contains a general right to borrow, i.e., citation right regarding all materials to promote and enliven one's own presentation. The aforementioned is possible within the scope of good practice and always requires a reference to the original material in accordance with good publishing practice.

Additionally, the Copyright Act has a statute (the so-called license agreement through Kopiosto) regarding the use of works in teaching and scientific research. The use of materials is a complex issue as a whole and difficult to manage, and one should be careful especially dealing with multimedia products, because these may be subjected to license. The license system is decentralised (Kopiosto, Kuvasto, Teosto, Gramex, film producers, etc.). Read more, e.g., www.operight.fi, <https://minedu.fi/tekijanoikeus>, <https://www.copyrightsociety.fi/kirjasto/> and <https://ipruc.fi>

Can I give my teaching materials to a colleague?

You can give teaching material that you own (for example, the right to use a part of a work protected by copyright) to a colleague. Materials, copies, or pictures owned by someone else may be used only in a one's own teaching. These may not be forwarded, not even to one's own colleague. Further details in Kopiosto agreement that is, in nature, general and guards more the use of material in educational institutions www.kopiosto.fi. (Copyright Act §14).

Can the university make a recording of my lecture?

The recording of a lecture (copyright protected) requires the lecturer's permission.

Can the university use a recording of a lecture?

The use of a recording requires a separate permission from the lecturer.

Can I remove a recording of my lectures from the university's system, and, e.g., YouTube?

In principle, a recording may be removed. In this case, however, one should pay attention to what may have been agreed as to the use of the recording.

Can the university use my lectures and other teaching materials, e.g., after job change or retirement?

The use of teaching materials requires a permission from the author. The author can, for example, give the right use, or additionally, the right to edit. If there is a lot of editing, the material may have two authors. In this case, it is extremely important to make an agreement regarding contributions.

Are there changes in progress regarding legislation?

The implementation of the DSM Directive may bring about changes to also, e.g., the use of protected material in teaching. On one hand, efforts have been made to facilitate this, and on the other, to facilitate licensing.

These instructions have been written using [as source material] Professor Rainer Oesch's lecture: The Copyright of Teaching Materials – Current Situation and Challenges (March 30, 2021).