An OER Workshop

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Contents

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https://pressbooks.palni.org/anoerworkshop/?p=5#h5p-7

Chapter 1: What is Creative Commons?

Creative Commons (CC) is a set of legal tools, a nonprofit organization, as well as a global network and a movement — all inspired by people's willingness to share their creativity and knowledge, and enabled by a set of open copyright licenses.

Creative Commons began in response to an outdated global copyright legal system. The primary issue Creative Commons was trying to resolve was the restrictions of copyright law and the unlimited technological possibilities of the internet. The hope was to essentially be more inclusive and allow more creativity and innovation. CC licenses are built on copyright and are designed to give more options to creators who want to share. Over time, the role and value of Creative Commons has expanded. This chapter will introduce you to where CC came from and where it is headed.

The Origins of Creative Commons

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The Purpose of the Creative Commons Licenses

What does Creative Commons try to accomplish with its licenses?

The Creative Commons licenses have core values built into them: sharing, openness, collaboration, knowledge, and creativity. Especially with the incorporation of GLAMs, knowledge and creativity are the "building blocks" of human culture and should be something celebrated rather than restricted. Seems to be working as there are over 2 billion licensed works around the world on over 9 million websites.

Creative Commons and Open GLAM

GLAMs are Galleries, Libraries, Archives, and Museums. GLAMs are the foundation to knowledge and culture all over the world. They are institutions that hold and care for cultural and documentary heritage. Unfortunately, the majority of these works are not digitized and remain inaccessible to the world, unless the institution undertakes the massive workload of transitioning these to digital resources. It's not only a load of work upfront, but maintaining this project as well as the funds required is substantial and could be overwhelming. Open GLAM is a movement like the Creative Commons movement, working to implement open access policies to the cultural heritage resources all over the world. There are many benefits to Open GLAMs that have been recognized so far in their first decades:

- Increased goodwill and recognition.
- Enhanced relevance vis-a-vis 21st century audiences.
- Increased staff efficiency and better mission alignment.
- Better return on investment in digitization and digital infrastructure management. Increased online presence and visibility, thanks to integration into external interfaces, like Wikimedia Commons.
- Increased research and new knowledge creation around collections.
- Inclusion in educational resources, particularly Open Educational Resources (OER).
- Sustained reuse and remix culture.

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Joining the Movement

How to Become Involved with Creative Commons and the Creative Commons Global Network:

Informally, anyone can be involved with Creative Commons by creating and sharing works in the community, using licenses appropriately. There is also the CC Global Network, where anyone who is interested in working with open movements can do so. Currently, there are over 600 members and over 40 chapters in the world! Trine University encourages the use of open education materials at every opportunity, so in many ways an informal partner already. If you want to become involved in the Creative Commons Global Network, select this link: https://network.creativecommons.org/

References for Chapter 1:

- Authors Alliance (2017, November 7). The "Sonny Bono Memorial Collection" and US copyright terms. Authors Alliance. Retrieved September 27, 2021 from https://www.authorsalliance.org/2017/11/07/the-sonny-bono-memorial-collection-and-u-s-copyright-terms/
- Creative Commons (n.d.) Creative Commons certificate for educators, academic librarians, and GLAM. Creative Commons.

Retrieved September 27, 2021 from
https://certificates.creativecommons.org/cccertedu/
[chapter/1-1-the-story-of-creative-commons/](https://certificates.creativecommons.org/cccertedu/chapter/1-1-the-story-of-creative-commons/)

- Olson, T. (2013). Eldred v. Ashcroft. Wikisource. Retrieved
September 27, 2021 from [https://en.wikisource.org/wiki/](https://en.wikisource.org/wiki/Eldred_v._Ashcroft)
[Eldred_v._Ashcroft.](https://en.wikisource.org/wiki/Eldred_v._Ashcroft)

Chapter 2: Copyright Law

Before entering this section, please note that none of the content provided is legal advice.
True legal advice regarding copyright should be sought through a proper copyright lawyer.

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The Basics of Copyright Law

Copyright is the area of law that limits how others may access and use the original works of authors (or creators), works spanning the spectrum from novels and operas, corporate manuals, archives, cat videos, to scribbles on a napkin. There are variances from one country to another, but there are commonalities due to international treaties.

Purposes of Copyright

1. Utilitarian: copyright is designed to provide an incentive to creators. The aim is to encourage the creation and publication of new works for social benefits; there are also economic benefits associated with copyright.
2. Author's rights: under this rationale, copyright protection serves to recognize and protect the deep connection authors

have with their creative works. This rationale is founded upon moral rights, which ensure attribution for authors and preserve the integrity of creative works.

What is Copyrightable?

- Copyright grants a set of exclusive rights to copyright owners, which means no one else can copy, distribute, publicly perform, adapt, or otherwise use the work without permission of the copyright holder.
- Copyright provides economic and moral rights to the works.
- Copyright grants rights to all works of literary authorship. All works must meet a certain standard of originality to warrant copyright. The work must have been a creation of its creator and not copied from another work.
- Copyright does not protect facts or ideas, only the expression of those facts or ideas. While copyright gives creators control over their expression of an idea, it does not allow the copyright holder to own or exclusively control the idea itself.

