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CCCC 2009
Saturday March 4, 2-3:15 pm
O.14 Plagiarism & Intellectual Property

Beyond Binaries: Teaching Intellectual Property in the Writing Classroom

Many types of writing require students to use others' intellectual property (IP), and norms for incorporation and attribution differ across contexts. Academic traditions of acknowledgment through citation sometimes clash with common cultural practices of reuse and remix. Writing courses, especially those that include public, professional, digital, and multimodal writing, create what DeVoss and Porter in their 2006 *Computers and Composition* article call the "copyright crisis." As we try to help students understand IP issues and make sense of them ourselves, it is important to have strategies for addressing intellectual property in the teaching of writing.

I recently developed and taught a special topics graduate course on writing and intellectual property in the digital age. From this experience, I found that situating these issues in relation to larger cultural, legal, and economic contexts helped students productively engage in conversations about plagiarism and copyright. I eschewed the simple binary of right and wrong, and more narrowly plagiarism/not plagiarism, and instead asked my students to articulate their own personal ethics of authorship, rights protection, permissions granting, and fair use. They examined how their own IP practices are part of a larger "copynorms," or communal conventions and values concerning intellectual property use and attribution. Reflecting on these experiences, I will describe assignments that, in my experience, help students learn legal and ethical options for using others' work as well as securing rights for their own work.

I have come late to the IP party. For the past 20 years, scholars in our field including Courant-Rife, DeVoss, Eilola, Herrington, Logie, Lunsford, Moore-Howard, Porter, Reyman, Selber, Walker, and West have discussed copyright policy in relation to the teaching of writing and asked us to broaden our conversations of student writing beyond print-based academic prose and charges of plagiarism[1]. My own experience with this broadened perspective gives me hope for our ability to prepare students to write ethically in a variety of contexts in which they incorporate the work of others into their texts.

In teaching students about citation, I have, until recently, failed to identify plagiarism as an ethic of participation within a rather narrow set of institutional structures (most notably academia, creative and non-fiction publishing, and journalism). Nor did I compare citation in relation to varying disciplinary practices that my students might be more familiar with such as attribution in journalism or non-citation in work-for-hire

[1] See the Resources page of the Caucus on Intellectual Property and Composition/Communication Studies <http://ccccip.org/guide>; and Rebecca Moore Howard's 1997 Bibliographies for Kairos 3.1 <http://english.ttu.edu/Kairos/3.1/coverweb/links/GNED327bibs.html> and Copyright, Intellectual Property, Print Culture: A bibliography for composition and rhetoric <http://wrt-howard.syr.edu/Bibs/Copyright.htm>

authorship of business documents. Nor did I discuss copyright violation as a legal concept distinct from citation-based codes of ethics. But my students now need this. In their 2007 Computers and Composition article, "Plagiarism, Originality, and Assemblage," Johnson-Eilola and Selber dispute academia's privileging of originality and argue that understanding writing as assemblage can suggest for us and our students "interesting and useful remix approaches that can aid invention, leverage intellectual and physical resources, and dramatize the social dimensions of composing in this day and age" (p.375).

As "prosumers"[2] of information, as corporate authors, as producers of their own creative works and derivative works common in this culture of remix, my students are hungry for guidance in relation to copyright. And so am I. Teaching business and technical writing, asking students to compose magazine articles, and directing DePaul's M.A. in New Media studies – my MLA/APA training wasn't cutting it.

In response to this personal crisis, I developed a graduate special topics course "Writing & Intellectual Property in the Digital Age."[3] My goal was to involve students in my own education about IP and copyright. As I worked to develop the course, I found several central themes and teaching outcomes that helped me make decisions about readings and assignments. As I researched copyright and IP in relation to my knowledge of academic citation, I came to view differing citation practices as differing ethics – differing value systems, relationships among players and economies, and therefore differing practices. I decided the course should highlight differing copynorms, the term used by legal scholars such as Lawrence Solum[4] and Mark Schultz (2006) to describe social norms of attitudes and behaviors surrounding the use of others' work. So I selected readings that identified differing and sometimes competing copynorms.

