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## Playing with copyright: Transforming copyright education through games

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### ABSTRACT

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Copyright education has become an important aspect of librarians' information literacy and scholarly communications activities. These include providing support and delivering teaching sessions for teaching and professional services colleagues, as well as students, researchers and other library users. Since the Covid-19 pandemic and the shift to online and hybrid teaching, it has become increasingly important for lecturers and teachers to understand how licences and copyright exceptions apply to teaching and learning activities. The need for this has been documented by practitioners and scholars around the world (Hudson and Wragg, 2020; Craig and Tarantino, 2020; Morrison and Secker, 2020).

In this paper we will briefly outline the concept of 'copyright literacy' as defined by IFLA (2018) and how it has many parallels with teaching other aspects of information literacy. This includes taking a more 'critical' approach, where students are encouraged to explore power dynamics within the systems of creation and consumption of information. Copyright education has traditionally been approached in a rather dry, lecture style format. This approach often serves to reinforce the perception of copyright education as the communication of a set of rigid rules to follow. We argue that the creation and use of copyright games, including Copyright the Card Game and The Publishing Trap, has transformed approaches to teaching copyright in recent years and supported a broader, more critical conception of copyright literacy. Both games are licensed as open educational resources and have been adapted and re-used by others in the UK and in other countries around the world. They have also sparked the creation of other copyright games, which are showcased at an annual conference: ICEPOPS – the International Copyright Literacy Event with Playful Opportunities for Practitioners and Scholars.

The paper explores the pedagogic principles behind our games as well as considering the value of games and playfulness when teaching about a subject such as copyright that is known to cause uncertainty and anxiety. We also reflect on how we adapted both our games for teaching online during the Covid-19 pandemic. Through this process it was important to retain the learning outcomes of the game but also the pedagogical approaches used including the use of teams and point scoring, peer learning, the use of scenarios and of discussion and critical thinking. We then discuss feedback we've collected from librarians and others who have played our games and consider whether and how they improved learning. We conclude by considering how a critical approach to copyright education aligns with a signature pedagogy of playful learning.

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## Introduction and theoretical basis

This article investigates the use of games and playful learning to teach those working in libraries, cultural heritage and education about copyright. We explore the relevance of copyright law to librarianship, and the role of librarians as copyright educators. We then go on to discuss what copyright literacy is, before outlining and exploring the impact of our playful and games-based approach to copyright education.

The idea to create a game about copyright was inspired through using games in information literacy teaching. This paper provides insights into the ways that playful learning can help teach difficult and complex subjects, such as copyright, in engaging, active ways. Understanding copyright is important because of the way it governs access to culture and learning, but as with many legal concepts it can be difficult to translate this into practical action. This is largely due to the complexity of the law and the use of specialist terminology (or jargon). However, in addition to this, copyright is a contested space where there are different and competing views, from the creative industries, from cultural heritage and from education about its purpose, scope and reach. We argue that viewing copyright not just a set of legal rules but as part of a range of literacies could be a ‘threshold concept’ (Meyer & Land, 2003). Moreover, we also draw on approaches from critical pedagogy, what Freire (1970) calls “*conscientizagao*” in our teaching to expose the contradictions, complexity and power structures related to copyright law. In this article we describe our experiences of creating and teaching with our own copyright games to address some of these challenges and reflect on their impact through an analysis of feedback received<sup>i</sup>.

The analysis refers to a number of theoretical frameworks that align with the related areas. These include experiential and active learning, critical pedagogy, playful learning and our own research using phenomenography. We are both experienced copyright educators, but have distinct and complimentary backgrounds in copyright and education. Chris is the Copyright and Licensing Specialist at the Bodleian Libraries, Oxford, having previously worked in copyright roles at the University of Kent, the British Library and the music industry. Meanwhile Jane is a Senior Lecturer in Educational Development who teaches modules on digital education at City, University of London. She is a former copyright advisor and librarian with research interests in digital and information literacy.

## Copyright the Card Game and the Publishing Trap

We have created two copyright games: Copyright the Card Game and The Publishing Trap. The impetus to create our first copyright game came about in 2014 following the Hargreaves Review of Intellectual Property. The detailed background to the development of Copyright the Card Game has been documented elsewhere (Morrison, 2018) but in summary we wanted to try a new approach, using games-based learning to help participants understand new provisions in the law relating to education and research. Our game was initially created as a training tool for academic librarians in the UK (it is based on UK copyright law) and subsequently adapted for use with other audiences. It has been available as an open educational resource since 2015. You can access this game on our website and since we first created it, the game has been adapted for use in the US,

Canada, Australia, New Zealand<sup>ii</sup>.

Copyright the Card Game is a team-based problem-solving game where the players are given discreet sequential information about copyright. Players are presented with scenarios in each round where they have to apply their knowledge, make a decision and indicate their answers by selecting cards. Typically there are at least 2 teams which are formed of 3-6 players (we have played with larger sized teams and have run the game with 10 teams of 6). The game is fully scalable, although playing with larger groups means the overall game play takes longer as each team is required to feedback their answers at the end of each round. During the Covid-19 pandemic we adapted the game to be played online using break out rooms to allow the teams to discuss scenarios during each round. An online deck of cards was made available and choices were indicated using online forms.

