

**THE
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INTELLECTUAL
PROPERTY
ANNUAL**

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INTRODUCTION TO THE 2017 ANNUAL

The conversation about copyright and intellectual property has grown and changed since the formation of the CCCC Intellectual Property Caucus over two decades ago. When it began, many of the scholars interested in the issues of authorship, copyright, and intellectual property were techies who were also deeply concerned about internet privacy issues such as security, surveillance, and corporate overreach — reflecting the topics that the Electronic Frontier Foundation has always monitored (and continues to). In more recent years, the main interests have been these:

- Plagiarism and authorship
- Collaboration and coauthorship
- Open source software
- Open access publishing
- Creative Commons licensing of content
- Fair use of copyrighted resources
- Peer-to-peer file sharing and piracy
- Cultural appropriation

The content industries have found ways to monetize film, television, and music streaming in ways that involve less locking-style Digital Rights Management tactics and more advertising and data gathering on users' preferences. As I write, I decided I'd like to listen to one of my favorite albums, *The Trinity Session* by Cowboy Junkies. I don't own this album anymore (I owned the cassette tape and wore it out many years ago, then the CD which I lost in a move), so I went to YouTube, where I can listen to the whole thing. When I click the play button, I see a commercial for a new 24K-gold-plated MasterCard. At eight more points in the nearly 43-minute video, the album is interrupted by more ads for this luxury MasterCard as well as for Subaru. No more worries about copyright infringement or illegal downloading — I can listen to the beautiful voice of Margo Timmins guilt-free. But now the companies have gotten me to watch at least a few seconds of their message, and now YouTube knows I like this album. And certainly, now, the video game companies understand how many more users they gain when popular YouTubers like DanTDM play their games for their millions of subscribers.



Now YouTube also knows what my children like, and when they play those games, the game companies learn more about my children as well. It's becoming clear that, while the issues on my bulleted list are no less important, turning our attention back to data privacy and security is needed for the CCCC IP Standing Group. Wendy Warren Austin's article in this year's IP Annual, examining the current tenuous status of net neutrality, is a next step in that direction.

Amy Propen provides a nuanced analysis of a particular 2017 IP development that got significant attention, the now-famous monkey selfie:



Propen uses her expertise in animal studies and material and visual rhetorics to raise good questions. She writes, “while there may not be a mechanism within the legal world or within copyright law for recognizing a nonhuman animal as a rightful holder of a copyright, does that mean we ought to discount the fact that this creature did, in fact, participate in the creation of a photographic image—in the act of visual communication that constitutes a selfie? And, then, what are the rhetorical implications of such visible, visual acts of nonhuman knowledge making?” I’m pleased to have her article in this year's *IP Annual*, which starts a conversation in our field that I believe should continue.

Traci Zimmerman’s analysis and critical reflection on the 20th anniversary of Turnitin further reinforces the need to refocus on issues of data privacy and security. After the scandal involving Cambridge Analytica and Facebook, we can more clearly see that Turnitin is of a piece with technology companies that collect data on their users and profit from the data set. On Turnitin’s website, I can click on “Higher Ed” on the top menu, which takes me to a promotion of their Feedback Studio feature. I can then click the “Take a Look” button to learn more about Feedback Studio. When I get to that screen and scroll to the bottom, I see Turnitin’s ticker displayed. The number of student papers submitted increases in real time:



207 papers in 26 seconds. We might think of this, grimly, as our moment of Zen. In a 2017 article in *Hybrid Pedagogy*, Sean Michael Morris and Jesse Stommel, however, provide us with a tool of protest that students or teachers may use: an action letter aimed at administrators of schools that use Turnitin. They declare that everyone has permission to use and adapt it freely. Here is the letter in its entirety:

Dear [Name]:

In 2014, the Conference on College Composition and Communication, a branch of the National Council of Teachers of English, concluded that plagiarism detection services, like Turnitin by iParadigms, “create a hostile environment” in classrooms, “undermine students’ authority” over their own work, and violate student privacy. Despite this fact, I am asked to submit my work frequently through Turnitin in the name of academic integrity. Unfortunately, the use of

student intellectual property and labor for profit by a third party is neither academic in practice or spirit, nor does it model integrity.

Plagiarism detection services rely upon the labor of students as their business model. Although Turnitin markets itself as a “partner in education,” “trusted by 15,000 institutions and 30 million students,” in fact the service does what no collaborator should do—forces me to license to them my intellectual property and makes it impossible for me to reclaim my full rights to that work. Turnitin’s terms of service state very clearly:

If You submit a paper or other content in connection with the Services, You hereby grant to Turnitin, its affiliates, vendors, service providers, and licensors a non-exclusive, royalty-free, perpetual, worldwide, irrevocable license to use such papers, as well as feedback and results, for the limited purposes of a) providing the Services, and b) for improving the quality of the Services generally.

This means that, not only do I surrender the license to use my work in perpetuity to this plagiarism detection service, but Turnitin *sells my work* back to you.

I’ve gathered together a few resources on the matter for your consideration:

- What Is Detected? by Carl Straumsheim, from Inside Higher Ed (<https://www.insidehighered.com/news/2015/07/14/turnitin-faces-new-questions-about-efficacy-plagiarism-detection-software>)
- Understanding “Internet Plagiarism” by Rebecca Moore Howard (<https://pdfs.semanticscholar.org/2fe4/f4c5e372d280c9b4cad07b15d0206dda9ef1.pdf>)
- CCCC-IP Caucus Recommendations Regarding Academic Integrity and the Use of Plagiarism Detection Services (<http://culturecat.net/files/CCCC-IPpositionstatementDraft.pdf>)
- McLean Students File Suit Against [Turnitin.com](http://turnitin.com): Useful Tool or Instrument of Tyranny? by Traci A. Zimmerman (<http://www.ncte.org/cccc/committees/ip/2007developments/mclean>)

Please stop using Turnitin at our institution. Choose instead to keep academic integrity a human problem with human solutions. Or, at the very least, allow me to individually opt out. Should I ever unintentionally plagiarize, I would rather have the opportunity to speak with my instructor about my mistake than receive a machine-generated report. Please put teaching back in the hands of teachers, where it belongs.

There is no reason to surrender this institution’s tradition of teaching and academic integrity to a third-party technology solution. Thank you for your support.

Sincerely,
[Name]

To close on a positive note, I would like to close by recognizing a major contribution to not only the general discipline of rhetoric and composition studies, but also the progress of open access scholarly publishing: the tenth anniversary of the Computers and Composition Digital Press, an imprint of Utah State University Press.