



READING within REACH

Guidance and Best Practices on Using Creative Commons Licensing for Early Grade Reading Program Resources

Moderator: **Alison Pflapsen**, GRN

December 11, 2017

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Speakers



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Group discussion

In small groups (or online via the “Chat” feature), take 5 minutes to discuss the following:

- What questions and issues regarding copyright and open licensing of early grade reading program resources would you would like addressed?

After the discussion, we will invite participants to share with the rest of the group.



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Open Licensing 101

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Creative Commons USA

American University Washington College of Law

December 11, 2017

Open Educational Resources

Open Educational Resources (OER) are educational materials that are released under an open copyright license, rather than under traditional all rights reserved copyright.

- Digital distribution and authorship
- Public access and cost savings
- Ability to improve, remix, and translate

OER vs. Open Data vs. Open Access

Open licensing can be a component of Open Educational Resources (OER), Open Data (OD), and Open Access to scholarly research (OA), but these policies cover different types of resources.

An OER policy does not require the publication or release of anything that would otherwise be confidential. Applies to educational resources or components of educational resources only.

Copyright as the Default

- Many deliverables under grant programs will include copyrighted educational resources created with these federal funds:
 - E.g., books, assessments, training materials, survey instruments, articles, blogs, photographs, videos, etc.

Copyright as the Default

- Copyrights attaches automatically to the work at the time it is created.
- Grantees automatically own these copyrights, unless something else is specified.
- Copyright lasts for the life of the author plus 70 years (or 95 years after publication for institutional authors).

Copyright grants exclusive rights

- The copyright owner automatically has the exclusive rights to reproduce, distribute, publicly perform, publicly display or adapt the work.
- Subject to users' fair use rights; or
- a specific license

Limited Public Benefit

- Members of the public who want to use these federally-funded works must:
 - rely on fair use, or
 - get a license from the grantee, or
 - get a license from the government

Other Federal Open License Requirements

- Open License Requirements:
 - Department of Labor
 - TAACCCT
 - Department Wide
 - NSF - EHR Grant Program
 - Department of Education - First in the World
 - Department of Education - direct competitive grant programs

Open License Requirements

- Open License Requirements:
 - worldwide, non-exclusive, royalty-free, perpetual, and irrevocable, and
 - grants the public permission to access, reproduce, publicly perform, publicly display, adapt, distribute, and otherwise use, for any purposes, copyrightable intellectual property created with direct competitive grant funds,
 - provided that the licensee gives attribution to the designated authors of the intellectual property.

Why an “open license”

Retain

- Make and own copies

Reuse

- Use in a wide range of ways

Revise

- Adapt, modify, and improve

Remix

- Combine two or more

Redistribute

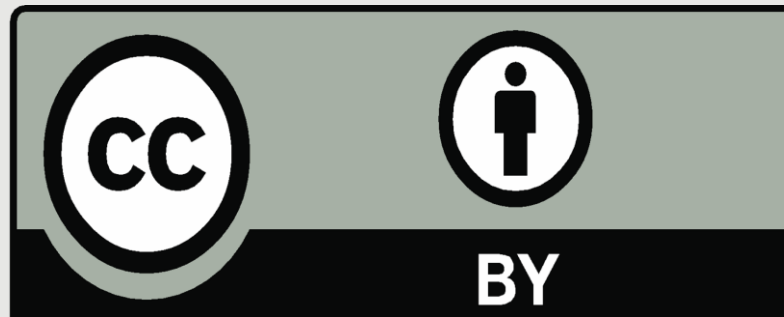
- Share with others

Advantages of open licensing

- Clearly communicates to the public that the resource is free to reuse

Advantages of open licensing

- Large scale collaboration and reuse
 - Cross state collaboration
 - Localization
- Flexibility in implementation
 - Digital distribution and printing
 - Posting improvements and revisions online
- Efficient use of resources
 - Reduces duplication of effort
 - Enables unanticipated uses and benefits



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Section 1 – Definitions.