The Publishing Trap is a role playing boardgame for early career researchers to help them understand the choices they will make about sharing and publishing their work throughout their career as an academic researcher. We created this game in 2017 and drew on our experiences of creating the card game. Players take on the role of one of four characters and through a series of rounds of the game are asked to make choices on publishing and licensing their PhD thesis, journal articles and other scholarly outputs. This game typically has a team of 2-4 players in each team, so they can discuss the decisions their character has to make. Choices are indicated on the board and points awarded at the end of each round and during two 'impact assessments' where someone from outside of the academy wants to gain access to their work. We also shifted this game online during the Covid-19 pandemic to play in teams using break out rooms. The Publishing Trap boardgame and online version are available from our website and because it is not based on a specific jurisdiction it has been translated into German, Lithuanian with a Spanish version in progress.<sup>iii</sup> Again, further details about the development of this game have been documented elsewhere (Secker & Morrison, 2018) and the primary purpose of this article is to explore the pedagogic aspects of both games and to explore their effectiveness as educational resources.

### **Copyright education for librarians**

Librarians have numerous opportunities to develop their own understanding of copyright, either through their formal education or through continuing professional development (CPD). Although levels of copyright literacy vary around the world (Todorova et al., 2017), librarians frequently encounter copyright issues in their professional lives, whether through the provision of copying or scanning services, digitisation programmes, through inter-library supply or the purchasing of electronic resources with their associated licensing agreements. In UK educational establishments and other public institutions, librarians frequently manage collective licences such as the CLA (Copyright Licensing Agency) and ERA (Educational Recording Agency) licences and often get involved in the administrative provisions associated with operating these licences. Ensuring they, or a member of library staff, keeps up to date with copyright is therefore crucial to delivering effective and compliant services. However, in general there are several aspects of copyright that librarians tend to focus on, and so bespoke training and publications aimed at librarians and archivists have existed for many years. For example, Sandy Norman, published several guides to copyright aimed at UK librarians in different sectors, from the 1990s

onwards (e.g. Norman, 1999). We have over 20 years' experience in this field and knew that prior to 2015 most copyright trainers had used fairly traditional approaches to copyright education, with the most extreme examples constituting the dreaded "death by PowerPoint." Our own use of games-based learning has therefore transformed the approach taken by others in the sector, spawning several other copyright games and an entire conference devoted to the topic. We would argue these approaches have helped librarians become more engaged with copyright issues and given them greater confidence when approaching copyright matters themselves and when supporting for their user communities.

### **Transforming information literacy training through games and playfulness**

Our interest in using games in copyright education was initiated partly through observing the increasing use of games in information literacy (IL) teaching. Librarians who teach recognise that lectures on library resources or demonstrations of bibliographic databases have limited appeal to students, but also don't allow them to practice their skills. Since as early as 2004, some librarians started to use games in IL (see for example Morgan and Davies, 2004; Doshi, 2006). Games and playful learning approaches are a way that librarians have made their IL teaching more engaging and active for students, as they developed a greater understanding of learning and pedagogy. In some countries, such as Australia and the UK this may be linked to academic librarians completing formal teaching qualifications or receiving recognition for their teaching practice through the fellowship scheme offered by AdvanceHE<sup>iv</sup>.

Our decision to use games in copyright education was initially driven by similar motivations to make learning about copyright more active and engaging. However, we noted that some librarians have also adopted a broader 'playful' approach to their teaching which doesn't necessarily involve games-based learning but allows learners to explore new possibilities, learn through failure and allows unexpected things to happen (Walsh, 2020). At the same time as developing our games, we employed broader playful approaches to our work through initiatives such as our 'Copyright Waffle' podcast and our webinar series, both of which use theme tunes, jingles and provide a space for the irreverent and light-hearted alongside discussion of the technical subject matter.

### **Copyright education and information literacy**

Librarians both in formal and informal educational settings have an important role to play in developing the information skills of the communities they serve. Information literacy as with other 'literacies' are commonly referred to as cultural and communicative practices which are situated in specific information landscapes (Lloyd, 2010). This means educators need to focus beyond the "knowing" element of a literacy, and view it as a social practice. Most information literacy frameworks address the ethical use of information and align understanding copyright with referencing, citation and avoiding plagiarism. There is therefore a need for academic staff, researchers and students to understand aspects of copyright law, usually related to how they create, use and disseminate scholarly knowledge. The shift to online learning during the Covid-19 pandemic arguably heightened this need around the world (Craig & Tarantino, 2021; Hudson & Wragg, 2021). Copyright specialists,

many of whom are based in libraries, often deliver training on copyright as part of their role (Hatch et al., 2017). These sessions can be difficult to promote, with training about copyright often competing with other priorities for staff development. It can also be seen as a rather dry subject taught in a way that encourages 'compliance' with the law rather than being perceived by learners as integral to their work or practice. The training often takes the form of a more traditional lecture style session, covering the basics of how the law works. Interactivity or active learning often happens through allowing time for those attending the session to ask questions.

