Roadmap

Copyright
online education

April 2018

Table of content

1.
Introduction

Education is based on a foundation of sharing. In our education we share knowledge with our students and our fellow teachers. Sharing educational resources openly and offering open and online courses gives others a chance to benefit from the knowledge we teach. In return others can contribute back by providing feedback, reusing, revising, remixing and redistributing your work or sharing their work for you with the same affordances. However, copyright often gets in the way. In many cases others are not allowed to use the resources you shared, and you are not allowed to reuse the resources of others, due to copyright restrictions. More insights and knowledge into copyrights and alternatives such as Creative Commons licenses might be helpful to determine what you are or are not allowed to do and which alternatives you have.

Delft University of Technology is a strong advocate of open education, and as such is very active in the global open education community. Worldwide TU Delft is considered one of the though leaders in the area. Since 2018 openness is included as one of the foundations for the TU Delft Strategic Framework 2018-2024. This copyrights roadmap was created to help you become more aware of the do's and don'ts regarding copyrights and open licenses, enabling you to continue supporting and affirming TU Delft's leading role in open education.
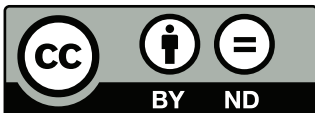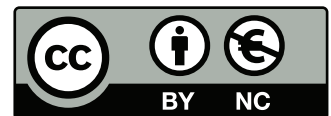
Willem van Valkenburg
Manager Teaching & Learning Services
Vice-President Open Education Consortium

2.

Open Education and Licenses

Why this Roadmap? Education Material in Open Education is online and available for everyone for free, which is why it is very important that we use footage, that does not infringe copyright. You can use other people's pictures, as long as you do it legally. Copyright is not always easy to understand so this document is intended to assist you.
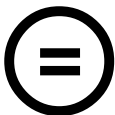
Our Open Education Material will be published under a Creative Commons license. Creative Commons has four conditions. Mixing and matching these conditions produces sixteen possible combinations.

Attribution
Others can copy, distribute display, perform and remix your work if they credit your name as requested by you.

No Derivative Works
Others can only copy, distribute, display or perform verbatim copies of your work.

Share Alike
Others can distribute your work only under a license identical to the one you have chosen for your work.

Non commercial
Others can copy, distribute display, perform and remix your work but for non-commercial purposes only.

For more information about the Creative Commons license:
http://creativecommons.org/licenses/?lang=en

Why NC: reuse for commercial purposes is by default not allowed, to prevent misuse. If it is to be used for commercial purposes, the one doing this must contact TU Delft, so (1) we know and (2) we can make an agreement on conditions.
Why SA: encourages open sharing and allows TU Delft to reuse the new works that are created based on the contents the university shared openly.
Why 4.0: 4.0 has been drafted to be internationally valid, and will have official translations becoming available after publication.

This Creative Commons infographic covers the various licenses available very clearly, and also shows the 'freedom' that each license gives you, as a researcher / teacher / learning technologist / etc.

You can also watch this online video by Creative Commons Aotearoa New Zealand with support from InternetNZ *(http://youtu.be/AeTlXtEOplA)*

Creative Commons Aotearoa | http://creativecommons.org/licenses/by/3.0/

3.
What you further have to know about Creative Commons

Chosing a license

For Open Education courses TU Delft applies CC BY-NC-SA license on the course materials in those courses. CC BY is recommended for presentation slides. When deciding which license to apply to your work, ask yourself what types of reuse you'd like to encourage, and license accordingly.

When you have chosen a specific Creative Commons license for your document or course, you cannot change it anymore. The license is not revokable.

The rules of adaptation/modification and sharing a work under Creative Commons

If you make adaptations of material under a CC license, the original CC license always applies to the material you are adapting even once adapted. The license you may choose for your own contribution (called the adapter's license) depends on which license applies to the original material. Recipients of the adaptation must comply with both the CC license on the original and your adapter's license. For a good attribution see page 12.

What does CC0 or CC PD mean?

