



Copyright and Licensing for Open Educational Resources (OER)

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Special collaboration – University of Ottawa Library
OER and Affordable Alternatives Series




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The information
provided in this
webinar does not
constitute legal advice.





By the end of this
webinar you will:

- Know what happens to your copyright when creating open resources (and what “open” means)
- Understand open licences, how to apply them, and how to attribute open content
- Know how to combine content under different licences
- Understand how to legally incorporate content created by others in your project

Copyright refresher



Copyright basics



- Protects original expression of ideas or facts fixed in a tangible medium
- Automatic upon fixation
- Law that applies is the one where the use takes place
- Duration (in Canada): generally, life of the author + 50 years*
- First copyright owner = author but © can be transferred
- Free on the Internet ≠ without copyright restrictions

* Life + 70 years by Dec. 31, 2022 for works not yet in the public domain (as per CUSMA)

Copyright ownership at uOttawa



Default as per *Copyright Act*: copyright in work created in course of employment belongs to employer

However...

- [APUO](#) and [APTPUO](#) members: retain copyright under respective collective agreements
- Students: retain copyright as students but not always as employees (see [CUPE 2626 collective agreement](#))

Open licences

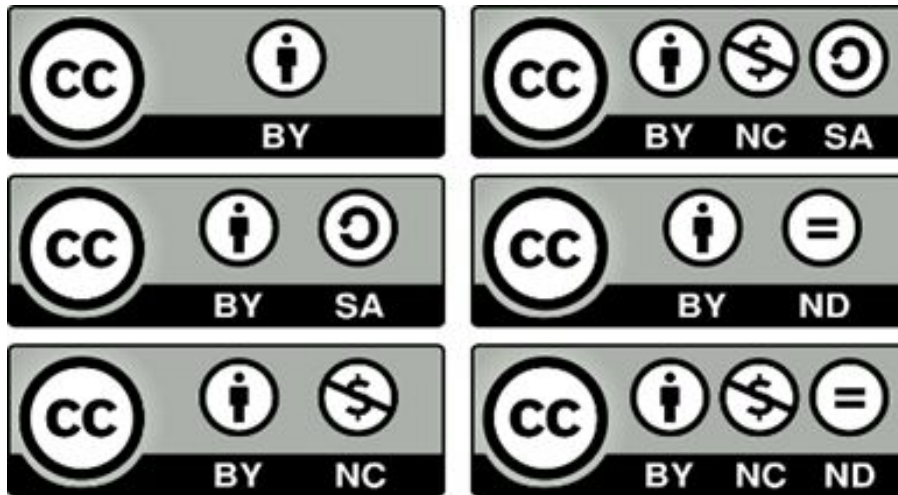


What is a licence?

- “A licence allows someone else to use a work for certain purposes and under certain conditions.
- The copyright owner still retains ownership.”

Quoted from: [A Guide to Copyright \(Assignments and Licences\)](#), [Canadian Intellectual Property Office](#) (CIPO)

Creative Commons licences



Creative Commons
Attribution 4.0
International Licence

CC BY-NC-SA 4.0

For more details, visit “[About The Licenses](#)” page



Attribution (BY)

Must give credit to the creator of the work

Basic requirement for all Creative Commons licences





ShareAlike (SA)

If the original content is adapted, the new (modified) work must be shared under the same licence





NonCommercial (NC)

Content cannot be used
for commercial purposes
(sold for profit)

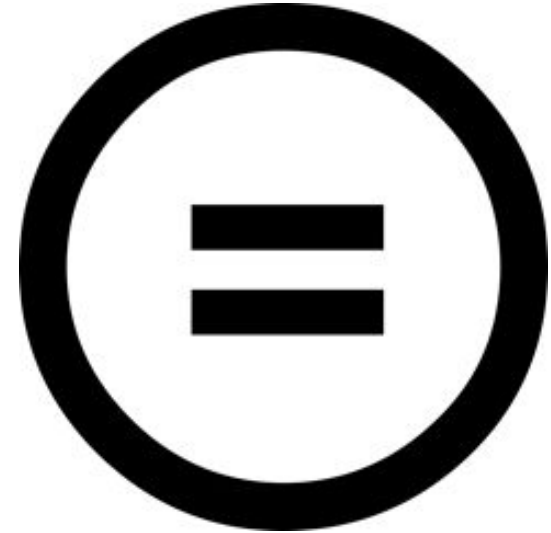
Applies to the “use” being
made, not the “user”