Creating copyright education games has been part of a wider approach we and others have taken which recognises that learning about copyright involves developing a set of literacies; not simply as a set of rules or the ability to recall specific knowledge about the law, but an evolving practice which has meaning within specific communities. The International Federation of Library Associations (IFLA) recognised the importance of copyright literacy for librarians to interpret and apply "the rules" of copyright (IFLA, 2018). The nuances, flexibility and scope for interpretation mean we have defined copyright literacy as "acquiring and demonstrating the appropriate knowledge, skills and behaviours to enable the ethical creation and use of copyright material" (Secker & Morrison, 2016, p. 211). Approaching copyright from a literacy perspective could be likened to a 'threshold concept' that is "akin to a portal, opening up a new and previously inaccessible way of thinking about something" (Meyer & Land, 2003, p. 1). This is relevant because many people expect copyright to be presented as a set of clear 'rules' rather than as a shifting and contested space. As when teaching other literacies (information or digital) viewing the development of copyright knowledge as a literacy suggests using specific pedagogic approaches such as experimental learning or active learning.

Our approach has also been influenced by critical pedagogy (Freire, 1970) and critical information literacy (Elmbourg, 2006) in that we intend for our games to expose power structures inherent in copyright laws. This means focusing less on information transfer during our teaching and more on developing "critical consciousness". Proponents of critical information literacy argue that librarians cannot be 'neutral' but they should be advocates for change to societal and academic norms and practices (Smith, 2016). Games-based learning and playful approaches to copyright education are therefore helpful for developing what we have called 'critical copyright literacy' (Secker et al., 2019) which can help shift librarians and others from seeing copyright as a fixed set of rules, to an opportunity to co-create meaning and understanding (Morrison & Secker, 2017). For example, when learning about copyright exceptions in the Card Game, the concept of 'fair dealing' is one we spend time helping people understand. The temptation is to view fair dealing as a 'rule' rather than a 'standard' – i.e. something that can be easily quantified (like a set percentage), rather than a nuanced weighing up of factors on a case by case basis. Lack of case law in the UK, particularly since 2014, means that a risk assessment is an important way of determining what might be fair. The lack of clarity and uncertainty in the law is something we try to help librarians and educators become more comfortable with. This can help shift people from viewing copyright as a 'compliance' issue to a risk management issue.

## Copyright anxiety and chill

Active learning is clearly an important aspect of any effective teaching programme, however another aspect of copyright that makes it particularly suited to games-based learning is related to the anxiety or confusion that copyright can cause. Games are particularly suited for difficult or challenging subjects, partly through allowing 'players' to step into the 'magic circle', to take on a new 'persona' and to become more playful.

We first observed anxiety and confusion in a survey of UK librarians and subsequently undertook qualitative research to explore the variations in librarians' experiences of copyright (Morrison & Secker, 2017). In this phenomenographic study copyright was perceived by many librarians as an ongoing 'problem'.

Phenomenography is a qualitative research methodology which has been used widely in information literacy research to investigate different variations in people's experience (Marton, 2000). This recognises that people experience things in different but inter-related ways and that this is critical to creating appropriate educational interventions. In addition to being seen as problematic or complex and shifting, copyright was also seen by some librarians as a known entity requiring coherent messages. Finally in some instances copyright was experienced as an opportunity for negotiation, collaboration and co-construction of understanding (Morrison & Secker, 2017, p. 360).

Since 2017 we have asked librarians to tell us what feelings they associate with copyright and words such as 'confusion', 'frustration' and 'anxiety' are all frequently cited. Our concern was that this led librarians to actively avoid copyright. This avoidance tactic can mean copyright issues are not addressed and potentially copyright problems are never properly resolved.

Aside from the librarians, many other groups (but particularly academic staff, students and researchers) have attended our copyright training sessions, usually approaching the subject with a mixture of trepidation and confusion. By far the biggest challenge with this audience was getting them to recognise they needed to learn more about copyright and that in doing this, they wouldn't just find out they were unable to teach or undertake research in the way they wanted. Providing a playful approach to copyright education with these audiences proved to be a key way firstly of getting them through the door, but then actually engaging them with a subject that they might previously have wanted to avoid. We note that many people operate in what Mnookin and Kornhauser (1979) termed the 'shadow of the law' where decisions and negotiations are influenced by the law but rarely mediated by the courts. This may be an effective way for some areas of law to operate (Mnookin and Kornhauser were examining divorce proceedings). However as Sinnreich (2019) highlights, the 'architecture' of intellectual property law means that norms and behaviours sit on top of an inverted pyramid of legal authority where the vast majority of those involved in activities that copyright regulates are unsure of whether what they are doing is permitted. As a result many fear that they are likely doing something wrong, but keep 'below the radar' to avoid being told that was the case.

In a more recent study, Wakaruk and Gareau-Brennan (2021) observed the 'chill' and anxiety copyright could

engender, leading people to restrict or limit their behaviour. The consequence was that they often chose not to copy or use material when they were uncertain of copyright law. They observed that navigating copyright can be frustrating and potentially discourages or limits the legitimate use of copyright protected materials.

