

Do it Right the First Time: Copyright, Creative Commons, and OER

Amanda Wakaruk, Copyright Librarian
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The Basics

Wiley's requirements for OER (5Rs):

1. **Retain** – the right to make, own, and control copies of the content (e.g., download, duplicate, store, and manage)
2. **Reuse** – the right to use the content in a wide range of ways (e.g., in a class, in a study group, on a website, in a video)
3. **Revise** – the right to adapt, adjust, modify, or alter the content itself (e.g., translate the content into another language)
4. **Remix** – the right to combine the original or revised content with other open content to create something new (e.g., incorporate the content into a mashup)
5. **Redistribute** – the right to share copies of the original content, your revisions, or your remixes with others (e.g., give a copy of the content to a friend)

<http://opencontent.org/definition/>

Open licences grant permission to use a copyright-protected work with few or no restrictions and can allow for uses consistent with the 5Rs.

Open licensing is a core infrastructural element of OER.

The copyright status of a work does not change when a standard open licence is assigned by the rights holder *or someone licensed to do so.*

Creative Commons licences are the most common OER open licences.

licence **c**e (*noun*)

license **s**e (*verb*)

Canadian Press Caps and Spelling <https://stylebooks.thecanadianpress.com/>

OER Considerations

1. Assigning a Creative Commons licence to your OER
2. Using your published works in an OER
3. Including works by other people in your OER



1. Assigning a CC licence to your OER

Choose a licence that is OER compatible.

<https://creativecommons.org/choose/>

Mark the work with the CC icon.

Best practice: include a statement and link back to the licence on the CC website.

https://wiki.creativecommons.org/wiki/Marking_your_work_with_a_CC_license

<https://creativecommons.org/about/downloads/>

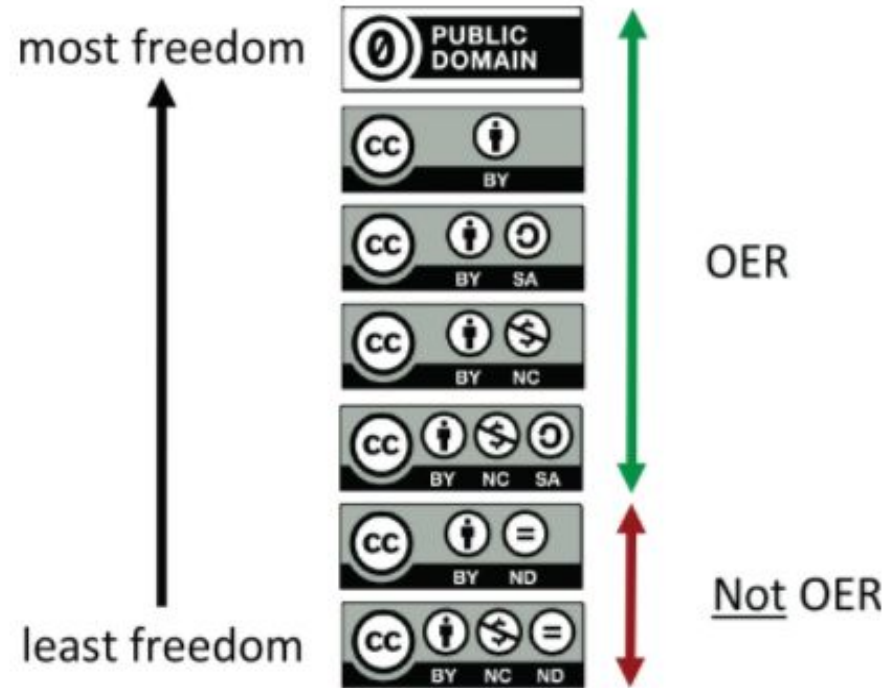


Fig. 9: CC licenses arranged from most to least permissive.

by [Cable Green](#) is licensed under [CC-BY 4.0](#)

Example


Promoting Use and Contribution of Open Educational Resources

Sanjaya Mishra, *PhD*
Education Specialist, eLearning
Commonwealth of Learning, Canada



Commonwealth Educational Media Centre for Asia
New Delhi

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For further information, contact:

Commonwealth Educational Media Centre for Asia
7/8, Sarv Priya Vihar
New Delhi 110016
<http://www.cemca.org.in>

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2. Using your published works as/in an OER

What are the existing terms of your publishing agreement?

Do those terms prevent or allow you to use the work in an OER?

