

LEGAL ASPECTS OF OER

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CCDIGITALLAW

OBJECTIVES

- What does Copyright protect?
- What are the legal conditions for an educational resource to be “*open*”?
- What **license** can I use for my OER?
- How can I recognize an *open* license?
- What are *Creative Commons Licenses*?
- What are the *differences* between CC-Licenses?
- Which CC-License should I choose for *my OER*?



WHAT DOES COPYRIGHT PROTECT?

- Books
- Articles
- Text
- Movies
- Tutorials
- Courses
- Presentations
- Databases
- Computer programs
- Photos
- Technical drawings
- Interviews

→ Usually protected by Copyright

1. Intellectual creation
2. Form of expression
3. Individual character

→ Copyrights come with creation of ER



WHAT DOES COPYRIGHT PROTECT?

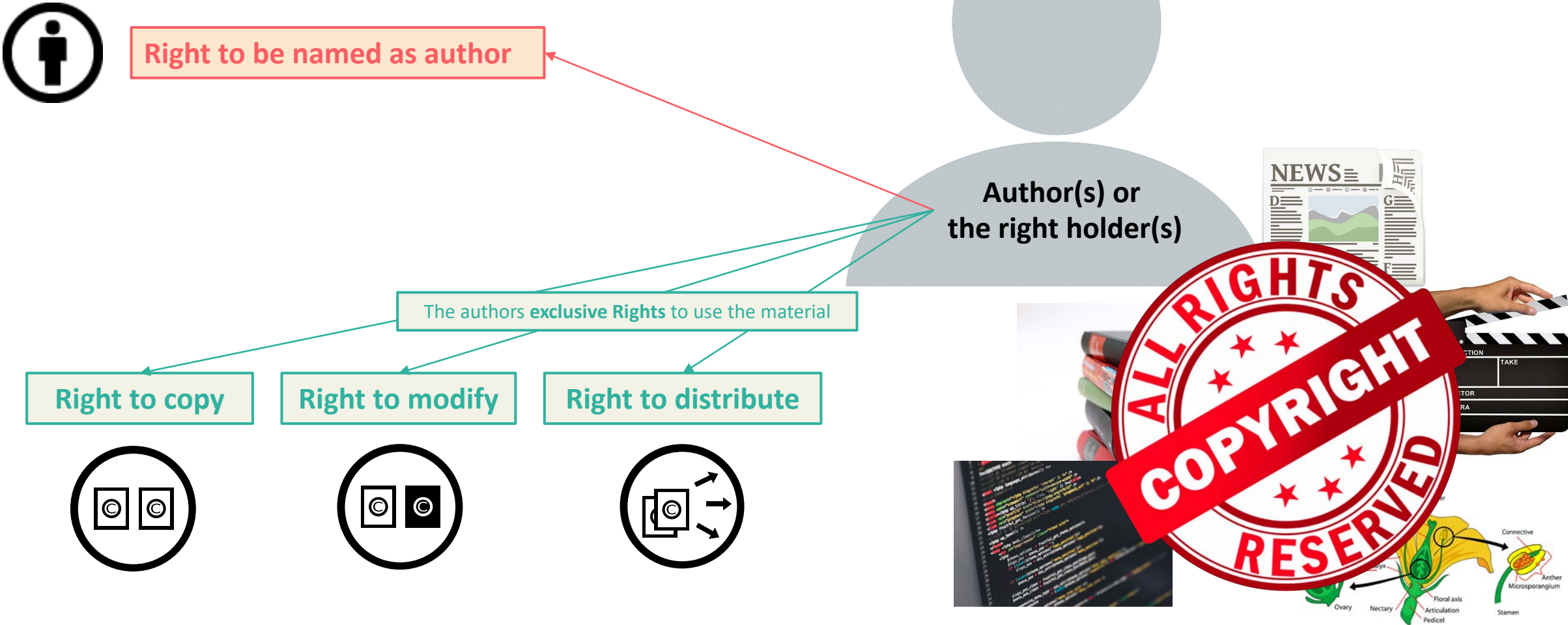
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- Individual character (CH, D)

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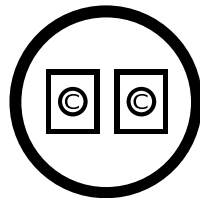




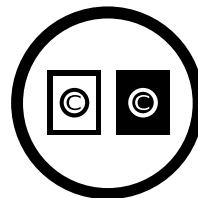
Copyright:

ONLY the right holders (author and employer)
(and who has got the permission from the rightholder = License)
are allowed to:

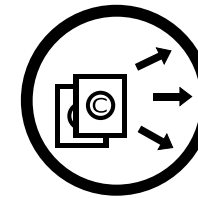
COPY...