### **Pedagogic principles of the games**

At the outset of the design process we ensured our games were ‘constructively aligned’ (Biggs & Tang, 2011) which means we started by devising clear learning outcomes for both games. These were then aligned to the activities undertaken in the game and the final overall assessment of learning. In practice, assessment of learning is probably the hardest aspect of a games-based learning approach, so this is discussed in more detail below. Another important approach to designing the games was linked to our view of copyright education as part of information literacy, which means it’s about developing skills, practices and behaviours in the learner. This lends itself to experiential learning (Kolb, 1984) where learners cycle through experiences and reflection and active learning. Marshall (2019, p. 345) defines active learning as the ‘process of engaging with a learning task at both the cognitive and affective level.’ It covers a broad spectrum of learning activities but typically students undertake tasks to practice their skills and reflect on their learning. It involves a dialogue between student and tutors, and between student to student. One form of active learning is problem-based learning which involve learners discussing case studies or scenarios, with the need to find a solution or answer. This approach seemed to be a perfect fit with the shift we were hoping to achieve with our game.

To avoid what Sweller and Chandler (1991) call ‘cognitive load’, both our games attempt to break down information about copyright into manageable chunks. So for example in the Card Game the learners first understand what types of works are covered by copyright, then the types of activity it regulates. Round 3 explores possible licensing options and only in round 4 are they asked to consider all the previous three factors, in addition to understanding copyright exceptions and risk. Presenting information on cards during each round, rather than lecturing about copyright, also helps with visualising and ‘embodied learning’ (OECD, 2018) – players don’t need to ‘remember’ what types of copyright works exist, they have the cards on the table and can physically interact with them to support their learning. For example, players will ‘discard’ those cards that don’t apply to a scenario whilst retaining those that do, therefore allowing an embodied conceptualisation of abstract legal principles.

Team-based learning or peer learning is another important aspect of both games. Typically in copyright training sessions, learners’ levels of knowledge and experiences of copyright will vary considerably. By playing in a team and sharing their knowledge, the benefit is that the game caters to individuals with different levels of knowledge. Many of the learning outcomes are achieved through discussion, reflection and then a group feedback session at the end of each round. At the end of this game a team comes out as the ‘winner’ with the highest number of points. However, much of the learning happens through the discussion and reflection and teams that do not win the game still benefit from the same learning.

Meanwhile the Publishing Trap is designed as a role playing game, so teams are formed who play as one of four

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academic characters. Each of the major disciplines (arts, social sciences, life sciences and physical sciences) is represented and the teams are given some details about their character, and are asked to take on this persona, so giving answers as to what Brian the Microbiologist would do, not what they would do. Again, the team nature of the game helps with different levels of knowledge prior to playing the game. It also allows for a thorough discussion over the decisions the character must make during each round of the game. Playing as a character is meant to free the player from any pre-conceived ideas and to do what they think their character might do. Elaboration and playfulness are encouraged in this game and this plays out particularly during the 'wild card' rounds of the game, where unexpected events happen to their character. Ultimately, a consolidation of learning happens at two points during this game, when an 'impact assessment' takes place. At this point each character finds out what happens when someone in the real world tries to get access to their research outputs.

### **Assessment of learning**

Much of the feedback participants get during both games is formative feedback. For example, in the Card Game each round of the game involves the trainer presenting a 'right' answer for which points are awarded. However discussion is a key part of the learning. Each team is asked to explain their answer and can win additional points for raising a pertinent point or suggesting a new interpretation. While there is an overall 'winning team' at the end of the game, this summative assessment is really somewhat arbitrary and clearly framed as 'a bit of fun'. Teams that get fewer points, may be argued to have less knowledge at the end of the game, but the discussions at the end of each round ensure that everyone leaves having reflected on the information they have received, their teams' answer and the actual answer.

Scoring in the Publishing Trap is more clear cut, but serves a specific purpose. At the end of each round in this game, the teams are awarded a set number of knowledge, impact or money points which depend on their answer. The choices the teams make are based on multiple choice questions which to some extent does not reflect the real world, but allows the game play to progress along a pre-determined route. For example, in the first round of the game the players are presented with the choice of whether they want to make their thesis available on open access immediately or apply a 3-year embargo. Some players discuss whether other options might be available e.g., a shorter embargo, or redacting some of the thesis that is sensitive. Both are real-world options, but to avoid overly complex game mechanics, these are not possible in our game. In the 'impact assessment' the implications of their licensing choices are revealed, some of which are impacted by random events such as the role of the dice. Players are able to reflect on the decisions they made in a way that provides an analogy to the real-world system of scholarly communication, whilst still enabling the game to progress according to its interactive narrative structure. We also designed this scoring system to reflect the rewards and status conferred in academic life, rather than suggesting there are 'right' or 'wrong' choices. To that extent 'winning' the game does not reflect any particular level of attainment in learning and participants are encouraged to discuss the implications of points received at the end of the session.

## Findings

Since 2015 we have played our games individually and in joint sessions more than 100 times with a variety of different audiences. Our evaluation is therefore based on personal reflections from more than 6 years of teaching using games, as well as participant feedback we have received from 2017 to present day through anonymous evaluation forms.

