

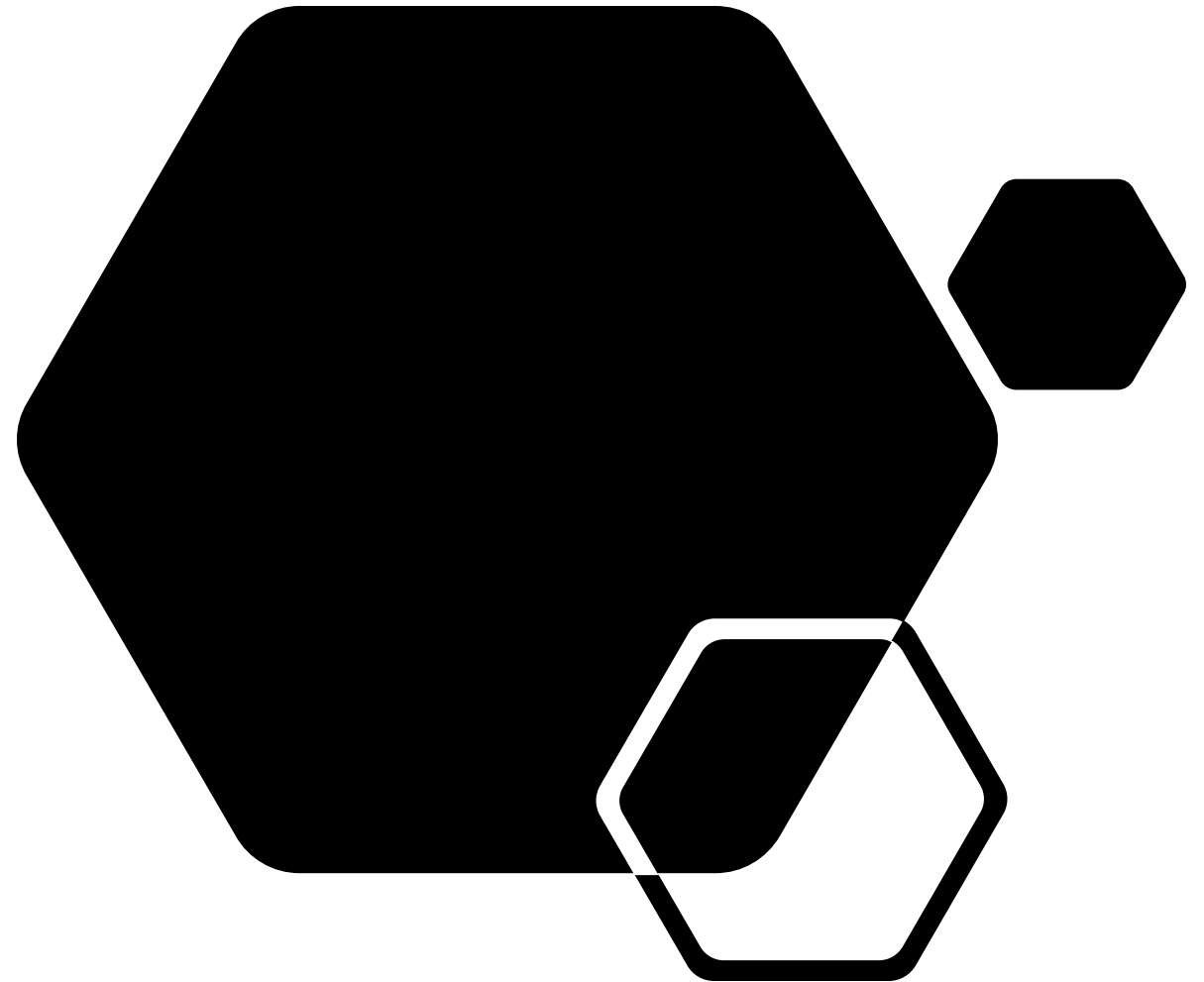
Citing & Attributing Open Content: Best Practices

