Presentation Goals

This presentation is designed to introduce the option of using openly licensed work in teaching and learning resources produced by those at the University of Michigan and elsewhere.

Participants should be able to:

• Recognize copyrighted material in learning resources

• Understand what Open Educational Resources are

• Understand how OER fits into the Learning Objects and MERLOT framework

• Find and use openly licensed material in learning resources

• Clear and publish resources at Open Educational Resources
Open Educational Resources (OER) are learning materials that are available for free and openly licensed to be used, adapted and redistributed in local contexts.

OER includes syllabi, lecture slides, assignments, academic image libraries, instructional videos and comprehensive, integrated electronic mini-courses. They are referred to as open educational resources because they are designed for teaching and learning and do not have to be associated with a specific course.

Source: [http://open.umich.edu/education](http://open.umich.edu/education)
There are two principles on which Open.Michigan is founded:

1) Public universities have a **responsibility to share** the knowledge and resources they create with the public they serve.

2) We are dedicated to **increasing knowledge dissemination** across the higher education community through **encouraging a culture of sharing**.
Author(s): John Doe, MD; Jane Doe, PhD, 2009

License: Unless otherwise noted, this material is made available under the terms of the Creative Commons Attribution 3.0 License: http://creativecommons.org/licenses/by/3.0/

We have reviewed this material in accordance with U.S. Copyright Law and have tried to maximize your ability to use, share, and adapt it. The citation key on the following slide provides information about how you may share and adapt this material.

Copyright holders of content included in this material should contact open.michigan@umich.edu with any questions, corrections, or clarification regarding the use of content.

For more information about how to cite these materials visit http://open.umich.edu/education/about/terms-of-use.

Any medical information in this material is intended to inform and educate and is not a tool for self-diagnosis or a replacement for medical evaluation, advice, diagnosis or treatment by a healthcare professional. Please speak to your physician if you have questions about your medical condition.

Viewer discretion is advised: Some medical content is graphic and may not be suitable for all viewers.
Citation Key
for more information see: http://open.umich.edu/wiki/CitationPolicy

Use + Share + Adapt

{ Content the copyright holder, author, or law permits you to use, share and adapt. }

- **Public Domain – Government**: Works that are produced by the U.S. Government. (USC 17 § 105)
- **Public Domain – Expired**: Works that are no longer protected due to an expired copyright term.
- **Public Domain – Self Dedicated**: Works that a copyright holder has dedicated to the public domain.
- **Creative Commons – Zero Waiver**
- **Creative Commons – Attribution License**
- **Creative Commons – Attribution Share Alike License**
- **Creative Commons – Attribution Noncommercial License**
- **Creative Commons – Attribution Noncommercial Share Alike License**
- **GNU – Free Documentation License**

This slide is inserted as the second slide/page of all published materials. This shows Open.Michigan’s analysis of the content objects in the material. Knowing this may assist downstream users (especially those in other countries) in how they can and cannot use a particular object within the resource.

Make Your Own Assessment

{ Content Open.Michigan believes can be used, shared, and adapted because it is ineligible for copyright. }

- **Public Domain – Ineligible**: Works that are ineligible for copyright protection in the U.S. (USC 17 § 102(b)) *laws in your jurisdiction may differ

{ Content Open.Michigan has used under a Fair Use determination. }

- **Fair Use**: Use of works that is determined to be Fair consistent with the U.S. Copyright Act. (USC 17 § 107) *laws in your jurisdiction may differ

Our determination **DOES NOT** mean that all uses of this 3rd-party content are Fair Uses and we **DO NOT** guarantee that your use of the content is Fair.

To use this content you should **do your own independent analysis** to determine whether or not your use will be Fair.
The difference between LOs and OER

**OA**: Open Access

**LOs**: Learning Objects

**OER**: Open Educational Resources

OA focuses on sharing content, but no underlying licensing requirement.

Learning Objects are interactive web resources designed to support a learning objective and include such things as animations, simulations, tutorials, case studies and games.