Our experience is that Copyright the Card Game acts as a good introduction to copyright. It ensures that all staff are brought up to a similar level of knowledge, so when asked to do an introduction to copyright we typically use either the full card game, or a cut down version of it. Meanwhile the Publishing Trap is aimed at early career researchers but also serves as a good introduction to open access and scholarly communications issues. The groups we have taught include:

- Librarians with responsibility or an interest in copyright – typically these sessions have been run as a half day CPD session for staff from different organisations attending. In the first instance these were organised by SCONUL, but we have also run dedicated sessions for regional library training groups in London, the North of England, Northern Ireland and Scotland, as well as sessions for specific groups of librarians. For example, health librarians and government librarians.
- Training for broader library teams from one institution where the intention is to up-skill across the department. Sometimes other staff from related areas such as learning technology, student support, have also attended these sessions.
- A bespoke version of the card game for all staff at a college of music and for an adult education provider.
- Sessions for postgraduate Library and Information Studies (LIS) students – these have been run at several universities teaching LIS students around the UK since 2016.
- Sessions for other students including postgraduate and undergraduates in creative subjects and in law. The Publishing Trap is particularly aimed at early career researchers, so we have typically run this for graduate schools or during open access week at our own and other institutions.
- For staff within our own organisations – these are typically advertised internally for any interested academic or professional services staff to attend.
- Sessions run as part of a national or international conferences, for example the CILIP Conference in 2017, the EBLIDA conference in 2018, IFLA WLIC in 2017, EIFL General Assembly in 2019, the German national library conference in 2018 and the Creative Commons Summit in 2019. The game was also played with a group of over 60 librarians at a conference organised by the Uruguayan Library Association in August 2018.

Since March 2020 and the Covid-19 pandemic we shifted our games online, retaining the same format, but replicating the group discussions using break-out rooms. This has allowed us to continue our teaching, but also to make improvements to the games. For example, collecting responses to the rounds in each game using online forms rather than selecting cards, or placing pieces on a board. We continue to teach using adaptations of our

games and anticipate making further improvements to the games in future.

### **Feedback on copyright games**

The following section is based on a thematic analysis of the free text comments collected as feedback and evaluation following training sessions delivered using either the Card Game or the Publishing Trap. The data was received from the sessions listed above and collected from 2015-2021. The feedback forms are anonymous and asks what participants liked / disliked about the sessions, feedback on the length and format of the sessions and suggestions for improvements.<sup>v</sup> As this was part of our ongoing evaluation and reflections, rather than a formal research project we did not seek formal ethical clearance. However, because participants were asked to provide feedback to improve the games, we have shared some anonymised comments from the forms. No identifying information is included.

Feedback on the Card Game has been overwhelmingly positive from the first time we ran it in January 2015, as has the feedback on the Publishing Trap since its launch in 2017. From a thematic analysis the following themes emerged:

- The value of active learning
- The benefit of team-based learning
- The games are fun
- The games address the problematic nature of the law
- The games help people learn / remember more
- The games are useful for reflecting on copyright issues

### **The value of active learning**

As we have already discussed, active learning methods help learners to apply their knowledge or put their skills into practice more effectively. Feedback we have received suggested both our games make learning about copyright an active and engaging process. Some people contrasted the games with other traditional didactic training sessions on copyright they have attended. There were also quite a number of comments that suggested people typically viewed copyright education in a fairly negative way, with people describing copyright as ‘a dry subject’ or ‘turgid.’ As one participant said of the Card Game:

*[It] was interactive, imparted a lot of information and focused on using real-life scenarios. The construction of a game to help us work through the various issues raised was very helpful.*

And this participant said also referring to the Card Game:

*It was great to attend an information session which wasn't the usual format of listening to someone at the top of the room go through slides. It was much more interactive and easier to pay attention throughout.*

## The benefit of team-based learning

Over the years we have received numerous comments related to the team-based learning approach used in both games. People like the fact they learn from their peers as much as from the trainer, and the discussion whether sat around a table or in a break-out room seems to really help people's understanding. Some feedback quotes from the Card Game include:

*Being in teams meant you learnt more*

*It made us think and work together as a team.*

And this participant said of the Publishing Trap:

*I liked playing in teams, you get a good discussion going.*

## The games are fun

One of the overwhelming pieces of feedback received from participants who attend a copyright game is that it was fun, they enjoyed it and they felt engaged with the learning. During our training there is often a lot of laughter and camaraderie. Sessions held in person typically become very noisy as team members discuss and debate their answers. The scoring process in Copyright the Card Game also results in a lot of informal banter and creates a fun and lively atmosphere in the room. Even when the sessions are held online, and much of the discussion is happening in a break-out room, we have observed a sense of fun, and deep engagement with the session both when visiting the break-out rooms and when bringing the groups back together. Some comments again from the Card Game illustrate this, including:

*(It) delivered what can be a 'dry topic' very well in an engaging, fun way.*

*... It actually did make the subject fun, whereas normally I would avoid it like the plague, despite knowing I should be more informed about it*

