Submission of evidence to the [House of Lords Digital Skills Committee](http://www.parliament.uk/digital-skills-committee/). All written submissions can be viewed: <http://www.parliament.uk/documents/lords-committees/digital-skills/Digital-Skills-Committee-Evidence.pdf>

Submitting organisation: Wikimedia UK (WMUK)

September 3rd 2014

# The Wikimedia Context

1. ***Wikimedia UK*** is an independent registered charity in England and Wales. It is the UK chapter of the global Wikimedia movement which works to support and promote Wikipedia, the free online encyclopedia (in many languages). The Wikimedia projects include: An encyclopedia (Wikipedia); dictionary (Wikitionary); a quotation repository (Wikiquote); a textbook repository (Wikibooks); original texts, often public domain books (Wikisource); a news site (Wikinews); a learning resource and course site (Wikiversity); a directory of species (Wikispecies); software to facilitate collaborative authoring, including all of the Wikimedia sites (Mediawiki); a machine readable structured database (Wikidata); a media repository (Wikimedia Commons); and a travel resource (Wikivoyage). The Wikimedia movement is a global movement whose mission is to bring open educational content to the world.
2. Wikipedia is the fifth most visited site on the internet according to ComScore, and currently receives around 21 billion page impressions a month from around 520 million unique users. It and its sister non-English encyclopedia sites are of significant importance to global education. Their collaborative creation and maintenance, and open licensing, are significant in the context of 21st century digital skills which is the subject of this consultation.
3. Wikimedia UK exists to collect, develop, promote and distribute openly licensed knowledge. We do this by supporting volunteer editors and contributors – Wikimedians – and by working in partnership with cultural and educational institutions. Wikimedia UK’s mission is to help people and organisations build and preserve open knowledge to share and use freely. Our long-term vision is open knowledge for all.

## Contributors to this evidence

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1. This evidence was openly drafted on the [Wikimedia UK Wiki](https://wikimedia.org.uk/wiki/House_of_Lords_Digital_Skills_Committee_evidence) and builds on [The WMUK response to European Commission copyright consultation](https://wikimedia.org.uk/wiki/WMUK_response_to_European_Commission_copyright_consultation) and [The WMUK Education Strategy pages](https://wikimedia.org.uk/wiki/Education/Strategy/Detail)

## The Wikimedia movement and Education

1. We have significant experience in the area of cultural and educational heritage. We regularly work with some of the UK and Europe's important cultural and educational institutions, and help and encourage them to share their resources and archives under open licences. Current and recent partners include The Royal Society, The British Museum, The British Library, The Science Museum, The Natural History Museum and The National Library of Scotland.
2. Educational content that is released under open licences can be used on Wikipedia and other projects, making them available to others to use, reuse, distribute and adapt for other purposes, including commercial uses. The Wikimedia projects are working to facilitate open access to the sum of human knowledge. They are widely used by other resources and the structured nature of the data has facilitated innovations in how we access and consume knowledge on the internet (including, for example, in Google's Knowledge Graph).
3. In addition, the movement is engaged in direct educational outreach to give greater access to the Wikimedia projects, particularly to those who would otherwise have limited access to educational resources, for example:

* [Wikipedia Zero](http://wikimediafoundation.org/wiki/Wikipedia_Zero) is a project in which mobile carriers agree to 'zero rate' traffic to Wikipedia, rendering such access free to the end user.
* [Kiwix](http://www.kiwix.org/wiki/Main_Page) provides a fully downloadable copy of Wikipedia and its embedded media which can be delivered over a local wireless network, thus making available an 'offline' copy for fast access in places lacking internet access (such as rural areas, or countries with slow or uneven internet coverage), schools (where vetted copies may be provided), and prisons (again where vetted copies may be provided, and internet access is otherwise restricted).

1. The movement has also worked to engage students in the practices around Wikimedia projects through the [Education Programme](https://outreach.wikimedia.org/wiki/Education). Such programmes typically involve students learning about a subject, by creating and editing content about it (sometimes in a second language), often for course credit. There has been recent [interest in Israel](https://en.wikipedia.org/wiki/Wikipedia:Wikipedia_Signpost/2014-07-23/Wikimedia_in_education) and Serbia around introducing the projects to school aged students and teacher education courses.

# Educational context

1. Our responses in this section primarily relate to prompts 4, 5, 7, 8 and 14. We are interested in the digital skills required by all citizens (4), and the ways such skills can be (and are) taught (5), including with regard to lifelong learning (8) inclusive of workplace learning (14). The Wikimedia projects have a particular focus on the social element of learning (7), being a community driven set of projects, each with their own norms and practices, and each striving to release our cultural heritage as open knowledge for all.