OER includes any educational content that is shared under an open license, whether or not it is a part of a course.
2.0 Acceptable Use

**MERLOT is a free and open resource** designed primarily for faculty and students of higher education. MERLOT is built on the collaboration of its partners, community members, registered members, and users. In that spirit, **MERLOT allows access to its site and the materials therein for personal and non-commercial uses as set forth in this policy.** Links to online learning materials are catalogued in MERLOT, along with other items such as peer reviews and assignments. MERLOT is committed to improving the effectiveness of teaching and learning by expanding access to high quality teaching and learning materials that can be easily incorporated into faculty-designed courses.

By using MERLOT, you agree to the terms of MERLOT’S AUP and promise to **use any content found on the MERLOT website, whether in whole or in part, for personal, non-commercial, and educational purposes** only as described in this policy. You also agree to comply with prevailing United States laws regarding copyright and the Digital Millennium Copyright Act of 1998.

[http://taste.merlot.org/acceptableuserpolicy.html](http://taste.merlot.org/acceptableuserpolicy.html)
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<tr>
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<th>OWNER</th>
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Table 2: Creative Commons Licenses for MERLOT Website-resident Content

http://taste.merlot.org/acceptableuserpolicy.html
You + LOs + OER = Open Learning

You
Your collections are licensed
CC: BY-NC-SA

LOs
You can choose how you license your Jing wrappers*

OER
Open.Michigan can host these collections and wrappers on our site

*Note that the content you are reviewing may be licensed in other ways or copyrighted all rights reserved.
Take a break!

Breakout Session One:

Find an example of an openly licensed Learning Object in MERLOT that is in your discipline. Add it to your collection.
Copyright is a form of protection provided by the laws of the United States (title 17, U.S. Code) to the authors of “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works.
Copyright: All Rights Reserved

Copyright covers:

• Maps
• Dramatic works
• Paintings
• Photographs
• Sound recordings
• Motion pictures
• Computer programs
• and more...

It is designed to protect the **expression** of ideas but not the ideas themselves, nor does it protect effort.

Visit U-M’s Copyright Office in the Library or visit their website at [http://www.lib.umich.edu/copyright](http://www.lib.umich.edu/copyright) for more information and resources on copyright at the University of Michigan.
Copyright holders hold exclusive right to do and to authorize others to:

1. Reproduce the work in whole or in part
2. Prepare derivative works, such as translations, dramatizations, and musical arrangements
3. Distribute copies of the work by sale, gift, rental, or loan
4. Publicly perform the work
5. Publicly display the work

US Copyright Act of 1976, Section 106
Under © it is illegal to:

• Translate works (derivative)
• Use someone else's photo, slide, quote (without permission)
• Dramatize a work (derivative)
• Reproduce in whole or in part (without permission)
• Make copies of a work (distribution)
Teach Act, 2002


“When educators use any of these works in their teaching, they are using copyright-protected materials. Among the rights of copyright owners are rights to make copies and rights to make public performances and public displays of the works. An assembled-or even dispersed-group of students may well constitute the "public" under the law. Consequently, educators frequently incur possible violations of owners' rights whenever they copy materials as handouts, upload works to websites, "display" slides or other still images, or "perform" music, videos, and other works.”

Responsibilities of Instructors:

- Performances of some (not dramatic) works
- Can’t use commercial educational materials
- Supervision required
- Contextually relevant and integrated into curriculum
- Fair use still applies

Artwork

More info: open.umich.edu/wiki/Casebook

these images used under section 107, U.S. copyright law: fair use
Illustrations: Cartoons

More info: open.umich.edu/wiki/Casebook

these images used under section 107, U.S. copyright law: fair use
Illustrations: Chemical Representations

More info: open.umich.edu/wiki/Casebook
Drawings and Diagrams

More info: open.umich.edu/wiki/Casebook

some of these images used under section 107, U.S. copyright law: fair use
Graphs

More info: open.umich.edu/wiki/Casebook
Graphics

More info: open.umich.edu/wiki/Casebook
More info: open.umich.edu/wiki/Casebook

some of these images used under section 107, U.S. copyright law: fair use
Photographs

FIGURE 24-4 Pituitary adenoma. This massive, nonfunctional adenoma has grown far beyond the confines of the sella turcica and has distorted the overlying brain. Nonfunctional adenomas tend to be larger at the time of diagnosis than those that secrete a hormone.

some of these images used under section 107, U.S. copyright law: fair use
The Mesh
We have come to the cross-roads
And I must either leave or come with you.
I lingered over the choice
But in the darkness of my doubts
You lifted the lamp of love
And I saw in your face
The road that I should take.

