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# COPYRIGHT AND FRAMEWORK FOR USE OF WORKS IN THE EDUCATIONAL CONTEXT: A CASE STUDY

# DIREITOS AUTORAIS E FRAMEWORK PARA USO DE OBRAS NO CONTEXTO EDUCACIONAL: UM ESTUDO DE CASO

# DERECHOS DE AUTOR Y MARCO PARA LA UTILIZACIÓN DE OBRAS EN EL CONTEXTO EDUCATIVO: UN SUPUESTO PRÁCTICO

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## ABSTRACT

The objective of this study is to develop a framework for the use of works with authorial rights in an educational context. The adopted methodology was an intervention applied to 11 teachers from a teaching institution in São Luís/MA for half a year with a focus on the identification of gaps in knowledge about authorial rights, subsequent construction of the training framework, through the stages of needs assessment, ideation, prototyping, validation, quality management and framework formalization. The results indicate that 90.9% of the participants achieved the learning objectives and demonstrated satisfaction with the training. The material produced was considered unpublished after verification by the National Institute of Industrial Property (INPI), consolidating the framework as an original educational product and applicable to other institutions. It is concluded that the application of brainstorming and project management as a basis for the development of the course makes it possible to create a robust and effective training structure. It is proven that the framework can assist in changes in all phases of teaching-learning activities by promoting more conscious and legally secure pedagogical practices.

**Keywords:** Author's Rights. Use of Works of Third Parties. Education.

## RESUMO

O estudo teve como objetivo desenvolver um framework para o uso de obras com direitos autorais no contexto educacional. A metodologia adotada foi a intervenção aplicada a 11 docentes de uma instituição de ensino de São Luís/MA por meio de curso com foco na identificação de lacunas no conhecimento sobre direitos autorais, posterior construção do framework formativo, através das etapas de levantamento de necessidades, ideação, prototipação, avaliação, gerenciamento da qualidade e formalização do framework. Os resultados indicam que 90,9% dos participantes atingiram os objetivos de aprendizagem e demonstraram satisfação com a capacitação. O material produzido foi considerado inédito após verificação no Instituto Nacional de Propriedade Industrial (INPI), consolidando o framework como um produto educacional original e aplicável a outras instituições. Conclui-se que a aplicação do brainstorming e da gestão de projetos como base para o desenvolvimento do curso possibilitou a criação de uma estrutura formativa robusta e eficaz.

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Acredita-se que o framework possa auxiliar em mudanças em todas as fases de atividades de ensino-aprendizagem promovendo práticas pedagógicas mais conscientes e juridicamente seguras.

**Palavras-chave:** Direitos Autorais. Uso de Obras de Terceiros. Educação.

**RESUMEN**
El estudio teve como objetivo desarrollar un marco para el uso de obras con derechos autorales en el contexto educativo. Una metodología adoptada para una intervención aplicada a 11 docentes de una institución de enseñanza de São Luís/MA por meio de curso com foco na identificación de lagunas en el conocimiento sobre derechos autorais, posterior construcción del marco formativo, a través de las etapas de levantamiento de necesidades, ideação, prototipação, avaliação, gerenciamento da qualidade e formalización del marco. Los resultados indican que el 90,9% de los participantes cumplieron los objetivos de aprendizaje y demostraron satisfacción con la capacitación. El material producido fue considerado inédito después de la verificación en el Instituto Nacional de Propiedad Industrial (INPI), consolidando el marco como un producto educativo original y aplicado a otras instituciones. Concluyendo que una aplicación de lluvia de ideas y una gestión de proyectos como base para el desarrollo del curso pueden crear una estructura formativa robusta y eficaz. Acredita-se que el marco possa auxiliar em mudanças em todas las fases de atividades de ensino-aprendizagem promovendo prácticas pedagógicas más conscientes y jurídicamente seguras.

**Palabras clave:** Direitos Autorais. Uso de Obras de Terceiros. Educação.

## 1 INTRODUCTION

The World Intellectual Property Organization (WIPO) defines intellectual property as the sum of rights relating to literary, artistic and scientific works, performances, phonograms and broadcasting broadcasts, interventions in all domains of human activity, scientific discoveries, industrial, commercial and asset trademarks, protection against unfair competition and all other rights inherent to intellectual activity in industry, in science, literature and the artistic environment (Barbosa, 2003).

