

Copyright and CC Licenses for OER

What every librarian should know

Brandon Butler, Director of Information Policy, UVA Library | CC-0 1.0

OER and the Five Freedoms/Five Rs

OERs should typically grant these 5 rights to all students & teachers

Retain

Reuse

Revise

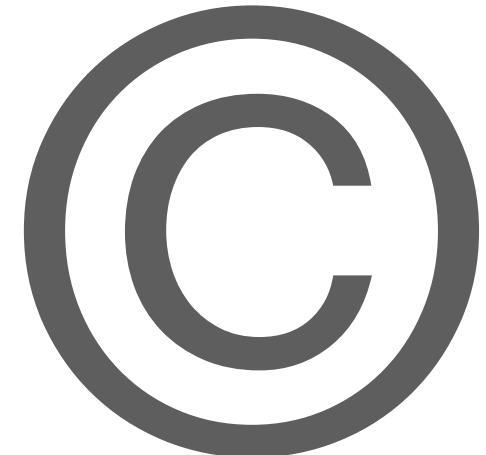
Remix

Redistribute

Posting content online, accessible for “free,” is not enough

Copyright

Exclusive by default



Subject to sections 107 through 122, the owner of copyright under this title has the **EXCLUSIVE RIGHTS** to do and to authorize any of the following:

Reproduce

Distribute

Adapt into derivative works (translations, abridgments, etc.)

Perform publicly

Display publicly

Creative Commons Licenses

Inclusive: Grant permission to the public, and impose conditions (if you like)



Human-readable

“You are free to: share - copy and redistribute the material in any medium...

Machine-readable

<https://creativecommons.org/licenses/by/4.0/>

Lawyer-readable

By exercising the Licensed Rights (defined below), You accept and agree to be bound by the terms and conditions of this Creative Commons Attribution 4.0 International Public License ("Public License"). To the extent this Public License may be interpreted as a contract, You are granted the Licensed Rights in consideration of Your acceptance of these terms and conditions, and the Licenser grants You such rights &c. &c.

How it works:

© = Exclusive right = the power to grant licenses

“License” = a contract

Contract = Offer + Acceptance

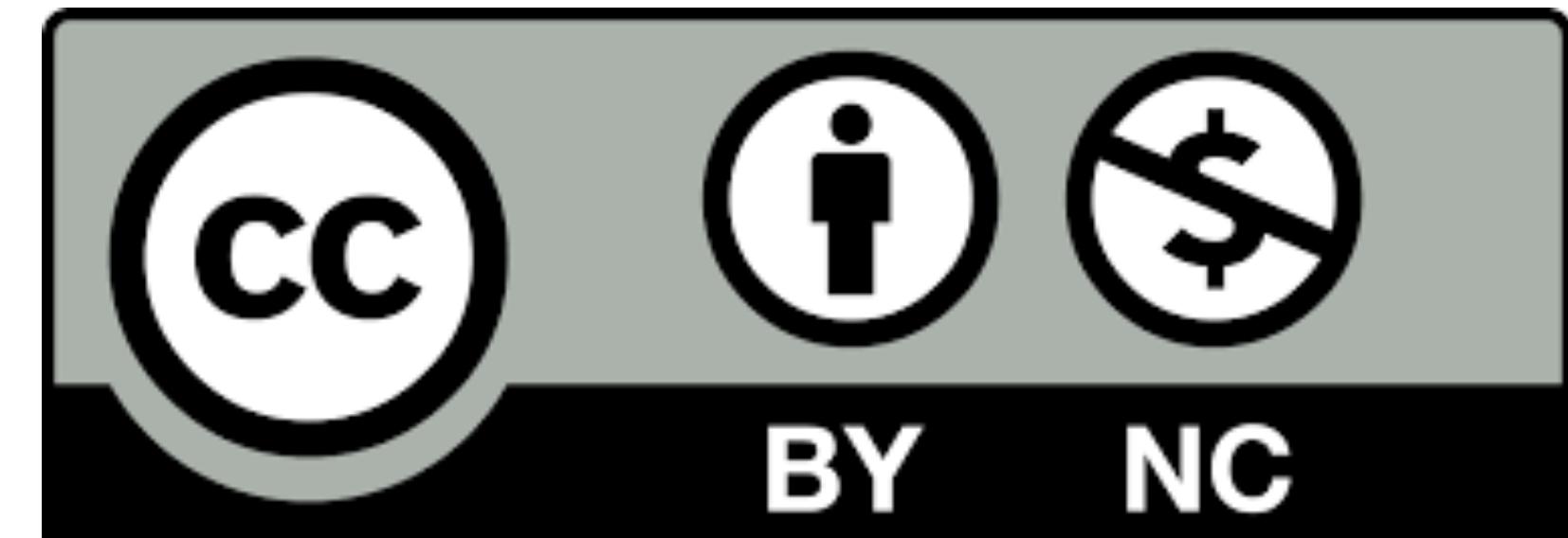
CC License = Offer to the world = “I hereby offer anyone who uses my work consistent with these terms a license to do so.”

