

Case Studies - Creative Commons and attitudes to content sharing

Introduction

Demands for greater freedom in content distribution and use are associated with new possibilities afforded by the convergence of information and communications technologies (ICTs) and learner-centred education. This paper uses case studies to briefly explore how Creative Commons copyright licenses (creativecommons.org) are assisting in managing copyright in a way that enables these more liberal approaches to digital content distribution, editing and redistribution in tertiary education. Such approaches are often not allowed under traditional copyright licenses.

USA

Connexions

"Rice University's Connexions", abridged from
<http://creativecommons.org/education/connexions>, retrieved 17 Oct 2007

"Rich Baraniuk, an electrical and computer engineering professor at Rice University in Houston, had been teaching for about six years when he finally decided that the textbooks he was using weren't doing their job. They weren't helping his students learn as much as they should, and they didn't support his teaching style. He decided he'd write a new, better textbook.

That something new is called [Connexions](http://cnx.rice.edu) (cnx.rice.edu) - a free, open-source, global clearinghouse of course materials. As described in one of the many documents Baraniuk and the team he leads have used to raise funding, it's "an experimental, open-source/open content project . . . that gives a learner . . . free access to educational materials that can be readily manipulated to suit her individual learning style. . . . The free software tools also foster the development, manipulation, and continuous refinement of educational material by diverse communities of authors and teachers."

[Connexions](http://cnx.rice.edu) will offer an online library of networked content that will allow instructors to pick and choose best-of-breed instructional materials. Experts around the world will develop and contribute modules of information specific to their own expertise. These modules — which may take the form of individual chapters, or even smaller sections of chapters — will act as a giant, constantly evolving library of information that can be tweaked to any given instructor's satisfaction.

By selecting specific modules and then using Connexion's free, XML-based editing tools to modify the emphasis of a given course, instructors will be able to create custom textbooks. Students could then go to Kinko's and order a custom text incorporating the latest research, the best pedagogy — tailored to match their professor's teaching style and the specific goals of the course at hand. Theoretically, the library will function across disciplines, and will aid teachers and students from kindergarten through graduate school. So far, more than 1000

modules now form the basis for nine electrical and computer engineering courses at Rice.”

See: cnx.rice.edu

New Zealand

OIL

Information Literacy e-Learning (OIL) Modules was funded through the Tertiary Education Commission's e-Learning Collaborative Development Fund (eCDF). It was a 2-year collaborative project between a NZ University, College of Education, and Polytechnic. One of the main goals of the project was to design, implement and evaluate up to 11 authentic task-based information literacy modules which are underpinned by the ANZIIL standards.

The project intended for people to be able to change the modules to suit their needs, and pass them on. A key challenge was to make the modules available within the terms of both the TEC contract and the collaborative relationship. The project intended for the resources to be widely used. The project team contacted a copyright expert, who confirmed that CC is a valid legal instrument, and reiterated that the importance lies in being clear what your requirements are. CC provides explicit guidance in this area, and each license states its conditions in simplified, comprehensible form. One of the project leaders notes that a CC attribution - share alike - non-commercial license fitted within project requirements, and enabled the outputs from the project to be publicly shared, edited, and redistributed without breaching any legal or tacit agreements associated with the project. The project team found that CC easily allows self-licensing, and its licenses are 'user-friendly'. The licenses, as with the modules produced by the project, are publicly available, online, with clearly defined purposes that the non-expert can readily understand and deploy.

See: oil.otago.ac.nz

Attitudes to academic content

Another case comes from a senior teaching academic with a teaching leadership role at one of New Zealand's universities. Here a progressive approach to knowledge-sharing is emerging that challenges existing norms.