MODIFY...

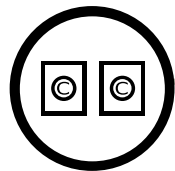


SHARE...

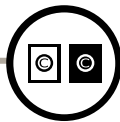


The right to copy

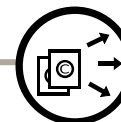
- Reproduce
- Scann
- Take a picture
- Copy out
- Pocket book version
- Copy from USB/CD/DVD...
- Record
- Download
- Upload
- Print a Pdf version
- duplicate
- “vervielfältigen”
- “reproduire”
- “riprodurre”
- ect...



Copy



Modify



Share



Attribution

Right to modify

- Aka «remixing», changing, editing, combining
- «to alter», «ändern», «modifier», «modificare»
- Corrections of the teaching material, inserting additions, changing, translating, filming, remaking, changing the version, (audio / hearing / e- version), editing the structure, reductions, resuming, inserting subtitles, making a collage, putting together several teaching materials, reformatting (e.g. .docx to .pdf), adding music to a video
- Delimitation of free use: the original work is no longer recognizable

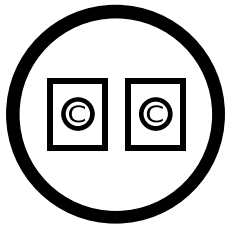


Right to share

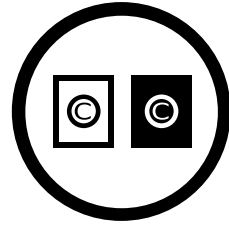
- To sell a work, to give, to upload online, to make available, to add to a repository
- «to distribute», «verbreiten», «mettre en circulation», «mettere in circolazione»
- **ONLY applies to share a copy or a modified version**
- It is allowed to distribute a non-modified work, if it is **not duplicated** or modified
 - I sell a book I bought: ok
 - I upload a digital work on a blog: not ok
 - I forward an ebook: controversial



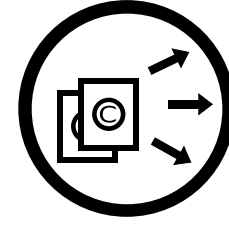
The creator of the teaching material



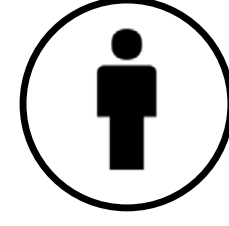
Right to copy



Right to modify



Right to share



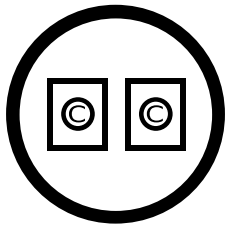
Right of attribution

ONLY holders of property rights may copy, modify and share a work

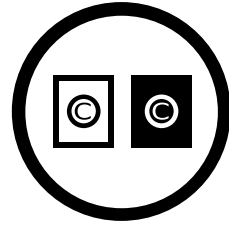
All OTHERS may NOT copy, modify and share a work (with exceptions...)

Copyright holders may grant OTHERS permission to use (= to license): e.g. you can copy my work once

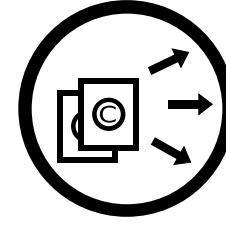
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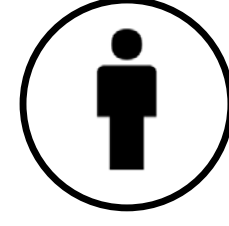
Right to copy



Right to modify



Right to share



Right of attribution

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Open Educational Resources - Opendefinition.org

Anyone has to be **allowed** to *use, re-distribute, modify, separate* and *compile* an existing resource with other resources *for any purpose* (opendefinition.org)

- the OER does not have to be gratis?!
- everybody any purpose: also commercial purposes!
- allowed not enabled

Default: Closed → Copyright law

Nobody except owner (e.g. autor) of the Copyrights is allowed to *copy, re-distribute* or *modify*

Opendefinition.org

Anyone has to be **allowed** to *use, re-distribute, modify, separate and compile* an existing resource with other resources *for any purpose*

