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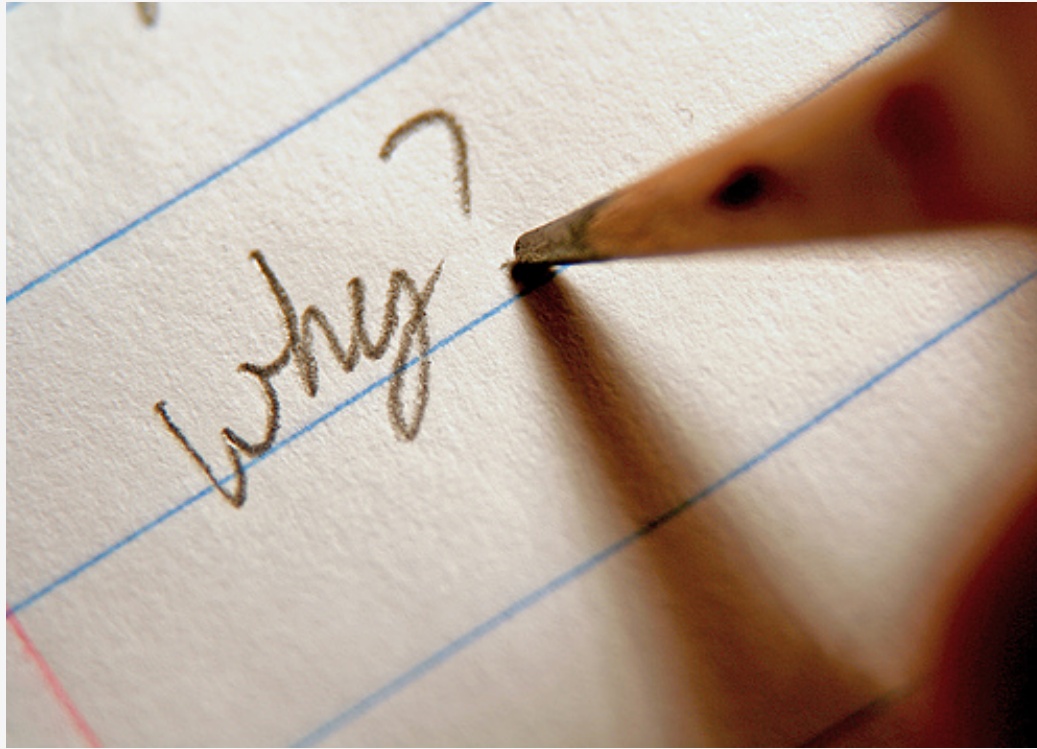
OER UCT Creative Commons Workshop

20 October 2009

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(1)

Setting the scene



Any **OPEN** Educational Resources (OER) initiative needs to address the question as to how to OPEN up its content!

OER are teaching, learning and research resources that reside in the public domain or have been released under a license that permits their free use or re-purposing by others.





THE CAPE TOWN OPEN EDUCATION DECLARATION

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Read the Declaration

Cape Town Open Education Declaration: Unlocking the promise of open educational resources

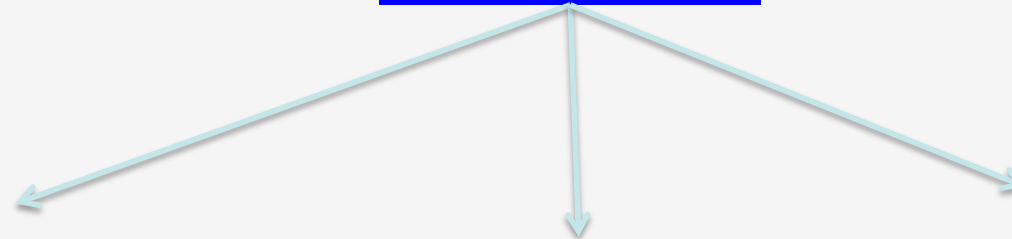
We are on the cusp of a global revolution in teaching and learning. Educators worldwide are developing a vast pool of educational resources on the Internet, open and free for all to use. These educators are creating a world where each and every person on earth can access and contribute to the sum of all human knowledge. They are also planting the seeds of a new pedagogy where educators and learners create, shape and evolve knowledge together, deepening their skills and understanding as they go.