In this sense, Intellectual Property (IP) presents itself as one of the pillars for the protection and encouragement of innovation worldwide, as it confers exclusive rights over creations, innovations and technical knowledge, subdivided into three branches: Copyright, Industrial Property and Sui Generis Protection. In Brazil, this system is regulated by Law No. 9,279, of May 14, 1996, called the Industrial Property Law (LPI) (Brazil, 1996).

With regard to author's rights, there is a set of legal rules aimed at the protection of literary, scientific and artistic works. The objectives revolve around the promotion of culture and ensuring rewards for the creators of the works. The rights granted to the creator are patrimonial (exclusivity in the economic exploitation of the work) and moral (they see intellectual creations as the personification of the creative spirit) (Barbosa, 2013). The Brazilian legislation that regulates copyright is Law No. 9,610 of 1998 known as the Copyright Law (LDA) (Brazil, 1998).

In this scenario, the use of technologies has been modernizing and modifying the way we process information in different areas of knowledge. In education, work is aligned with the needs aimed at mass dissemination of knowledge in environments other than the classroom, providing collaborative and more diversified forms of interaction and framing of students and teachers in the technological context, reducing the digital divide between nations and generations (Bento; Belchior, 2016).

The teacher in his daily activities uses works of copyright protection in all phases of the teaching-learning process, which includes the planning of classes, execution of educational actions (face-to-face or virtual) and the offer of complementary materials developed or made available. Thus, we can affirm that teachers are constant users and creators of works whose protection is in the interest of copyright (Rocha; Amiel, 2020).

With regard to the adaptation of teaching-learning processes to the use of new information and communication technologies, we have an important term to be considered: *Open Educational Resources* (OER). These resources were called teaching, learning and

research materials in any medium or media, which are in the public domain, or which are openly licensed, allowing them to be used or adapted by third parties (Amiel, 2011).

Materials in the public domain are those whose term of protection of the patrimonial rights protected by the LDA has expired, therefore, the use of the work by third parties is allowed without the need for authorization from the author or owner. Open licenses are those in which the holder of the property rights in force shares part of them for the benefit of society, these licenses are public and valid for any content available on the internet (Branco, 2017). The most widely used public license in Brazil is in the world are the *Creative Commons* (CC) licenses (Muriel; Pinto, 2018).

Among the tools that can be used in the context of the copyright process and educational activities, we have the *Framework*. According to the Cambridge Dictionary, *Frameworks* are a support structure around something that can be built; a system of rules, ideas or even beliefs that is used to plan or decide something (Cambridge Dictionary Online, 2025).

Based on what has been described above, it is inferred that the teacher of the twenty-first century should preferably be trained in OER and *Creative Crommons* Licenses aiming at better performance in their activities and resolution of possible problems. In this context, the continuing education of these professionals emerges as a response, promoting the interconnection between professionals in the search for a meaningful education. Therefore, this article aims to describe the experience of a professional master's student in relation to the development of a *framework* for the elaboration of professional training in good practices in the use of third-party works in the teaching-learning process.

## 2 METHODOLOGY

This paper presents a case study with the aim of developing a *framework* for the use of copyrighted works in the educational context. According to Coombs (2022), a case study is "a methodological approach to research used to generate a deep understanding of a contemporary issue or phenomenon in a limited system". Thus, to gain insight into a real phenomenon, the case study requires an investigation conducted on an individual, group, or event.

The proposal of this study included the application of a course aimed at teachers of an educational institution, focusing on the identification of gaps in knowledge about Copyright. From this intervention, it was possible to carry out the prototyping and experimentation

necessary for the creation of a formative framework, which provided the development of a guiding technological product to be used in the educational environment. The *developed framework* aims to be applicable in different educational contexts.

The study had the participation of 11 teachers who make up the Permanent Education team of a traditional educational institution in the city of São Luís, Maranhão. These professionals work predominantly at the elementary (n = 6) and high school (n = 5) levels and were selected for participation according to their experiences and involvement with pedagogical practices.

The creation of the *training framework* was based on the following methodological steps: 1) survey of training needs; 2) ideation; 3) prototyping/experimentation; 4) evaluation; 5) quality management; 6) process mapping and 7) formalization of the *framework*.