This image is in the public domain and may be used for any purpose, including commercial. You should give attribution to the maker, but this is not required. If an author added a CC0 license to his or her work, the work is part of the public domain. In the public domain you can also find works which have not received a CC0 license, but can be used without copyrights restrictions (i.e. when the original author died more than 70 years ago).
For more information: http://creativecommons.org/publicdomain/zero/1.0/

Software

For software different licensing structures are availabe, which are broadly based on the same foundations. See: https://opensource.org/licenses

4.

What is...

What is copyright?
- Exclusive right of the author of an art work to publish and duplicate such work
- Such work may not be published duplicated without permission.

Copyright is a type of intellectual property which grants the owner of the copyright exclusive rights to control how their work is used, reproduced and credited, as well as compensation in association with any use or reproduction of their work. Usually, the owner is the author of a work, unless they have transferred the copyright to someones else, like a publisher. When a work has been produced in the line of employment (TU Delft), the employer, rather than the author, holds the rights to the work, unless a specific agreement has been made. The author keeps the moral rights.

Can I use pictures of art work?
Works of art such as statues or paintings are protected by copyright. Using a picture of a painting or statue is not allowed without permission of the artist. But for a work of art which is located permanently in a public space (public road, railway station, shopping mall) a pictures may be made and used. However, a museum or a school is not a public place so pictures made in a museum of an artwork cannot be used in open education except for artwork in public domain.

Can I use journal articles?
Journal articles are protected by copyright, in the same way as papers and books. Mostly the publisher owns the copyrights. If you want to use a journal article you must pay for it and it may not be used in courses with a Creative Commons License. However, it is permitted to use a small part of an article as a citation with acknowledgement.

Can I use my papers in online education?
Most publishers give permission to use your preprint or your postprint in online education.
You can check this here: http://www.sherpa.ac.uk/romeo/index.php

What is citing?
A citation is a reference to a published or unpublished source. It is permitted to quote a relevant part of the work of someone else - with acknowledgment. A quote should be relevant and functional within the context in which it is placed.
Citations from images or video are permitted. The rules are the same as for citing a piece of text. Taking over (part of) a picture, image, drawing or other footage is permitted in order to announce that image, criticize or discuss. The reproduction must be subordinate to that context. Reusing image as decoration is not permitted.

What is portrait right?
• The right to control the use of one's image and
• If the portrait was taken by order of the photographed person, you do not have permission to use the picture.
• If this is not the case, the picture may be used except when reasonable interest is damaged.

If in doubt, always ask written permission.
But if you have an image with people in public space, you are allowed to use the image without asking permission.