This emerging open education movement combines the established tradition of sharing good ideas with fellow educators and the collaborative, interactive culture of the Internet. It is built on the belief that everyone should have the freedom to use, customize, improve and redistribute educational resources without constraint. Educators, learners and others who share this belief are gathering together as part of a worldwide effort to make education both more accessible and more effective.

The expanding global collection of open educational resources has created fertile ground for this effort. These resources include openly licensed course materials, lesson plans, textbooks, games, software and other materials that support teaching and learning. They contribute to making education more accessible, especially where money for learning materials is scarce. They also nourish the kind of participatory culture of learning, creating, sharing and cooperation that rapidly changing knowledge societies need.

However, open education is not limited to just open educational resources. It also draws upon open technologies that facilitate collaborative, flexible learning and the open sharing of teaching practices that empower educators to benefit from the best





Learning Content

Tools,
eg software to
support creation,
delivery, use and
improvement or OER

**Implementation
resources, ie open
IP licences such as
Creative Commons
licences**

Positive action is required
because of peculiarities of
copyright law!

Copyright can be a legal barrier
for restricting access,
adaptations and sharing but
OER help to open doors,
protecting the right to
education



By default:

automatic **All Rights Reserved** situation

Basic requirements for copyright protection

- Originality
- Material form
- Qualified person

- ✓ no registration necessary
- ✓ the idea itself is NOT protected

Protected works in SA

1. Literary, musical and artistic works (incl photographs);
2. Cinematograph films;
3. Sound recordings;
4. Broadcasts;
5. Computer programs

This includes:
Lesson plans;
Book chapters;
Essays;
PowerPoint slides etc.



Exclusive rights

1. reproduce
2. make adaptations
3. broadcast
4. distribute
5. perform
6. display in public
7. cause a work to be transmitted in a diffusion service



(2)

selected problematic
copyright issues: copyright
term, the public domain,
orphan works, digitisation

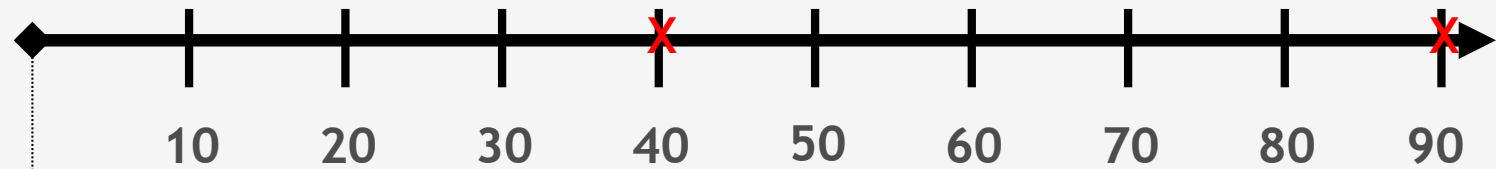
Copyright term: An example:



...great great grand children are born!

The author dies at age 70

Copyright expires in SA



Author writes a book at age 30

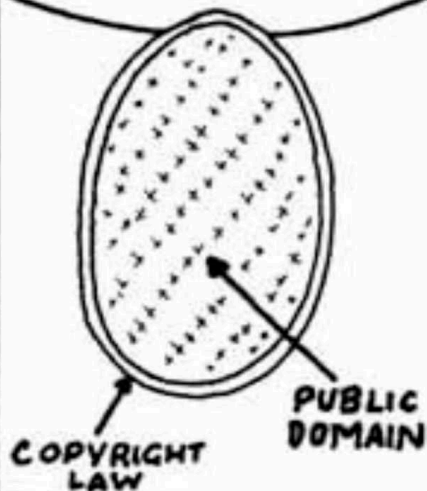
...if children are born on average every 25 years in the author's family...

TRADITIONALLY, WE HAD A THIN LAYER OF INTELLECTUAL PROPERTY PROTECTION SURROUNDING A LARGE AND RICH PUBLIC DOMAIN.

NOW THE BALANCE BETWEEN WHAT IS AND ISN'T PROTECTED HAS BEEN UPSET. IS THE LAW ACTUALLY CRUSHING CREATIVITY?