NoDerivatives (ND)

Adaptations of the original work cannot be shared publicly (only used privately)



CC0 - Public domain dedication



CC0

Instrument used by creators to waive their rights and dedicate their work to the public domain right away

More about CC0:

<https://creativecommons.org/share-your-work/public-domain/cc0/>

Level of openness of CC licences

[Ordering of Creative Commons licences from most to least permissive](#), Wikimedia Commons, [CC BY-SA 4.0](#)

MOST OPEN



CC0



BY



BY



SA



BY



ND



BY



NC



BY



NC



SA



BY



NC



ND

LEAST OPEN



Combining content under different licences



See also: [“Combining and adapting CC material,”](#)
Creative Commons Frequently Asked Questions, [CC BY 4.0](#)

Basic principles

- Applying an open licence to a project does not change the original copyright status of third-party content (even when reproduced with permission or under an exception)
- Is it possible to apply an open licence to overall project while individual elements have a different licence or copyright status? Depends if it is a **collection** or an **adaptation**

Collection vs adaptation

- **Collective work** (collection, compilation): “work written in distinct parts by different authors, or in which works or parts of works of different authors are incorporated” (ex. course pack, anthology)*

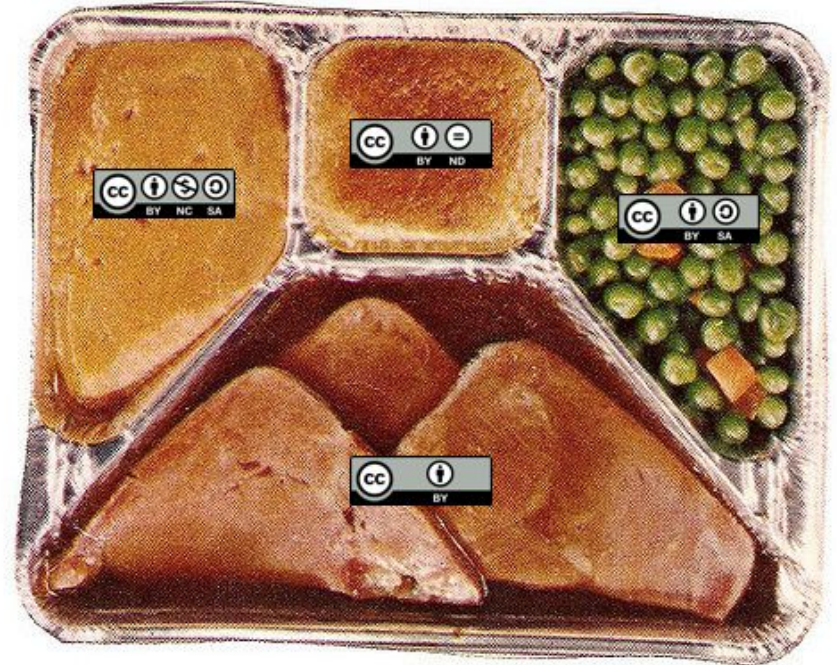
Quoted from: [Copyright Act, R.S.C., 1985, c. C-42, Section 2: Interpretation \(definitions\)](#)

*also applies to audio and video files

- **Adaptation** (remix, derivative): new creation based on existing copyright-protected works that is original enough (i.e. involves skill, effort or judgement) that it acquires a new copyright (ex. a translation)

Collection (or compilation)

- Selection of existing materials still distinguishable once brought together (ex. TV dinner)
- Existing content does not acquire new licence/copyright
- New copyright/licence on additions of new content only (introduction, conclusion, commentary, cover)



[CC TV Dinner](#) by Nate Angell is licensed under [CC BY 4.0](#), and is a derivative of [tv dinner 1](#) by adrigu used under [CC BY 2.0](#), and various Creative Commons licence buttons by [Creative Commons](#) used under [CC BY 4.0](#).