Copyright and Other Protections

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Copyright is one type of intellectual property, that empowers creators to restrict others from using their creative works. There are a couple others to be aware of as well:

1. Trademark law: protects the public from being confused about the source of goods and services. The holder of trademark is allowed to prevent uses of its trademark by others (ex: McDonald's)
2. Patent law: gives inventors a time-limited monopoly to their inventions, this like mouse traps to new mobile phone technology. Patents typically give inventors the exclusive rights to make, have made, use, have used, sell or import patentable inventions.

How to Receive Protection

Copyright is automatic the moment a work is created, though some countries require that the work is in a tangible medium before granting copyright. You can register your work at the local copyright office to receive certain benefits, but registration is not required to be protected.

Exceptions and Limitations of Copyright

There are occasions when copyright protections may be limited to serve the public interest. Copyright protection is balanced against other public interests.

- Automatic protection and long terms (~70 years) has created a massive amount of "orphan works", copyright works for which the copyright holder is unknown or impossible to locate.
- Certain uses are explicitly carved out from copyright, examples include purposes of criticism, parody and access for the visually impaired.
- The "Three-Step Test": Reproduction of the work does not conflict with the normal exploitation of the work or the interests of the author. This was first established by the Berne Convention and adopted by some countries.
- Fair use determined by 4-factor test (US Only): effect on the potential market, amount of the work used, nature of the work, and the purpose/character of the use. Fair use is determined by a federal court judge.

Entering the Public Domain

Creative works enter the public domain in one of four ways:

- Copyright expires (~70 years after authors death)
- The work was never entitled to copyright protection (ideas/facts). Also, government documents are not eligible for copyright.
- The creator dedicates the work to the public domain before copyright has expired. This helps authors put their works into the worldwide public domain to the greatest extent possible. CC0 (CC-Zero) is a fallback license, provided by Creative Commons, which has the same practical consequences, but helps those in countries who do not allow public domain dedication.
- The copyright holder failed to comply with formalities to acquire and maintain their copyright. Creator failed to adhere to formalities.

You can do almost anything with a work in the public domain, but it depends on the country where the work is used. You may still need to provide attribution to the author.

Here's a quick assessment about the public domain.

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https://pressbooks.palni.org/anoerworkshop/?p=56#h5p-3

References for Chapter 2:

- Bearman, A. (2021) The Basics of Copyright Law. Creative Commons. Retrieved December 3, 2021 from https://www.canva.com/design/DAEshACYBpU/Ex3LHdZKD-U3XQOMrp0Q6A/edit
- Creative Commons (n.d.) Creative Commons certificate for educators, academic librarians, and GLAM. Creative Commons. Retrieved September 27, 2021 from https://certificates.creativecommons.org/cccertedu/chapter/1-1-the-story-of-creative-commons/

Chapter 3: The Anatomy of a Creative Commons License

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Three Layers of the CC Licenses

Select the purple hot spots on the right side of the above image to learn more about each layer of a CC license.

Four License Elements and the Icons That Represent Them

The four license elements are BY, NC, SA, and ND.

- BY is attribution. This element requires giving credit to the creator.
- NC is Non-Commercial. This element, when on a license, means the work cannot be used to earn money.
- SA is ShareAlike. The ShareAlike element requires the new work to be shared with at least the same license. It is similar to the golden rule: Share unto others as others have shared unto you.
- ND means NoDerivatives. This element means the content is free to use but cannot be modified (with the exception of changing format (like Word to PDF or spelling errors, or modifying to meet the needs of the visually impaired.) and publicly shared. You can modify the work and not share it

publicly, however!

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Limitations and Exceptions to Copyright

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Limitations and Exceptions to Copyright:

- The licenses and public domain options do have a non-competition rule with trademark and patent rights; these must be managed separately.
- One limitation of Creative Commons Licenses is that they only work within the scope of copyright law.
- An exception is if you are working under fair use or provisions for accessibility, these terms would not apply.
- A second exception is software. This is because there are many free and open source software licenses that are better; they were built specifically as software licenses. For example, most open source software licenses include provisions about distributing the software's source code—the CC licenses do not address that important aspect of sharing software. The software sharing ecosystem is well-established, and there are many good open source software licenses to choose from. For more information, review the Open Source Initiative, which offers, licensing information, resources, and a community for developers.

Things to Remember about Public Domain Tools:

- A public domain mark is not a legal tool like CC0. It is typically applied to very old works, where CC0 is when creators can give up their copyright and put their work into the worldwide public domain.
- CC0 (or CC Zero) is an option for those creators who want to take a "no rights reserved approach" and disclaim copyright entirely. There is still a three-layer design to it. There is also a "fall-back" component, so the work can be used unconditionally, which is helpful for countries who do not allow an abandonment of copyrights.

