

Copyright Exceptions for Online Distance Education

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ABSTRACT

Use of copyright works for educational purpose is a category of exceptions permitted in international copyright law. The studies show that most developing countries in Asia, Latin America and Africa, despite their people's essential need to access education, fail to optimise the flexibilities for educational use in the international regime. The various additional restrictions are undermining the efficiency of educational exception and plaguing the development of online distance education. This article examines the pertinent clauses in the Berne Convention and other international treaties and attempts to disclose that the ambiguities and insufficiencies therein, inter alia, are misleading the developing countries and thus deterring them from setting out appropriate exceptions and limitations for educational purpose.

INTRODUCTION

Distance education, through various forms of correspondence, radio or television broadcasts, sound or video recordings, etc., offers people in developing countries, who are not physically able to enter into schools, the precious opportunity to access education. Through breaking down the constraint of time and space of school teaching, distance education makes educational resources available to a larger audience and with wider geographical distribution.

The internet brings new life to distance education. Once an educational programme is put online, people can naturally access it at a time and a place individually chosen by them. Online distance education has shown the advantages of cost effectiveness, quality improvement and, most importantly, shows no boundaries. With respect to those large developing countries like China, India, Argentina and Brazil, online distance education can be a critical solution to educational in balance in different geographical regions.

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