What about videos?
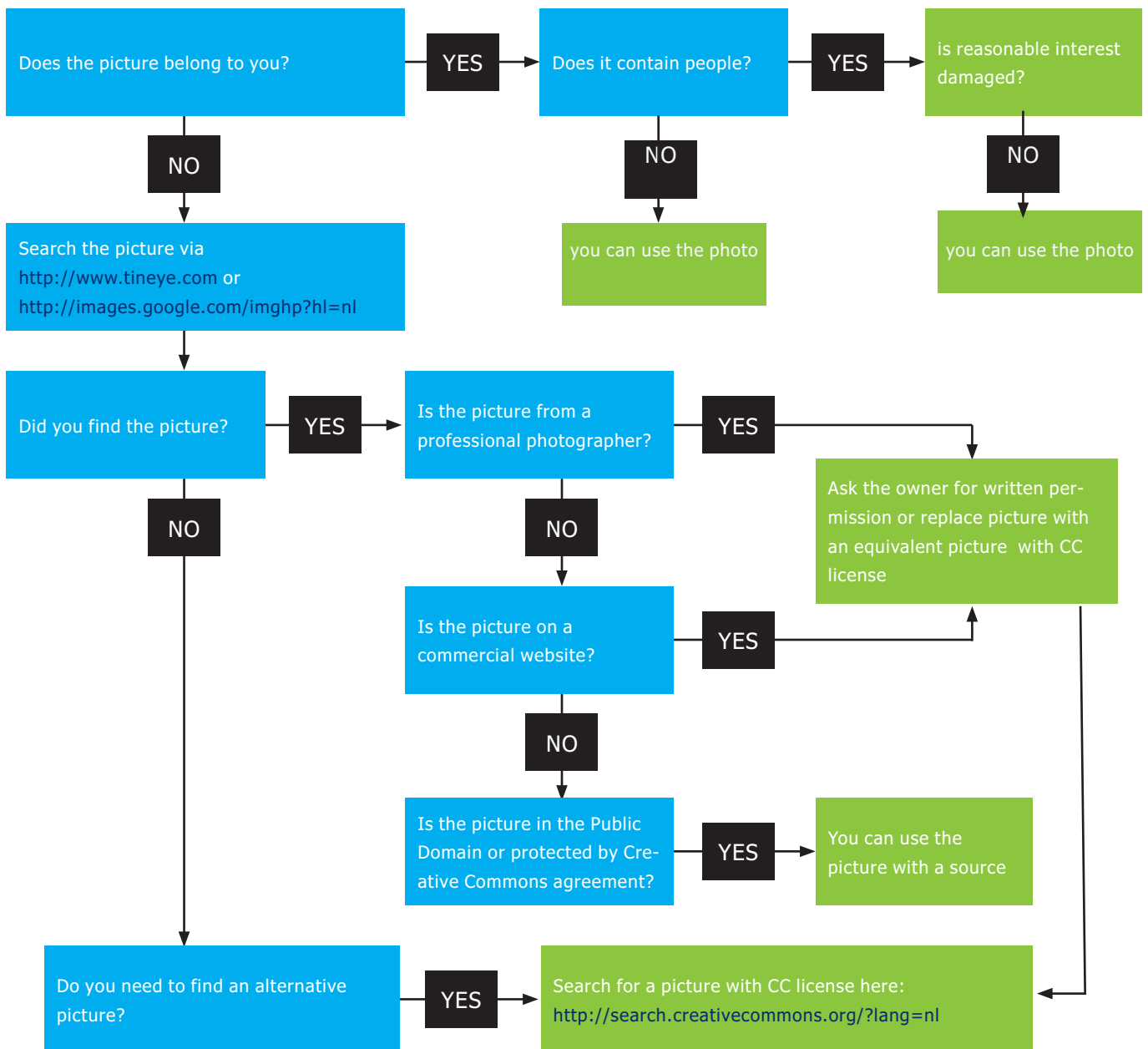It is allowed to link or to embed a video in your courses, unless you link to illegal sources.
Uploading or copying is not allowed by default, unless it was offered under a Creative Commons license.

Be aware of …
… using comics, professional photographs or anything professionals make a living out of it. In these cases the risk that the original authors will issue a claim for the fact that you used their works without permission is high.
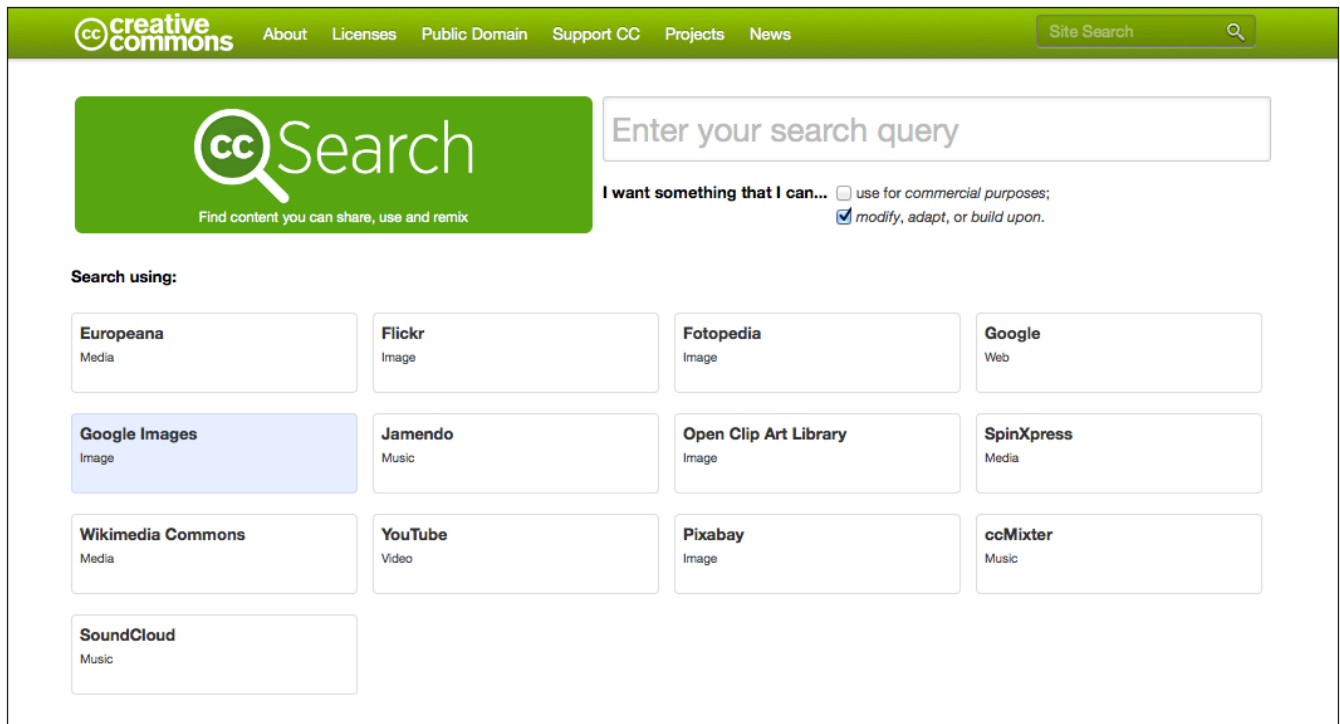
5.
Flow chart for the use of footage in Open Education