Adaptation (or derivative)

- Combination of existing materials that are not easily distinguishable once combined (ex. smoothie)
- To acquire a new licence or copyright, new creation based on existing content needs to be original enough (i.e. involve judgement and skill)



[CC Smoothie](#) by Nate Angell is licensed under [CC BY 4.0](#), and is a derivative of [Strawberry Smoothie On Glass Jar](#) by Element5 Digital under a [Pexels License](#), and various Creative Commons licence buttons by [Creative Commons](#) used under [CC BY 4.0](#).

ShareAlike (SA)

A work with SA restriction can be used in a **collection** without having to apply the same restriction to the entire collection.

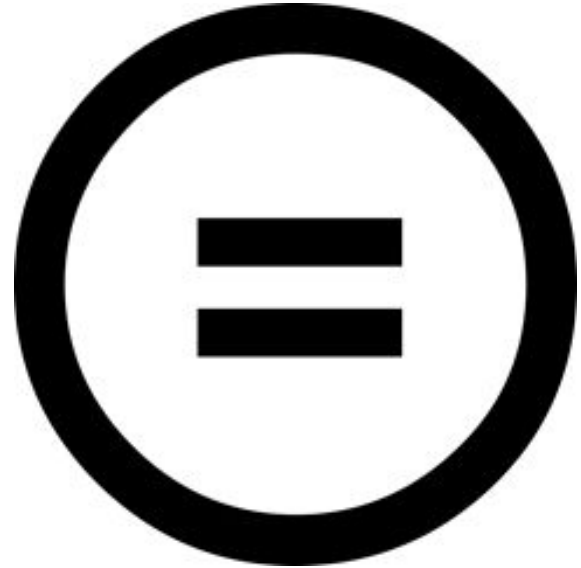
However, if it is modified or is part of an **adaptation**, the new work needs to be shared under the same licence (or will require permission of copyright owner).







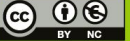











NoDerivatives (ND)

A work with ND restriction can be used in a *collection* since it is not being modified.

However, it cannot be used in an *adaptation* if this new work is going to be shared with others. Sharing publicly requires the permission of the copyright owner.



Remixing/adapting CC-licensed materials

	 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	✗	✗	✗	✗	✗	✗	✗	✗

Using content created by others



Using the Library collections



- Third-party content protected by copyright
- Licence agreements with vendors for electronic resources are for research, private and educational purposes by authorized users at uOttawa
- Permission from copyright owner is generally required

Content in the public domain



- for which copyright has expired
- over which author has waived their right (CC0)

Linking and insubstantial use

Linking:

ISED, [What is a copyright? \(Canada\)](#), YouTube,
7 Sept. 2016

Insubstantial use:

Short quotes, still from a video (with attribution)

Embedding

- Using URL or script to embed third-party content
- Viewing original content rather than copying

Example: Netflix UK & Ireland, [James Acaster on the Absurdity of the British Empire](#), YouTube, 12 November 2019 (using Google Slides embed video function)



Reproducing content protected by ©



- Content you have created and for which you still own copyright
- Content for which you have obtained permission from the copyright owner for this purpose

Note: does not change its copyright status when adding open licence to overall project

What about fair dealing?