Using CC licensed work consistent with terms = “I accept.”

IRREVOCABLE

License options

Waiver, Attribution, Non-Commercial, No Derivatives, Share-Alike

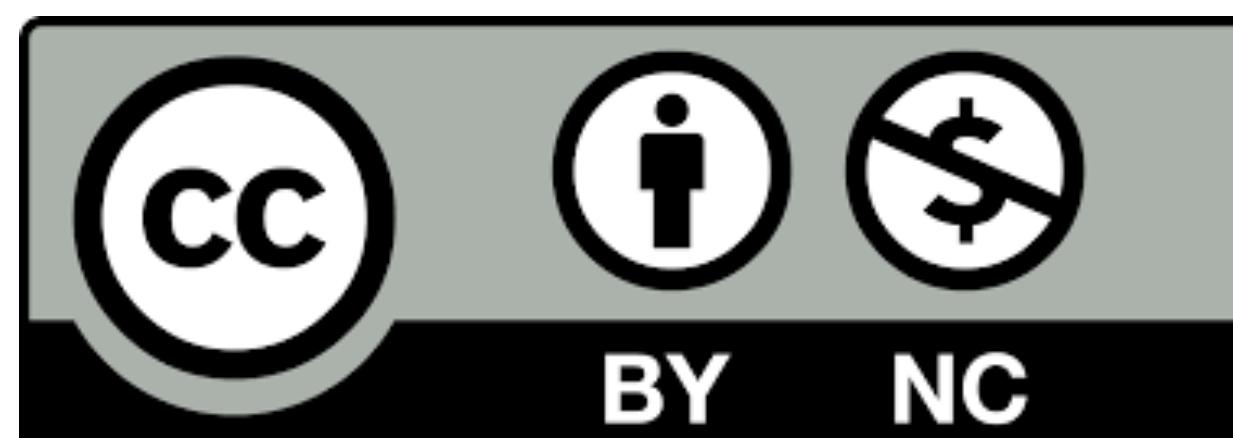


The Basic CC Varieties

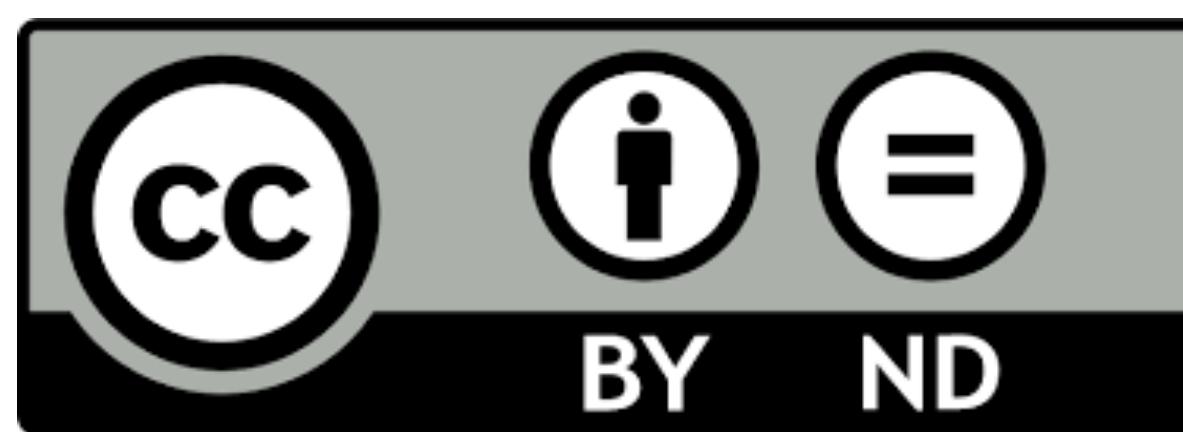
What do the four conditions mean?