Copyright law

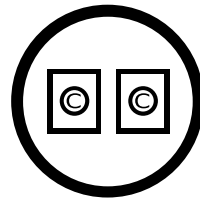
Nobody except owner of the Copyrights is **allowed** to *copy, re-distribute or modify* for *any purposes* (exceptions: restricted copying in businesses, schools and for private use)

Creative Commons

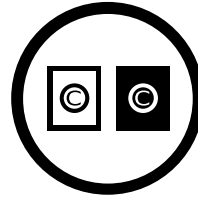
Everybody is allowed to *reproduce, share* in whole or part and *modify* (except: ND licenses) in a manner requiring permission under copyright law, for *any purposes* (except: NC licenses)

Open → Allow (= «*licensing*») anyone in the world to:

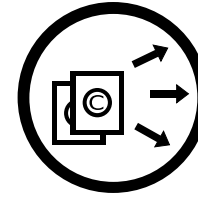
COPY...



DISTRIBUTE...



MODIFY...

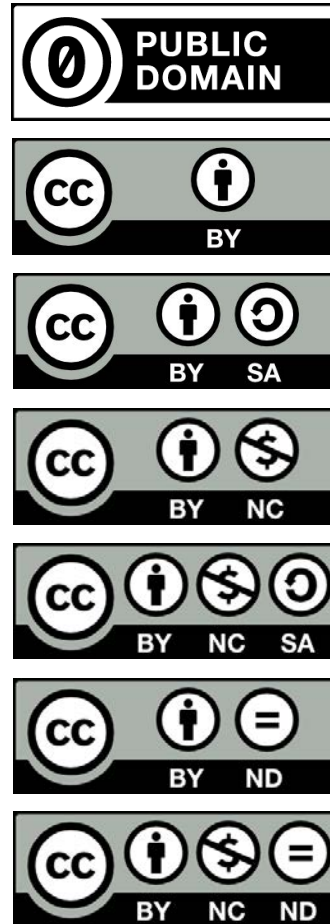


...For any purpose



https://www.youtube.com/watch?list=PL76RNKr3LU8A_YbvY8BtZMqiiQj-zd411&v=P1j0OA9N4hs

All Creative Commons Licenses



- Most widely used for OER
- CC licenses can be used gratis
- Preformulated
- 4 clauses

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

- To license **copyright protected material**: e.g. OER
- (for software better use Free and Open Source Software licenses)
- Effective **worldwide**
- All interested parties get a license by using the OER
- Allow to **copy**, **distribute**, some allow to **modify**, sometimes under conditions

The 4 Clauses



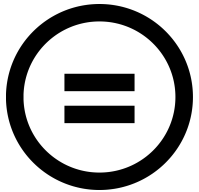
BY Attribution

Right to be named as autor



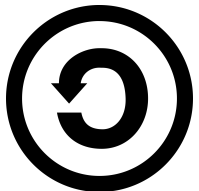
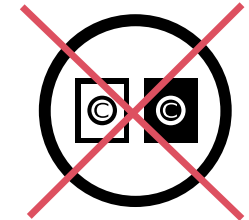
NC non-commercial

NO use of copyrights for **commercial purposes**



ND no-derivatives

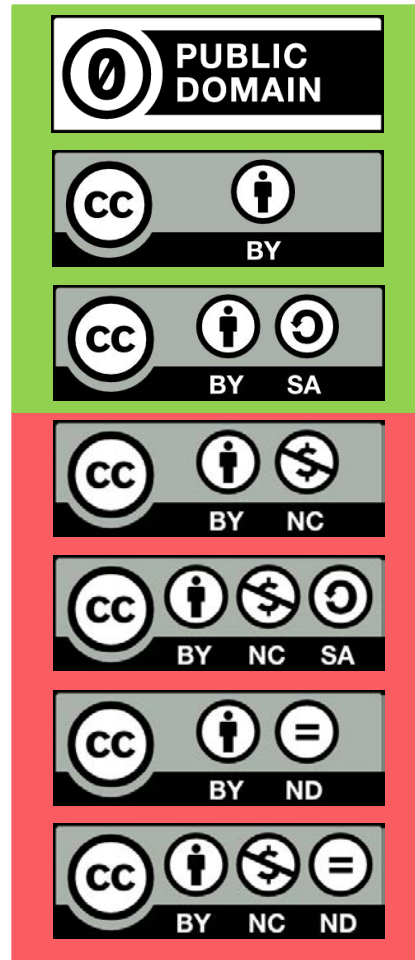
NO right to **modify**



SA share alike

Modifications have to be distributed under the **same license**

ALL CREATIVE COMMONS LICENSES



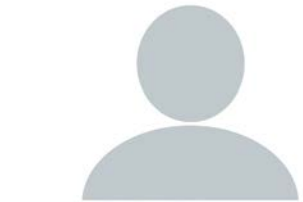
OER as in Opendefinition
(also Berlin Declaration of
Open Access)