Education, research, private study as fair dealing purposes do not apply neatly to a publicly available resource (as opposed to a password-protected environment like Virtual Campus)

Avoid resorting to fair dealing to add decorative elements; should have pedagogical value

Case by case... Ask the Copyright Office! ddac@uottawa.ca

Adding licence and attributions



Applying an open licence to a project



Location depends on platform and format:

- slides: title slide
- website: at bottom of each page; terms of use page
- video file: on hosting platform; end credits
- audio file: on hosting platform; in credits

Indicating presence of different copyright/licences within a project



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Indicate the copyright status/licence of all other components that fit under “otherwise noted” in their attribution (see TASL on next slide)

Attributing CC-licensed content

Title, Author, Source, Licence (TASL)



Including the licence deed (human-readable)

Example of an image:

[Stellar Jay](#) by [Shelly Prevost](#) licensed under [CC BY-NC 2.0](#)



Link to photo on
Flickr



Link to author
profile on Flickr



Link to CC licence
deed

See also: Mélanie Brunet and Catherine Lachaine, [How to attribute Creative Commons-licensed Content: Best Practices, CC BY 4.0](#)

Where to add attributions



Location depends on platform and format:

- General rule: as close as possible to content being reproduced
- Credits page (website, slides, videos)
- Verbal recitation of credits at end of recording
- In information about resource (video, audio)

Indicating adaptations and permissions

ATTRIBUTION

The OER Starter Kit was adapted from the following resources:

[The ABOER Starter Kit](#) by Technologies in Education at the Faculty of Education, the University of Alberta, [CC BY 4.0](#).

- Considerations for Using or Creating OER
- Creative Commons
- Accessibility and Usability

[SUNY OER Community Course](#) by SUNY OER Services, [CC BY 4.0](#).

- Introduction to Open Educational Resources, “Benefits for Instructors”

[Including All Students](#) by SUNY OER Services, [CC BY 4.0](#).

- Diversity & Inclusion

[UH OER Training](#) by Billy Meinke and University of Hawai‘i Outreach College, [CC BY 4.0](#).

- Copyright & Open Licensing, “Licensing” and “Public Domain”
- Planning & Completing Your OER Project
- Accessibility & Usability

[SPARC Open Education Primer](#) by the [SPARC Open Education Leadership Program](#), [CC BY 4.0](#).

- Tools & Techniques for Creating OER

[Selecting Textbooks](#) and [Accessibility](#) by Affordable Learning Georgia, permission received for adaptation.

- Accessibility & Usability
- Evaluating OER

Example from: “[Attribution](#),” [The OER Starter Kit](#) by Abbey Elder (Iowa State University), [CC BY 4.0](#)



Thank you! Questions?

Credits:

Streamline presentation template by Google

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Library OER Support
reloer@uottawa.ca

Copyright Office
ddac@uottawa.ca

Open images - suggested sources

Google Images

<https://images.google.com/>

Search and then filter by “Creative Commons licenses” under “Tools” -- “Usage rights”

Noun Project

<https://thenounproject.com/>

Icons under CC BY 3.0 or public domain
Photos under CC BY-NC-ND 2.0 or public domain

Openverse (formerly CC Search)

<https://wordpress.org/openverse/>

Pulls CC-licensed images from various independent platforms

Pixabay

<https://pixabay.com/>

Under Pixabay licence
(similar to CC0 public domain)

Pexels

<https://www.pexels.com/>

Under Pexels licence
(similar to CC0 public domain)

Flickr

<https://www.flickr.com/>

Search and then filter by licence under “Any license”

Unsplash

<https://unsplash.com/>

Under Unsplash licence
(similar to CC0 public domain)

Burst

<https://burst.shopify.com/>

Under Burst licence
(similar to CC0 public domain)

Visual Hunt

<https://visualhunt.com/>

Under various CC licences
Search and then filter by licence type

Open video and audio - suggested sources

YouTube

<https://www.youtube.com/>

Videos

Look under “Show More” for licence;
search and then filter by Creative
Commons under “Filters”

Vimeo

<https://vimeo.com/>

Videos

Search and then filter by licence
under “More filters” -- “License”

Audio Library

<https://www.audiolibrary.com.co/>

Music

Under CC BY 3.0 licence

Click “download” to see licence and
attribution

Free Music Archive

<https://freemusicarchive.org/home>

Audio

Under various CC licences

Freesound

<http://freesound.org/>

Audio

Under various CC licences

Jamendo Music

<https://www.jamendo.com/start>

Audio

Under various CC licences

SoundCloud

<https://soundcloud.com/>

Audio

Search for Creative Commons