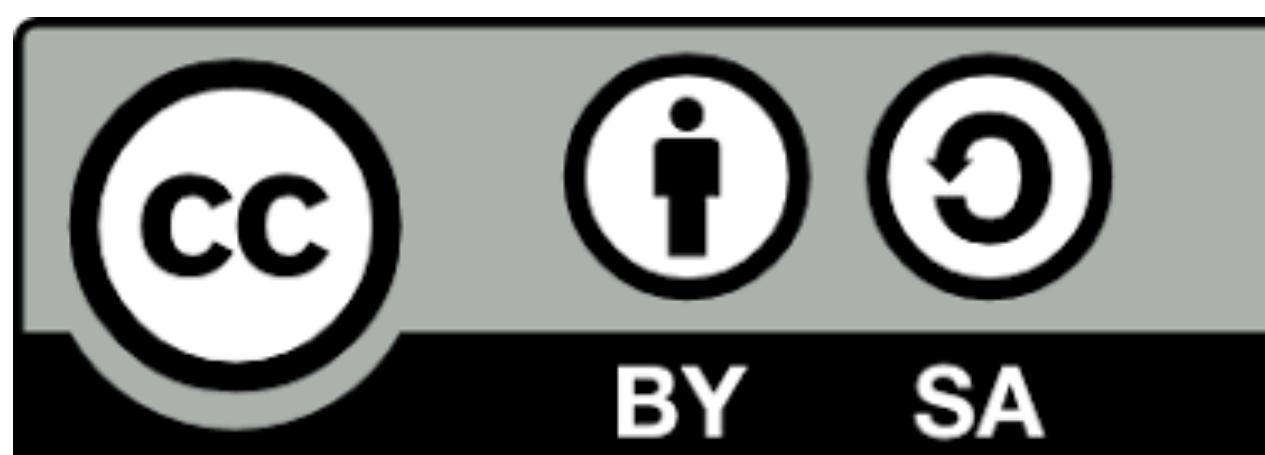
ATTRIBUTION: You must give appropriate credit...



NON-COMMERCIAL: You may not use the material for *commercial purposes*.



NO DERIVATIVES: If you remix, transform, or build upon the material, you may not distribute the modified material.



SHARE-ALIKE: If you remix, transform, or build upon the material, you must distribute your contributions under the same license as the original.

Conditions can be mixed/combined To create these hybrid licenses



Bonus question: Why no CC-BY-ND-SA?

Some “hidden” conditions in CC licenses which should give authors comfort

Indicate Changes

ENDORSEMENT

USERS CAN STILL rely on fair use or
reuse public domain elements

NO NEW LIMITS,
legal or
technological.

NO WARRANTIES

Back to OER and the 5 Rs

Which CC license(s) fit(s)?

