

Control and Intellectual Property

The topic of this issue of *Junctures* is Control and this is the second time this theme has been chosen for an issue. It is timely that I write for this editorial on the topic of control of knowledge and information. This is a matter that is being debated widely with the current discussion about copyright and the ownership of information very quickly becoming a globally significant issue at present. Otago Polytechnic supports *Junctures: The Journal for Thematic Dialogue* and takes a strong position in the debate over the treatment of Intellectual Property and Copyright. Simply put, this position holds that decisions over Intellectual Property and Copyright essentially remain with the creator. Surprisingly, this view is not held widely amongst the governing bodies of education communities internationally. This has now led to initial discussions with the editors of *Junctures* over how our position at Otago Polytechnic might be better reflected in future by the journal's acknowledgement of licensing options. I will return to this issue later.

The predominant view is that decisions over Intellectual Property and Copyright tend to be vested in the institution in which an academic works through the employment relationship. Institutions in this way retain ownership over material developed and can and do retain the rights to any commercial benefits or opportunities that may arise from this ownership. The effect of this is that Intellectual Property is locked up through mechanisms of control over how information and research are used. This creates very real problems over the future use of research and information and the ownership of Intellectual Property. The re-use of and the development of future knowledge are considerably constrained by legal complexities and by the mechanisms of ownership of Intellectual Property and Copyright.

The development of open access publishing and, more recently, the call for open access to educational resources have followed the rapid development of the Internet. Significant changes to the way in which we seek information, use information and transmit information by the use of the Internet has led to shifts in thinking around the publication of material from what has previously been a paper-based system to a fully digital system. In the digital domain a paper-based system limits the opportunities around how information can be stored, used,

re-used and developed and opportunities for knowledge creation and development are lost through the paper- based mechanisms of control over information and the dissemination of research.

The number of Open Access Journals has rapidly evolved. Currently the Directory of Open Access Journals lists, at least at the time of writing this editorial, some 3698 journals in the directory of which 1275 are searchable at the article level, and some 213487 articles are available in the directory.¹

Recently the Australian Government – as an outcome of a significant review of the National Innovation System, a report that talks about transforming Australia in the global context of innovation,² – supported a recommendation that “Australian governments should adopt international standards of open publishing as far as possible. Material released for public information by Australian governments should be released under a creative commons licence.” A further recommendation is that where research content is funded by the Australian government this “should be made freely available over the internet as part of the global public commons.”³ This is a significant step and is being supported by a significant fund of \$A25 M in order to enable the initiative.

Most recently JISC in the United Kingdom announced a £5.7M initiative to pilot the development of open educational resources which includes all and any tools that support access to knowledge under an Intellectual Property Policy that promotes open use sharing and adaptation.⁴

Otago Polytechnic has an innovative Intellectual Property Policy and has received significant national and international interest in this. The Wikieducator platform⁵ lists Otago Polytechnic as a *featured institution* because of its innovative Intellectual Property Policy.⁶

While *Junctures* has remained relatively silent on the matter of ownership of material, it clearly vests the ownership of copyright – as under the standard copyright protocols – with the authors. Thus, the control over decision-making regarding the publication of material in *Junctures* is retained with the rightful owner, the author. It does, however, behoove us to re-consider the issue of copyright and the use of creative commons licensing as an alternative mechanism that provides for authors to make decisions about the use of and rights to the use of their work. The Creative Commons attribution licence framework provides a way forward for individuals to exert their ownership in the ways that material may be used, shared or re-used.⁷ This is a discussion that we are beginning to explore and we will be progressing this over the next few months at Otago Polytechnic in order for our journals, for example *Junctures*, to stay current in relation to international shifts concerning licensing options. Discussions at Otago Polytechnic about these matters are informed by a spirit of supporting research and the dissemination of information, rather than by a need for unnecessary control.

I hope readers will appreciate this issue of *Junctures* and will consider the material included as pertinent to issues of control in our contemporary society. George Petelin presents a stringent critique of tertiary institutions’ control over academic life – the very kind of control we at Otago Polytechnic are trying to avoid through, for example, our Intellectual Property

Policy. David Roach and Andrea Egan consider how an equivocal definition of indigeneity in New Zealand impacts on Māori self-determination. Lyn Plummer explores issues of control through language – spoken and visual – in her artist’s pages referring to her life in Papua New Guinea. Pirkko Markula explores the framing of the obese body in a control society. Deborah Crowe visualises control through her tightly ordered and structured drawings for the woven construction of textiles. Patrick Crogan delves beneath the choices afforded us by an instance of popular gaming to expose the limitations and controls which become clear under scrutiny. Nhu Tien Lu’s assemblage of creative fiction and non-fiction in various voices brings the tragedy of domestic control and violence home to the reader. Ruthann Robson’s story suggests the mechanisms of gendered control across academia and the world of strip clubs and includes pointers to sexual difference and preference and the concomitant struggles for control. Poems by Roberta Feins, Scott Wiggerman and JD Smith subtly play with issues of control and add layers of meaning to this issue of *Junctures*; as do review essays by Michael G Martin and Max Oettli, respectively on control of paedophilic urges in Barbara Gowdy’s *Helpless* and on the control of photography in North Korea as instigated by *The Ministry of Truth: Kim Jong IL’s North Korea* with texts by Christian Kracht and photographs by Eva Munz and Lukas Nikol. As an assembly, this group of contributions provides much food for thought about control and – in some cases – about its more sinister effects.

- 1 See <http://www.doaj.org/> as last accessed on 15 November 2008.
- 2 See <http://www.innovation.gov.au/innovationreview/Pages/home.aspx> as last accessed on 15 November 2008. Recommendation 7.8, p. 20.
- 3 See above: Recommendation 7.14, p. 21.
- 4 See <http://www.jisc.ac.uk/news/stories/2008/10/openaccess.aspx> as last accessed on 15 November 2008.
- 5 See http://wikieducator.org/Main_Page as last accessed on 15 November 2008.
- 6 See Policy. http://wikieducator.org/Otago_Polytechnic:_An_IP_Policy_for_the_Times as last accessed on 15 November 2008.
- 7 See <http://www.creativecommons.org.nz/> as last accessed on 15 November 2008.

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