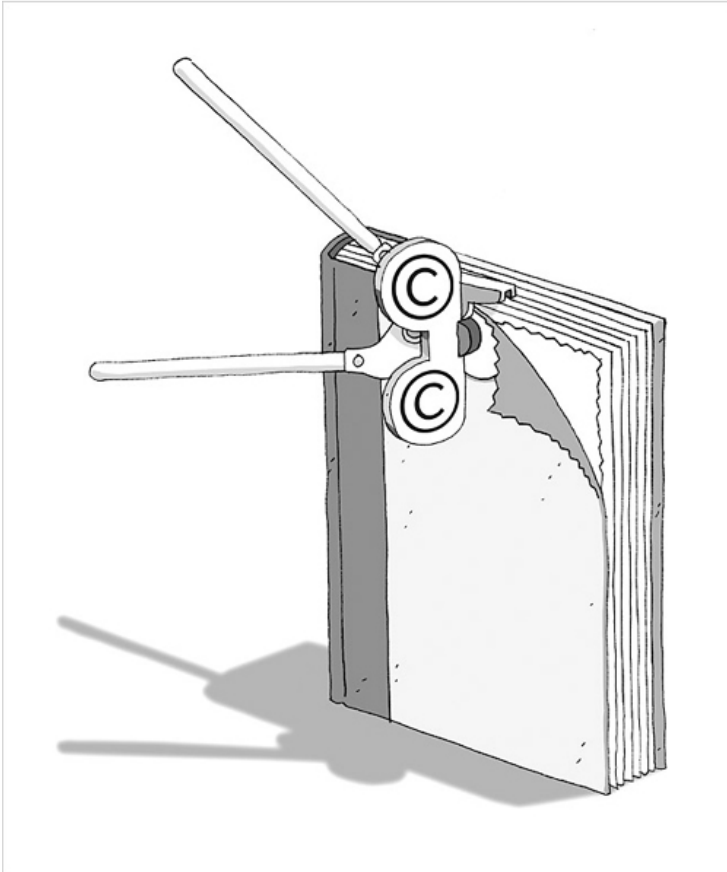


IT DIDN'T COVER VERY MUCH, AND IT DIDN'T COVER IT FOR VERY LONG.