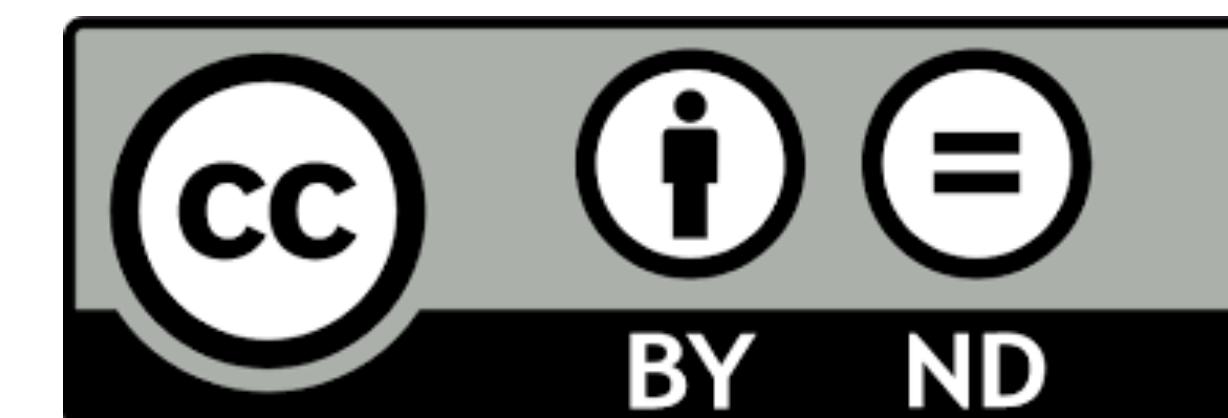
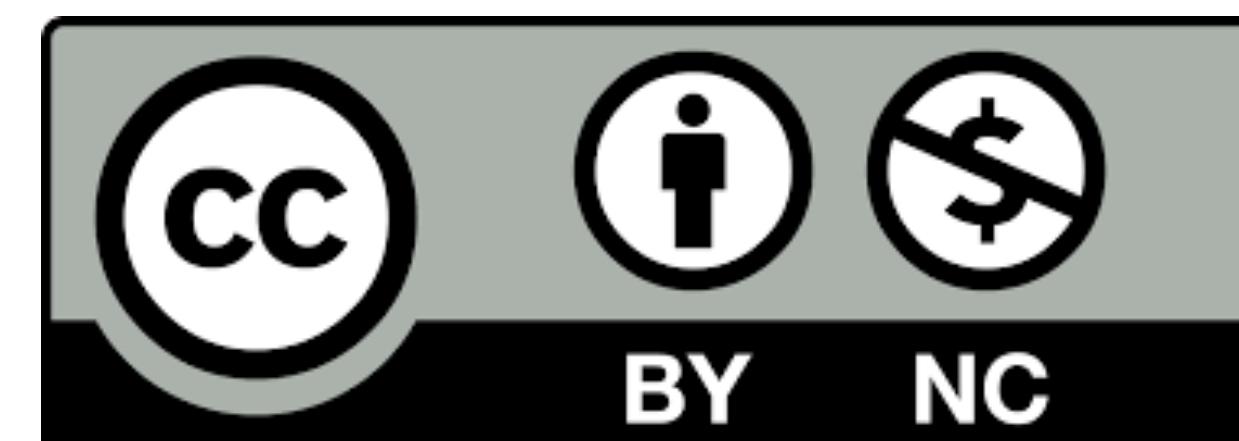
Retain

Reuse

Remix

Redistribute

Revise



Back to the 5 Rs

Which CC license(s) fit(s)?