## 1.1 Skills education for the future workforce

1. As Wikimedia contributors, we think of wikis as both a resource and a process. The education sector deals with the same distinction between resources and processes. What makes the Wikimedia projects distinctive is they provide not only content, but practices. In the global Wikipedia community such practices produce, review and improve a work that digests the state of published knowledge. Wikipedia is just one example of an Open Educational Resource (OER), but the only one that is a household name.
2. The [JISC/HE Academy-funded UKOER programme](https://openeducationalresources.pbworks.com/) is now in its third phase, and has put millions of pounds into a wide variety of OER projects. The term [Open Educational Practices](https://en.wikipedia.org/wiki/en:Open_Educational_Practices) (OEP) has been coined to cover the context and use of OERs: the practices teaching staff, learners, institutions, and policymakers need to get right if they want to [reap the benefits of open education](http://e4innovation.com/?p=406). Educators are moving forward from simply putting out content. The Wikimedia community has a head start in the added factors, such as opening up educational resources, on the one hand making them accessible and remixable with appropriate formats, licences and data, and on the other making familiar the edit button, with its chance of meaningful and rewarding collaboration. From resources, we can learn the biography of a historical figure, the source of a quotation or the meaning of an unfamiliar word. From engaging with an online community and its practices, we may learn about collaboration, about bias, about fact-checking, and about accepting and giving criticism. The saying "the important thing is to take part" may have a sporting origin, but it also explains the educational value in wikis. This is particularly true given the increasing need for online, 'always on', and lifelong learning. It is common ground that developing general information literacy is important for the future.
3. The Wikimedia projects, a valuable and widely-used resource, can shed light on educational issues, and there are half-a-dozen strands, going beyond learning factual information. How to make best use of projects such as Wikipedia; how to reuse their material; how to write in a concise, clear style (through working on the [Simple Wikipedia](https://simple.wikipedia.org/wiki/Simple_English_Wikipedia)); how to acquire foreign language skills? (through [comparing multiple Wikipedias](http://manypedia.com/)); how best to interact with an online community; how to respect copyright and plagiarism as problems, when widespread online sharing of information and multi-media are culturally embedded.
4. The 2009-2015 PISA definition of reading indicates that: “Reading literacy is understanding, using, reflecting on and engaging with written texts, in order to achieve one’s goals, to develop one’s knowledge and potential, and to participate in society” (OECD, 2013, p. 9), recognising the importance of authentic situations, including multiple (often conflicting) documents, for developing literacy. In short, literacy is not just a matter of being able to say the words aloud. The cited skills are exactly those involved in Wikimedia projects. They cover: finding, corroborating, synthesising and judging the significance of claims; working critically with others in a digital environment; following a set of community norms and practices. Systematic engagement with Wikipedia offers a set of key skills, especially through classroom assignments for article writing/editing and related activities. These skills include the ability to: to produce data for the web (rather than merely consume it); take advantage of the benefits of crowdsourcing knowledge; and the ability to distinguish between reliable, less reliable, and unreliable sources, as well as other critical thinking skills.

## 1.2 Teaching to inspire for the jobs of the future

1. Despite these fresh definitions of literacy, the English and Welsh school assessment systems have been increasingly returning to offline, end of year, high stakes assessments. The impact of such changes permeates the whole curriculum and pedagogy, with teachers encouraged to teach to the style of response students will be expected to reproduce in examinations. There is a need for innovation in assessment, to focus on authentic problems. While in Denmark, to give an example, for four years now at least some students have had access to the internet during examinations at both the school leaver and university level, the English and Welsh systems remain largely paper based, closed book, and examination focused over problem based learning or coursework focused. The performance of the knowledge practices we hope to bring our students in to is still largely neglected.
2. In the Wikimedia context, [“more than 7,000 students”](https://outreach.wikimedia.org/wiki/Education/About) have participated in the Wikipedia Education Program around the world. Students engage in editing Wikipedia articles, typically for course credit. There is a technical aspect, and students have for example to learn how to use a markup language, to insert images or references. But the more important focus is around their literacy and subject knowledge – students have to absorb the practices of Wikipedia, place a particular subject in context, and write neutral, accessible material citing reliable sources while respecting copyright. They contribute live to public understanding, with work of value. The American [Association for Psychological Science](http://www.psychologicalscience.org/index.php/members/aps-wikipedia-initiative) (APS) now runs a Wikipedia Initiative, and supports university lecturers in setting psychology based Wikipedia writing assignments. The authentic nature of the task of editing Wikipedia, especially the fact that students see their work as real contribution, offer a broad lesson on bringing assessments into the 21st century.