The training, entitled "*Training in good practices of the use of third-party works in the teaching-learning process*" was developed in four modules and served as the central axis of the training and experimental activities carried out throughout this research. To evaluate the fixation of the content, a closed questionnaire was elaborated, with 10 (ten) multiple-choice questions, where each question was worth 1 (one) point. It was established that, for a score of 10 (ten) to 7 (seven) correct answers, the proposed learning objectives were considered achieved; for 6 (six) to 5 (five) correct answers, improvements in the methodology would be necessary, indicating that the learning objectives were partially achieved; and for 4 (four) to 1 (one) correct answers, the training should be restructured, since the learning objectives were not achieved.

To structure the process of elaborating the *framework*, the PMBOK (*Project Management Body of Knowledge*) methodology was used, a standardization guide that covers a set of definitions, techniques and tools applicable to project management. It should be divided into five stages: beginning, planning, execution, monitoring and closure (Guide, 2001).

To map the activities developed during the execution, the BPM (*Business Process Management*) Process Mapping technique was used, which provides a visual analysis, through a flowTable, of all the human resources involved (competence lanes), activities, decisions and documentation for the realization of the project (Sincorá, 2014).

## 3 RESULTS AND DISCUSSION

### 3.1 SURVEY OF NEEDS

The survey of training needs was the first phase for the construction of the *framework* and was guided by the *brainstorming* technique, characterized by Osborn (1987) as a tool for promoting collaborative creativity, with the integration of different experiences in the search for effective solutions. This initial stage was divided into two moments: In the first moment, the preparation and ideation stages were carried out. In the second moment, the stages of incubation, categorization and definition were put into practice, as proposed by Obsborn (1987). At this time, it was possible to identify the gaps in the knowledge of employees and define the most appropriate training model.

This stage was carried out through a search on the platform of the National Institute of Intellectual Property and a literature review carried out in the CAPES journal, where it was found that it is a subject explored by researchers and researchers.

In the field of intellectual property, the search for anteriority is essential to assess whether the object and/or technology to be developed has already been previously developed and/or appropriated, or if it is already in use by society, being a crucial step for the evaluation of the novelty and patentability of inventions (Jesus Dias *et.al*, 2024; Nunes; Pinheiro-Machado, 2017).

The first meeting aimed to collect data regarding the gaps in teachers' knowledge in relation to copyright, with the presence of the author of the work, two pedagogical coordinators and a teacher from the educational institution. The application of the *brainstorming* technique was stimulated from four guiding questions previously elaborated by the author, emphasizing that the answer should consist of a single word, without concern for the best or most appropriate suggestion, since all ideas would have equal value. The results of this activity are presented in Table 1.

**Table 1**

*Guiding questions of the brainstorming technique*

| Guiding Question | Responses (Frequency) |
|---|---|
| Question 1: What do you think of when you talk about copyright? | Plagiarism (1)<br>Legislation (1)<br>Quote (1) |
| Question 2: What training format do education professionals prefer to train themselves? | Travel (2)<br>Workshop (1) |

| | |
|---|---|
| Question 3: In online or face-to-face format? | In-person (3) |
| Question 4: If an educational action on copyright were carried out in this educational institution, what points should be addressed? | Practice (1)<br>Use (1)<br>Quote (1) |

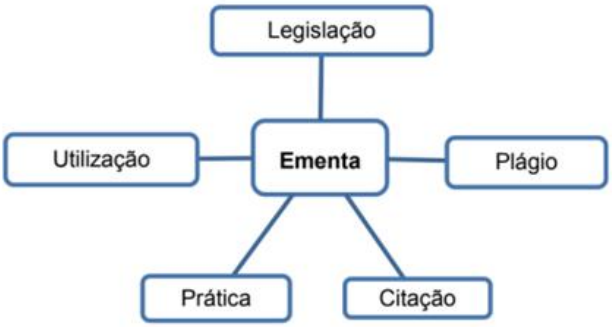
Source: Elaboration by the author (2025).

The second meeting, characterized by the moment of incubation of ideas, aimed to analyze and categorize the expressions mentioned in the previous meeting, thus generating the construction of a menu (figure 1A) and a model of educational action (figure 1B).

