702. J Feely

Full name: Jenny Feely

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Proposal 4-3:

Proposal 4-4:

Question 4-1:

Question 4-2:

Proposal 6-1:

Copy Right and the Digital Economy

I am a writer in the education market. The chance that one of your children or your friend’s children have read one of my books, or completed a work sheet that I have devised, or undertaken a digital learning activity that I have invented is quite high. What is also quite high is the chance that this material has been given to those children without any recompense coming to me. It happens every day and  I have no way of knowing when and where this has taken place.

Excellent educational resources don’t happen by accident. They are the result of long years of building expertise and  a deep and sure understanding of what does and doesn’t help children to learn the fundamental skills of literacy and numeracy.  But even that is not enough. Added to this mix are the hundreds of hours of hard slog, making sure that every word earns its place, that every question or activity helps  children to learn and grow.  Creating such materials  is a risk - there is no guarantee that I’ll be paid for what I do, but I’ve so far  I’ve happily taken the risk and so far it has worked out for me and for my family.

So here’s the problem: as a full time writer I need to get paid for the work I do. Just like the electrician expects to get paid when he puts in lights that illuminate my house. I own the rights to my work – I should be recompensed in some way. Ideally this happens when people buy my books and I get royalties.  Usually this works well enough. I don’t get rich, but I don’t starve.

But, I’ve worked in a  range of schools, and in each one on any given day if you stood by the photocopier you would see books, mine among them, being copied (25 – 30 copies at a time, sometime a whole teacher resource book) so that the teacher can have access to good educational ideas when they want.   Schools are surveyed by the Copyright Agency, who then distribute money to compensate right owners. I am concerned that this will end with the proposed changes to statutory license arrangement.  After all it’s all ‘educational use” isn’t it? The trouble is that every thing I write is intended for ‘educational use’ -that’s the whole point of it.  And how do I negotiate fair use with each and every school?

I believe that having access to a wide range of materials enables each teacher to provide learning experiences that are tailored to the specific learning needs of each child in their class. No book or digital resource can make this careful match.  So I want teachers to use my work in the way that seems most appropriate to them whether that means photocopying my work or digitising it. But I cannot continue to create these resources if the use of them is not recompensed.

So what does “fair use” mean in relation to my work? If a teacher purchases an 80 page student activity book I have written and then makes 30 copies, a class set, of one page from this book is that fair use? This book was written so that each student would have their own book. And what if the teacher makes 30 copies of another page the next day? Is that fair use? And what if the teacher makes 30 copies twice a week for every week of the school year, until every page of the book has been copied and handed out to the class? Every child in the class has had access to the whole book without buying it. And what if  the following year, using the only copy of the book that has been paid for, it all happens again? Clearly this is not fair use. This book only exists so to be purchase for student use. So here is my question - when is copying it fair use? Or what if the pages are digitised and projected onto a screen of some kind so that students can copy it down? Is this fair use? If the answer is yes, then I will have to look for a different job.

Copying published material is a daily occurrence in every school in the country. It is not going to stop. Some would call it stealing. I am concerned that the proposed changes will enable governments to step back from their current agreements that compensate creators when this occurs. The current arrangement where schools are surveyed by the Copyright Agency, and the Education and Public Lending Rights groups who are funded to compensate right owners, makes “fair use” actually fair. I get recompensed when schools copy my work.  But this could all end with the proposed changes to statutory license arrangement.  I am not too keen on giving someone the option of volunteering to pay or deciding it is free to use my work. Not unless the electrician is prepared to work under the same arrangement.

Jenny Feely

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Additional comments?:

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File 2: