

OERup! Training

Module 2 / Open Licensing

Opening up content is, at its very core, a legal question. To whom does the content belong? What does the owner of the rights allow me to do with their content? The purpose of copyright is to respect and reward creative work while encouraging future creativity and the development of new material. However, in digital times, when content can easily be found online and a culture of sharing is dominating, legal uncertainties seem inevitable and legal boundaries even seem to hinder creative and innovative processes. You have probably experienced it yourself when looking for content for training materials; you find the perfect sketch, picture or definition but are then uncertain about whether or not you are violating any copyrights by using it. This module, therefore, provides an insight into the relationship between copyright and legal licenses. It also helps you identify OER-friendly licenses and mark your work with an appropriate license.

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Introduction

Opening up content is, at its very core, a legal question. To whom does the content belong? What does the owner of the rights allow me to do with their content?

The purpose of copyright is to respect and reward creative work while encouraging future creativity and the development of new material. However, in digital times, when content can easily be found online and a culture of sharing is dominating, legal uncertainties seem inevitable and legal boundaries even seem to hinder creative and innovative processes. You have probably experienced it yourself when looking for content for training materials; you find the perfect sketch, picture or definition but are then uncertain about whether or not you are violating any copyrights by using it.

This module, therefore, provides an insight into the relationship between copyright and legal licenses. It also helps you identify OER-friendly licenses and mark your work with an appropriate license.

CONTENT	copyright, legal licenses, applying appropriate licenses
TARGET GROUP	teachers, trainers, mentors, staff and management of adult education institutions, as well as consultants

1. Copyright and Open Licensing

Copyright is a legal term describing the rights given to creators for their literary and/or artistic work. The kinds of work covered by copyright are very diverse and include most of the content contained in teaching and learning material.

Copyright is automatic; as soon as there is a record in any form of the work created (e.g. written down or recorded) copyright comes into effect. The author or creator of the work is automatically the owner and has the exclusive right to reproduce, distribute, perform, display, license and to prepare derivative works based on the copyrighted work. The line for anyone else to cross copyright exceptions and use somebody else's work (for quotes, for example) is, unfortunately, very blurred. In most cases the only option is to contact the right owner and ask for permission.

Task 1

Relevant terms you may come across in relation with copyright are: fair use - public domain - commercial use. Find definitions and examples of these terms and share your findings and source on padlet: bit.ly/M2Copyright

OPEN CONTENT LICENSES:

Open content licenses have been invented so that creators can exercise their copyright and balance access and control of their intellectual property.

"A legal mechanism that has been developed, known as open content licensing that provides copyright owners with a facility for sharing their content with the world and thereby establishing a zone or space on the internet for lawful and seamless access. (...) Importantly, open content licenses can be represented in machine readable metadata which can allow the technology to understand the legal obligations attaching to a particular document.(...). Ultimately, the belief is that if we can harness the great store of information that exists we can tackle problems and provide insights and solutions on a scale greater than we have ever done before". ([source](#))

Important Note: In adult education in particular, teachers, trainers, tutors, or mentors need to be well-informed about the rights and regulations that are imposed on them by the institution or organization they are working for. In some institutions, for example, the exchange of the material among colleagues may be allowed (or even encouraged), but not the release of resources with an open license! Furthermore, the protection of intellectual property not only affects teaching professionals who create or repurpose teaching and learning material. Open pedagogies increasingly involve the learner in the development of resources (find out more in module 5), who therefore need to be made aware of the rules of copyright as well. More information on how to teach copyright you may find on: www.teachingcopyright.org

2. Creative Commons

In this training we will focus on the Creative Commons License, which is the type of open license that you may have come across most frequently. CreativeCommons.org is a non-profit organization, which offers a standardized way to label your work with some rights reserved on conditions of your choice.

