

Bridging Over School and Private Sectors: The Action Research on Intellectual Property Rights

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ABSTRACT

The purpose of this study is to provide viewpoints on collaborating between school education and private sectors in Japan. In particular, the authors focus on coordinating the intellectual property of private sectors, including copyrights, into school education. Introducing the intellectual property developed by private sectors into school education has spread in various ways, such as the appointment of school principals from private sectors. However, we have to consider how to connect the relationship between the interests private sectors possess and the purposiveness of public school education for the common good. In particular, it is important to mediate between the protection of intellectual resources in private sectors and the publicness of school organizations. Therefore, based on the educational resources developed by the private sector, we conducted action research in order to expand the implementation of the workshops in junior high schools. Then, we analyzed the process of negotiation and the coordination between the private sector and our research team. As outcomes, we are going to propose several points; for example, the necessity for both the private sector and schools to enhance the comprehensive understanding of the limitations and the interests in each position.

Keywords: intellectual property rights, copyright, collaboration, private sectors

1. Introduction

The purpose of this study is to propose ideas for supporting the utilization of the intellectual property the private sector possesses within school education throughout the analysis of the process of our action research. The introduction of the private sector into public school education has arisen in various ways. For example, appointment of the school principal from the private sector and outsourcing school club activities towards the private sector, such as the sport club and the rapid expansion of the community school. The problem for introducing the private sector into school education is that we have to consider how to connect the relationship between the interests private sectors

possess and the purposiveness of public school education for the common good. In particular, in order to ensure cooperation between the public organization and the private sector, it is indispensable to mediate between the protection of intellectual property that the private sector possesses and the publicness of school organizations. However, from the perspective of intellectual property right, the research for introducing the private sector into school education has not been examined. Based on this background, the authors conducted action research to support the use of the intellectual property owned by the private sector in junior high schools in Japan. More precisely, we analyzed the process of negotiation and adjustment with the private sector in order to conduct the workshop in schools, utilizing the educational resources that the private sector possesses.

This paper is organized as follows. After the introduction, the authors briefly introduce the organization to which we belong in Section 2. Then, in Section 3, the law for intellectual property rights, especially copyright law in Japan and special measures for school education, is explained. The details of our action research are shown in Section 4 and the conclusion in Section 5.

2. Overview of the “Center for Promoting Higher-Quality Teacher Education”

Prior to focusing on this study, the authors would like to introduce the organization to which we belong, as well as our tasks on which we work. The organization to which we belong is called the “Center for Promoting Higher-Quality Teacher Education,” which is attached to the Graduate School of Education, Shizuoka University. The purpose of this center is to provide trainings or lectures aimed at schoolteachers or people who are involved in school education in order to develop their capacity and quality as educators. One of the features of this center is that it collaborates with several organizations both inside and outside Shizuoka University; for example, the local board of education or private sectors.

As one of the projects this center is currently working on, an educational workshop was provided for teachers at junior and senior high schools. This workshop was owned by the private sector, so the “Center for Promoting Higher-Quality Teacher Education” invited the instructor, along with all the educational resources needed for the workshop, from the private sector. While conducting the workshop, our research question for this study was raised. That is, the authors had to consider what constitutes the obstacle for bridging over schools and the private sector, and how we could overcome this obstacle.

3. Copyright at Schools in Japan

3.1. Copyright Law in Japan

Let us explain Copyright law in Japan. In order to protect the results of people’s

intellectual activities, the right is granted for those results, which is termed intellectual property rights (Japan Patent Office, n.d.). Among several intellectual property rights, Copyright is related to all activities in school education. The purpose of Copyright Law is described with two points in Article 1. First, “to secure the protection of the rights of authors,” and second, “to have a just and fair exploitation of cultural products.” Therefore, it can be said that Copyright Law can contribute to the development of culture. The protection of Copyright is applied to a Copyright “work.” A Copyright work is defined as “*a production in which thoughts or sentiments are expressed in a creative way and which falls within the literary, scientific, artistic or musical domain*” (Copyright Law Article 2.(1)(i)), and an exploitation of a Copyright work without permission from the author is regarded as the violation of Copyright Law (Copyright Law Article 21. & 26.(2)).