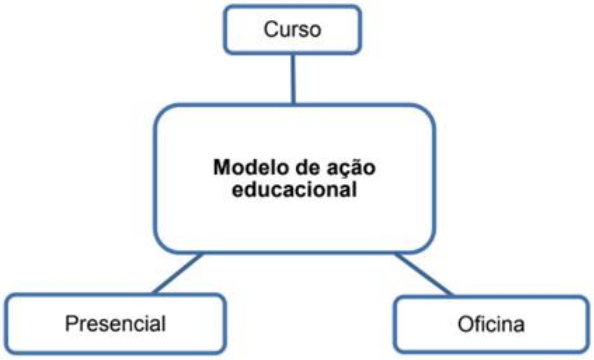
**Figure 1(A and B)**

*Construction of the syllabus and model of educational action*

**1A**




**1B**




Source: Author's elaboration (2025)

The creative process usually happens in four stages: preparation, incubation, lighting, and verification (Florio, 2008). In this flow, *brainstorming,* a technique created by Osborn (1987), can be very useful. It fits well in the incubation phase, as it allows the person to

generate many creative ideas and make several associations, even if unconsciously. This technique is used to plan a project in the search for solutions to a given problem (Salles, 2010).

The *brainstorming technique* is appropriate to the educational context, whether in the first (elementary school), second (high school) or third grade (higher education). See; Paiva & Pagotto (2023), carried out a study whose objective was the production of multimedia didactic material for a self-instructional and open Environmental Education course to be offered via the internet. The study was carried out through three execution techniques: *brainstorming*, *design thinking* and user-centered design. The authors emphasized that the techniques used brought a different way of thinking, exploring all the potential at that moment and searching for associations to solve the problems, as well as collecting information to evaluate, understand what worked, improve and apply again.

## 3.2 IDEATION OF THE TRAINING COURSE

The ideation of a training course concerns the second phase of the construction of the *framework* and was developed based on the identified training needs and after the first phase. The training course was entitled "*Training in good practices of the use of third-party works in the teaching-learning process*" and its project encapsulates the following characteristics: justification, learning objectives, methodology, resources, target audience, period of realization, identification of activities and the evaluation system.

For Chiavenato (2014), the training project is a tool for planning educational activities aimed at the improvement and development of individual competencies, skills and attitudes, which positively impact the professional's deliveries and performance.

## 3.3 PROTOTYPING/EXPERIMENTATION

The course had the participation of 11 (eleven) teachers, 6 (six) from elementary school and 5 (five) from high school. This intervention was built with four teaching modules, taught over two days at the educational institution.

On the first day of the training course, the topics of Module 1 – Fundamentals of Copyright and Module 2 – Use of Protected Works in the Educational Environment were addressed, through a lecture with dialogued oral presentation. On the second day, there was a lecture on Open Educational Resources, followed by a workshop on how to identify the types of *Creative Commons licenses.* Then, a conversation circle was held in which a

framework was presented for the elaboration of a training course in good practices in the use of third-party works in the educational process.

On the second day of the event, content evaluations and reaction evaluation were carried out. The participants were informed of the anonymity criterion and that the data collected would have the sole purpose of measuring the performance of the educational objectives of the event.

## 3.4 EVALUATION OF CAPACITY BUILDING

The content evaluation aimed to identify the perception and absorption of the theme addressed in the learning action. On the other hand, the reaction evaluation determined the effectiveness of the training by measuring the satisfaction of the participants and collecting their opinions about the event.

The evaluation of the content was carried out through a closed questionnaire, with ten multiple-choice questions, with a maximum score of 10. In Table 2 it is possible to observe the evaluation criteria and the performance of the teachers after the training course.

**Table 2**

*Evaluation criteria and performance of teachers*

| Evaluation criteria (correct answers) | Teachers' performance |
|---|---|
| Learning objective not achieved (1 to 4 correct answers) | 0,0% |
| Learning objectives partially achieved (6 to 5 correct answers) | 9.1% (1 participant) |
| Learning objectives achieved (7 to 10 correct answers) | 90.9% (10 participants) |

Source: Elaboration by the author (2025).

These results reveal that the learning objective about the topic of Copyright in the educational context was, to a large extent, achieved, suggesting that the methodology adopted was able to effectively promote learning. However, one participant presented a performance that points out specific gaps that need to be addressed, with fine adjustments in the approach in order to make it more inclusive and enhance its formative potential.

Reaction evaluation can help the process of methodological adjustment applied. This consisted of five multiple-choice questions and one open question for comments. The

questions aimed to evaluate the relevance of the theme, the approach used to transmit knowledge, the assistance provided to the participants, the duration of the event and the general satisfaction with the course. The results are presented in Table 3.