- Kwesi Brew
Open Licenses: Some Rights Reserved

“The Creative Commons copyright licenses and tools forge a balance inside the traditional “all rights reserved” setting that copyright law creates. Our tools give everyone from individual creators to large companies and institutions a simple, standardized way to grant copyright permissions to their creative work.” – Creative Commons License page

Open.Michigan applies only the first four (CC: BY, CC: BY-SA, CC: BY-NC, and CC: BY-NC-SA) licenses to our OER because these licenses allow for local adaptation of the resources by others.
Creative Commons Licenses

• Machine Readable: CC Rights Expression Language (CC REL)

• Human Readable: Commons Deed

• Legal Code: Traditional Legal Tool
Adaptability means…

Translation
Localization
Innovation
Collaboration

Credit you for the original creation.

Credit you and license their new creations under the identical terms.

Credit you and use your work or derivatives of your work for non-commercial purposes.

Credit you and license their new creations under the identical terms.

http://creativecommons.org/licenses/
Author, title, source, license

Title slide: CC: Seo2 | Relativo & Absoluto (flickr)
http://www.flickr.com/photos/seo2/2446816477/ | http://creativecommons.org/licenses/by/2.0/deed.en
Slide 1 CC:BY-SA Jot Powers (wikimedia commons)
http://commons.wikimedia.org/wiki/File:Bounty_hunter_2.jpg | http://creativecommons.org/licenses/by-sa/2.0/
Slide 2 CC: BY-NC Brent and MariLynn (flickr)
http://www.flickr.com/photos/brent_nashville/2960420853/ | http://creativecommons.org/licenses/by-nc/2.0/deed.en
Slide 4 Public Domain:
Slide 5 Source: Undetermined from a variety of searches on Monster Truck Documentary
Slide 6 Source: Mega-RC.com
http://www.mega-rc.com/MRCImages/Asscd_Mnstr_GT_ShockOPT.jpg
Slide 7 CC:BY-NC GregRob (flickr)
http://www.flickr.com/photos/gregrob/2139442260/ | http://creativecommons.org/licenses/by-nc/2.0/deed.en
Slide 8 CC:BY metaphor91 (flickr) http://creativecommons.org/licenses/by/2.0/deed.en

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Titel slide: CC: Seo2 | Relativo & Absoluto (flickr) http://www.flickr.com/photos/seo2/2446816477/ | http://creativecommons.org/licenses/by/2.0/deed.en

Slide 1 CC:BY-SA Jot Powers (wikimedia commons) http://commons.wikimedia.org/wiki/File:Bounty_hunter_2.JPG | http://creativecommons.org/licenses/by-sa/2.0/

Slide 2 CC: BY-NC Brent and MariLynn (flickr) http://www.flickr.com/photos/brent_nashville/2960420853/ | http://creativecommons.org/licenses/by-nc/2.0/deed.en


Slide 5 Source: Undetermined from a variety of searches on Monster Truck Documentary


Slide 7 CC:BY-NC GregRob (flickr) http://www.flickr.com/photos/gregrob/2139442260/ | http://creativecommons.org/licenses/by-nc/2.0/deed.en

Slide 8 CC:BY metaphor91 (flickr) http://creativecommons.org/licenses/by/2.0/deed.en
Breakout Session Two:

Find an example of OER on the open web that can be used as an LO. What steps do you take to make it a Learning Object? How would you make sure you can use and adapt this material in different contexts?
Clearance Process

Faculty members working independently to clear their current (not new) learning materials of third party, copyrighted content can expect to spend a few hours of their time assessing and clearing this content. We also call this process “dScribe” and train volunteers to clear U-M content.
Assess and Clear

You must analyze the learning materials to determine if there are any objects that merit concern in regard to:

- Copyright
- Privacy
- Endorsement
Some Definitions

Learning materials include lecture slides and other multimedia presentations, posters, handouts, readings, quizzes, class notes, and a host of other associated educational material used for instruction and learning.