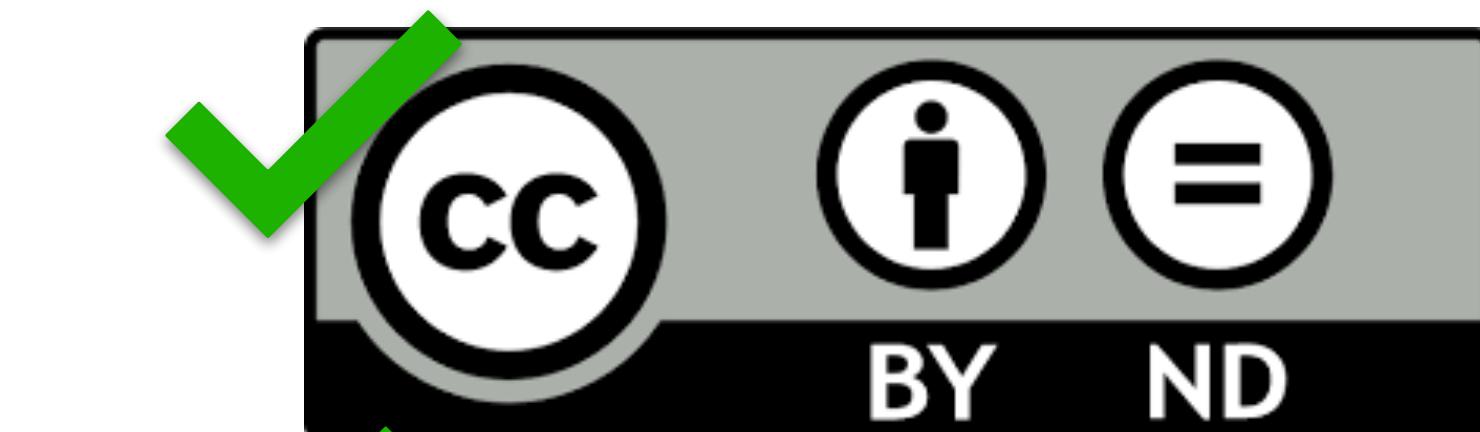
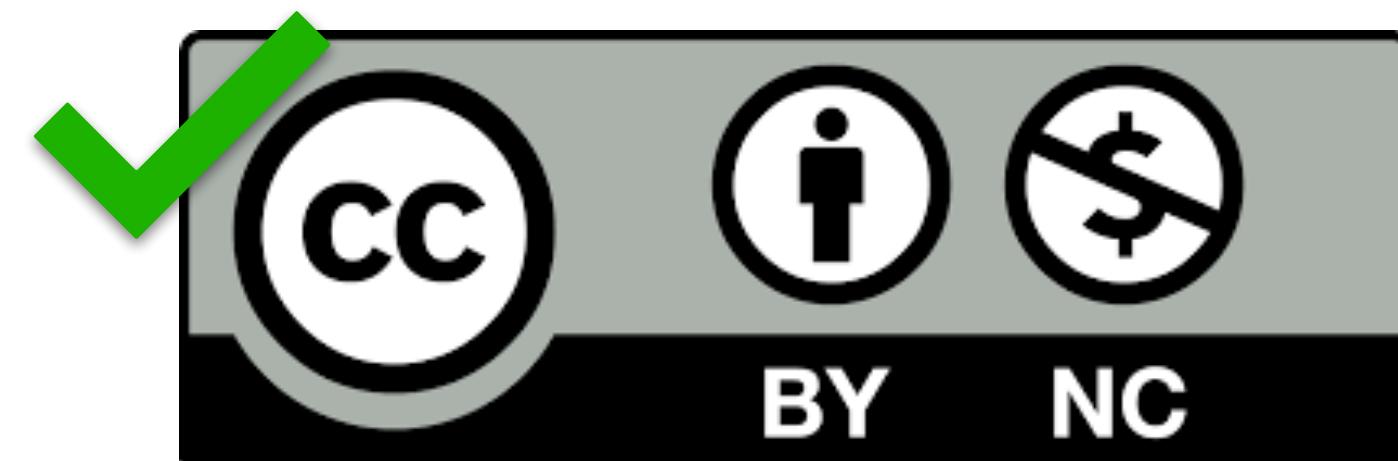
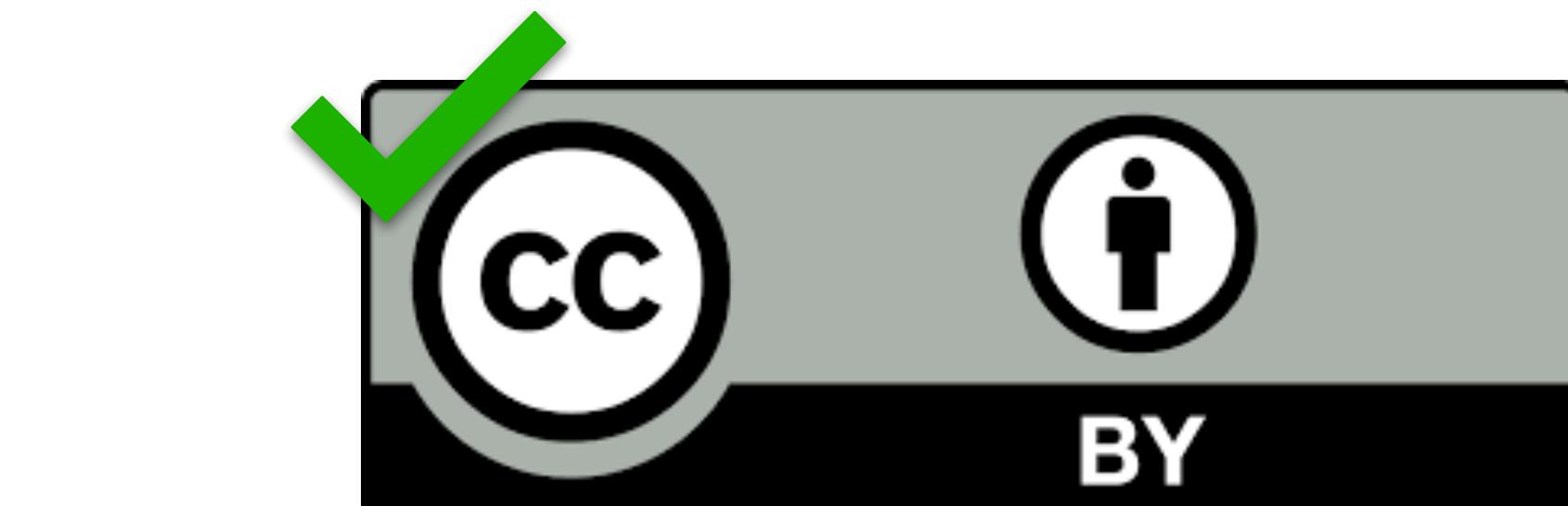
Retain