**Table 3**

*Reaction evaluation*

| Rated Shaft | Answers |
|---|---|
| Thematic relevance | 90.9% (10 participants) evaluated the theme as good, as it will help in the execution of their work practices;<br>9.1% (1 participant) evaluated the theme as medium, as it will have little practical use for the execution of their work practices. |
| Approach (presentation, projections, and methodologies) used by the instructor | 100% (11) of the participants evaluated the planned and assertive approach. |
| Assistance provided to participants | 90.9% (10 of the participants) evaluated the approach as good, as the instructor made an effort to answer questions and interact with the participants;<br>9.1% (1 participant) evaluated the approach as average, as the instructor was unable to answer all the questions asked, leaving some doubts about the theme addressed. |
| Event Duration | 54.5% (6 participants) evaluated the duration as good, as the event had the ideal duration;<br>45.5% (5 participants) evaluated the median duration time, as there were times when the instructor needed to hurry to complete the content or finish an activity. |
| Satisfaction with the training activity | 90.9% (10 of the participants) were satisfied with the training, since they liked the event very much and would recommend it to another person;<br>9.1% (1 participant) was not very satisfied, indicating that the training needs improvement so that it can indicate to someone else. |

Source: Elaboration by the author (2025).

## 3.5 QUALITY MANAGEMENT

During the course the course the participants contributed with extremely pertinent information, such as observations and questions about the theme and dynamics of the event. This information, as well as the data from the evaluations carried out, proved to be fundamental for possible improvements in training.

Knowing how to collect and use the information generated from the actions involved in the project is of fundamental importance to ensure customer satisfaction and generate

"lessons" that contribute to the methodological improvement maximizing the efficiency of the project, this process we call quality management (Garlet; Ostapiuk, 2021).

Based on some data extracted from the notes of questions and occurrences during the training and from the evaluations applied, the following findings emerged, shown in Table 4:

**Table 4**

*Reaction evaluation*

| FINDINGS | POSSIBLE SOLUTIONS |
|---|---|
| On the first day of the course, the execution of Module I: Fundamentals of Copyright and Module II: Use of protected works in the educational process, in two hours was not enough | ● Expansion of the workload of the modules to 1:30 min each.<br>● Fragmentation of the course to be presented into 3 meetings and not 2 as performed. |
| Teachers understand that it is a good practice to disseminate Copyright issues, because practices of the educational process violate the legal precepts, often due to lack of knowledge | ● Election of the Copyright Theme, as a need for training for the class of teachers, to be applied at least once a year and in the process of integration of new employees |
| Vision of belonging to educational products by teachers. | ● Encourage teachers to understand that their educational products are fundamental for the democratication of education, fostered by the OER Culture.<br>● Encourage teachers to identify their students' productions as content that can be disseminated. |
| Difficulty for participants to identify the types of *Creative Commons licenses* and their permissions. | ● Promote more educational actions on the subject. |