*It was a lot of fun, copyright can be a lot to chew and this session made it easy to digest. I think the presentation was not over bearing it was perfect for my attention span. The cards were very well done, the activity was clear which made it a lot more fun.*

## Games address the problematic nature of the law

It has been noted that copyright is often experienced initially as a problem by information professionals due to its complexity and lack of certainty (Morrison & Secker, 2017). Both games deal with aspects of copyright, or academic publishing that can be highly technical, with legal language and jargon to explain. They also both deal with issues that are open to interpretation and one particularly important concept to get across in both games is that there are not always clear right and wrong answers. In the case of the Card Game, we provide a relatively succinct description on each card, for example of copyright exceptions, which where possible have been written in plain English and avoiding legal jargon. Feedback we have received on this theme includes:

*Very informative, in small chunks of information and mixed with group interaction. I learned a lot in the two hours and consolidated some previous knowledge also. Explain concept to team mates or discussing possible options, it made it clearer for myself.*

*Far more entertaining way of learning about copyright; particularly liked the fact that it made it obvious there was often no categorically clear answer to the scenarios, but sometimes it came down to professional judgment.*

*I found this very enjoyable and because there were no right or wrong answers I didn't feel under pressure or scared. A good way to get and hopefully retain important information.*

And feedback on the Publishing Trap was similarly in this regard:

*It provides a great entry point to what can be a complex area of scholarly life. It is particularly good for library staff working with open access repositories.*

The games use visual cues to try to simplify concepts, such as the icons which are used on each card in the Card Game. We also have created a clear visual identity for each round of the game – blue cards are works cards, lilac cards for usages, green for exceptions etc. These are all carried through into the PowerPoint slides used during the session. One point to note was no one explicitly commented on the design of the cards, however, we know from feedback when running the training, that the latest version of the card game, which uses a specific colour palette and icon set, is well received by learners. We have also received numerous requests to purchase professionally printed decks of cards or a boxed version of the Publishing Trap boardgame.

### **Games help people learn / remember more**

One area we have wanted to better understand is whether people simply enjoy playing the games more than other ways of learning, or if they actually result in improved retention, better understanding and more confidence in copyright matters. Feedback we have collected suggests that this might be the case, but without pre and post tests, or other more formal ways of measuring learning, such as through module scores, this is difficult to state conclusively. The following comments provide examples of feedback relating to the Card Game that indicates it helps people learn more than more traditional forms of copyright education:

*It was a very refreshing way to learn - and I have noticed that I've remembered far more since the session than I normally would after training.*

*...best session on copyright I have ever attended. Great game format make me think about the issues*

*It made me really think round the subject and gave me confidence to make future decisions (disregarding the inevitable grey areas which will come up!!)*

*Very informative, in small chunks of information and mixed with group interaction. I learned a lot in the two hours and consolidated some previous knowledge also. Explain(ing) concept to team mates or discussing possible options, it made it clearer for myself.*

## The games help people reflect on their understanding

One final theme from the feedback we have collected relates to the games helping people to reflect on their previous knowledge. Some of this reflection seems to be connected to the team nature of the game, but also the format of both games which highlights how the answers are not always clear cut. In general more of this type of feedback was collected from people playing the Publishing Trap. For example, one participant said:

*The game is very valuable in showing participants what they don't know and prompting them to seek further support and training.*

Meanwhile two others said of the Publishing Trap:

*[It] certainly makes you think about choices that have to be made, a good insight for anyone just starting out.*

*Valuable for anyone working in HE to help understand the issues faced by colleagues, the research career landscape and the advice that is available to anyone wishing to publish their research. Valuable to me as a university librarian to remind me of the value of research and to help me understand and relate to the opportunities and challenges of scholarly publishing from an academic's point of view.*

## Challenges

Using games in education is not without challenges, including the investment in time and resources to create the games and the play testing and amendments that often need to be made during the development phase. However, as part of the development of the games, feedback suggested some specific challenges with each game, which we briefly outline below.

### Card Game Challenges

The time allocated for Card Game sessions has varied, typically from 1.5 hours to 3 hours depending on the needs of a specific audience, the size of the group and other constraints often imposed by a conference or training day schedule. Our preference is to run the session for 3 hours and we noted feedback on shorter sessions tends to suggest the training is too rushed and the group would like more time to discuss the scenarios. We've also had requests for more scenarios. Occasionally people have asked for more background to copyright and a handout to take away in addition to the cards which they can download themselves. In more recent years we have developed a two page 'beginner's guide to copyright' based on the game that we give out after the session. We also have developed a greater number of scenarios suitable for different groups such as health or government librarians, or digital arts students. One piece of feedback we received was as follows:

*I think it was not enough time to do justice to the issues, and to allow more 'scenarios' to be discussed and explained. Some more complex points needed more time to be explained fully – eg various 'exemptions', and how they might operate alongside licences, or how to measure 'risk'.*

Interestingly we have occasionally received negative feedback, suggesting copyright is not fun. One person told us that copyright was in fact a deadly serious subject and that some of the most "poisonous exchanges" they had

dealt with in their working life involved copyright issues. For this reason they believed they needed to be armed with as much current information as possible.