Reuse

Remix

Redistribute

Revise



Back to the 5 Rs

Which CC license(s) fit(s)?

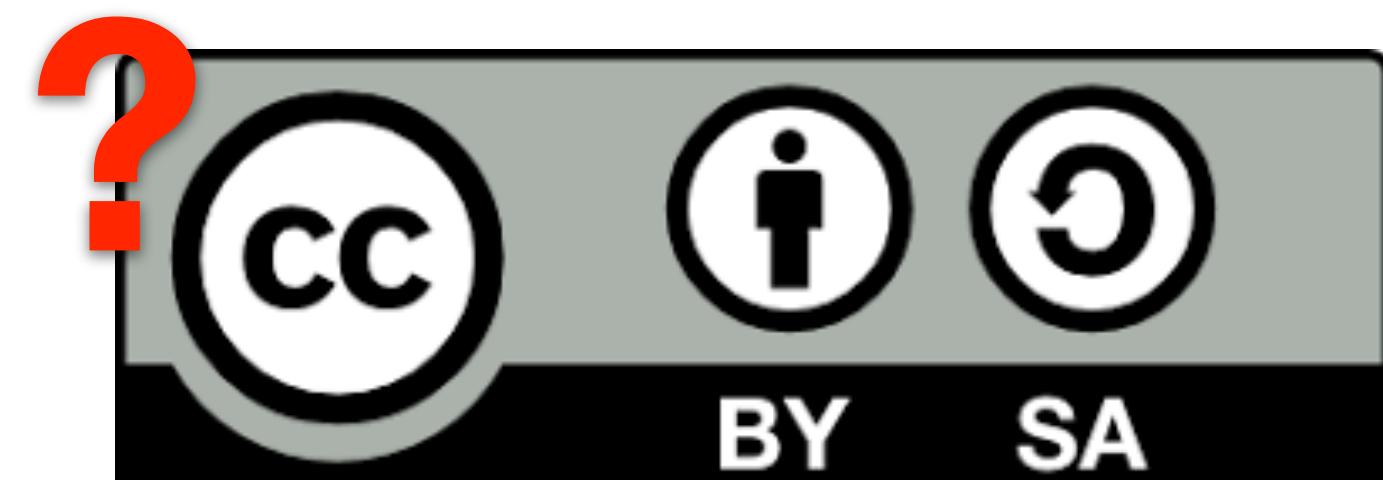