- a. **Adapted Material** means material subject to Copyright and Similar Rights that is derived from or based upon the Licensed Material and in which the Licensed Material is translated, altered, arranged, transformed, or otherwise modified in a manner requiring permission under the Copyright and Similar Rights held by the Licensor. For purposes of this Public License, where the Licensed Material is a musical work, performance, or sound recording, Adapted

Questions about using open licenses

- What rights does the author retain?
- Can content still be commercialized?
- What about building new materials on openly licensed content?
- What about materials that contain or builds on existing copyrighted content?
 - Licensed photos or passages
 - Combination with proprietary software



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Copyrights Under USAID Awards

November 2017

This presentation is not intended to constitute legal advice, is not a substitute for obtaining legal advice from a qualified attorney, and does not necessarily convey the opinions of USAID.

Copyrights Under USAID Awards

- Who owns it?
- Who can use it?
- And what is the “it”?

Copyrights Under USAID Awards

□ And what is the “it”?

- There can be copyright in any **original work in fixed form**, e.g. data, written work, pictures, graphics, etc.
- A **derivative work or compilation** must obtain permission from the author of the original work. The derivation/compilation may be separately copyrighted.

Copyrights Under USAID Awards

□ Who owns it?

Basic premise under contracts and assistance:

- The Partner owns the copyright
- Joint works – generally, joint ownership
- USAID owns any deliverables
- Variables: USAID may own the copyright (very rare)

Copyrights Under USAID Awards

□ Who can use it?

- The owner can use it
- The owner can license others to use it
- Variables: USAID award may place limitations on the owner's use (e.g. require USAID approval to claim copyright), or may include requirements on licensing (e.g. open source).

Copyrights Under USAID Awards

Key Issues:

1. Each award is different, so it's critical to read the terms of the award.
2. When creating a work that incorporates another work, it's critical to get a license which allows its use in the compilation/derivative work **and** allows you to issue the license required in the terms of the award.



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READING WITHIN REACH

Steps for success when planning for copyright and open licensing of EGR program materials

Delivered at the workshop “Guidance and Best Practices on Applying Copyright and Creative Commons Licensing to Early Grade Reading Program Resources”

December 11, 2017

Plan for copyright and licensing issues with stakeholders during program design phase

- Discuss USG/USAID goals, regulations, requirements and preferences with respect to copyright and open licensing of EGR materials
- Identify and discuss relevant local laws, policies and interests regarding copyright and licensing
- Develop a formal MOU between the USG and the host country government prior to program start-up

Educate early and often

Educating all partners about copyright and (open) licensing issues will help to avoid misunderstandings that risk derailing efforts to provide EGR materials to schools. Build the topic into planning meetings and consider organizing a short seminar if necessary.

Agree what copyright and licensing will be applied to

- Substantial adaptations of existing content (for materials either currently copyrighted to others to which USAID has permanent access under FAR 52.227-14, or copyright materials to which USAID does not have access)
- New works developed in partnership with host country government staff who contribute their labor to the final product
- New works created entirely by USG-funded labor

What constitutes a “new work”?

In some cases, newly developed materials may include a combination of adapted material and new material. It's important to keep track of the extent to which material was adapted or newly created, to identify when to acknowledge original sources.

Anticipate and plan for potential challenges

- Understand what vested interests may be at stake (particularly with governments and publishers)
- Identify strategies for addressing potential challenges

When interests diverge

In one country with an early grade reading program, the Ministry of Education normally retains copyright of materials produced for the education sector. These materials are distributed freely to public schools, but private schools must purchase them because they are copyrighted.

To avoid a delay in printing materials, copyright was granted to the government.

