

# *Open Educational Resources and Creative Commons Licenses*

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## **Open Educational Resources and Creative Commons Licenses**

Thank you for giving me this opportunity to address you on this important topic.

Copyright – this is sometimes referred to as a “thorny issue”. I will not cover the bigger issue of intellectual property, I will not even mention patents and trademarks, nor will I talk much about “all rights reserved”, which you will see written on all the text books you are NOT allowed to copy for your learners.

Over the last few years, COL has published a number of documents aimed at helping Commonwealth Education Ministries improve their awareness on the topic of copyright. Some of these have focused on finding ways to reduce the cost of importing copyrighted materials and making use of the so called flexibilities in the internal copyright agreements.

You will find a free introductory book on our website that you can download and use for yourselves, and share with anyone else. It is free and it has been published under a Creative Commons license.

These are the options I will touch on now – all rights reserved and creative commons.

‘All rights served’ is what you all know. You may not copy copyrighted books. You may not copy the book even if it is out of print and you cannot buy copies any more. You may copy small pieces under the fair dealing provision under the laws of your country. You may not publish anything on the Internet that is copyrighted by anyone else.

Creative Commons is a non-profit organisation in the USA that has created a set of copyright licenses that you could use as an alternative to the ‘all rights reserved’ publication model we have used for so long. They have a set of licenses, which give you a few options. Based on these options, you will be saying to others that they MAY use your materials, so long as they conform to specific requirements.

If you choose to use materials that carry the CC-BY license, this means you are agreeing to include a reference to the original creator of the materials you are using. You can re-use, customise, publish and even profit from the materials.

If you are publishing your materials on the Internet with this license, you are asking others to credit the materials to you. You are also providing permission for others to re-use your materials, customise them and recover costs, including to generate a profit without asking your permission.

A Creative Commons license that bears the SA restriction requests the user of the material to share any new versions of the materials with others. For example, if you downloaded it from the Internet, you should post a copy of your customised version on the Internet for others to use. The other rights and duties remain the same as the previous example.

One example of a website that uses the CC-BY-SA license is WikiEducator. Anything on this website can be used and customised as you like. You are expected to provide acknowledgement to WikiEducator as the source of the materials. And as I mentioned earlier, you can recover costs and profit from the use of materials found on the website.

If the Non-commercial restriction has been included, it means you can still download, customise and re-use the materials. You need to check the meaning of ‘non-commercial’ in your own country. As far as I have been advised, ‘commercialize’ refers to profiting from the materials. I have been told in a number of countries that the word ‘non-commercial’ still allows you to recover all costs and that this is not dependent on the kind of organisation. For example, even a publicly listed company would be able to use materials with a non-commercial license, provided the particular project using the materials is budgeted to break-even.

You need to check the website where you download materials from to see if there are specific interpretations related to this. Both the Open University of the UK and MIT in the USA have added their own interpretations to their website.

In the UKOU’s case, you will see that they state: “You may charge a fee for any value added services you add in producing or teaching based around the content providing that the content itself is not licensed to generate a separate, profitable income.”

MIT on the other hand interprets this slightly differently; they say: “Non-commercial: Use of MIT OpenCourseWare materials is open to all except for profit-making entities who charge a fee for access to educational materials.”

The moral of this story is that when using non-commercial material, it seems public sector and non-profit private sector institutions may use non-commercial materials, may charge registration fees, and may recover the full costs of reproduction of the materials, but may not profit from the materials.

For-profit enterprises should exercise a little more caution by first checking the legal notices and FAQs on the source website. In everyone’s case, standard advice is to check with your institution’s lawyer before proceeding!

The last of these restrictions is: ‘no derivative’. This means you can download and use the materials, reproduce them in full and give them to others, but not make any changes. All these restrictions operate independently. If there is a ND but no NC, it means you may not change the materials, but you may profit from it, and so on.

I get asked sometimes how useful a learning resource could be if the teacher cannot customise it – even though we use text books all the time that cannot be customised! Some source documents may be legal or medical in nature and so the originating author or institution may not want to take the chance of their name being referenced on a derivative work without being able to first check it. In this case, the World Intellectual Property Organisation (WIPO) has published this document and does not want anyone else to make changes to what they have said, although they don’t mind the document being duplicated and distributed free of charge.

All the licenses provided by Creative Commons could be used for learning resources that are uploaded to the Internet to be shared with others. Each of the licenses provides for different circumstances. Materials marked as “all rights reserved” cannot be legally copied or posted on the Internet. Therefore when you see the little ‘C’ in a circle, this is material that cannot be freely used or shared. The materials licensed under Creative Commons licenses can be used, but you need to understand what the terms of the license mean in your country and for this, you should speak to a lawyer.

COL has created a template to help you in the creation of learning materials for distance education use. It is available in three formats, - Word 2003, Word 2007 and OpenOffice 3. You can download it, customise and use it as you like. It is licensed as CC-BY-SA.

If you look for pictures and diagrams on the Internet, remember that you do not automatically have permission to use them in your materials. You need to check each website’s copyright page and if you find it says ‘all rights reserved’, rather find another way to get your graphics. Either create new ones or take your camera and take new pictures.

And now for a few examples:

(1) <http://www.wethinkthebook.net> - Here is an example of a book that was partly created on the Internet using a wiki, and then the author published the final book under an all rights reserved license for his own gain.

(2) <http://www.wikieducator.org> - This book was collaboratively created on a wiki and is available for free download on that wiki. The printed version of the book is available from a print-on-demand service for about USD\$20. It shows how you can encourage people to help you create a book and then sell it!

(3) [http://mitpress.mit.edu/opening\\_up\\_education](http://mitpress.mit.edu/opening_up_education) - This book was published by MIT in the US. The full book is available for free download under a Creative Commons license, and the printed version can be ordered at about USD25 from the MIT Press.

(4) <http://www.col.org/introducingcopyright> - This is a book commissioned by COL. It is available free of charge on our website – that is, you can download it free of charge. If you want a printed copy, you can

print it on your computer's printer, take it to a local printing company and print it at your own cost, or order a print-on-demand version.

So, in conclusion, this is what I recommend can be done to make African research more visible around the world:

1. Submit publications to open access journals so that anyone can afford to access them.
2. Use open access journals in the institution to promote free access to research and information.
3. Use a Creative Commons license when publishing works so that they can be shared and used.
4. Publish your (& your institution's) work on the Internet! Let others find it, learn from it and quote it.

If you do this, you will be contributing to African institutions becoming more visible internationally. Hiding your research work in libraries and not publishing it on the Internet plays into the hands of some people who have a perception that 'not much happens in Africa'. It is high time to show the world what good work is happening in Africa.

Thank you for your interest in this important topic.

Paul West

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My personal homepages are at: [www.col.org/pwest](http://www.col.org/pwest) and [www.pgw.org](http://www.pgw.org)