## 1.3 Informal and workplace learning

1. It is also essential to provide the opportunity for future workers to understand how the most popular non-commercial source of online information is produced, to enable them to make best use of this resource in the context of their own work-related endeavours. The points made above all apply to the lifelong, informal, and workplace learning contexts too. With the rise of 'always on' technology has come an increasing need for 'always on' educational resources and courses. This is seen in the growing interest around Massive Open Online Courses, and developments in 'edutainment' including the [TED talks](http://www.ted.com). What is striking, however, in such developments is that many build in community elements: discussion forums and comment systems, local events, and social recommendations. There is a need for technical support and legal reform to facilitate innovation in this area.

# Legal and social context

1. Our responses in this section primarily relate to prompts 1 and 2. The Wikimedia projects have been widely used in innovative contexts. That includes reuse of content where innovation comes as a new form of content delivery, filtering, or remixing (1), and, for example, where open licensing allows data mining techniques, and so a better understanding of our knowledge base and cultural heritage (1). There are still limitations to such innovations, in particular around intellectual property. The legal position has not kept up with technological change (2).
2. We believe that open licensing which facilitates the use, remixing, and reuse of materials (including software), and provides scope for collaboration, leads to innovation and economic impact. All Wikimedia websites create teaching materials that can be used across all borders. They benefit from the excellent work on cross-border licences done by [Creative Commons](http://creativecommons.org/); but editors and re-users of Wikimedia content still may not be able to benefit from such consistency in using existing educational materials. Access to educational resources is increasingly online, and via personal devices such as tablet computers. Yet there are barriers to such access.
3. Wikimedia UK looks at cultural and educational institutions: libraries, museums, galleries, universities and schools. Our argument is that, through such changes, society will benefit. The breadth of materials available to authors, creators and innovators works to improve resources for those who wish to learn. The UK must recognise the value of knowledge building. There is an alternative to constant re-invention of the educational wheel, namely building on our existing achievements and knowledge, and collaborating broadly.
4. There are, however, a number of impediments to this vision at present. Legal and social challenges acting against digital innovation should be considered more closely. They include:

* Copyright: Open licences facilitate collaboration, use reuse and remixing, and innovation
* Technical infrastructure: Open infrastructure through open source software favours collaboration, and new data mining ideas
* Cultural change: Towards open release, particularly by public institutions

1. These points cover copyright, as well as technical and cultural restrictions on how materials may be accessed.

## 2.1 Copyright

1. Open licences facilitate collaboration, reuse and remixing, and innovation. Educational institutions should be able to provide access to all of their collections (whether in or out of copyright) over the internet, with appropriate technical safeguards for copyright-protected content.
2. There is an existing though extremely limited exception that allows institutions to make works in their collections available. The terms are ‘for the purpose of research or private study, to individual members of the public by dedicated terminals on the premises’ (article 5(3)n). This scope is no longer aligned with the reasonable expectations that where individuals have lawful access to content, they can access that content from anywhere. For example, no access for those who cannot travel (which might be because they are disabled, or because they lack the economic means to do so).
3. Provision of full text search should be permissible in all cases. It should be unlawful for publicly funded institutions, or those that take up public funding for digitisation projects, to charge fees for digital access to public domain content well above true costs. It should be unlawful for institutions to require a re-user of a digital copy of public domain content to agree to use limitations by contract, as a condition of providing the copy. It should be mandatory for institutions to provide public access (with technical protections against mis-use if required by the copyright owner) to digitised content that has been digitised in reliance upon a preservation or an archive-related copyright exemption.
4. We would like to see all research produced directly by government and their agencies exempted from copyright altogether so that it falls automatically into the public domain, as is the case in the USA. As a matter of principle, we believe that the results of all research financed wholly or in part by public funding should be freely available, though retaining moral right protections for the authors.
5. The UK's commitment to the Open Government Licence (OGL) has been an excellent start; continuing to release documents and data at all levels of government alongside a commitment to open licensing in government funded work (including research) is an important next step.

## 2.2 Technical infrastructure, the details

1. Technical barriers prevent innovation and collaboration, reduce access to materials, and restrict the vast potential innovations in areas such as data mining.

