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IAM Open Courseware (OCW) Project 2009

Essay on licensing for an OCW platform for Interactive Media by:

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1. Introduction

This essay is to get a clearer image of possible licenses we could use for our project on IAM Open Courseware (OCW). The project will start with the Interactive Media course, which is taught at the Hogeschool van Amsterdam (HvA). Since IAM OCW will include all sorts of educational materials by teachers (think of college sheets, for example) there is a need to make sure that these materials can and may be reworked, remixed and re-used by students and anyone else who has an interest in the subjects available on the platform.

The greater problem is to make sure teachers who are putting their thoughts online have some sort of rights to these resources. We might think of all sorts of scenarios where one teacher doesn't want to put his or her work online for some reason, while another doesn't really care if he or she is attributed in a later derived work.

Because we want to prevent such problems instead of solving them along the way, we think that a certain restriction could be an asset. By not giving out full rights to do whatever whoever wants, but to make sure that when this is done, the original creator will still be attributed in every stage of the processes. Through this we hope that the participation of teachers will get to a maximum.

In this essay we try to explain what kind of licenses could be used and we do some recommendations on which licenses should fit best inside this project. We will also look at how the content could be structured and how the platform could be used since we don't have a lot of money to spend.

2. Copyrights and Licensing

2.1 Summary of GPL – The GNU Public License

“The GNU General Public License is a free, copyleft license for software and other kinds of works. Everyone is permitted to copy and distribute verbatim copies of this license document, but changing it is not allowed.

The licenses for most software and other practical works are designed to take away your freedom to share and change the works. By contrast, the GNU GPL is intended to guarantee your freedom to share and change all versions of a program--to make sure it remains free software for all its users. GPLs are designed to make sure that you have the freedom to distribute copies of free software, that you receive source code or can get it if you want it, that you can change the software or use pieces of it in new free programs, and that you know you can do these things. Therefore, you have certain responsibilities if you

distribute copies of the software, or if you modify it: responsibilities to respect the freedom of others”.¹

2.2 Copyrights and Licensing (MIT)

IAM OCW project team should pay attention to the MIT Open Courseware recommendations and apply them in IAM Open Courseware project. The key points about Intellectual Property and Licensing MIT emphasises are as follow:

- “Obtain agreement that Open Courseware is premised on making materials available to end users under "open" license terms that allow use, reuse, adaption, and redistribution.
- Preserve faculty rights of their course materials to allay faculty concerns.
- Develop a sound copyright review and clearance process, and build awareness around intellectual property requirements. Faculty often uses third-party materials in teaching; these materials must be cleared for publication with copyright owners, or removed. This is a manageable process.
- Ensure that permissions from third-parties are compatible with the open terms of Open Courseware publication. Commercial publishers are least likely to grant liberal license terms, but there are alternatives”.²

MIT enumerates three dimensions of intellectual property (IP) considerations for Open Courseware which definitely will be applicable in the planning process of IAM Open Courseware project:

- “Getting permission (a "license") from faculty or other contributors of course materials to publish them on Open Courseware.
- Clearing (or removing/replacing) embedded third-party elements from materials to be published.
- Granting a license to Open Courseware end-users to use, reuse, adapt, and redistribute materials for non-commercial educational purposes, in accord with the Open Courseware concept”.³

2.3 Lessons learned by MIT

A number of lessons learned were identified in the area of IP and licensing. IAM OCW team should take them into consideration in order to work more efficiently and save time:

¹ GNU General Public License. Retrieved March 1, 2009 from <http://www.gnu.org/copyleft/gpl.html>

² Open Courseware Consortium. MIT How-to-OCW (offline version). Retrieved March 1, 2009 from <http://www.ocwconsortium.org/share/share.html>

³ Open Courseware Consortium. MIT How-to-OCW (offline version). Retrieved March 1, 2009 from <http://www.ocwconsortium.org/share/share.html>

- “An OCW initiative may require cultural changes in faculty practices related to both their own IP and the IP of others. Gaining buy-in to this will be necessary.
- IP clearance is a time-consuming process and because of the level of effort and risks involved, is one of the biggest barriers to faculty participation.
- An organization undertaking an OCW initiative must have a clear understanding of IP do’s and don’t’s and apply them as part of a consistent IP clearance process.
- To effectively manage the considerable level of effort involved in clearing third party IP, it is important to determine criteria for the levels of third-party materials that will be required to make the course materials valuable to the target audience(s).
- Over time, it will be beneficial to educate faculty regarding IP best practises. The more IP-friendly materials are used, the lower the support burden for the OCW organization”.⁴