Watch the following video "a shared culture", created by Jesse Dylan and find out about the motivation and philosophy behind Creative Commons:

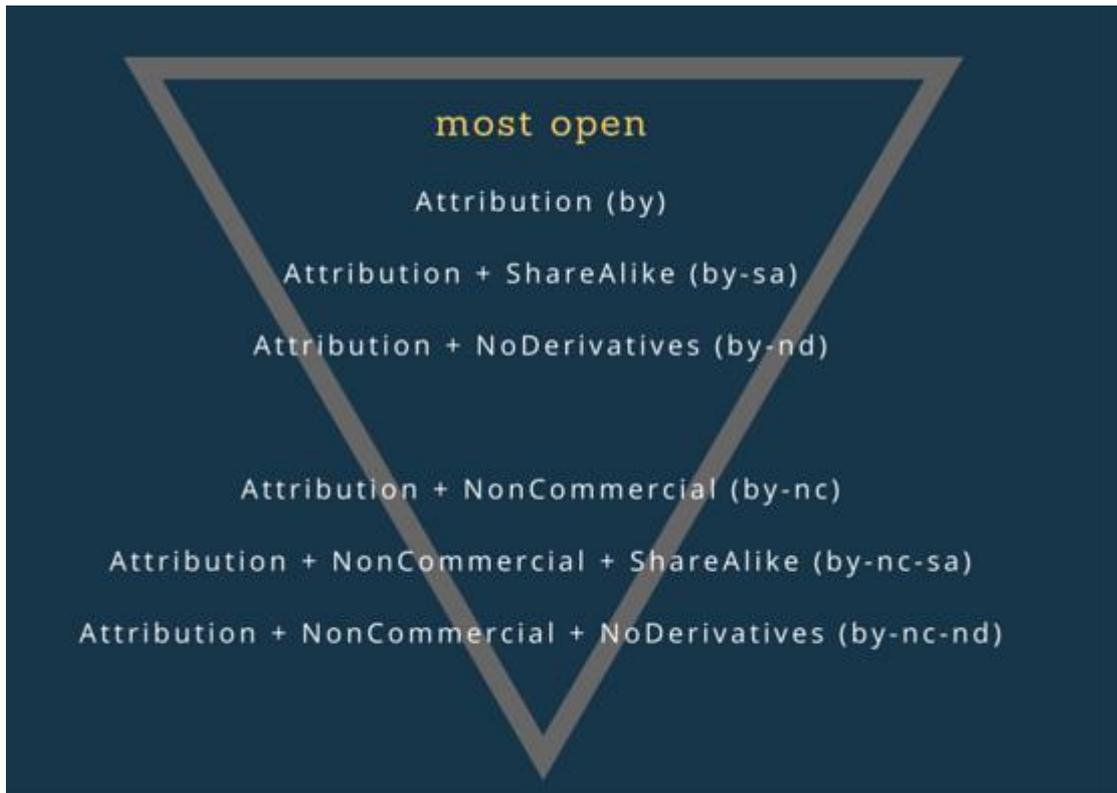
<https://youtu.be/j8s1ohZDgMU>

Admittedly, Creative Commons abbreviations do not make a very good first impression. It looks complicated and not very ensuring that even non-tech or -law wizards can apply them. But let's untie this knot of abbreviations, because really CC consists of four different options only, which may be mixed and combined as fits:

1. **BY - Attribution:** This license lets others distribute, remix, tweak, and build upon your work, even commercially, as long as they credit you for the original creation. This is the most accommodating of licenses offered. Recommended for maximum dissemination and use of licensed materials.
2. **NC - Non Commercial:** This license lets others remix, tweak, and build upon your work - and derivative works based upon it - non-commercially.
3. **ND - No Derivatives:** This license allows for redistribution, commercial and non-commercial, as long as it is passed along unchanged and in whole.
4. **SA - Share Alike:** This license lets others remix, tweak, and build upon your work, as long as they license their new creations under the identical terms.