3.2. Exceptional provision for school education

As mentioned, when people replicate or exploit a Copyright work, it is necessary to gain permission from the author. However, schools and non-profit educational organizations are permitted to exploit or replicate a Copyright work without permission in a fixed range (Copyright section, Commissioner of the Agency for Cultural Affairs secretariat, n.d.). The exceptional provision for school education is stated in Article 35 of Copyright Law.¹ Following Article 35, guidelines for the exploiting and replicating of a Copyright work by schoolteachers and students were proposed by the conference for the guidelines on Copyright Law, Article 35.

Thus, within schools and other educational organizations, although the guidelines for the exploitation and the replication of a Copyright work are established, exceptional provision is stated within Copyright Law in order to exploit and replicate a Copyright work with flexibility.

4. The Action Research

4.1 Outline of the Action Research

Based on the protection of the author in terms of Copyright, the authors conducted the action research in order to adjust and collaborate between school education and the educational program called AQ “Life skills” education (henthforth, AQ) owned by the non-profit organization J (henthforth, NPO. J). “Life Skills” are defined as “*psychosocial skills that are required to deal with the demands and challenges of everyday life*” (WHO, 1999). Life Skills education therefore aims to facilitate these skills, as well as offer methods for preventing undesirable attitudes and behaviors of students.

The AQ program was developed by the educational research institute in the United

States (henthforth, research institute Q) and the international foundation (henthforth, A international foundation) and has spread all over the world. It can be said that the AQ program is constructed in the most systematical way in terms of Life Skills education.

Therefore, NPO.J recommends practicing the AQ program in moral education or extra-curricular activities at school. Moreover, the AQ program provides educational materials for parents and thus expects all the people around students to consider students' behaviors.

In general, Life Skills education has spread via various educational materials and programs. It is possible to purchase some of them at bookstores and bring them into the lessons at school (e.g., JKYB Life Skills education workshop, 2014). On the other hand, the AQ Life Skills program conducted by NPO. J requires participation in the workshop for two days in order to maintain the quality of the program. Therefore, only people who participated in the two-day workshop are allowed to practice the AQ program in their lessons, and this is stated explicitly in their materials. Moreover, it can be said that Copyright of the AQ program has a complicated system. That is, it is owned by A international foundation in the world, and, also, NPO. J owns the Copyright for practicing it in Japan.

4.2 Process and Results

Based on the outline of the action research, the authors would like to present applicable problems and the process for solving these problems. As problems for the action research, two points were recognized.

On 9th and 10th September, 2014, the Center for Promoting Higher-Quality Teacher Education organized a workshop titled "AQ Life Skills education for adolescents" by collaborating with a foundation belonging to A international foundation. Most of the participants of this program were schoolteachers at junior and senior high school level who were studying at the Graduate School of Education, Shizuoka University.

While organizing and participating in this program, the authors came to a common recognition. That is, this program provided us with the skills that are essential for schoolteachers. For example, it showed us how to support students in terms of communication or emotional control. Moreover, the questionnaire completed by the participants after the program showed the same recognition. Seventy-eight percent of participants ($n=14$) answered that they fully understood the necessity of learning Life Skills education. In their free descriptive answers regarding problems in school education, the schoolteachers answered that they have seen many students who were maladjusted in their relationships to the people around them. Therefore, it was concluded that the continuous exercise of this program would meet the needs for solving the problems that students face (Yamazaki, Y. et al., 2014).

On the other hand, the authors also recognized several problems with excising this program. Although the participants of the workshop are able to acquire the skills required for conducting the program in their schools, there are also difficulties for exercising the program continuously at one school for the following two reasons. First, the number of schoolteachers who can participate in the workshop seems to be limited because the workshop takes two days to complete. Second, the contents of the program provided for students can be limited due to the busy work of schoolteachers. Moreover, the personal shift among teachers in public schools seems to present obstacles for one teacher to conduct the program at his or her new school.