### 2.2.1 Restrictions to data mining

1. Our volunteers regularly attempt to mine data sources on the internet, the contents of which are freely licensed or entirely in the public domain, only to find that technical measures have been put in place to prevent or hinder automated access. Publicly-funded educational institutions, and those have have received government or EU grants to enable digitisation of out of copyright (public domain) holdings, should be required to make such holdings available to the public via the internet free of charge and free of technical restrictions on downloading (that go beyond restrictions to protect the servers). Innovation is being built on mining such data sources.
2. While technical measures may have a practical justification, we often find measures that have no apparent purpose other than to frustrate and hinder. Examples include publicly funded museums and galleries that supply public domain images online but that protect them by the use of captchas, or that split such images up into extremely small tiles that are served up separately. Wikimedia websites, by contrast, are some of the most widely mined and analysed data sources on the planet. Their information is made freely available, on principle.
3. The principle that "*the* *right to read is also a right to mine*" should be enshrined in legislation. This is now required to prevent attempts to create, by physical possession and by technical means, new de facto rights which Intellectual Property law simply does not recognise. Recent changes in the UK to permit the non-commercial mining of databases are a step forward.
4. Legislation should not, however, differentiate between commercial and non-commercial activities, as such a differentiation is not proportionate in the public interest. We would like to see a repeal of the EU Database Directive. Wikimedia's experience shows that change would lead to a variety of new uses and means of delivery within the EU and across its boundaries.

### 2.2.2 Restrictions to use of personal devices

1. As a charity, we support the right to access information anywhere, on any device. Existing frequent use of Digital Rights Management (DRM) software cuts across such rights, to 'protect' e-lending materials, by restricting access far more tightly than the law requires. For example, DRM frustrates the ability of users to make personal copies for educational use, a copyright exception which has been upheld repeatedly in a variety of court cases in the EU and the US. It also typically prohibits the creation of open source readers and tools.
2. We believe that as an ethical and practical matter DRM should be prohibited for e-lending from public institutions like libraries. It may not be technically feasible to construct DRM systems that allow for the exceptions and limitations that are necessary for an ethical and creativity-enhancing system of copyright. to read and create content. Access and creativity are being restricted and denied.
3. In any event, the law should be clarified. It must be made clear that it is legal to create and distribute tools that allow educators, researchers, the disabled, and others to remove DRM, when that is necessary to exercise their legal rights, including using the exemptions to access material over the internet. Recent changes to UK copyright legislation go some way to addressing these issues. However, they may put a variety of artificial constraints on digitalization, such as allowing non-commercial use only. This seriously limits how libraries and museums can reliably archive and publish preserved materials. It further limits the ability of our Wikimedia volunteers, who aim to put all of our cultural treasures online for education and reuse by the entire world, to help such institutions unlock their collections.
4. Under the current EU copyright rules, cultural heritage institutions are dependent on permission from rightholders in order to make protected works in their collection available online. This makes no sense. Particularly so since the majority of works held by these institutions are not commercially available, because of their age or lack of commercial interest.
5. The enormous potential of mass internet access is currently being held back by copyright rules that unnecessarily restrict how cultural heritage institutions can exercise their mission in the online environment.

### 2.2.3 Cultural change: Towards open release, particularly from public institutions

1. Many libraries and archives now charge excessive fees for providing a digital copy of an out of copyright image or a page of text from an old newspaper, magazine or book. This is an exampple of tendency of some institutions to use physical ownership a substitute for copyright.
2. Fees often bear no relation to actual costs, and generally a contract has to be signed at the same time confirming that the copy will be used only for research or private study. Some institutions even attempt to apply DRM to public domain content. Attempts to control access to the public domain, and to regard public domain material as a profit centre, should be controlled by legislation. Institutions should instead be encouraged to share and collaborate on resources. Competitive models between public institutions which penalise open access, and collaboration, are also problematic where they lock up cultural resources
3. Legislation should reduce incentives to lock up the public domain. It should ensure that public domain material is free for anyone to use, for any purpose, on payment of (at most) a reasonable copying, scanning, or reproduction fee. Incentive systems must not penalise specific institutions, as the so called Gold Access author-payment publishing route may.

# Conclusion

1. There is an expectation that the fostering of digital skills in the 21st Century will take place in an 'always on' open environment. For the potential of such developments to come to fruition, legislative change around the opening of cultural heritage, and innovation around education design both need support. 'Open' practices are not simply about copyright reform and open licensing of public materials; they embody the kinds of literacies – informational and digital – required in the digital environment, and as such deserve consideration as important 'digital skills'.