The combination of these options grants different degrees of openness to your work. In short:





Task 2

As you can see, licenses containing the non-commercial clause are the least open. Therefore the OpenEd community are currently discussing if this license can even be considered OER. Watch this video about the status of the non-commercial clause and decide for yourself (don't forget to turn on the English subtitles):

<https://youtu.be/mxzh8c3zao8>

(this video summarises interview answers recorded by bp21.de)

3. How to license your work

In order to avoid extra work after you've completed your content, it is advisable to start thinking about the license you want to apply before you start working on it. This way, you can start looking for existing material that you may want to use and include into your work, which supports the license you have chosen.

To properly engage in the "licensing business", follow these three steps, defined by [Michelle Willmers and Laura Czerniewicz](#):

STEP 1 - Identify your intentions

- do you want people to be able to adapt your content?



- do you want people to use the same license as you have? ..etc.

STEP 2 - Assess your policy framework

- get to know your institutional policy
- examine the intellectual property (IP) stipulations in your grant agreements and contracts
- review co-authorship arrangements

STEP 3 - Select and apply your license

- familiarise yourself with Creative Commons licensing
- practice applying the license to various content types
- consider license compatibility

Please watch the expert webinar with John H. Weitzmann, an expert on open licensing, which provides insight on what open licensing is all about and how you can use the different Creative Commons licenses to create new OER. [Click to watch..](#)

4. Excursus for anyone interested in the development of open content licenses

When the spirit of the open source movement finally influenced the world of content, the first corresponding licenses were developed. The first one, called Open Content License (OCL), was created in 1998 but was replaced by the Open Publication License (OPL) one year later.

The first creators of these licenses were learning experts, not legal experts. So, the two licenses following in 2002, GFDL (GNU Free Documentation License) and CC (Creative Commons), built on the innovation of their predecessor. In the best sense of "OpenContent is dead. Long live OpenContent", the creator of OPL acknowledged the quality of Creative Commons in 2002 declaring that no future development would be carried out on the OPL license. ([source](#))

[GNU](#) is, at its base, an open source license which has been developed further for licenses for other creative work. GFDL and CC-BY-SA are almost identical except for technical differences. The main difference, as Creative Commons states, is that any copy of a work licensed under the GFDL must include a full copy of the license. That's not a big burden in software, but if someone is printing off a GFDL document, they are legally obliged to include a license printout which may be as long as the document itself. The CC-BY-SA is much simpler, requiring attribution as requested by the source, which typically is the source's name (e.g. "Practical Action," "Appropedia" or "Jodie Smith"), perhaps a title, and a link.



Further reading: "GFDL vs. CC-by-sa" ([click!](#))

One more interesting development concerning open licenses in Europe is the UK's Open Government License. It applies to many but not all so called 'Crown Copyright works' and is compatible with the Creative Commons Attribution (CC-BY) license. The license may be applied to texts, media, databases and source code. Organisations at various levels within the UK government use this license and those reusing their work have to acknowledge its source.

Further reading: "Open Government Licence" ([click!](#))

5. Conclusion

Do I understand what the spirit and intention behind open licensing is?

Have I gained knowledge about the Creative Commons License?

Am I able to read Creative Commons licenses and apply them to my work?

You can test your knowledge by the tasks given in module 3 and 4

6. List of links

- Open Content Licensing (OCL) for Open Educational Resources by Professor Brian Fitzgerald QUT, Australia, <http://www.oecd.org/edu/ceri/38645489.pdf>
- Creative Commons, explained by German jurists and pedagogues, <https://www.youtube.com/watch?v=HXQa8xjKLPA>
- Open Content Licensing: A Three-Step Guide, http://www.academia.edu/13436439/Open_Content_Licensing_a_Three-Step_Guide
- Explore the Creative Commons License, http://creativecommons.org/choose/?lang=en_CO
- List of open content licenses, <http://www.gnu.org/philosophy/license-list.html>
- Company of the founder of the OPL licenses, David Wiley, <http://lumenlearning.com/>
- UK open government license, <http://www.nationalarchives.gov.uk/doc/open-government-licence/>