Does the picture belong to you? — **YES** → Does it contain people? — **YES** → is reasonable interest damaged?

Does the picture belong to you? — **NO** ↓

Does it contain people? — **NO** ↓ → you can use the photo

is reasonable interest damaged? — **NO** ↓ → you can use the photo

Search the picture via http://www.tineye.com or http://images.google.com/imghp?hl=nl

Did you find the picture? — **YES** → Is the picture from a professional photographer? — **YES** → Ask the owner for written permission or replace picture with an equivalent picture with CC license

Did you find the picture? — **NO** ↓

Is the picture from a professional photographer? — **NO** ↓

Is the picture on a commercial website? — **YES** → Ask the owner for written permission or replace picture with an equivalent picture with CC license

Is the picture on a commercial website? — **NO** ↓

Is the picture in the Public Domain or protected by Creative Commons agreement? — **YES** → You can use the picture with a source

Do you need to find an alternative picture? — **YES** → Search for a picture with CC license here: http://search.creativecommons.org/?lang=nl

6.
Searching for images, audio or video via CC Search

If you want to search for an image, video or audio via CC search (http://search.creativecommons.org/)follow the steps below, and you will find the footage you are allowed to use.

The advantage of this search box is that you can indicate with one click how you want to use the footage (I want somethting that I can …). Based on your preferences, CC Search will apply the correct settings (for commercial purposes and/or to modify, adapt, or build upon). If you do not use CC search, you can also use the individual websites, but in most cases you will need to apply these settings manually.

• Choose a source, for instance 'Google images' and enter a search query, say 'offshore'
• Below the search query you have to tick 'modify, adapt, or build upon'
• You will find all pictures with a CC license in Google images
• If you cannot find the right picture you can search at other websites for instance 'Flickr'

Other sources
If you are looking for other sources with a CC license, such as Open Educational Resources (OpenCourseWare, Open Textbooks, Simulations etc.) you want to use in your courses, you can take a look at the Library website: resources for your courses

7.
More websites with new CC footage

http://www. freeimages.co.uk
http://pixabay.com
http://www.freefoto.com
http://www.freefoto.com
http://www.kavewall.com
http://stockmedia.cc
http://ookaboo.com
http://www.videezy.com
http://finda.photo
http://www.techniekbeeldbank.nu
http://www.pexels.com
https://unsplash.com
http://thestocks.im
https://www.iconfinder.com (icons)
https://freerangestock.com
http://www.freestockphotos.biz
http://www.imageafter.com
https://openphoto.net
https://www.publicdomainpictures.net/en/
http://freephotosbank.com
https://www.stockfreeimages.com
http://photopin.com
https://500px.com/creativecommons
http://www.unprofound.com
http://www.rgbstock.com
https://skitterphoto.com
http://pickupimage.com
http://www.designerspics.com
https://www.goodfreephotos.com
http://www.4freephotos.com
http://www.alegriphotos.com
http://en.freejpg.com.ar

8.
Attributing works

When using Creative Commons content, you always need to attribute your sources.