Additionally, I wanted us to examine how individuals signal their copynorms through design decisions – *whether* one acknowledges another's work and where and how that acknowledgement appears on the page or screen. I think to learn a new copynorm, it is helpful to learn the culture of practice surrounding it as well as the design standards of whether/how/where to acknowledge the presence of another's work. For years, I'd primarily been teaching the design decisions surrounding one copynorm, academic citation without sufficiently contextualizing this practice. Furthermore, as I began teaching multimodal composition, my students and I were struggled with how to balance print-based traditions of acknowledgment with the aesthetics of differing media.
In selecting readings, I felt it was important to establish a baseline understanding how these issues are framed legally. We read Article I, Section 8 of the U.S. Constitution, the US Copyright Office's "Copyright Basics,"[5] and skimmed Tıtle 17 of the United States Code[6] and 1976 Copyright Act, and the Digital Millennium Copyright Act[7]. We also read

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[2] http://en.wikipedia.org/wiki/Prosumer
[3] Course materials can be accessed at http://condor.depaul.edu/~sslatte1/research/Slattery_IP_Class.pdf
[4] "The origin of the term 'copynorms' is uncertain, but its primary promoter has been Prof. Lawrence Solum" Schultz (2006, p.1)
[5] Copyright Basics. US Copyright Office <http://www.copyright.gov/circs/circ1.html>
[6] Circular 92: Copyright Law of the United States and Related Laws Contained in Tıtle 17 of the United States Code <http://www.copyright.gov/title17/circ92.pdf>

a few examples of case law – extremely helpful summaries of "what happened when X sued Y" that helped students understand how the complexities of real situations make laws interpretable with sometimes varying and even conflicting results.

I also selected works which debated and theorized copyright law and practice. These included John Tehranian's (2007) "Infringement nation: Copyright reform and the Law/Norm Gap" from the Utah Law Review[8]; the Duke Law School's wonderful graphic novel about a documentary filmaker's copyright plights *BOUND BY LAW? Tales from the Public Domain*[9]; Mark Schultz's (2006) "Copynorms: Copyright law and social norms;"[10] selections from Lawrence Lessig's (2004) *Free Culture*[11] and Woodmansee and Jaszi's (1994) *The Construction of Authorship: Textual Appropriation in Law and Literature*[12]. We watched *Steal This Film*[13] – a 2006 documentary about Swedish piracy and counter-copyright culture. Finally, I selected articles on related topics such as fair use, plagiarism, and "work for hire." As important as the course readings which comprised the course content, I created a series of assignments that I felt helped students engage in these complex issues personally.

Through an "IP Topic Presentation" assignment, students pursued special topics of interest such as the Writers Guild of America strike, "fan fiction," authors' "anxiety of influence," and digital rights management software. Topic teams gave a brief overview of the issues and led the class in an activity which asked us to debate various positions.

In the "Copyright & Creative Commons License Your Work" assignment, students filled out and submitted the government forms for registering copyright[14]. They also learned how to signal copyright retention by placing the circled-C logo and date on their work. They also investigated Creative Commons' options[15] for licensing their work, chose one that represented how they would want others to use their work, and signaled that choice using Creative Commons' system of logos.

Students also crafted a "Personal IP Statement," essentially a personal code of IP-related ethics stating how they would have others use their work and how they plan on using others' work.[16]

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[7] THE DIGITAL MILLENNIUM COPYRIGHT ACT OF 1998 U.S. Copyright Office Summary <http://www.copyright.gov/legislation/dmca.pdf>

[8] Tehranian, John. 2007. Infringement nation: Copyright reform and the Law/Norm Gap. Utah Law Review, 3, 537-549. <http://www.turnergreen.com/publications/Tehranian_Infringement_Nation.pdf>

[9] Aoki, Keith, James Boyle, and Jennifer Jenkins. 2004. Tales from the Public Domain: BOUND BY LAW? Durham, NC: Duke Law School. <http://www.law.duke.edu/cspd/comics/digital.php>

[10] Schultz, Mark F. (2006). Copynorms: Copyright law and social norms. In Peter Yu, ed., Intellectual property and information wealth. Greenwood. <http://ssrn.com/abstract=933656>

[11] Lessig, Lawrence. 2004. Free Culture. New York: Penguin Press. <http://www.free-culture.cc/freeculture.pdf>

[12] http://books.google.com/books?id=dpRKltgJYYwC

[13] Steal This Film <http://video.google.com/videoplay?docid=3636669624532830059> (44:43)

[14] http://www.copyright.gov/register/

[15] http://creativecommons.org/

[16] The spirit of this assignment can be seen in many online examples such as the artist's statement for the recent film, *Sita Sings the Blues* <http://www.sitasingstheblues.com/>

To put the Personal IP Statement into practice, I included an "IP Use & Rationale" assignment, which asked students to "submit work that uses content produced by another" – such as an academic paper, a remixed video, a podcast, or a work of fanfiction – accompanied by a rational statement detailing their decisions of whether and how to cite others' work.