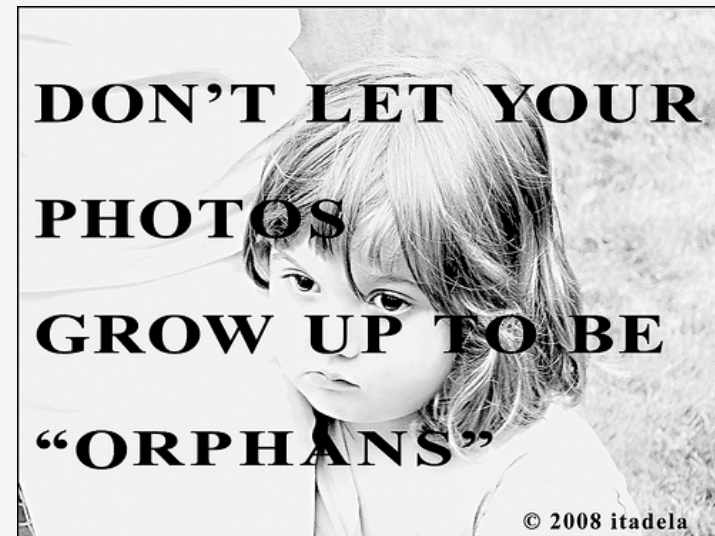


The public domain

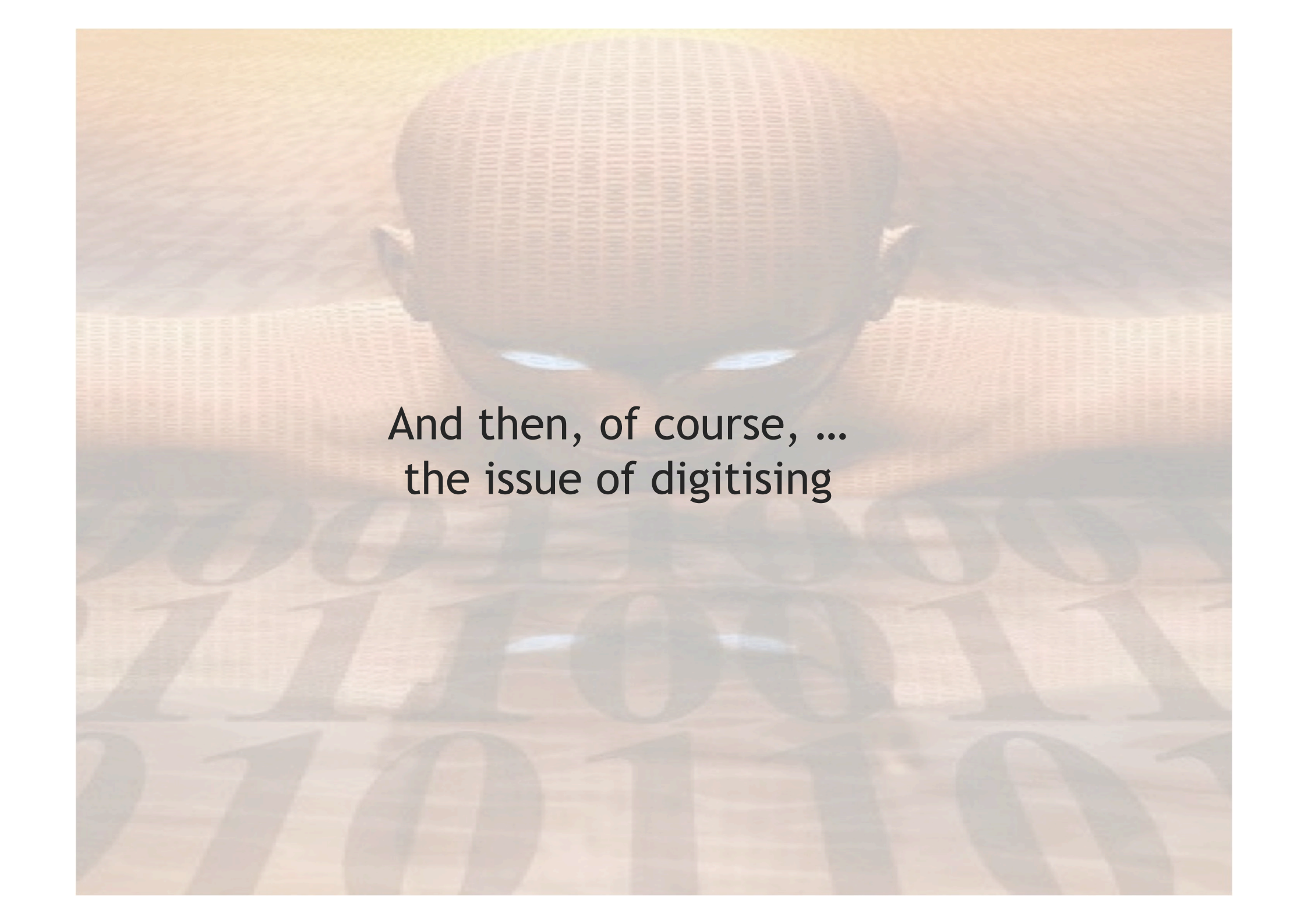
Orphan works




Copyright protected works whose copyright holder is difficult or impossible to contact.



In SA: no relevant legislation!



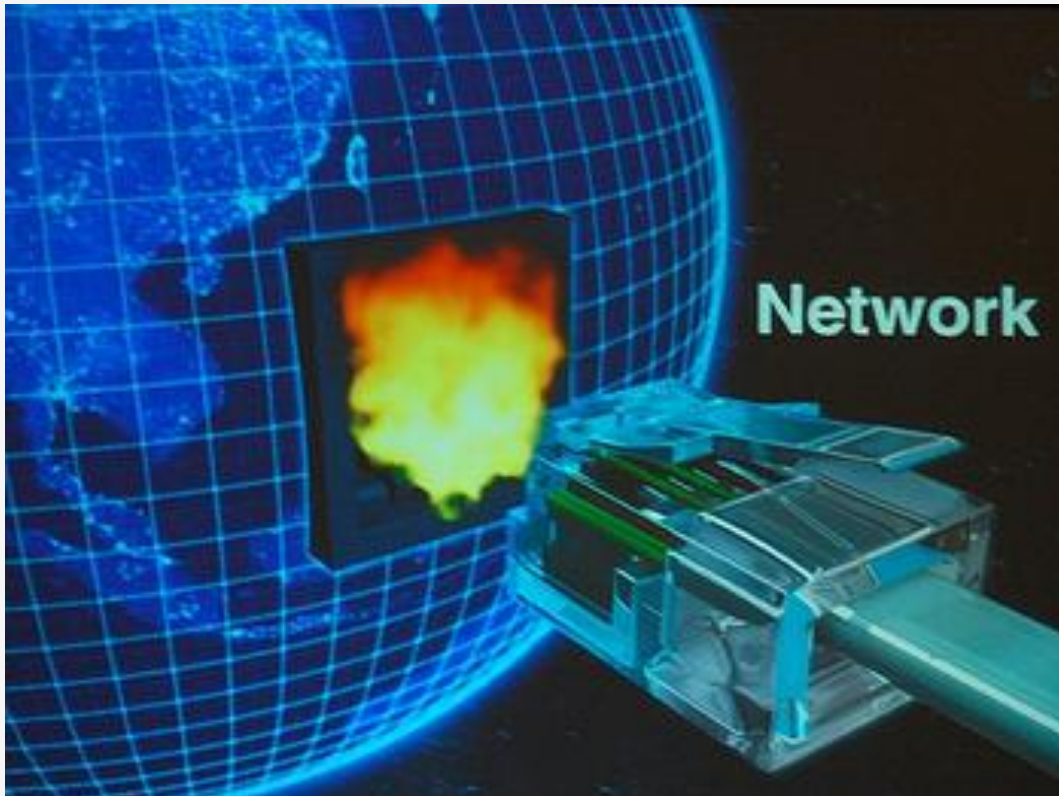
And then, of course, ...
the issue of digitising