- Copyright transfer agreement (CTA) or nominal copyright (licence to publish as restrictive as CTA)
- Exclusive licence to wide range of uses by publisher
- Rights retained by author or available to users (e.g., CC licence)
- Rights reversion statement (less common for academic works)

Do you need to pursue rights reversion?

<http://www.authorsalliance.org/resources/rights-reversion-portal/>

Can you ask the publisher to assign a compatible CC licence or for permission to use the work in an OER?

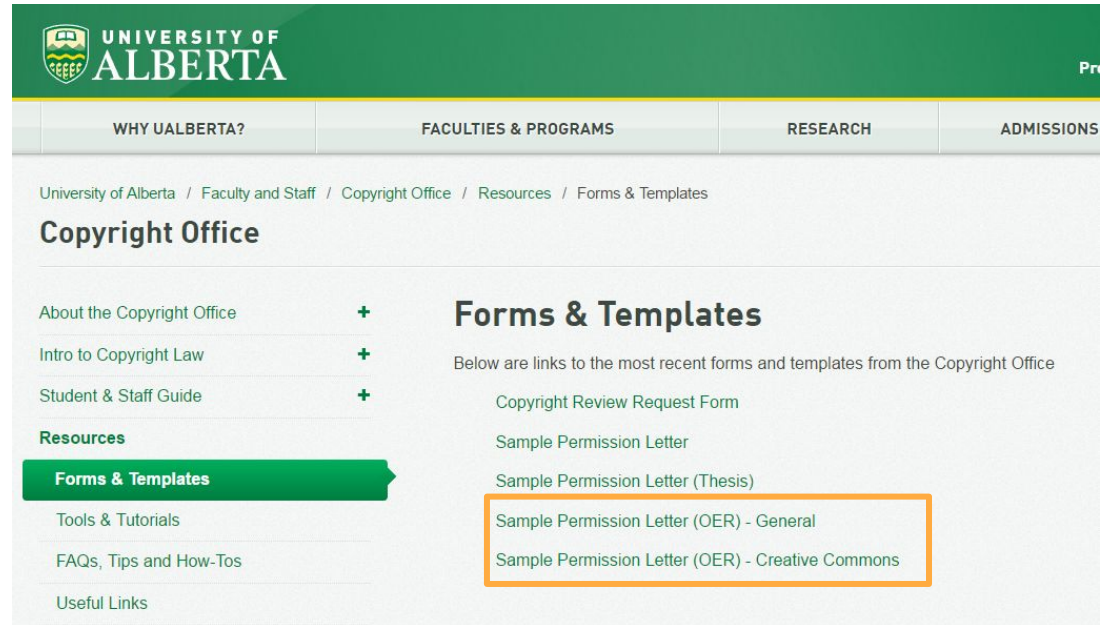
3. Including works by other people in your OER

Is the work in the public domain?

Does the work have suitably flexible open terms? (e.g., CC BY)

Do you need to request permission to use the work?

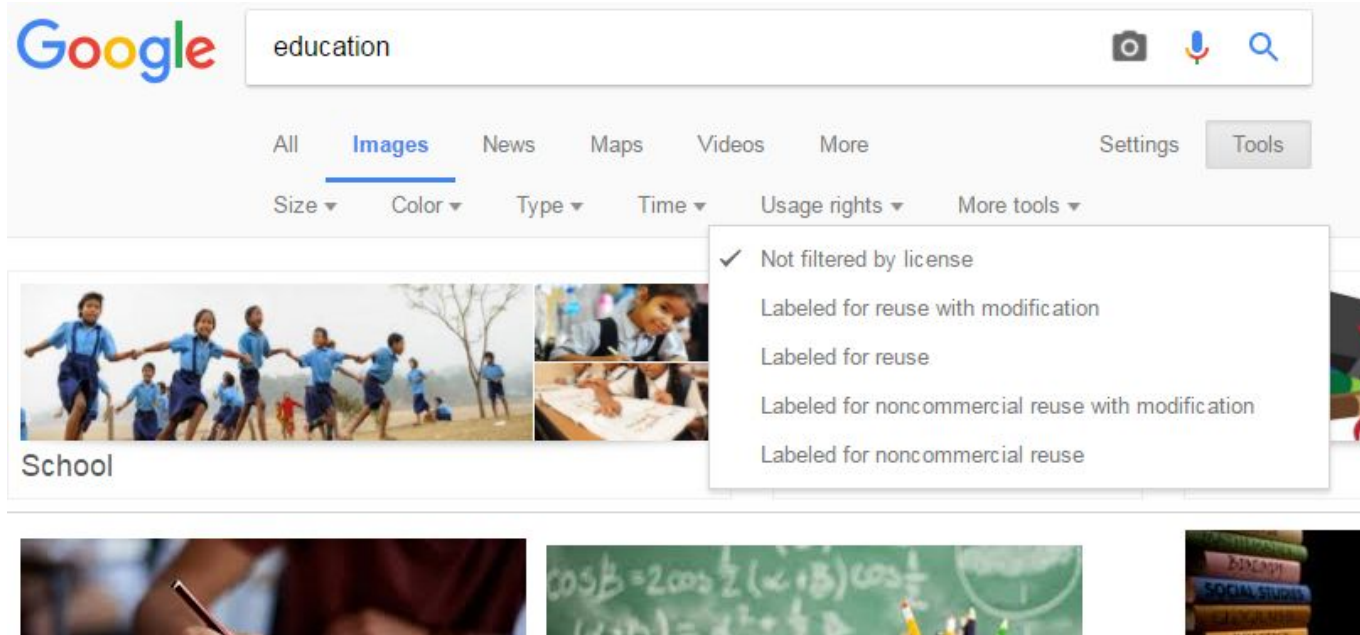
Is it easier to create your own images, etc.?