As a final assignment, to highlight individuals' roles in the creation of IP policy, students produced an "IP Policy Letter to a Decision Maker." For this assignment, students identified an IP policy that directly affected them – such as an academic integrity policy, the "orphan works" copyright amendment[17] that was being debated at the time, or an End-User License Agreement[18]. Students identified a real individual in a position to alter or enforce the policy and wrote a letter asking for a particular action in relation to the policy based on persuasive discussion of the policy's effects.

I created this class as a special topic – a course that might be offered infrequently allowing a small group of students to study a rarified area related to our field. The course enrolled 20 students from two different graduate programs – the MA in Writing (combined creative and comp/rhet) and the MA in New Media Studies (an interdisciplinary program of writer/designers).

In addition to enrolling significantly more student that I expected, students came to the class more engaged and curious than I had anticipated and with a wealth of contextual experience in the very differences the course sought to examine. Graduate students at DePaul University in Chicago are often working students, returning for graduate study after several year's professional experience. What they lacked was the occasion for sustained examination of the topic. At work or in their personal writing or web-design, they had muddled through, much as we all do, making satisficing guesses at a best course of action and relying on the fact that most copyright violation goes undetected.

Students responded extremely positively to the course. They were engaged and invested in the topic in ways I've only seen matched when teaching resumes to undergraduates. Their professional and personal work meant they came with questions about how to acknowledge sources in non-academic genres and multimodal work as well as how to "protect" their own IP.

Reading choices were well received – even "dry" legal reading – with the exception of a handful of works that significantly overlapped previous readings (a challenge in an emerging field where each work written for different audiences needs to establish common terminology and information).

I was particularly pleased with student responses to the assignment sequence. Though we learned copyright is granted as soon as a work arrives in a fixed form, we learned that registering one's copyright was useful for establishing that date. In making decisions about Creative Commons licensing which signals where and how a work may be

[17] http://www.copyright.gov/orphan/
[18] http://en.wikipedia.org/wiki/Eula

repurposed and whether it must be acknowledged, students learned their decisions depended on the work itself. For some work, they wished to exercise full copyright, for others, they were happy to release it to the public domain.

The Personal IP Statement was particularly interesting. The "my-use/your-use" juxtaposition challenged many students who, like us, learned their behaviors and values were sometimes at odds. Additionally some students felt the need to have separate categories for their academic, professional, and personal work – acknowledging the different norms and needs of those various arenas.

I was fascinated with the terms student used to express their IP ethics:

> "fair, comfortable, I *feel*, respect, conflicted, better safe than sorry, admiration, appropriate, proper, (aesthetic) value, lazy, legitimate, exploiting, livelihood, "golden rule", petty, belief, fear, anxiety, hesitant, awful, empathy, caution, valid, validation, conflicted, courtesy, mindful, hypocritical, misrepresentation, trusted, difficult, best practices, questionable."

These terms students' statements highlight how copyright practice is not so much behavior dictated by law, but an ethic.

The IP Use & Rationale assignment surfaced the challenge of signaling copynorms through design in different media. Students struggled to balancing norms, law, and rhetorical and aesthetic goals of the piece. But they often came up with innovative design responses – a watermarked copyright symbol on a photo, acknowledgments in scrolling credits, as mouse-over popups, or written on the webpage in which a sound file was embedded. And we discussed the pros and cons of design decisions (if someone reposts the sound file, the acknowledgements are lost). Students also started improvising upon and possibly improving copynorm signaling. Students began to include instructions to readers for procuring permissions to use their work such as email links after copyright notice.

In short, I found students capable and very willing to discuss these issues. Though this course had a graduate population of working writers and designers, I believe these learning goals and assignments can be scaled to undergraduate writing courses as components of traditional assignments or units on copyright. My strategies parallel Martine Courant Rife's three-part fair-use pedagogy of "situate it, teach it, model it" from her 2007, "The fair use doctrine: History, application, and implications for (new media) writing teachers" in Computers & Writing. As prosumers, students have a stake in copyright and are excited to participate in more sophisticated discussions of production, reuse, and ownership. As teachers of writing, as prosumers ourselves, and as models of copynorms, we can benefit from engaging students as we learn about these issues ourselves.

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