NOT «Open» in the sense
of Opendefinition.org

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



CC0 License (Creative Commons Zero)



Owner of copyrights



Right to copy



Right to modify



Right to distribute copy and modifications



Everyone

NO Obligations (attribution is a matter of ethics)

CC zero/CC0



CC-0 License:

- All people of the world
- Copy
- Modify
- Share
- For any purpose
- No requirements of attribution
- No requirements to write the source
- No requirements to provide its license
- No requirements to release the modified version under a license

Source for Icons: <https://creativecommons.org/about/downloads/>

CC-BY license



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- **Requirement of attribution!!! (Element BY)**
- No requirements to provide the modified version under a license

Source for Icons: <https://creativecommons.org/about/downloads/>



BY

Attribution



Attribution of unmodified Photo

Author: inefekt69

Title: Star Trails - Lake Dumbelyung, Western Australia

License: CC BY-NC-ND 2.0

(<https://creativecommons.org/licenses/by-nc-nd/2.0/>)

Source:

https://www.flickr.com/photos/trevor_dobs_on_inefekt69/25597430038/in/explore-2018-01-03/

**BY**

Attribution

To be indicated if a modified version is distributed:

- The **original** (same as for a copy: with name, license, title ect.)
- **License notice**
 - What and how has been changed.
- If licensor included a license notice with more information, include that as well. Always for CC linceses with element BY (not only for CC linceses with element SA).

CC-BY-SA license



- All people of the world
- Copy
- Modify
- Share
- For any purpose
- **Requirement of attribution!!! (Element BY)**
- **Requirement for the modified version (Element SA)**
→ Share Alike

Source of icons: <https://creativecommons.org/about/downloads/>

WHAT LICENSE TO CHOOSE FOR MY OER?

1 Do you have the *right to license* the OER?

No

You must
not
license

Yes

2 Do you want to publish OER according to *opendefinition.org*?

No

Choose any
other license

Yes

CC0; CC-BY; CC-BY-SA

3 Do you or your organization want to be *named*?

No

CC0

You can also use CC-BY
and CC-BY-SA and
waive to be named

Yes

CC-BY; CC-BY-SA

4 Do you want your OER to be *kept open*?

I don't care

CC0; CC-BY

Yes

CC-BY-SA

- Do you want to reuse your OER that was modified by others?
- Do you want to reuse your OER that was compiled with other material/contributions?

What about *compatibility* of differently licensed OER?

- Most to least compatible: CC0 → CC-BY → CC-BY-SA
- Original Material can be licensed under several CC Licenses (for better compatibility)
- CC license chooser: <https://creativecommons.org/choose/>

What to do when you want to publish your OER that includes material made by someone else that is not released under an open license?

- If it's an **excerpt** used as *reference, explanation* or *illustration* of your OER (= quotation), you don't need to seek permission.
 - If it's not a quotation, you need the right holder's permission to publish their material.
- ❖ Add a **notice** that you publish your OER under a, e.g., CC BY license, **except** for the parts that are made by someone else.

	 PUBLIC DOMAIN	 PUBLIC DOMAIN	 BY	 BY SA	 BY NC	 BY ND	 BY NC SA	 BY NC ND
 PUBLIC DOMAIN	✓	✓	✓	✓	✓	✗	✓	✗
 PUBLIC DOMAIN	✓	✓	✓	✓	✓	✗	✓	✗
 BY	✓	✓	✓	✓	✓	✗	✓	✗
 BY SA	✓	✓	✓	✓	✗	✗	✗	✗
 BY NC	✓	✓	✓	✗	✓	✗	✓	✗
 BY ND	✗	✗	✗	✗	✗	✗	✗	✗
 BY NC SA	✓	✓	✓	✗	✓	✗	✓	✗
 BY NC ND	✗	✗	✗	✗	✗	✗	✗	✗

Picture: CC_License_Compatibility_Chart, <https://creativecommons.org/faq/#can-i-combine-material-under-different-creative-commons-licenses-in-my-work>, CC-BY 4.0 International

WHERE CAN I FIND OPEN MATERIAL IN INTERNET?