A content object refers to individual media items like photos, illustrations, recordings, text, equations, screenshots, and other such media that appear within learning materials.

Every content object has corresponding context, i.e. a single page or slide in a learning material, may contain one or more ‘content objects’ and surrounding text.
Assess and Clear

This is the heart of the clearance process. During this step, you will choose an action for each content object embedded in your learning materials:

- Retain
- Replace
- Remove and Annotate (If you feel the object in question cannot be legally used in your materials but you would like it to be accessible to future learners.)
Retain: Public Domain

Keep objects when it is clearly indicated or known that the content object is in the public domain. For example, a book published in the U.S. before 1923, such as Gray's Anatomy, is the public domain.

Relevant citation tags:

- PD-GOV
- PD-EXP
- PD-SELF

4th Amendment

- “The Right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches, and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

- PD-GOV
Retain: Permission

Recommend this action when you have been given expressed permission to use the object. This action is appropriate when the object is licensed under Creative Commons or the object was created by someone else who gave special permission for it to be used.

• Relevant citation tags:

[CC] BY-NC-SA

[CC] BY-SA

[CC] BY-NC

[CC] BY

[CC] ZERO

GNU-FDL

Retain: Copyright Analysis

Public Domain b/c Ineligible for © OR Fair Use Determination

Recommend this action when you come across an object for copyright status or permission is unknown, but you have reason to believe that it is legally acceptable to use it anyway. For example, if the object is something that is ineligible for copyright, e.g. a table of facts is not protected by copyright in the U.S., or it is a short excerpt of a much larger copyrighted work, then you would select this action.

Since the category of what’s eligible for copyright, particularly in regard to data and scientific images differs across countries, OER producers should refrain from doing this sort of copyright analysis unless that have a deep understanding of copyright law in their country and/or are able to consult copyright attorneys trained in their jurisdiction.

Relevant citation tags:

- PD-INEL
- FAIR USE
Replace: Search

Recommends this action when it is easy to search for Creative Commons (CC) or public domain replacements. One of the search engines that Open.Michigan staff uses regularly is CC Search [http://search.creativecommons.org/](http://search.creativecommons.org/), which searches CC-licensed media on Wikimedia Commons (the media from Wikipedia), Flickr, and Google Images.

For more options see [https://open.umich.edu/wiki/Open_Content_Search](https://open.umich.edu/wiki/Open_Content_Search)

Replace: Create

Recommend this action if you would like to create a content object with a **different expression but the same meaning** as the original copyrighted third party object.
Remove & Annotate

Chose this action when a content object is too difficult to replace or it is unnecessary. If the object is useful, then you can add an annotation which will lead the learner back to the copyrighted original, either by URL or bibliographic citation for print material.

Electronic Visualization Lab

Removed photographs of the Lab.

Recommended Action Tree

In order to assist choices toward taking the appropriate action, the U-M OER team has developed a workflow questionnaire and a casebook.

N.B. These resources were developed for U.S. law.
Edit Materials

To cite a CC Licensed object in your edited materials, you use the following:

1. Author
2. Source
3. License Abbreviation (e.g. CC BY)
4. License URL

See: Disclaimer_Citation_Key presentation for examples of how to cite materials.
Publish

When you license your resources you can publish them in different ways and in different places:

• Publish through Open.Michigan
  • Staff can review your content, package it and host it on our site: http://open.umich.edu/education

• Slideshare: http://www.slideshare.net/
  • Make sure you choose the open license you would like on your work when uploading content.

• Your own or your department or personal website. Open.Michigan can still direct traffic to your site from our educational resources page.
Take a break!

Breakout Session Three:
Examine the LO you presented at the beginning of today’s session. What steps would you take to publish this as an open educational resource?
We’re here to help! If you have questions about this process or need clarification on this presentation, feel free to email us at open.michigan@umich.edu or visit our wiki for resources: http://open.umich.edu/education