The following key decisions were made by MIT that impacted the area of IP and Licensing:

- **“Faculty Ownership:** MIT faculty owns the rights to course materials they author. The faculty continues to own the e-versions of the materials educators create for their courses, even when those materials are transformed into Web-compatible formats by the MIT OCW staff.
- **IP strategy:** Course materials require copyright clearance in order to be published on MIT OCW. MIT OCW has determined that when permissions are denied, or when they are granted with restrictions or royalty demands that are incompatible with the MIT OCW open publication policy, MIT OCW will instead find or create (with faculty consent) an alternate object.
- **Use of the Creative Commons License:** Creative Commons is a non-profit organisation dedicated to encouraging open sharing of information. Its aims are congruent with the MIT OCW open publication philosophy. Creative Commons has developed an innovative model license that it hopes will become a standard for open publication. MIT OCW supports the goals of Creative Commons and adopted its model license effective with the January 2003 publication of MIT OCW”.⁵

⁴ Open Courseware Consortium. MIT How-to-OCW (offline version). Retrieved March 1, 2009 from <http://www.ocwconsortium.org/share/share.html>

⁵ Open Courseware Consortium. MIT How-to-OCW (offline version). Retrieved March 1, 2009 from <http://www.ocwconsortium.org/share/share.html>

2.4 MIT OCW Licensing

“In summer 2002 MIT OCW created their original license for end users, which was issued with the initial pilot in September 2002. That fall, MIT was introduced to Creative Commons. After reviewing the Creative Commons license, MIT OCW determined that it was remarkably similar to the independently developed MIT OCW license. Since MIT OCW is committed to encouraging the open sharing movement, they signed on with Creative Commons as a charter licensor and replaced their home-grown version with a Creative Commons-based license”.⁶

2.5 Lessons learned from OCW Consortium

In addition to MIT experience IAM OCW team will also take into account recommendations and anticipated concerns given by OCW Consortium. OCW Consortium suggests how to respond to these concerns:

“Attendance - "My students won't come to class if the lectures are online" is the form in which this concern is most often expressed. The goal in responding to this concern is to encourage faculty reflection on effective teaching methods. Putting lectures online enables faculty to treat the lectures as part of a student's preparation for class. This allows students to spend in-class time actively engaging the course content. If faculty explains this at the beginning of the academic term, students will come to class.

Cost - There are ways to build an OCW project to fit budgets of many sizes. Much depends on the number of courses an institution intends to publish at what rate, what pre-existing resources can be shared with the OCW project, and how the flow of work is directed. [...]

Drain on Faculty Time – [...] OCW processes may inspire faculty to spend more time improving their courses. Such improvements are part of a faculty member's teaching responsibilities, however, and thus should count as a benefit of OCW rather than a burden.

Erosion of Distance Education Revenue – [...] OCW sites provide students with an important pathway into for-credit coursework.

Faculty Resistance to Sharing – [...] having a core group of supportive faculty can go a long way towards demonstrating to the reluctant that the value of course materials actually increases as those materials are given away.

Intellectual Property – [...] a number of tools are in development to help streamline the process. Many more people are willing to share their third-party content than might be apparent at first, and many are thrilled to get the exposure.

⁶ Open Courseware Consortium. MIT How-to-OCW (offline version). Retrieved March 1, 2009 from <http://www.ocwconsortium.org/share/share.html>

Undermining Potential Publication for Profit – [...] OCW publication in fact promotes the sale of related faculty publications, as it widens the market for those publications, increases name recognition and demonstrates uses to which those publications might be put in the classroom”.⁷

3. Creative Commons

3.1 The Licenses

Moreover we will delve into the creative commons licenses. These licenses could be useful to our project, since they protect the original creator of a work (in this case educational work), to a higher extend. Creative Commons was found in 2001 in the United States. The organisation offers writers, movie-makers, photographers and all authors of copyright protected works the possibility to spread their work for reuse by third persons through the Internet, without losing their copyrights. Summaries of all six Creative Commons Standard Licenses have been listed below.

3.1.1 De Creative Commons Naamsvermeling 3.0 Nederland Licentie⁸

The user may copy, distribute and pass along the works. The user may also create and distribute a derived work. The only condition is that the user attributes the name of the original creator or license giver in his or her derived work. This is the most liberal of all six Creative Commons licenses; commercial usage and derived works are fully allowed.

3.1.2 De Creative Commons Naamsvermeling-GelijkDelen 3.0 Nederland Licentie⁹

The user may copy, distribute and pass along the works. The user may also create and distribute a derived work. The only condition is that the user attributes the name of the original creator or license giver in his or her derived work. Another stipulation is that distributing a derived work will be done under the same license conditions, i.e. attributing the name of the original. Commercial use of the original and the derived works are fully allowed.