### **Publishing Trap Feedback**

The Publishing Trap has been continuously improved as part of an iterative development process since it was first launched in 2017. The most recent version is the online version of the game we created during the pandemic, which can also be used in a classroom and dispenses with the board. We have gathered feedback from librarians and open access specialists to help us improve the game, and many of their comments have fed into new iterations of the game. However, the feedback on this game has been largely about the following topics:

- Timing and the length of the game – 5 rounds mean this game cannot easily be played in less than 2 hours, however, one option we have often used is to play only half the game, which covers many of the important issues for early career researchers.
- Can there be a glossary of terms for early career researchers who are often unfamiliar with concepts such as Creative Commons, green and gold open access.
- Can there be a greater choice of diverse characters from different disciplines and then can the characters make more choices such as doing something with the money they receive, or interacting with each other.

This final point relates to our observation that at times people tend to make choices based on their own background knowledge or discipline and need to be constantly encouraged to think as their character would.

Over the years there have been many comments related to being able to see all the information (on the board, in the playbook, when working in a team). These issues are largely solved playing the online game, however, the boardgame is not something we want to discontinue, when face to face teaching is possible.

Finally, a significant challenge with the Publishing Trap from librarians and open access specialists relates to whether they can have more guidance about how to run the game themselves. They have requested a facilitators handbook, guidance on the scoring, guidance on how to manage the room and some challenges with modifying the game for their own purposes. We use the feedback as an opportunity to improve the game, but also to engage with others in the copyright and open access community about how to develop good practice in teaching in this field.

### **Reflection and discussion**

As educators we have always incorporated reflection into the process of developing and improving the games. Writing this article has been an opportunity to consider more deeply how the experiences of those we have taught, and our experiences sharing copyright knowledge and passion for copyright literacy, relate to the theories of playful learning, active and experiential learning and critical pedagogy. However, our approach is increasingly underpinned by our belief that copyright isn't simply a body of knowledge about the law, but should be taught as a 'literacy' that needs specific skills, values and practices.

If we reflect on the findings from the evaluation of our games, participants highlighted six points: there was value in using active learning and team-based learning, that our games were fun, that they addressed the problematic nature of copyright law, that they helped people learn or remember more and that the games were useful to reflect on copyright issues. Our initial motivation for choosing a games-based approach to copyright was to make it more fun and engaging after having experienced many 'dry' presentations on the subject. The idea for a copyright game appealed because we saw one of our peers had done this and we were also influenced by others in the field of IL who had created games-based and playful interventions. Our first objective was to try and help people acquire and retain knowledge by giving them a way of organising and conceptualising information that gave them agency. In many ways we were drawing on theories of active learning and experiential learning during this first phase of our work, wanting learners to engage both cognitively and emotionally with the learning (Marshall, 2019). However, we also wanted to bring in elements of reflection into the games, as is common with experiential learning (Kolb, 1984). Clearly feedback suggests that we have succeeded in a number of key areas.

When we made our first game we were relatively unfamiliar with the literature on the scholarship of play. However, the significant success of our first project made it clear that this was a valuable way of teaching copyright and we engaged with experts in the field of playful learning.<sup>vi</sup> The advice we received helped us to combine our intuition about what would work with others' ideas and their relation to the theories of play in higher education. We now see that our practice aligns closely with Nørgård et al.'s signature pedagogy of playful learning in higher education (2017). As Whitton (2018) summarises, signature pedagogies comprise three structures:

[T]he surface structure of the operational acts; the deep structure of the assumptions about the best ways to learn in the context; and the implicit structure of moral values that underpin the beliefs and attitudes in the field. (Whitton, 2018)

The surface structure of our copyright games included: putting players in teams who would score points off each other; creating a series of 'rounds' where tasks would become increasingly challenging; using physical artefacts such as cards, gaming boards and tokens. These have an important relationship with the deep play structures. The primary one of these deep play structures was the creation of an active learning environment where participants could discuss and clarify their understanding with peers and the facilitators.

However, we soon realised that the 'buzz' surrounding the game was also related to the creation of a 'magic circle' (Huizinga, 1955), where participants felt more able to take risks and to 'fail' in their learning because there was a mutually agreed 'safe space'. In the case of the Card Game, the use of the 'pub quiz' format (along with fun team names) created a noticeably different environment than the deference associated with hearing a learned expert lecture on copyright law. This relates to the implicit structures in the signature pedagogy of playful learning. To this extent it aligns with notions of democracy and inclusivity.



In the case of the Publishing Trap, the use of role play allows players to adopt a 'lusory attitude' (Suits 1978), and suspend their disbelief in order to immerse themselves in a satirical, cartoon-like simulation of the academic research environment. This includes embellishment of the characters, so that Brian the microbiologist becomes an environmental campaigner, and Simon the theatre and paintball loving literature scholar becomes increasingly flamboyant.