Closing Thoughts:

Remember that you can only apply a CC license to anything protected by copyright that you own. And to reiterate again: CC urges creators not to apply CC licenses to software. There are many better options for software and Creative Commons urges developers to use those licenses. Also, whose rights are covered by the licenses? Good question. The person who applied the license (the licensor) is the only person that is covered by the licenses. It might sound obvious, but realize that employers may own employee-generated content. And the creator cannot grant permissions, only the employer can do that. For further details, check out this section in the full textbook.

Just for fun, see if you can select the right answer :

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https://pressbooks.palni.org/anoerworkshop/?p=62#h5p-5

References for Chapter 3:

Bearman, A. (2021) copyright is a spectrum. Creative Commons. Retrieved December 3, 2021 from https://www.canva.com/design/ DAEsnLNwQUM/S98W7Kjg09MWIZ6aEblshQ/ view?utm_content=DAEsnLNwQUM&utm_campaign=designshare &utm_medium=link&utm_source=sharebutton

Creative Commons (n.d.) Creative Commons certificate for educators, academic librarians, and GLAM. Creative Commons. Retrieved September 27, 2021 from https://certificates.creativecommons.org/cccertedu/chapter/ 1-1-the-story-of-creative-commons/

Chapter 4: Using Creative Commons Licensed Work

Applying a license is easy, but there are important components to consider when doing so to your own works.

1. **It is permanent.** The licenses and the CC0 are irrevocable. This means that legally, they cannot be cancelled. Once you apply the license, it is there until the work expires. So, carefully consider what you want to do with the work. Know your options. You, the author or creator, must control the copyright in the work. You cannot license or copyright things in the public domain or works already copyright or cannot license items owned by your employer without permission. It's a seemingly hairy component of this process, but it is important. As mentioned, CC does not replace copyright, it works with copyright.

2. **Attribution.** An important part of the CC licenses is attribution or giving credit to the creator. There are ways to cite OER sources using APA Style (see below). But you can also use the TASL approach, which is recommended by Creative Commons.

3. **Derivatives.** It is also important to indicate if the work is based on someone else's work. If it is a modification (like this book) or an adaptation, see example below, demonstrate this and provide attribution to the creator of the original work. You should also link to the original work and the license that applies.

Review the following slides to learn more about citing your sources, either in APA format or using the TASL approach. There are ungraded review questions at the end. It can be complicated to know what to do and how, so please refer to this website, which shares the best practices for attribution. Best Practices for

[Attribution](#) or https://wiki.creativecommons.org/wiki/Best_practices_for_attribution

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Using and Reusing CC Content

Combining and adapting CC Material

One type of license compatibility involves the question of what licenses can be used for an adaptation. The chart below describes these terms. It can be complicated to know what CC materials can be used with other CC materials. Look at this chart below and for more information [follow this link](#).

Understanding license compatibility

Another type of compatibility relates to what licenses are compatible when adapting (also known as remixing) more than one pre-existing source. This chart can be helpful in those situations. For more on compatibility, [please view this page.](#)

Creative Commons Licenses

		Public Domain	CC0	CC BY	CC BY-SA	CC BY-NC	CC BY-ND	CC BY-NC-SA	CC BY-NC-ND
	Public Domain	Yes	Yes	Yes	Yes	Yes	No	Yes	No
	CC0 License	Yes	Yes	Yes	Yes	Yes	No	Yes	No
	CC BY	Yes	Yes	Yes	Yes	Yes	No	Yes	No
	CC BY-SA	Yes	Yes	Yes	Yes	No	No	No	No
	CC BY-NC	Yes	Yes	Yes	No	Yes	No	Yes	No
	CC BY-ND	No	No	No	No	No	No	No	No
	CC BY-NC-SA	Yes	Yes	Yes	No	Yes	No	Yes	No
	CC BY NC ND	No	No	No	No	No	No	No	No

The Compatibility of Creative Commons Licenses by Andrea Bearman is a derivative work of CC License Compatibility Chart by Hennisland licensed under CC0 License, licensed under CC BY 4.0.

To view the full textbook that this was adapted from follow this [link](#) or go to: https://certificates.creativecommons.org/ccertedu Note: You must complete the course to receive the certificate. However, the book is openly licensed for use outside of the course.

Creative Commons-Specific Resources:

- [Creative Commons License Chooser](#): This license chooser helps a creator decide what license should be used.
- [About CC Licenses](#): This page provides information specific to the individual licenses.
- [Downloading a CC License](#): This pages provides the downloads of the CC buttons/licenses.
- [Marking Your Work with a CC License](#): This page provides excellent examples for marking your creations with CC Licenses.

Other Helpful Resources:

- [An Educator's Guide to OER](#): A great overview of what is OER and how to use it.
- [What is a Library Database](#): This shares the value of searching your library databases in addition to using OER.
- [How to Find Openly Licensed Videos](#): This video shows how to find open licensed videos in different platforms.