While the staff, including the authors at the Center for Promoting Higher-Quality Teacher Education, discussed the problem stated above, a second problem came to be realized. That is, the problem related to Copyright needed to be considered in order to spread the program into school education, since only the participants who attended the program were allowed to conduct it.

To solve the problem of Copyright, it is necessary to confirm the guidelines for Copyright in the AQ program. Thus, the authors asked for confirmation of the guidelines from A International Foundation and NPO.J. The results of the confirmation showed that both organizations had not established the guidelines for Copyright yet, even though they realized the problems stated above.

With this confirmation, the authors created the questionnaire related to Copyright for the AQ program and asked both A International Foundation and NPO.J to answer. Then, the authors and both organizations opened the meeting for discussion of the Copyright of the AQ program. At the meeting, we proposed the guidelines for the use of the AQ program by referring to the answers of the questionnaire.

As a result of the meeting, the authors and both organizations agreed to improve the guidelines the authors proposed by following the policy of NPO.J. The new guidelines after the improvement were exploited at the AQ program workshop in September 2015. Thus, the guidelines the authors created were provided to NPO. J and the plan is to exploit them at the workshop.

Our action research took about 10 months for adjustment. The outcomes of the adjustment were to propose and exploit the guidelines the authors created. Our motivation for proposing the guidelines for Copyright was originally the idea that the AQ program should be conducted for students in school education. It can be said that our positive motivation brought about a positive solution and maintained the positive relationship between both A International Foundation and NPO.J. Subsequently, the authors set up the meeting for discussing and clearing the nature of the problem, and they continued meeting from time to time.

Throughout the process of our action research, it was crucial to recognize that having

face-to-face meetings with private sectors played an important role in solving the problem. At the same time, it should be noted that the intellectual property developed by the private sector such as the AQ program was evaluated positively by the authors. Therefore, our action research presented both indirect and direct adjustment, along with positive evaluation of the intellectual property, which contributed to problem solving. At the meeting with both private sectors, we also discussed our plans for the AQ program. For example, providing the workshop of the AQ program to undergraduate students who desire to become schoolteachers or using the AQ program within moral education, which is going to be regarded as one subject in school education. Thus, the meeting with the private sectors expanded the possibility for developing the AQ program.

4.3 Contents of Guidelines Created as Outcomes

Based on the process of our action research, in this section, the authors explain the contents of “the utilization guidelines” for the AQ program at schools. “The utilization guidelines” were based on the answers that NPO.J gave to the questionnaire, which included the criterion of utilizing the AQ program in school lessons and hints for facilitating the AQ program in school education.

4.3.1. The criterion of “The utilization guidelines.” Description of the utilization guidelines is shown in Figure 1. This figure shows the perspective of participants and non-participants in the workshop. The details of the utilization guidelines are described in Figure 2. Let us explain the guidelines for the participants of the workshop. They are permitted to exploit or modify the educational materials, such as lesson design or phases of lessons of the AQ program for their own lessons at school. It should be noted that they are required to explicitly state the following: “the educational materials they use are referred to the AQ program, whose Copyright is owned by A international foundation.” Let us explain the guidelines for non-participants. It is prohibited to lend the educational materials, such as lesson designs, of the AQ program to a third person. However, it is possible to look at those materials in private and visit lessons using the AQ program. Thus, non-participants are able to capture the overview of the AQ program. These points are described in the guidelines. In order to practice the lessons using the AQ program at school, non-participants can use the educational materials that are newly developed by participants of the AQ program. Moreover, non-participants can observe the lessons conducted by participants and ask for some advice from them. Then, it is acceptable for non-participants to practice the lessons using the new educational materials and new lesson designs that they have developed.

