



Editor's Corner

COPY PROTECTION AND THE LEARNING LAB DIRECTOR

As with their colleagues in the 1960's, the Language/Learning Lab Directors of the 1980's seem to be caught up in a swirling controversy surrounding copyright protection. And now for the good news-many of us have been through this before. It was just a few years ago that commercial AV producers went to considerable lengths to prevent unauthorized copying of their products-which for the most part were audio and/or video tapes. A few adamant producers even went so far as to refuse distribution of preview copies. This is perfectly understandable. Since those products represented a major source of income, an unscrupulous individual could copy the preview copies and then return the originals to the publishers without making any purchase whatsoever. Fortunately for the producers, schools generally tend to be honestly concerned with protecting the producer's rights. Fortunately for lab directors, few producers remained so obstinate so as to refuse delivery of a preview copy. Several major textbook publishers even initiated the practice of supplying free copies of their accompanying audio tapes and permitted extensive duplication of such tapes for use within a language/learning lab or school. The vendors were interested in selling textbooks which just happened to be accompanied by audio and/or video tapes. This arrangement was necessitated not only by the layout of many language/learning labs, whereby a master tape would be played from a console and replicated on a student deck, but also by the fact that many schools would not even consider purchasing textbooks which did not offer accompanying tapes. In addition, many language/learning labs were required to make library copies for independent study. Today, as in the 60's, it would be very difficult for a Lab Director to offer only one copy of CAI or other mediated materials for simultaneous classroom and independent study use. In order to adequately serve both regular classes and independent studies, multiple copies remain a necessity. This is not to say that there are no differences between the historical precedents and the contemporary situation..

In the 60's, the bulk of the learning materials was actually in the textbook, while only supplementary materials were stored on the accompanying tape. With our current technology, everything can be stored on the disc. Thus, possession of the disc means possession of the whole program. Even though the wholesale and illegal copying of books has been greatly simplified with the proliferation of photo copiers, disc duplication has become even easier. Obviously, the biggest difference between the 60's and the 80's remains the amount of time involved to copy mediated materials. I feel that it remains merely a matter of time until lab directors and material producers

develop a modus vivendi for the 80's that greatly resembles that of the 60's. One major organization to have successfully confronted this problem is CONDUIT based at the University of Iowa. Our university recently purchased the program PRACTICANDO ESPANOL and, in addition has ordered the DASHER authoring program. In a realistic manner, CONDUIT suggests that the purchaser immediately make copies of their programs, both for teacher use, and for student utilization in a learning lab situation. CONDUIT's foreign language programs are well written and competitively priced. CONDUIT has definitely set a trend that is welcomed by educators everywhere and could be easily be considered an industry wide standard.

Language/Learning directors have no quarrel with the efforts of AV and CAI producers to protect their investment. It remains in the best interests of the lab director to zealously guard those sources of quality software. At the same time, in order to permit effective utilization of software, language/learning lab directors must generate sufficient copies of protected materials to justify their purchase.

Even though the "fair use" provisions incorporated into the Copyright Law permit legitimate classroom use of protected materials, there are precious few legal precedents currently available which might provide significant clarification of the "Fair Use Doctrine" as it might apply to the use of protected materials in a language/learning lab situation.

However, a 1980 ammendment to the Copyright Law clearly permits the end user to make a reserve copy of CAI software in order to protect the investment. While producers will readily agree to the need for a backup, they will often insist that the buyer purchase said backup, and often at a very reasonable rate. Unfortunately, this puts the lab director again in the uncomfortable position of having only one (1) working copy of the materials for simultaneous use by organized classes and independent students.

In order to get out of this vicious circle, I wish to make the following suggestions. To begin with, language/learning directors and other media specialists must cultivate a reputation for religiously obeying the copyright law-whether they agree with it or not. Secondly, lab directors must develop a method of effectively previewing CAI software. This can be done in one of several ways. If the vendor will not provide preview copies, the lab director must insist upon the right to return materials within a reasonable trial period-ideally 90 days within date of receipt of the materials. The 30 day return period currently offered by many distributors is simply not long enough to thoroughly evaluate CAI materials. Extending the return period could be accomplished right on the purchase order form with a statement such as the following:

"Purchaser insists upon the right to return said materials for full refund within a period of 90 days if the materials are found to be defective or unsuitable for instruction. Acceptance by the vendor of this purchase order constitutes agreement with this condition of sale."

A lab director could also solve the problem of acquiring permission for multiple lab copies by appending the following statement:

Acceptance of this order by the vendor constitutes permission for the purchaser to make sufficient copies for language/learning lab use. The purchaser agrees to limit said copying to those copies needed for immediate use within the confines of the language/learning lab."

It seems to me that such statements clearly entered on a purchase order will quickly separate the vendors who want the business from those who do not.

Obviously, the time to iron out the copy/replacement wrinkle is before the actual purchase is made! Finally, should producers not agree with the statements suggested, a lab director can simply direct the purchase order to organizations such as CONDUIT, which does effectively address the problem.

Hopefully these suggestions will be taken in the spirit that they are offered, namely, with the purpose of clearing up the difficulties many teachers, lab directors, and producers have in protecting copyrights, while simultaneously increasing the use of mediated materials.

The Editor-in-Chief invites readers to comment on this problem in the hope of starting a meaningful dialogue between the end user and the producer, on the topic of copy protection.



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