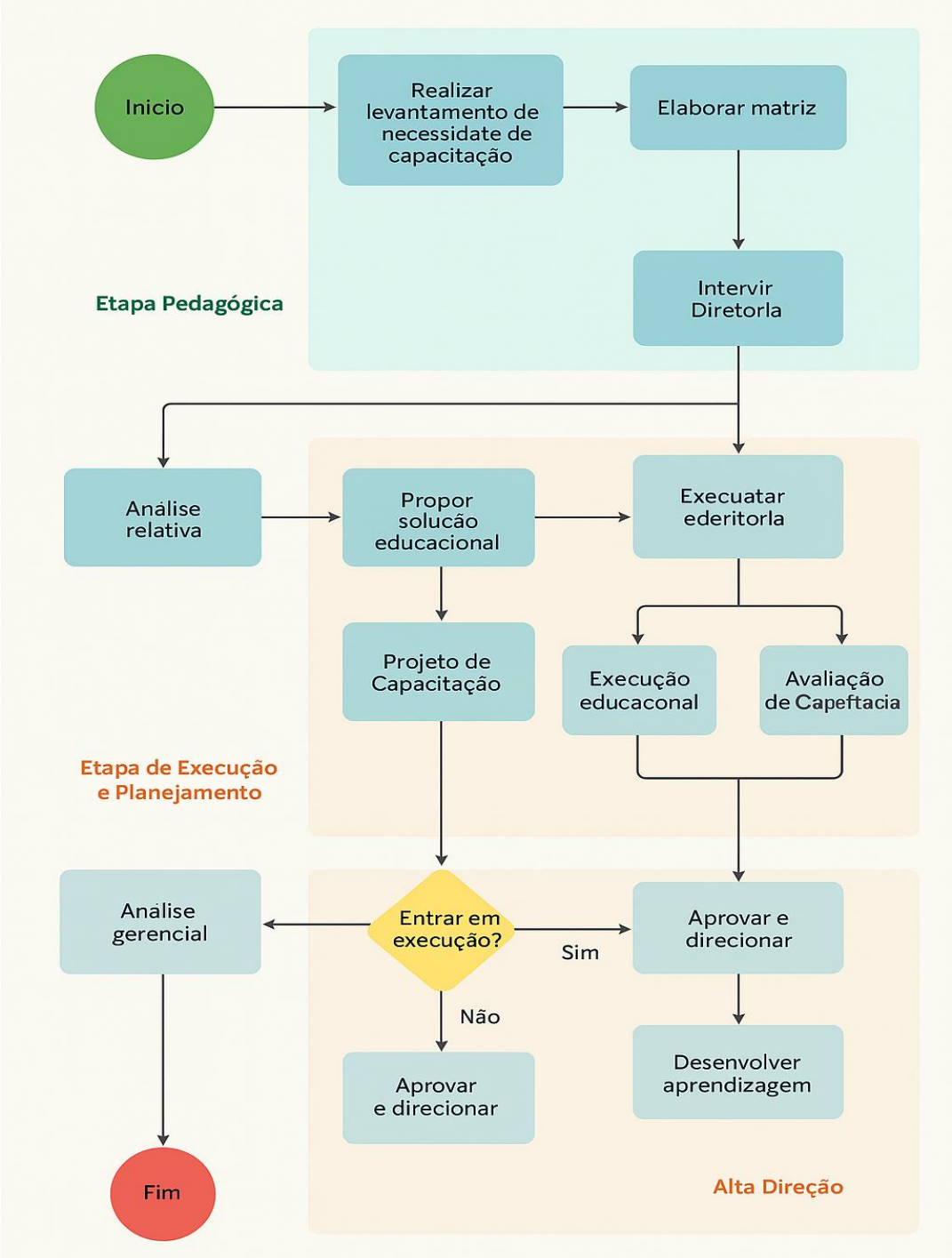
Source: Elaboration by the author (2025).

## 3.6 PROCESS MAPPING: CREATION OF THE *FRAMEWORK*

To map the activities developed in the execution of the framework, the BPM (*Business Process Management*) Process Mapping technique was used, which offers a visual analysis through a flowTable (Figure 2).

**Figure 2**

*Training development framework*




Source: Elaboration by the author (2025).

## 3.7 FORMALIZATION OF THE *FRAMEWORK*

The formalization of the *framework* was consolidated in the elaboration of a Didactic Material developed for teachers on good practices of the use of third-party works in the teaching-learning process. The elements of the *framework* are described in Table 5.

**Table 5**

*Elements of the Framework*

| ELEMENTS | *DEFINITION* | *FINDS* |
|---|---|---|
| *Rays* | *Differentiated lines of competence in the execution of a project* | *1. Pedagogical team; 2. Permanent education team; and 3. Top management.* |
| Activities | *Actions to be implemented* | *1. Carry out a survey of the need for training; 2. Prepare a report; 3. Report Analysis; 4. Plan educational action; 5. Submit the evaluation; 6. Evaluate the Training Project; 7. Approve the execution or archive the project; 8. Forward the approval; 9. Carry out the training; 10. Evaluate training; and 11. Promote Training Quality Management.* |
| Artifacts | *These are documentation or good practices used during the project execution process in order to standardize and verify the proper performance of the activities.* | *1. Training project; 2. Didactic Material 3. Content evaluation; 4. Reaction evaluation; and 5. Feedback from participants* |

Source: Elaboration by the author (2025).

## 4 FINAL CONSIDERATIONS

The choice of the *brainstorming* technique proved to be effective in the search for information about the chosen institution, information that supported the construction of the amendment and the a priori definition of its instructional design. Another highlight was the planning of the training with the help of the development of the training project, since this tool brings in its core a series of essential information, such as justification, objectives, methodology, schedule, evaluation system, among others.

It is believed that the technique chosen for the development of this work provides changes in all phases of teaching-learning activities, guiding teachers that not all content is freely accessible and in the public domain, making them more zealous in their activities

regarding the use of third-party works, as well as, as a consequence, avoiding lawsuits for disagreement with Law 9.610/98 (legal certainty for the execution of their activities).

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