In summary, it can be said that participants of the AQ program’s workshop are able to modify and develop lesson designs and methods with certain flexibility. As already

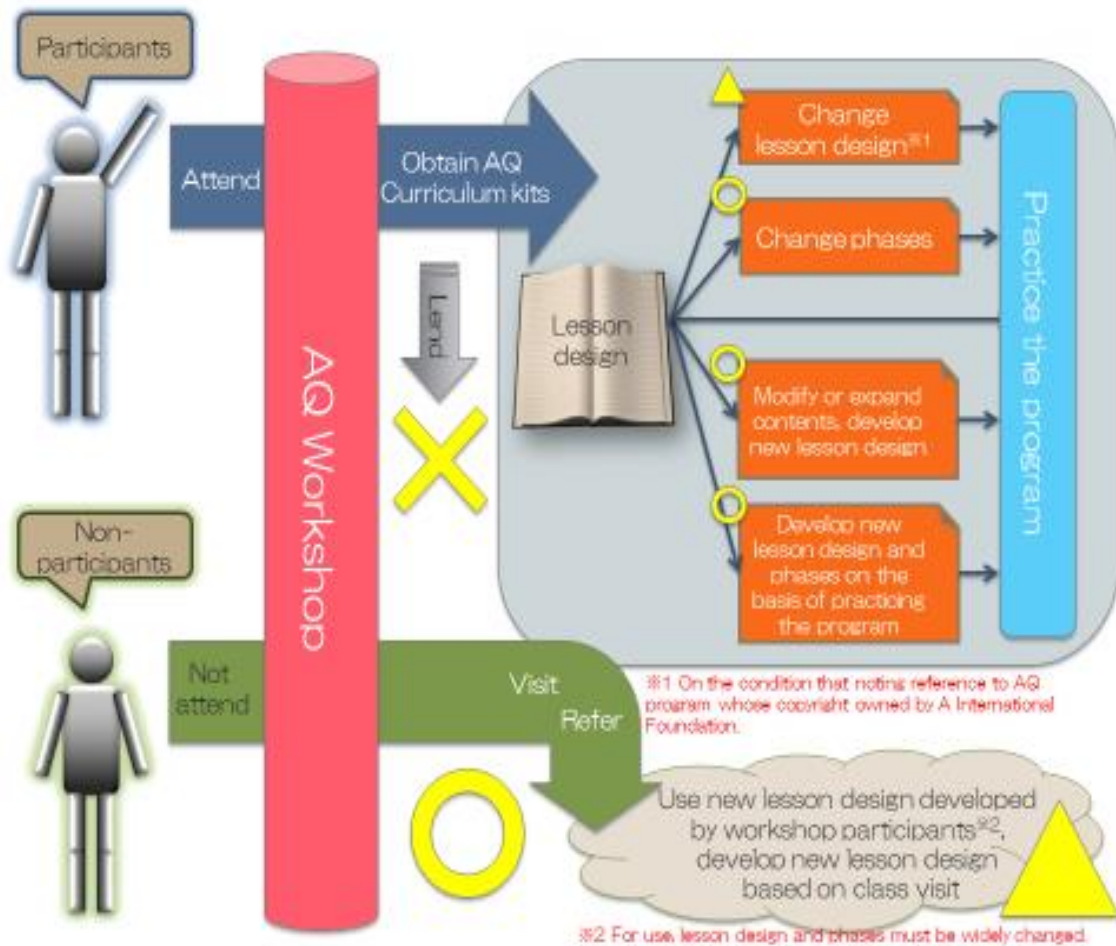


Figure 1. Description of the utilization guidelines

mentioned, it is necessary to state the author of Copyright on their materials explicitly. On the other hand, non-participants, who used to be excluded from the practice of the AQ program, are also able to relate to the practice of the AQ program in an indirect way, such as observing the lessons conducted by participants.

4.3.2. The utilization of the AQ program in school education. The utilization guidelines also included some ideas for utilizing the AQ program positively in schools. That is, the authors raised several examples and noted the degree to which they modified the AQ program.