7. Metadata

Data Category	Information „Open Licensing“
URL	http://www.oerup.eu/module-2/
OER	OER
License	Creative Commons-Attribution-ShareAlike 4.0 International
License Code	CC-BY-SA 4.0
Name	Module 2 – Open Licensing
About	The module therefore provides an insight into the relation between copyright and legal licenses, and helps you identify OER-friendly licenses, and mark your work with an appropriate license.
Keywords	Open Educational Resources; Open Educational Practices; Open Education; Adult Education; Adult Learning; Definitions; Open Licensing; Copyright; Creative Commons
Publisher	OERup! Consortium
Author	Ines Kreitlein
Date Created	31.03.2016
Time Required	05:00:00
Educational Role	teacher
Educational Use	reading; activity; quiz
Interactivity Type	mixed
Resource Format	webpage
Data Type	HTML
Education Type	Adult Learning; Higher Education
Language	English; German; Italian, Spanish; Romanian

Country Code	Germany
Script Code	Latin
Access Mode	auditory; visual; textual

Data Category	Information "Video: Is material with an NC-license OER?"
URL	http://www.oerup.eu/module-2/creative-commons/task-2/
Alternate URL	https://www.youtube.com/watch?v=mxzh8c3zao8
OER	OER
License	Creative Commons - Attribution-3.0 DE
License Code	CC-BY-3.0 DE
Copyright Holder (Optional)	Blanche Fabri for pb21.de; OERup! Consortium for cut together and translation
Name	OERup! Opening Webinar
About	This video summarizes the answers recorded by the BPB (Bundeszentrale für politische Bildung), given by educational experts on the topic Creative Commons Non-Commercial license: http://pb21.de/2013/10/8-mal-8-fragen-zu-oer-uebersicht/
Keywords	Open Educational Resources; Open Education; Adult Education; Adult Learning; Creative Commons; Open Licensing; NC-License; Copyright
Publisher	OERup! Consortium
Host	YouTube
Author	Blanche Fabri for pb21.de; cut together and translated by Ines Kreitlein
Date Created	02.09.2015
Time Required	00:03:45
Educational Role	Teacher
Educational Use	Presentation; Curriculum Plan
Interactivity Type	Expositive

Resource Format	Video (a resource intended for watching)
Data Type	HTML
Education Type	Adult Learning; Higher Education
Language	English and German with English subtitles
Country Code	Germany
Script Code	Latin
Access Mode	Auditory; Visual

Data Category	Information "Video: OERup! Webinar on Open Licensing"
URL	http://www.oerup.eu/module-2/webinaropen-licensing/
Alternate URL	https://www.youtube.com/watch?v=16dHGqxFgv0
OER	OER
License	Creative Commons - Attribution-Share Alike -4.0 International
License Code	CC-BY-SA-4.0 International
Copyright Holder	OERup! Consortium
Name	OERup! Webinar on Open Licensing
About	In this one hour webinar John H. Weitzmann from Creative Commons Germany gave an introduction to open licensing and how to use creative commons licenses to OER
Keywords	OERup! Training Curriculum; Open Educational Resources; Open Educational Practices; Open Education; Adult Education; Adult Learning; Definitions
Publisher	OERup! Consortium
Host	YouTube
Author	John Weitzmann; Petra Newrly; Kevin Campbell-Wright
Date Created	04.11.2015

Time Required	00:54:32
Educational Role	Teacher
Educational Use	Presentation
Interactivity Type	Expositive
Resource Format	Video (a resource intended for watching)
Data Type	HTML
Education Type	Adult Learning; Higher Education
Language	English
Country Code	Europe
Script Code	Latin
Access Mode	Auditory; Visual



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