⁷ Open Courseware Consortium. Toolkit: Frequently Cited Concerns. Retrieved March 1, 2009 from

http://www.ocwconsortium.org/index.php?option=com_content&task=view&id=113&Itemid=242

⁸ Creative Commons. Naamsvermelding 3.0 License. Retrieved March 1, 2009 from

<http://creativecommons.org/licenses/by/3.0/nl/legalcode>

⁹ Creative Commons. Naamsvermelding-GelijkDelen 3.0 License. Retrieved March 1, 2009 from

<http://creativecommons.org/licenses/by-sa/3.0/nl/legalcode>

3.1.3 De Creative Commons Naamsvermeling-GeenAfgeleideWerken 3.0 Nederland Licentie¹⁰

The user may copy, distribute and pass along the works. Making a derived work is not allowed. Commercial use of an original work is allowed, with the stipulation of attributing the name of the original creator.

3.1.4 De Creative Commons Naamsvermeling-NietCommercieel 3.0 Nederland Licentie¹¹

The user may copy, distribute and pass along the works. The user may also create and distribute a derived work. Next to the stipulation of attributing the name of the original, a second stipulation is that the user can't use any of the works for commercial means. Distributing derived works for non-commercial means is allowed.

3.1.5 De Creative Commons Naamsvermeling-NietCommercieel-GelijkDelen 3.0 Nederland Licentie¹²

The user may copy, distribute and pass along the works. The user may also create and distribute a derived work, as long as he or she attributes the original and will not use any of the works (including the derived work) for commercial means. Copying, distributing or passing along a derived work will be done under the same license conditions, i.e. attributing the name of the original.

3.1.6 De Creative Commons Naamsvermeling-NietCommercieel-GeenAfgeleideWerken 3.0 Nederland Licentie¹³

The user may copy, distribute and pass along the works as long as this is not intended for commercial means. Making a derived work is not allowed. This is the most restrictive of the Creative Commons Licenses.

3.2 Which for IAM OCW

If we take a look at these licenses, there are two that can be very useful for our project; the Naamvermelding-NietCommercieel and the Naamsvermelding-NietCommercieel-Gelijkdelen license. Both licenses make sure the content is not for commercial use and demand attributing the original creator. Especially this last part is convenient for us, since teachers need to be willing to put their

¹⁰ Creative Commons. Naamsvermelding-GeenAfgeleideWerken 3.0 License. Retrieved March 1, 2009 from <http://creativecommons.org/licenses/by-nd/3.0/nl/legalcode>

¹¹ Creative Commons. Naamsvermelding-NietCommercieel 3.0 License. Retrieved March 1, 2009 from <http://creativecommons.org/licenses/by-nc/3.0/nl/legalcode>

¹² Creative Commons. Naamsvermelding-NietCommercieel-GelijkDelen 3.0 License. Retrieved March 1, 2009 from <http://creativecommons.org/licenses/by-nc-sa/3.0/nl/legalcode>

¹³ Creative Commons. Naamsvermelding-NietCommercieel-GeenAfgeleideWerken 3.0 License. Retrieved March 1, 2009 from <http://creativecommons.org/licenses/by-nc-nd/3.0/nl/legalcode>

creations online for re-use. Knowing that their name will always be linked to the content could push them to participate with more confidence. We can consider taking it one step further and making sure that derived works by others still contain the original creators' name, which is the case with the Naamsvermelding-NietCommercieel-GelijkDelen license.

4. Conclusion

To conclude, copyrights and intellectual property (IP) issues – the most difficult and complicated part the IAM OCW project team might encounter. However, after researching relevant sources it became obvious that getting permission from IAM studies and third-party copyright clearance (IP strategy) will be needed.

Furthermore, the Creative Commons licenses Naamvermelding-NietCommercieel and the Naamsvermelding-NietCommercieel-Gelijkdelen license are best applicable for IAM OCW project to use, since they give the opportunity to re-use materials for non-commercial purposes, allow copy, create and distribute a derive work, as well as keep awareness of the original creator.

As mentioned above, IAM OCW team will definitely take into consideration lessons already learned by MIT, Open Courseware Consortium and others in order to launch and develop user friendly, attractive, easy to share, comfortable to navigate and inviting to participate platform.

5. Sources

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Open Courseware Consortium. Toolkit: Frequently Cited Concerns. Retrieved March 1, 2009 from http://www.ocwconsortium.org/index.php?option=com_content&task=view&id=113&Itemid=242