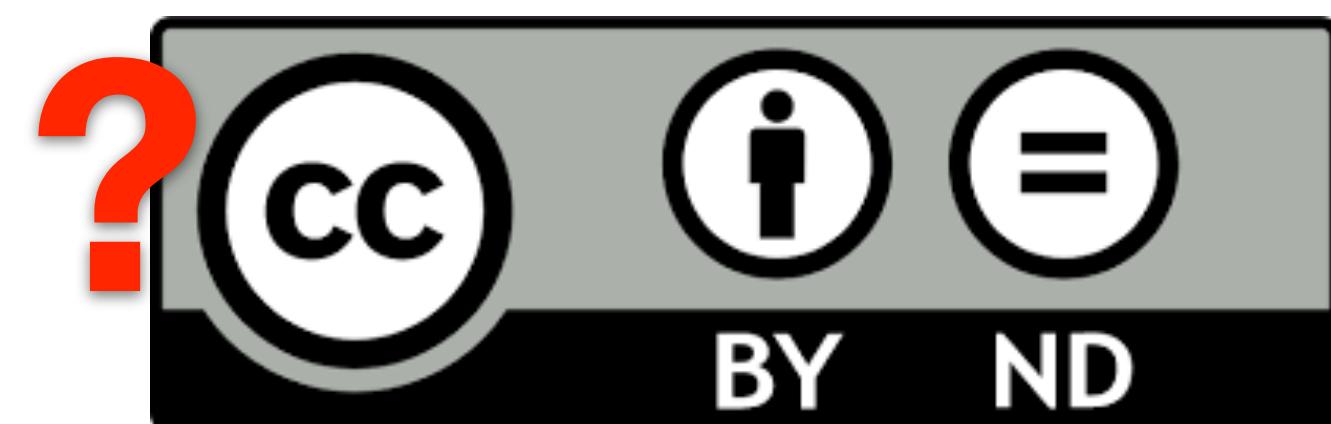
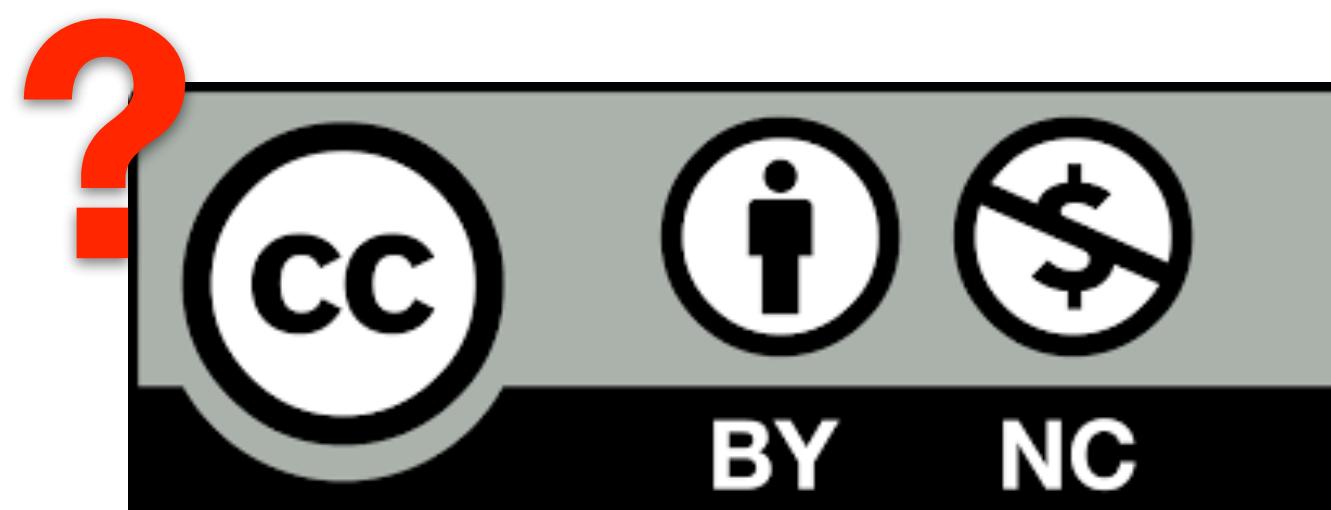
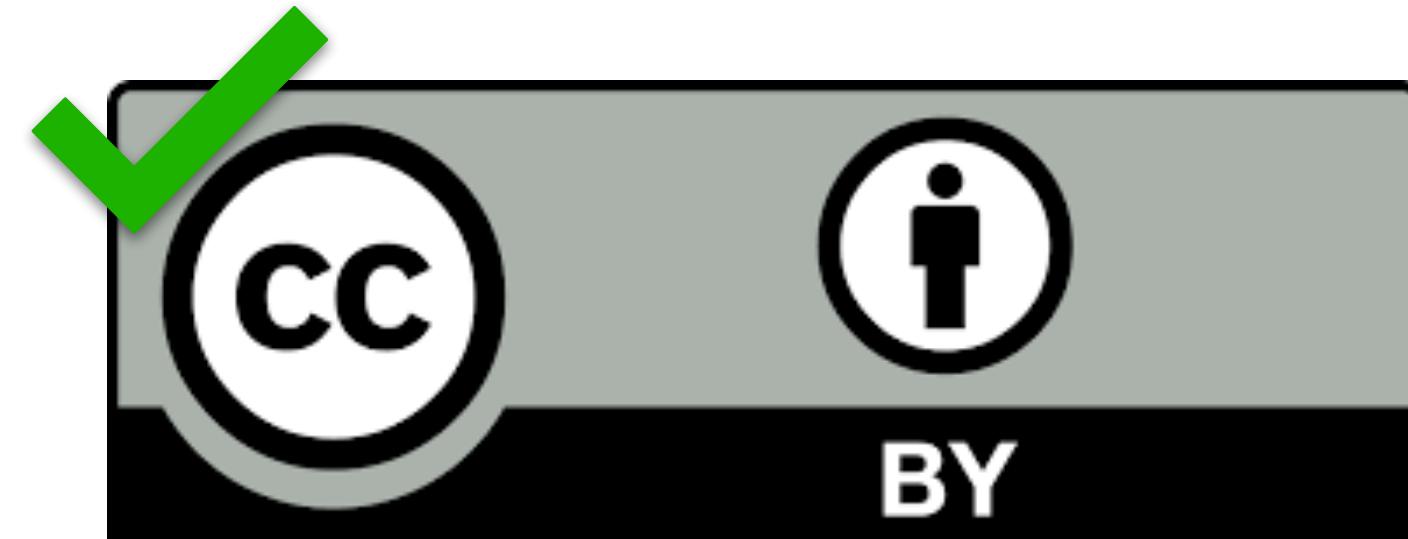
Retain