- 
- ✓ unlimited number of copies
 - ✓ virtually instantaneously
 - ✓ no loss of quality
 - ✓ distribution of copies around the world in seconds




General changes

- (1) copyright laws were originally designed for analog technologies of reproduction
(“hardcopy rules in a softcopy world”)
- (2) new categories of multi-media works do not always fall neatly under the present definitions
- (3) history of copyright indicates that it is a right to be exercised by and against professionals (not end-users!)



Also: the new international dimension (which court has jurisdiction, what law is applicable in cross-border infringement cases (P2P) etc.) conflicts with the traditional principle of territoriality on which copyright law is based.



Remember:
Permission is required for most uses of most works!
(and the fact that something is available on the Internet does
not change this)

Creative Commons



Creative Commons defines the spectrum of possibilities between full copyright — *all rights reserved* — and the public domain — *no rights reserved*. Our licenses help you keep your copyright while inviting certain uses of your work — a **“some rights reserved” copyright**.

You could, of course, draft and attach your own open licence to content.

But: Creative Commons licences are free of charge, they are written and evaluated by lawyers, they are easy to understand and use and standardize what is “open” on the Internet. Also, they are machine-readable, so search engines such as google can easily find and specifically search for CC licensed material!

(3)

Creative Commons



In a nutshell: CC offers an easy way for people to share materials without having to ask for permission or rely on narrow and vague educational copyright exceptions and limitations.





- Non-profit organisation
- Founded in 2001 by Stanford law Professor Lawrence Lessig and others
- Licences ported to over 50 international jurisdictions, incl SA (UCT)
- More than 130 million CC licensed works by 2008
- Latest CC licence version: 3.0 (2.5 in SA)



Key features of CC licences...



“some rights reserved”- principle

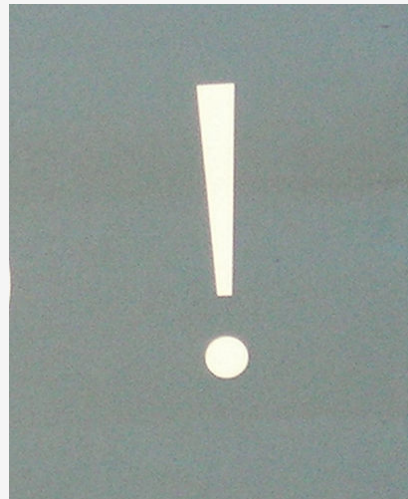
(as apposed to the “all rights reserved”-
principle on which copyright law is
based)



- Open to anyone
- Accompany the work
- Non-exclusive
- Allowing use/modification
- Royalty-free
- Perpetual



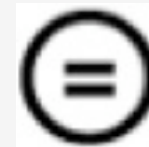
Creative Commons licenses have become the global standard for open resources of all kinds - they are the most popular licenses for OER!



























Based on 4 key licence elements

1. Attribution (BY)
2. Non-Commercial (NC)
3. No Derivatives (ND)
4. Share Alike (SA)





6 licences to choose from ...

