

Transcript for Timothy R. Amidon, Les Hutchinson, TyAnna Herrington, and Jessica Reyman's IP Cast 2: Balance and Protection in U.S. Copyright Law in "Copyright, Content, and Control: Student Authorship Across Educational Technology Platforms," published in *Kairos: Rhetoric, Technology, Pedagogy* (XX.X), available at <http://kairos.technorhetoric.net/XX.X/topoi/amidon-et-al/authorship.html>

00:01 [IP Casts music, a soft harmonic resonance, builds to a crescendo]

00:06 Tim: You're listening to IP Casts.

00:13 [IP Casts music fades out]

00:14 TyAnna: In terms of balance maybe I can fill in a bit. It's depending on who is participating in a situation where you have a legal question over control of authorship or what happens with authorship, at least for me, my perspective can change. I mean I have a consistent kind of thread that runs through everything I do from how I look at the law. And, that is if someone is being bullied or someone is being bullied or somebody is being pushed around because they don't have the power to be able to protect themselves like everyone else does, then I am immediately responsive to that in terms of a protectionist stance—which is crazy for me because 99% of the time I'm access oriented. So, when you look, and the constitution itself really does this, the whole basis of the constitution is to provide access to in a public domain so that we have a robust democracy. If you have the information available and if you have available a system that allows you to report the news and critique and to develop educational systems that teach people how to criticize and understand and develop new material off of old material so that we progress. That's great because we have this public domain that makes that possible, but when you have students who don't have the power to protect their works

01:41 Tim: mmhm, hmm (agreeing).

01:41 TyAnna: and you just say ok we're just going to call this fair use and we're going to take it from you it doesn't work. You lose the balance that is built into the constitution to make that operate, so you have to provide some kind of basis for authors to benefit. And, if authors don't benefit they can no longer create,

02:00 Les: mmhm, hmm (agreeing).

02:01 TyAnna: so you end up with this lack of balance again. So you always have to maintain that kind of fine-line balance. But what happens with students is that even though their authorship I created like any other authors' authorship under the law in Section 102 [of U.S. Copyright Law] you have that laid out, in university settings their work isn't treated the same way that other authors' work is treated. So it's not a matter of not having a mechanism, but rather not having the power to ensure that that mechanism serves them like the mechanism serves all other authors

02:42 Les: mmhm, hmm (agreeing).

02:42 TyAnna: —or at least—I can't say all other authors cause their are other weak authors in that same position.

02:47 Les: right.

02:47 TyAnna: That's where things tend to fall apart I think.

02:48-3:01 [IP Casts music, a soft harmonic resonance, builds to a crescendo, then begins to fade out]