Reuse

Remix

Redistribute

Revise



Complexity discourages use

Another reason for simplicity



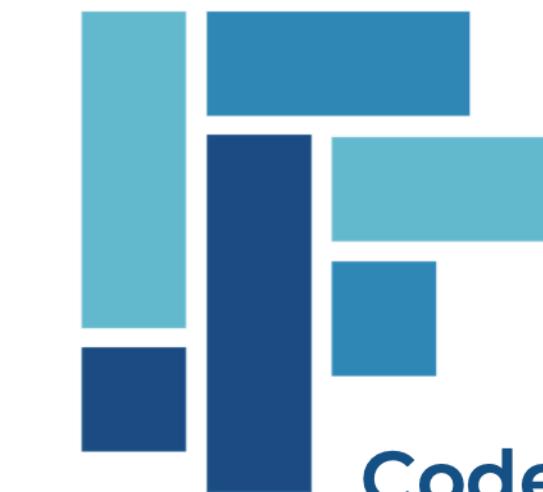
What about fair use?

Never forget it!

You can include 3rd party works in OER under fair use just like you would with “traditional” works.

Follow good practices for your license notice and attribution of incorporated materials.

Check out the Code of Best Practices



Code of Best Practices in Fair Use for Open Educational Resources

A Guide for Authors, Adapters & Adopters of
Openly Licensed Teaching and Learning
Materials

Facilitators:

Meredith Jacob
American University Washington College of Law

Peter Jaszi
American University Washington College of Law

Prudence S. Adler
American University Washington College of Law

William Cross
NC State University Libraries



So, in sum:

To qualify as an “open educational resource,” the author/publisher should permit certain free uses (the 5 Rs)

Copyright by default does NOT give these rights to the public; it vests them with the author/copyright owner.

Creative Commons licenses let copyright holders offer a simple, human-, machine-, and lawyer-readable license to the world, which anyone can accept by complying with its terms.

CC licenses are irrevocable, and include lesser-known terms that most authors welcome

Only some CC licenses are OER-friendly.