		Can someone use it commercially?	Can someone create new versions of it?
Attribution			
Share Alike	 		Yup, AND they must license the new work under a Share Alike license.
No Derivatives	 		
Non-Commercial	 		Yup, AND the new work must be non-commercial, but it can be under any non-commercial license.
Non-Commercial Share Alike	  		Yup, AND they must license the new work under a Non-Commercial Share Alike license.
Non-Commercial No Derivatives	  		



Each of the 6 licences comes in three versions:





How does it actually work?



2 primary ways of applying CC licences to works

- Publish the work on a website that automatically applies a license (eg Wikieducator, Open Learn, Slideshare etc)
- publish the material directly, eg in an institution's own repository ...



1. Choose the right licence for your purposes



Go to www.creativecommons.org ...

Share, Remix, Reuse — Legally

Creative Commons provides free tools that let authors, scientists, artists, and educators easily mark their creative work with the freedoms they want it to carry. You can use CC to change your copyright terms from "All Rights Reserved" to "Some Rights Reserved."

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CC News

Steal This Footage

Michelle Thorne, May 26th, 2008

"Remix, Redistribute, Rejoice" reads the emboldening tag line from the [footage archive](#) of STEAL THIS FILM II, a documentary that explores shifts in technology, distribution, and creative production. The recently [released](#) footage includes three hours of material from eleven interviews, all of which are released for your remixing pleasure under a [CC BY-SA license](#).

Not only are the interviews available in high quality format to users and *producers*, but thanks to the help of many volunteers, it is possible to conduct a full text search of the base material, which will guide you to the frame and immediate context of your search term.

STEAL THIS FILM II was released to file-sharing networks last winter after [its premiere](#) in Berlin. Since then, it has been subtitled in 19 languages and is estimated to have been viewed by over 4 million people — 150,000 of whom had downloaded the film in the first three days of its release.

[No Comments >](#)

Iron Sky

Cameron Parkins, May 23rd, 2008

The teaser for *Iron Sky*, a new movie from the people behind internet-blockbuster *Star Wreck*, was recently posted online and has already received massive exposure (accumulating [over 350,000 YouTube views](#) in a little over two weeks). The tagline itself - "*In 1945 the Nazis fled to the moon. In 2018 they are coming back.*" - should be enough to pique anyone's interest (you can [read more about the story here](#)) but of particular note to those in the CC-community is the filmmakers' decision to license the teaser and music therein under [CC BY-NC-SA license](#).

Check out [these stunning stills](#) from pre-production on the film as well as explore the bevy of information on the [Iron Sky website](#). Consider it an anticipated release in the coming months!



Jurisdiction News

CC Chile: colabora@cc



May 23rd, 2008

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CC Poland: Computerworld: "Wspólna własność intelektualna"