We have often reflected on the extent to which adopting a playful approach is somewhat self-indulgent, particularly when creating the Publishing Trap – a project that suffered somewhat from 'second album syndrome'.<sup>vii</sup> Indeed, whilst almost all feedback we have received from our games is largely positive, not every person is a fan and there are times when we have wondered whether the games-based approach is overly contrived. However, playful approaches to copyright in IL and libraries continue to be popular and there may be another reason why games and play may be a good fit.

As previously mentioned, our games are designed to break down complex and inaccessible information about the law into manageable chunks which learners can assimilate more easily to avoid cognitive load. In addition, they are designed to show that there are no obviously 'right' or 'wrong' answers to the common questions that people have about copyright. As with other critical pedagogy approaches, the games deliberately try to expose the tensions and contradictions in copyright law and people's behaviours, in a way intended to create 'critical consciousness' (Elmbourg, 2006). To this extent it disabuses them of the idea that there are 'rules' which they must follow but does it in a way that replaces this 'loss' with a sense of shared experience and community. However, it's also the case that the very rendering of the law, and contractual arrangements between creators and enterprises, into a game has meaning in its own right. By creating a manageable and playful framework of arbitrary rules, we demonstrate that the law itself is constructed rather than an immutable truth. We invite others to use their creativity and to imagine different outcomes, rather than to accept the status quo. This may align with De Koven (2014) and Koh's (2014) view that play can become a political act, which is important for those in education and research advocating for legal reform and the evolution of the scholarly communications ecosystem to one that is both ethical and sustainable. Finally we have referred to the idea of teaching copyright as a way of developing literacies being a threshold concept at several points in this article. Meyer and Land (2003) argue that threshold concepts are 'transformational', 'irreversible' and 'integrative'. We see evidence from our feedback suggesting the games do allow people to reflect on copyright as a cultural and communicative practice and move away from seeing it as a set of rules. However, further research is required to determine if people playing our games have truly crossed a threshold.

For us, it is clear we are now unable to view copyright simply as a body of knowledge about the law and returning to our previous ways of teaching is simply not possible. Teaching using games has highlighted the ongoing relevance of copyright and how it integrates to many other aspects of academic life.

## Conclusion

Since 2015 the use of games-based learning has transformed our approach to teaching about copyright. In addition, we have expanded this approach to cover a broader more playful approach to copyright literacy.

The feedback we have collected since 2015 suggests that our copyright games and playful style promote active learning, which helps engage learners with the topic as well as making it fun. They enjoy the team-based learning, they are able to reflect on their current and previous knowledge and we think our findings suggest they learn more effectively. Further research is required to fully understand more about how the games combat issues such as cognitive load, whether they lead to people retaining information more effectively and whether they help people understand copyright literacy as a threshold concept.

The pandemic was an opportunity for us to redesign both our games to be taught online, but throughout that process it helped us to focus on the key elements of the games and ensure that these were retained.

We are aware that learning about copyright is not always the most engaging of subjects, and being a copyright educator can be challenging. For some, the very idea that copyright law can be playful could be seen as an anathema: most would agree that creativity is an inherent human trait and some argue that the 'incentivisation' of it through intellectual property laws is unnecessary and fundamentally exploitative. Whilst we accept that the legal and economic factors which govern creativity in everyday life are rarely experienced in a spirit of play, we have found that teaching others about copyright through play has a power beyond the 'engaging' and 'fun' aspects. Indeed, it can be argued that playing games with copyright is an inherently political act because it enables a more critical engagement with the law. It allows people to come together in communities of practice to question assumptions about copyright and build confidence to challenge the status quo.

In conclusion, we believe that games-based learning has huge potential to improve copyright education and develop copyright literacy amongst librarians, those in education and the communities that they serve. And even if it turns out not to be the case, at least we've had a lot of fun along the way.

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<sup>i i</sup> Anonymous feedback was received via a short form that was sent to participants who attended training sessions where we used our games from 2017-present day. Further details are included later in the article.

<sup>ii</sup> <https://copyrightliteracy.org/resources/copyright-the-card-game/>

<sup>iii</sup> <https://copyrightliteracy.org/resources/the-publishing-trap/>

<sup>iv</sup> Fellowship demonstrates a personal and institutional commitment to professionalism in learning and teaching in higher education. For further details see <https://www.advance-he.ac.uk/fellowship>

<sup>v</sup> The feedback forms are available online. See:

[https://docs.google.com/forms/d/e/1FAIpQLSeAk1\\_Ww01Z4Vtv1t2NB3bnvz87B0-cot74JA\\_8dX0W115eIg/viewform](https://docs.google.com/forms/d/e/1FAIpQLSeAk1_Ww01Z4Vtv1t2NB3bnvz87B0-cot74JA_8dX0W115eIg/viewform) and

<https://docs.google.com/forms/d/1EwSwXCDiLRITOLVhPIN78mc3H4uN95dc3IwMy-h3vog/edit>

<sup>vi</sup> This included entering a competition at LILAC 2016 judged by Professor Nic Whitton and Dr Alex Moseley, where we shared our prototype of the Publishing Trap and further playtest sessions with the Playful Learning Association.

<sup>vii</sup> This was largely due to the fact that it incorporates two very distinct ideas from its two creators. We often felt like we were actually talking about two different games and that fusing them together might not actually be possible.