Moreover, the authors created “the clues of utilization for AQ program,” which included three patterns named “the clues of utilization for AQ program part 1,” “the clues of utilization for AQ program part 2,” and “the clues of utilization for AQ program part 3.” “The clues of utilization for AQ program part 1” proposed some patterns for exploiting the AQ program that were not mentioned in the overview of the AQ program itself. For example, it can be utilized at club activities, career counseling, and local events at

	No	<i>How to treat curriculum kit and practice program</i>		○ • ×
Non-participant	1	Develop new lesson design by borrowing the curriculum kit from participant and referring to it.		×
	2	Use new lesson design, modified or evolved by participant. Condition: degree of modification or evolvement and similarity to original lesson design		
		Condition 1: degree of modification or evolvement is small and similar to original lesson design	×	
		Condition 2: degree of modification or evolvement is big and not similar to original lesson design		○
	3	Develop new text book based on visiting AQ program class which is conducted by participant Condition: without borrowing curriculum kit from participant, but can ask him for advice	Develop new lesson design according to new text book	○
Participant	1	Change lesson design Ex. by referring to another life skills-based education program	Use new text book for Class	○
		Condition: noting reference to AQ program whose copyright owned by A foundation		
	2	Use original lesson design	Change phases	○
	3	For classroom use, modify or evolve the contents and develop new text book		○
4	On the basis of AQ program practice, develop new text book and lesson design		○	

Figure 2. Handling of the lesson design and the practice of program

teachers who had been newly hired. The AQ program can provide opportunities for new teachers to observe lessons using the AQ program at school and listen to the teachers who participated in the workshop talk about their experiences, which will lead to improvement of their lesson skills. Moreover, we referred to the versatility of the AQ

program. That is, the program includes material for parents and other adults around students. “The clues of utilization for AQ program part 2” and “the clues of utilization for AQ program part 3” proposed the methods for practicing the AQ program and supplied examples. “The clues of utilization for AQ program part 2” includes one example of practicing the AQ program at school by providing the criterion for modification or development of the materials. For example, the authors combined two lesson designs into one lesson design and developed the materials to be fit for one lesson. We also changed the phases of lesson design and some of the roles within the roleplay. “The clues of utilization for AQ program part 3” proposed the example of non-participants developing the materials and lesson design. It should be noted that non-participants are not allowed to borrow all the materials of the AQ program from participants.

Therefore, the clues of utilization picked the methods of developing new materials by observing the lesson conducted by participants and asking for some advice from them. For example, non-participants can ask participants the reason why they chose the theme for their lessons or the good points of the AQ program. Thus, non-participants are able to develop new lesson designs by only referring to the idea or theme of the lesson that AQ owns, such as “it is good for discussing with their friends in a group and deciding the way to solve the problem,” but they have to create the methods and materials by themselves. At the end of the utilization, guidelines were mentioned regarding Copyright, including general knowledge as well as exceptional provision within school education.

5. Conclusion

This study has presented the action research on the intellectual property rights that the private sector owns. The authors found two points from our action research. First, it is necessary to consider the conditions of both the private sector and school education. In our action research, a variety of positions existed for conducting Life Skills education such as schools, boards of education, international foundations, and NPO. Although all these organizations have one common purpose for Life-skills educations, “develop living powers for students,” there are some different limitations and interests between schools and private organizations. In this action research, the Center for Promoting Higher-Quality Teacher Education attached to the graduate school of education, Shizuoka University, played a role as an agent for mediating between two positions. Second, it is necessary to develop the tool for using the intellectual property the private sector developed in school education. Our action research developed the utilization guidelines as the tool. The authors will continue our research in order to develop the viewpoints and tools presented in this study.

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ⁱ Article 35. (1). “A person who is in charge of teaching and those who are taught in a school or other educational institutions (except those institutions established for profit-making) may reproduce a work already made public if and to the extent deemed necessary for the purpose of use in the course of lessons, provided that such reproduction does not unreasonably prejudice the interests of the copyright owner in the light of the nature and the purpose of the work as well as the number of copies and the form of reproduction.”