May 23rd, 2008

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property="dc:title">Commons Philosophy</span>
```

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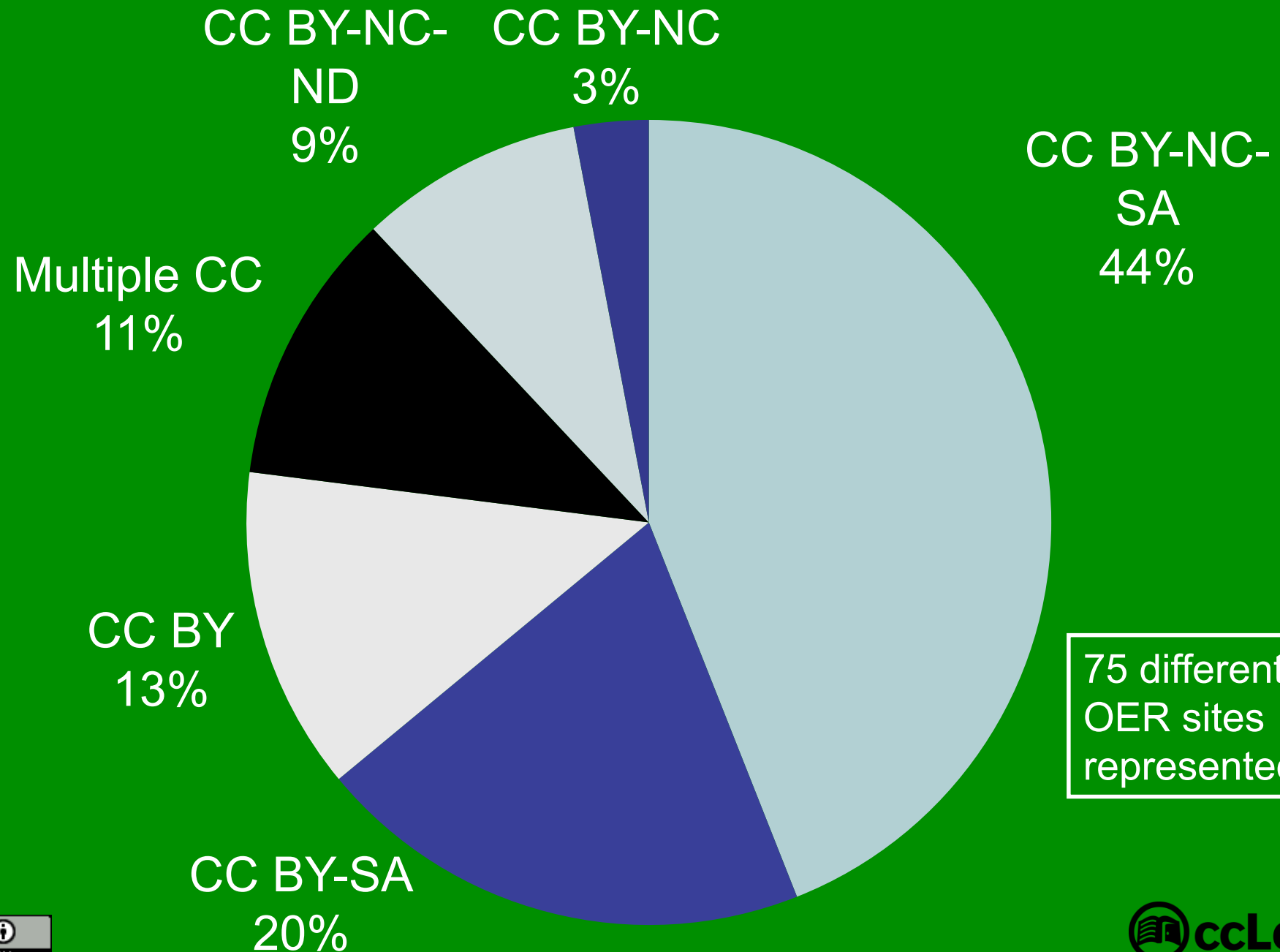
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Btw: Creative Commons recommends the most open licence for OER, ie Creative Commons Attribution 2.5 South Africa.

CC-licensed “open” educational sites



75 different OER sites represented.





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CC country teams are happy to help you with marking your work correctly!

In fact, CC learn is a division of Creative Commons that is dedicated to supporting open learning and OER!!!



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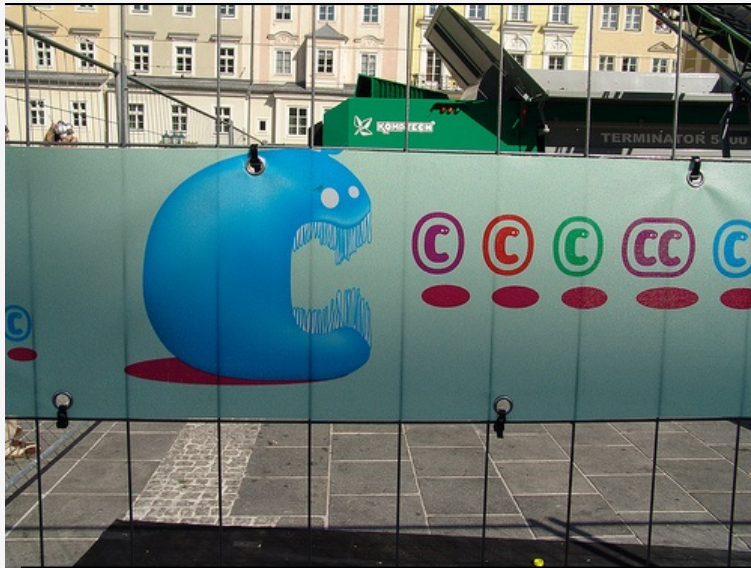
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Thank you!

My contact details are:

Tobias Schonwetter

tobias.schonwetter@uct.ac.za

tobias@chettylaw.co.za

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