Identify whether existing material will be used or adapted, and plan accordingly

- Search for existing openly licensed materials (see list of potential sources in subsequent slides)
- Plan time to secure permission for copyrighted material to be used
- Verify appropriate way to cite existing openly licensed materials

Acknowledging copyrighted and openly licensed material

For a pilot reading program in sub-Saharan Africa, the materials development team identified existing copyrighted material to adapt and use for a story read aloud book. Permission was obtained from the authors for the copyright materials to be included. The appropriate language citing the copyrighted material was included along with the Creative Commons licensing language.

Sources of openly licensed EGR materials

StoryWeaver

<https://storyweaver.org.in/>

- An initiative of Pratham Books, StoryWeaver is a digital library of 6,579 stories (and counting) in 104 languages, from India and elsewhere
- All stories and illustrations are available under open licenses to give people the right to share, use, translate or build upon the creative work that is available
- Stories can be downloaded for printing, or for adaption in an e-publication software

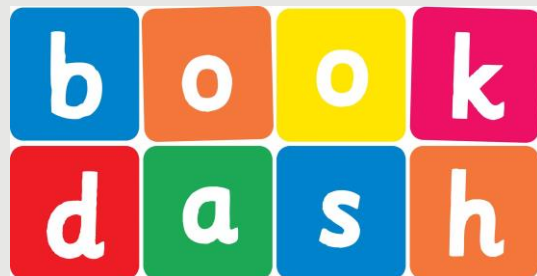


Sources of openly licensed EGR materials

Book Dash

<http://bookdash.org/>

- South African initiative focused on creating high-quality, low-cost children's books that anyone can freely translate and distribute
- Volunteers create new storybooks
- The books are licensed to allow anyone to freely translate and distribute (under a Creative Commons Attribution license).
- The library includes PDF e-books, as well as PDF print-ready files and some audiobooks



Sources of openly licensed EGR materials

The African Storybook Initiative

<http://www.africanstorybook.org/>

- A literacy initiative implemented by the South African Institute for Distance Education (Saide) that provides openly licensed picture storybooks for early reading in African languages. Currently houses 862 story books in 120 languages (some sourced from StoryWeaver)



- Focus on creation of an online platform that provides access to completed stories, while providing tools for creation and translation/adaptation of existing stories

Work with authors and illustrators

- Authors and illustrators can include staff from different organizations, government employees, and independent consultants, which has implications for copyright
- Explain to authors and illustrators involved in developing materials how the materials will be copyright and licensed
- Develop an agreement for contributors that clearly indicates the remuneration they will receive for the materials commissioned (if any) and who will hold the copyright

Clarifying expectations

In one EGR program, an agreement was developed indicating that authors would be paid a one-time fee. The agreement specified that materials would not be produced for profit. It was later used to diffuse some authors' demands for royalties when materials were reprinted.

The project also found that teachers clearly understood the educational, and not commercial, purpose of the materials. The “prestige” of being credited as an author was a significant reward!

Review print-ready materials with an eye to copyright and licensing language

- Donor, implementing partners and host country partners should pay careful attention to the copyright page before materials go to print
- The copyright statement should include information on the copyright owner, the licensing mechanism, and contact information for the copyright holder, if relevant
- Be mindful of including language regarding how third parties can use or adapt openly licensed materials

Acknowledging previously openly licensed materials

Under one USAID project, openly licensed materials developed for one early grade reading program were used in a follow-on project. However, instructions on how to appropriately credit the original authors were not followed, resulting in more than 5 million copies reprinted without proper acknowledgment.

Additional resources

- Copyright.gov – Frequently asked questions about copyright
<https://www.copyright.gov/help/faq/>
- Creative Commons - <https://creativecommons.org/>
- OER Commons – Information about open educational resources
<https://www.oercommons.org/>

Moving forward....

- What issues related to copyright and (open) licensing do you feel need further clarification and guidance?
- What additional resources do you feel would be useful for USAID and its implementing partners to have?

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Thank you for Attending!

On behalf of **READING** within **REACH**

A link to the materials for this event will be coming out soon. We hope you have a Happy Holiday Season and a Prosperous New Year

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