The Creative Commons attribution requirement is about acknowledging your sources fairly. Sometimes the creators specify how they would like to be attributed, but a lot of times the creators of a work don't say how they want to be attributed, in that case, simply include:

- **The title** of the work
- If the resource is hosted online, **the web address** (URL) where you found the work
- **The creator** of the work
- The Creative Commons license under which the work is available (together with the **URL for the license**)

- Title: Ryan Chouest - offshore workboat
- URL: https//www.flickr.com/photos/gcaptain/2374527558
- Creator: John
- Licence: Creative Commons Attribution 2.0 generic
- https://creativecommons.org/licenses/by-nc/2.0/

With the hyperlinks included in the text:

Ryan Chouest - offshore workboat by John CC BY-NC

On page 13 more examples.

This website: http://www.openwa.org/open-attrib-builder/ provides a tool with which you can build your attribution properly.

An example of a derivative work

This is a good attribution for material from which you created a derivative work

This work, "campus TUDelft", is a derivative of "Delft Applied Sciences Department" by Przemys-law Pawelczak used under CC BY . "campus TUDelft" is licensed under CC BY by TUDelft

Material from multiple sources

This is a good attribution for material from multiple sources:

Terms of Use: This work is licensed under a Creative Commons Attribution(with hyperlink). It is attribu-ted to ….. and ….., and the original version can be found here(with hyperlink)

An example of incorrect attribution

Photo: Wikipedia

This is an incorrect attribution, because:
• Title? Title is not noted.
• Author? Wikipedia is not the author of the photo.
• Source? No link to original photo.
• License? There is no mention of the license, much less a link to the license. "Creative Commons" is an organization.

Attributing images in a presentation or video

For a presentation, you should acknowledge the image in or below the image or at the end of the presentation, on the final slide. If you use the image in a video, you should acknowledge it in the credits at the end of the video.

The attribution requirement applies to the six Creative Commons licences, and other licences that require attribution. Content that is in the public domain (e.g. with CC0 or the Public Domain mark) does not need to be attributed, although it's good practice to do so. The rights in public domain content have expired, but passing other people's work off as your own is still plagiarism.

9.
Copyright and Brightspace

The VSNU and foundation PRO (Publicatie- en Reproductierechten Organisatie) established the Easy Access regulation in order to use copyright protected work for education purposes. This regulation simplifies (re)use of copyright work for readers or digital learning environments such as Brightspace.

The Easy Access regulation discerns between short extracts and long extracts. Short extracts are paid for on yearly basis and do not need to be reported. Long extracts require permission be obtained beforehand.

• A short extract consists of up to 50 pages, with a maximum of 25% of the publication.
• For longer extracts one is required to first seek permission from Foundation PRO. If the extract is less than 1/3 of the work then permission will be granted immediately.
• If, however, it is larger than 1/3 of the work the Foundation PRO will brokerage the payment with the copyright holder.

See the chart

	No permission needed	No permission needed from PRO, fixed free	Need permission from PRO (fixed price € 0.20 per page per student)	Need permission from copyright owners (no fixed price)
Link to the original book or journal	✅			
≤ 50 pages or ≤25% of book or journal		✅		
≤25 figures from a book		✅		
>25% but ≤ 1/3 of book or journal			✅	
>1/3 but ≤50% of book or journal			✅	
>50% of book or journal, >25 figures from of one source				✅

In order to reduce the total amount of extracts we strongly recommend linking as much as possible for no fee is due for linking to material that is freely accessible online. The same applies to including links to digital sources which are not open access but of which TU Delft Library has concluded a license agreement for use within TU Delft.

10.
Contact

If you have further questions about copyright, please mail to copyright-lib@tudelft.nl. the copyright advisor can also do the last check before publishing the content.