Websites with (mostly) free to use images:

<https://www.pexels.com>

<https://picography.co>

<https://pixabay.com>

<https://pixy.org>;

The collection of the Metropolitan Museum of Arts (<https://www.metmuseum.org>)

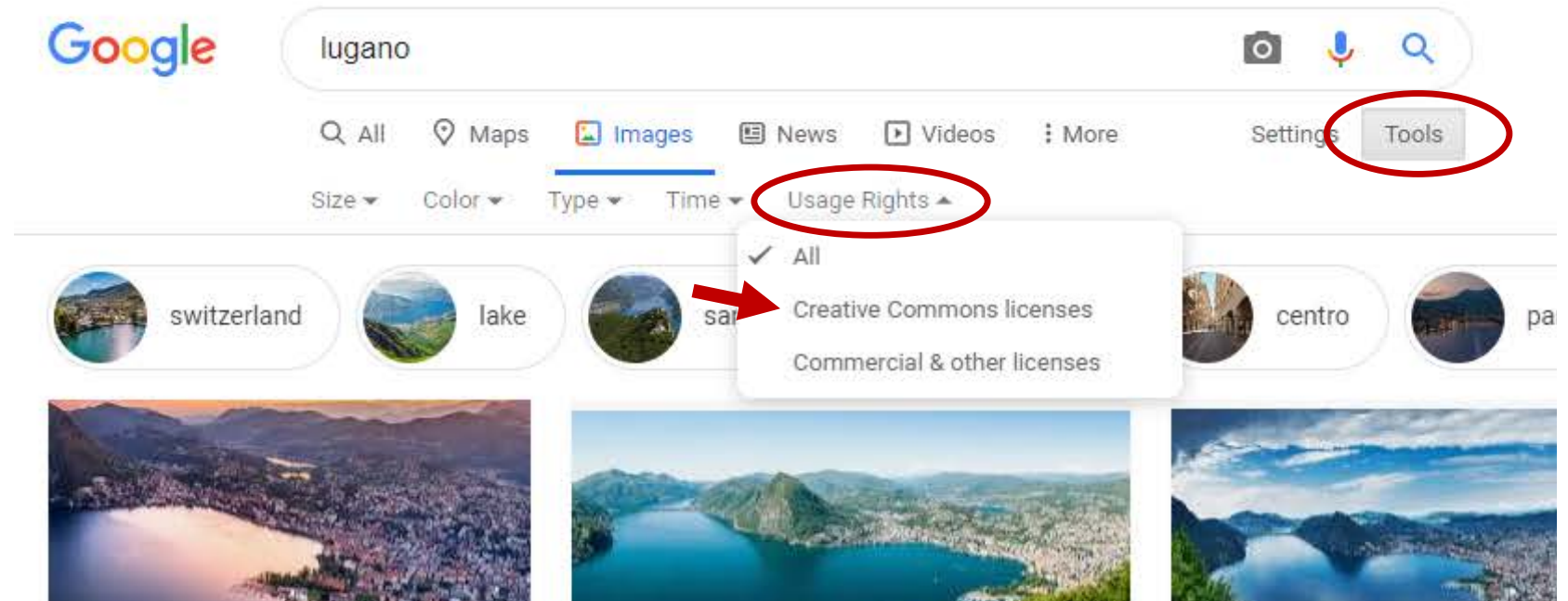
Websites with OER:

