

COL's Policy on Intellectual Property

This policy specifies the guidelines and broad plans to promote the use of information and knowledge resources within COL and the Commonwealth countries while respecting the legitimate rights of the holders of intellectual property. COL is an opinion leader amongst Commonwealth and other countries and holds observer status at the World Intellectual Property Organization (WIPO).

Copyright is the right to control the use of one's own work. Creators or owners of materials can give, sell or license this right to others and it is illegal for others to use this original material without their consent.

Copyright law, which is part of a country's legislation, protects the user of material by identifying the conditions of its legal use.

The concern about copyright [1]

- It is COL's policy to comply with the various copyright acts and regulations of Commonwealth countries, and in so doing, to respect the rights of authors and publishers and to pay reasonable licence fees where required by law.
- Infringement of copyright by the organisation, staff or consultants, could result in legal action and embarrassment to the organisation.
- Where COL published works as OpenCourseware, these works are meant for non-profit purposes in education and development. This does not preclude the sale of such materials.

COL's influence

COL will use its influence throughout the Commonwealth to bring about updates to IP laws, regulations and practices, so that these become "developing country and ODL friendly". These activities will be integrated into other activities where possible. As required, COL may take specific actions to highlight the needs for policy and practice reform, to reach a suitable compromise between the needs of authors, IP holders, learners and educators.

COL materials

All materials such as books, reports, CDs, courseware, etc. should be marked for the appropriate level of copyright protection. This is necessary to guide potential users as to how the material may be used.

Copyright - Copyright is the full ownership and control of the intellectual property in original works of authorship, which are subject to copyright law. Documents are normally marked as "all rights reserved" and direct that no part of the material may be reproduced in any form or by any electronic all mechanical means, including being stored in information storage and retrieval

systems without the explicit permission in writing from the publisher or owner of the intellectual property. Copy written material carries the symbol "c" or ©.

Creative Commons - is a non-profit organisation founded on the notion that some people do not need to exercise the "all rights reserved" notion in intellectual property rights. Documents are usually marked as "some rights reserved" or even "no rights reserved". Materials marked in this way may be used in part or in full, for non-profit or profit purposes as specified in the agreement. Appropriate cc Licenses may be selected at: <http://creativecommons.org/license/>. Documents must indicate the kind of Creative Commons license and display the symbol "cc":

The appropriate copyright symbols and statements must be noted on all COL documents to inform potential users of the materials of how they may be used and under what circumstances.

Author rights

It is normal practice for COL to pay creators of works for their efforts and to thereafter hold all rights to the materials. It is also normal practice for COL to immediately offer the original author full rights to use the materials in any way they wish, even though the ownership has been ceded to COL.

Copyright holder rights

COL may license its materials for use by other organisations while still retaining full copyright. In some circumstances, it may assign these rights to another organisation or reserve its rights, thereby not allowing, for example any use for commercial purposes.

Moral rights subsisting in the material may be paternal, the right to be identified as the creator of the work; it may require the work's integrity to be maintained, i.e. not to be altered in any way; the material must be correctly attributed when legally used.

Use of materials belonging to other organisations for COL's educational purposes

Where complete works are required for duplication or inclusion in COL materials, COL's Information Resource Centre (IRC) will assist in securing the rights to use the materials. While this may be acquired at no charge, many IP holders do expect payment which needs to be included in the financial plan of the activity requiring the work.

In some cases, the "fair use" rule may be applied. Due to the legal difference between countries, there is no one, simple definition or standard that may be confidently applied in all cases. A description is provided by Wikipedia at http://en.wikipedia.org/wiki/Fair_dealing. A reasonable guideline for most situations is the use of: (a) one chapter in a book, (b) one an article of a journal, (c) several charts, graphs, illustrations or short sections of text from a published work. In each case, full attribution should be given (e.g. a bibliographic entry or hyperlink). If the material is to be repeatedly used, or the new work sold, permission for the reproduction of material should be obtained. If in any doubt, permission should be obtained.

Materials on websites - Complete copies of website documents constitute a copyright infringement. Hyperlinks to documents on websites ("deep links") are not seen as an infringement but rather a reflection of the way the Internet operates. Where content is used from websites, appropriate bibliographic entries are to be used. Examples of style guides for this are included below. COL's websites and public services shall carry copyright, disclaimer and privacy notices.

Cache copies - copies of documents created on the hard drive of computers, servers, etc. in the normal process of browsing web pages and documents are considered to be fair dealing (fair use). These copies are created automatically by the normal use of computers and the Internet and are in the interests of efficient operation. The cache copy is intended to be a temporary storage and is not stored permanently or sold. Cache copies are normally stored on the user's PC (by the web browser), the local area network (usually a proxy cache server) and by internet service providers. The purpose of these is to make efficient use of Internet technology. COL uses these as required in the efficiency of its operation and delivery of services to educators, learners and development workers.

Digital and analogue copies of copyright restricted materials

Copyright policies apply to digital content in much the same way as it applies to printed materials. If a single digital copy of a journal article or eBook has been purchased for organisational use, multiple copies may not be distributed.

Citation style guides (provided as examples):

Internationally recognised referencing methods will be used in the acknowledgement of content to which has been referred.

References:

- COL Knowledge Series, [Establishing Copyright Procedure in Distance Education](#)
- World Intellectual Property Organisation: www.wipo.int
- Creative Commons: <http://creativecommons.org>

[1] Acknowledgement : University of the Witwatersrand, Copyright Services Office, 1 Jan Smuts Avenue, Johannesburg, 2001 www.wits.ac.za/library/services/copyright

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