Suggestions: Using Creative Commons Copyright Licensing for Learning Communities

Intellectual Property

Intellectual property ("IP") means property related to creations of the mind, such as inventions; literary and artistic works; images and designs used in commerce.

IP is divided into two categories: Industrial property, which includes inventions (patents), trademarks, industrial designs, and geographic indications of source; and Copyright, which includes literary and artistic works such as novels, poems and plays, films, musical works, artistic works such as drawings, paintings, photographs and sculptures, and architectural designs, as well as "learning objects".

Copyright law is concerned with virtually all forms and methods of public communication, not only printed publications but also sound and television broadcasting, films for public exhibition in cinemas, etc. It protects expressions of the mind that have been embodied in a physical device. Ideas themselves are not protected until they are materialized in a physical device. Protection to copyrightable works is conferred independently of registration; it is granted from the moment the ideas of an author are expressed in physical means.

As the expression indicates, copyright is the right to copy, meaning that copies of a copyrighted work cannot be made without prior authorization from the author. The justification for this restriction is that authors need to be remunerated for their works. That is the only way they can continue to create and; therefore, foster a nation's cultural heritage.

Nowadays, new technologies like file sharing networks and CD-burners allow illegal copying to occur on a huge scale. For this reason, major copyright owners have been enhancing protection of their IP through legislation, standards organizations and the courts. Enhanced copyright protection ends up restricting access to copyrighted works and; therefore; to knowledge.

In a different direction from those who want to strengthen IP protection, some groups advocate for alternatives to the increasing restrictiveness of IP protection, aiming to share information and knowledge with others and foster creativity. A good example on this approach is the Creative Commons ("CC").

CC is a non-profit organization committed to expanding the range of creative work available for others to legally build upon and share. CC was founded on the notion that some authors may want to contribute to the fostering of creativity, by not exercising all of the IP rights that law affords them. To allow these authors to share their works with the world, CC has developed free public licenses. CC licenses allow

users to copy and distribute copyrighted works under specific conditions, filling in the gap between full copyright (no use without permission) and public domain, where permission is not required at all.

Sharing a learning objects makes creative works available for others to create upon and share. It is premised on making materials available to end-users under "open" license terms that allow use, reuse, adaptation and redistribution. Once the project becomes available for users, the portal should plan for a significant level of effort on communication, both internally and externally, proactive and reactive. There might also be many initial misunderstandings about the concept among authors who are requested to authorize their works to be part of the project. The key to avoid misconceptions is to inform people on the goals and intentions of the project.

Choosing a courseware template

In order to meet IHAB significant objectives, the template to allow sustainability in the use and reuse of learning objects would have the following elements:

• **Available online.** To increase the effective use of ICT and enable online learning, it is highly recommended that all learning objects be available online for download. Users should be able to access as much information as is available from the comfort of their homes. Content available online excludes geographical limitations and includes a larger number of users.
• **All content under a single portal.** Links to extra information on a related subject might be provided. However, it has to be clear that upon accessing a different web site user is no longer under the conditions and licensing scheme.
• **Free of charge.** To allow a large number of people to access content and not to exclude potential users who might not be able to afford conventional education, learning objects should be available free of charge. However, this standard should only apply to non-commercial uses of learning objects. If a user intends to commercialize the learning object, he/she should then contact the author of the learning object to discuss it.
• **Upon membership.** Membership can be useful for two main reasons: a) for the web host to monitor which content is accessed and provide statistics on the learning objects accessed and b) to retain e-mail address and other information of web site users for communication of new content that might suit the users' needs. Users should have their account and login to access content.
• **No grant of degree or certificate.** The main purposes is to increase access and effective use of ICT; increase availability of online learning objects; increase awareness of Canadian knowledge and expertise in the creation of ICT-enabled learning; etc. In other words, the main purpose is to share knowledge. For knowledge to be shared there is no need of a certificate or degree to be granted in the end of a learning object. The grant of a degree is secondary and can be excluded from the template since it would increase costs due to the need to hire professors to correct assignments; obtainment of provincial or federal licenses to grant degrees and certificates as well as the establishment of administrative resources to issue and mail certificates and diplomas.
• **Doubts solved by e-mail.** Doubts regarding the material available can be solved via e-mail contacting the author of the work directly. If the author requires, other means

of communication might be added.

• **Electronic feedback forms.** Electronic feedback forms should be placed at the end of each learning object to be filled at the user's discretion. The use of electronic feedback forms will help the portal to enhance the web site once it is completed and functioning.

• **Support.** Operational support for the network will be necessary. This will be in form of backup and disaster recovery, as well as hardware and software maintenance. Basics on application usage, technical and desktop support for users can be provided in the form of Frequently Asked Questions (FA Qs?).

• **Explanation of the new media.** Besides technical support, online students have to be tutored to understand that the learning experience through internet will require different skills from the classroom experience. [Endnote 1]

Porting content

Materials available under our platform might also be available somewhere else and through a different licensing scheme.

• **Copyright- free materials.** The portal should request materials that are copyright-free from Canadian post-secondary institutions. Those materials might be available somewhere else but the web site hosting the project will gather everything that the portal could locate.

• **CC licensed materials.** Upon approaching post-secondary institutions, the portal can also request authors to license learning objects to the project, using Creative Commons licenses.

• **Availability of content.** Learning objects should all be in one single portal. It can provide links to other sites with more content, disclaiming that the linked web site is not under the same conditions and licensing scheme of this portal.

• **Printed materials.** Authors who own printed materials can either transform them into digital media or divulge the materials through the portal site.

• **Classroom materials.** Open publication of course materials on the internet introduces considerations beyond what is involved in preparing materials for classroom use. Materials have to be "contextualized" (scrubbing out irrelevant data such as class meeting location, and adding context that sets the course within the larger curriculum), metadata has to be added (to support online search and other functions), and copyright cleared.

Choosing CC copyright licensing

The suggested license for the project should be the Creative Commons Attribution – Non-Commercial – Share Alike.

Attribution: In order to preserve moral rights of authors, they should be credited for their works every time someone makes use of them. Attribution is not related to financial compensation; it just means that I will indicate who created the work I used.

Non-Commercial: Non-commercial indicates that I can only use the licensed work for personal purposes. Non-commercial also means use by an Educational Institution or a

person acting under its authority. It excludes any commercial use (including professional, political or promotional uses). If I intend to use the work for any commercial purpose I should first contact the author and discuss the possibility of a commercial license.

Share-Alike: This provision determines that whoever builds on an original work has to share it on the same licensing conditions of the original works. [Endnote 2]

The Attribution – Non-Commercial – Share Alike is the license that best suits the learning purposes of the project. It respects copyrights and allows free use of content as long as the objective is to learn and foster knowledge. The share alike condition commits users to create a chain of development of new works, increasing materials available for other learners.

Publishing/dissemination of courseware

• Divulgation on the web sites of secondary and post-secondary institutions.
• Newsletters to secondary and post-secondary schools.
• Newsletters to current users of the web site.

ENDNOTES:
1. For additional information :
http://www.ion.uillinois.edu/resources/tutorials/pedagogy/StudentProfile.asp
2. http://creativecommons.org/licenses/by-nc-sa/2.5/legalcode