<https://ccsearch-dev.creativecommons.org>

<https://www.oercommons.org/oer>

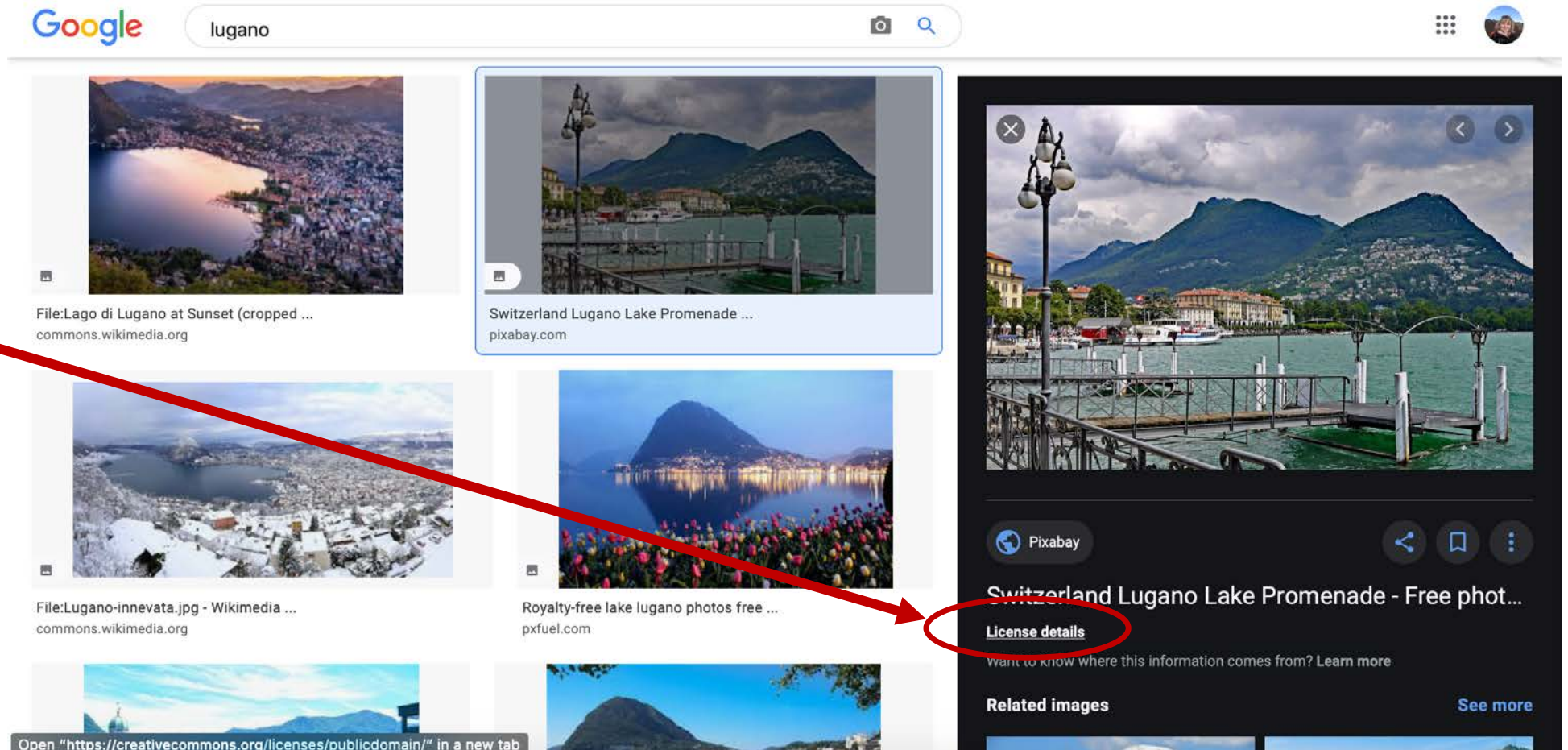
<https://www.europeana.eu/en>

Or by searching in
Google



WHERE CAN I FIND OPEN MATERIAL IN INTERNET?

Always read
the license
before use!



Demonstration - beta version

DMLawTool

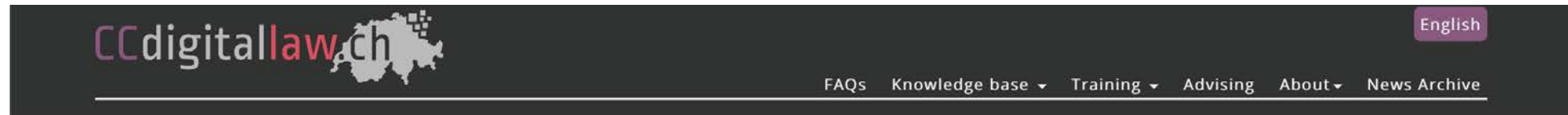
<https://dmlawtool.web.app>

Demonstration - beta version DMLawTool

Case: Sharing research data as open access

I am a psychology researcher and have just concluded a *study about psychological reactions to emergency calls*. Within the study I produced an interesting *video recording* of a focus group with people who have done an emergency call in the past. I am sure that this material could be useful also for other researchers and teachers and thus I would like to *share it with others as open access* material. To do so I have *transcribed* the recording and *fully anonymized* it.

More information @ www.ccdigitallaw.ch



Welcome to the **Competence Center in Digital Law**. We support Swiss Higher Education Institutions (students, academic and administrative staff) in dealing with legal questions related to the digitalization process and the use of new media and technologies.

Showcases



How to avoid Plagiarism



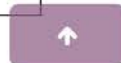
Publishing on Social Media



Free & Open Source SW



Creative Commons



Thank you for listening!