Academic material is not generally widely shared for two reasons. Sharing of original material is considered by authors for conferences, which is then usually shared through traditional means – either to small group unlicensed, or with commercial licenses through commercial journals. Some authors/producers are concerned to control the distribution and reuse of their material. This is to ensure that authorial recognition, payment and the integrity of the content are maintained. More commonly academics are simply unaware of new means for extending the influence of their material through free redistribution and reuse. Increased knowledge of CC licensing and web-enabled content sharing approaches may be helpful in such situations. To this end, the proponent in this case study explains to her colleagues and clients how to maximise the accessibility and usability of their work.

Some people present her with material, either for teaching or from research, insisting on its ingenuity. Many are happy to have its benefits utilised as widely as possible, requiring only attribution. Others explain their desire to license it in ways that preserve its perceived uniqueness and salability. But she comments that new scholarly material, to a greater or lesser extent, always owes something to what's been done before. Further, it is usually produced within publicly funded institutions. Even if it is something really new and salable, then “you can't *give* someone intellectual property, through sale or other means – everyone creates their own intellectual property by creating their own meanings when



they access material. If someone's really that concerned about seeing the value of their unique intellectual property, then they should by all means go and publish a text book under commercial license and see how much money it brings in. The chances are the information already exists for free somewhere, or a version exists that people can modify to suit their own needs, and share as they like - many will prefer to use that".

A different situation exists for teaching and learning resources – these are typically not shared widely, usually being produced for use by a single class or single course. Few drivers exist for broader, focused courseware development and sharing among teaching staff – there is little surplus time and funding in this area. To develop courseware for more public use usually requires either extraordinary dedication, or separate funding. Some NZ universities provide funds for projects that are primarily focused on advancing the development of professional teaching capability. These have the additional effect of encouraging production of materials for use beyond staffs' immediate circumstances. This can pave the way for more common adoption of both wider courseware sharing, and the CC licenses that support this.

New attitudes are required to sustain sharing of content. From the perspective of managing the use of course content such as lecture notes, the case subject comments that many students will share notes with one another quite openly. They will also access material from other courses, sometimes in other countries, through the internet. This makes some lecturers uncomfortable, as they see this as an erosion of their control over the content. She takes a different view: "so students obtain course-related information from all over the place, and share this with one another – why shouldn't they? The primary value of a course never lies in the content, but in the teaching, and how content is used."

A word of caution

A word of caution comes from Ian McDonald (writing for the Australian Copyright Council), who highlights risks with CC licensing for visual art works. These are related to possible misinterpretation of the licenses, and possible lack of fit with presumed artists' needs.

Ironically, he warns against the very elements of CC that makes them so usable: "...don't be misled by the fluffy 'human readable' code in the various Deeds: the important detail is in the wording of the licence, just as it is with any licence." (McDonald, 2006). McDonald notes that allowing non-commercial use should be carefully considered. He cites the hypothetical example of a visual artist releasing an original image under CC, to find that a corporation is using the image on its Christmas cards without compensating the artist. Although this is likely to be non-commercial use, allowed under the terms of the CC license, the artist might otherwise have been able to obtain a well-deserved profit from such use of their work – the corporation benefits, the artist loses out. (Ian McDonald (2006). *Creative Commons licences for visual artists: a good idea?* Retrieved 1 November 2007 from http://www.copyright.org.au/pdf/acc/articles_pdf/a06n04.htm#_ftn4).

McDonald fails to point out that in this example, this use would necessitate each card recognising the artist as the originator of the work – of potentially significant promotional benefit to the artist's commercial activities.

In summary

The following benefits of CC licensing appear to be possible (depending on the particular license used):

- o Maximise resource accessibility and usability - enables the learner or teacher (or anyone) to share and edit the content to suit their needs



- o Maintain attribution obligations associated with the work
- o Reduce duplication by allowing users to build on take what's already been created and build on it
- o Prohibit unauthorised commercial use, which means that if an organisation wants to make money from a CC-licensed resource, they must make arrangements with the original author

The cost implications of releasing original work under the license need careful consideration, particularly with regard to how a license may limit some future opportunities for obtaining a return on investment in ones' work.

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