The screenshot shows the University of Alberta Copyright Office website. The header is green with the university logo and name. Below the header is a navigation bar with links for 'WHY UALBERTA?', 'FACULTIES & PROGRAMS', 'RESEARCH', and 'ADMISSIONS'. The main content area has a breadcrumb trail: 'University of Alberta / Faculty and Staff / Copyright Office / Resources / Forms & Templates'. The page title is 'Copyright Office'. On the left, there is a sidebar menu with 'About the Copyright Office', 'Intro to Copyright Law', 'Student & Staff Guide', 'Resources', and 'Forms & Templates' (highlighted in green). The main content area is titled 'Forms & Templates' and lists several documents: 'Copyright Review Request Form', 'Sample Permission Letter', 'Sample Permission Letter (Thesis)', 'Sample Permission Letter (OER) - General', and 'Sample Permission Letter (OER) - Creative Commons'. The last two items are highlighted with an orange box.

Finding CC licensed works

[Google Advanced Search](#), limit by usage rights



The image shows a Google search interface for the term "education". The search bar contains the word "education" and icons for image, voice, and search. Below the search bar, the "Images" tab is selected. A dropdown menu for "Usage rights" is open, showing the following options:

- Not filtered by license
- Labeled for reuse with modification
- Labeled for reuse
- Labeled for noncommercial reuse with modification
- Labeled for noncommercial reuse

The search results display several images related to education. The first image shows a group of children in school uniforms running and playing in a field, with the caption "School" below it. Other visible images include a student writing at a desk, a chalkboard with mathematical formulas, and a stack of books.

Best practice for attributing CC licensed works

https://wiki.creativecommons.org/wiki/Best_practices_for_attribution

Examples of attribution

Here is a photo. Following it are some examples of how people might attribute it.



This is an ideal attribution

"Creative Commons 10th Birthday Celebration San Francisco" by tv01 is licensed under CC BY 2.0

Takeaways: Get it right the first time

1. Assign an OER-compatible Creative Commons licence (or equivalent) to your work
2. Negotiate with publishers to retain the rights you need to use your work in an OER **BEFORE** work is published
3. Find third party content with an open licence or, if needed, ask rights holder for permission to use the work in your OER (template language available in Resources/Forms section of copyright.ualberta.ca)

Resources and References

Creative Commons (CC) <https://creativecommons.org/> CC Wiki <https://wiki.creativecommons.org/>

Nicole Cabrera, Jordyn Ostroff, Brianna Schofield, and the Samuelson Law, Technology and Public Policy Clinic. [Understanding Rights Reversion: When, Why & How to Regain Copyright and Make Your Book More Available](#) (Berkeley: Authors Alliance, 2015).

Commons:Free media resources/Photography

https://commons.wikimedia.org/wiki/Commons:Free_media_resources/Photography

Source of 'Figure 9' on Slide 4:

Green, C. 2017. Open Licensing and Open Education Licensing Policy. In: Jhangiani, R S and Biswas-Diener, R. (eds.) Open: The Philosophy and Practices that are Revolutionizing Education and Science. Pp. 29–41. London: Ubiquity Press. DOI: <https://doi.org/10.5334/bbc.c>. Licence: CC-BY 4.0

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Questions?



Amanda Wakaruk, MLIS, MES
Copyright Librarian

Copyright Office, Learning Services
University of Alberta

amanda.wakaruk@ualberta.ca

@awakaruk (personal)