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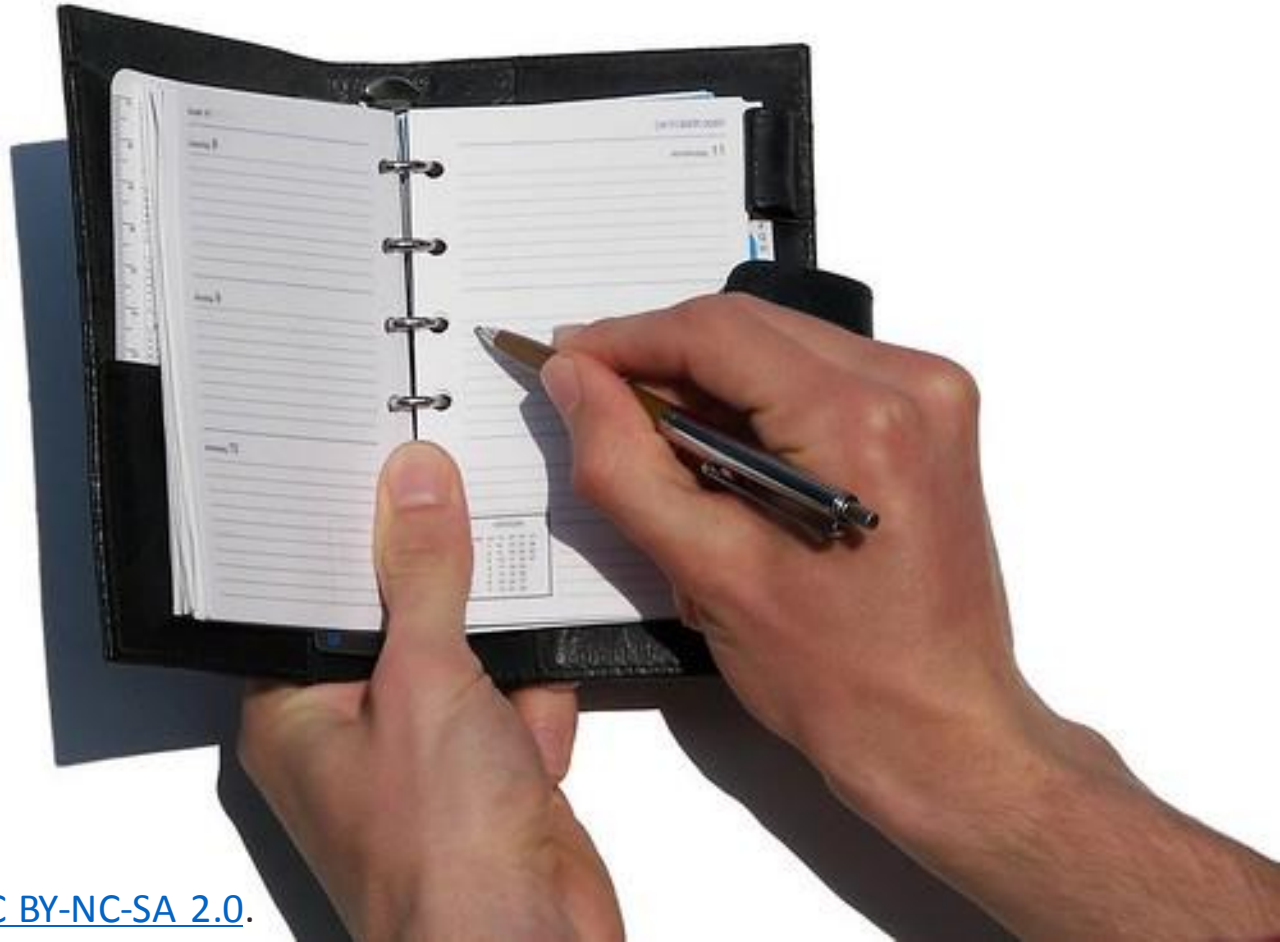
Kean OER Conference 2022



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Agenda

- Copyright Basics
- Fair Use & OER
- Creative Commons Crash Course
- Citations vs. Attributions
 - Creating Attributions
 - Citing Open Content
- FAQ
- Resources



Disclaimer!





What is Copyright?

We the People

of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common Defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

**To promote the Progress of Science and
useful Arts, by securing for limited Times
to Authors and Inventors the exclusive Right
to their respective Writings and Discoveries.**

Article 1, Section 8

The Constitution of the United States

The Basics

- Copyright is a limited **bundle of rights** that the government grants to authors
- These rights last for a limited amount of time
- It is automatic, notice not required
- Applies to all creative works, fixed in *tangible medium*
 - If you don't see a Copyright notice or a CC license, assume it is protected by copyright.
- Authors often sell or license this right to larger copyright aggregators (publishers, movie studios, record labels).

Copyright holder has the exclusive right to:



- Reproduce (copy)
- Create **derivative** works
- Distribute
- Perform
- Display

aka “the bundle”

Why are we talking about Copyright?

- Copyright is much broader than proper citation/attribution and the norms against plagiarism.
- It is possible to commit plagiarism even if the work is not protected by copyright.
- Citation prevents plagiarism but not copyright infringement.
- Unless your use satisfies one of the exceptions or limitations described in the Copyright Act, you cannot use copyright protected material without permission (regardless if you cite).
- **Fair use** is one of the most important exceptions to copyright and *can cover usage of copyrighted materials in your OER.*

Before Using Copyrighted Materials

- **All Rights Reserved**

- Where to begin?

1. Is the work protected by copyright?
2. Is there a specific exception in copyright law that covers your use (classroom exception, TEACH act)?
3. Does the use qualify as Fair Use?
4. Do you need to seek permission from the copyright holder?
5. Is there a license that covers your use?
6. Can you find an open access option?

Acknowledging Fair Use in OER

1. Indirect Acknowledgment

- *Unless otherwise indicated, third party texts, images, and other materials quoted in these materials are included on the basis of fair use as described in the Code of Best Practices for Fair Use in Open Education*

2. Direct Acknowledgement

- *this illustration, from [SOURCE] is included on the basis of fair use*

3. Hybrid Acknowledgment

Fair Use in OER

- While it is often useful for you to maintain your own records of your fair use reasoning, it is not generally necessary to communicate this in the OER itself, **beyond clearly indicating which materials were original, and which were incorporated.**
- If you are remixing an OER and you are unsure about using third party/copyrighted information they incorporated – request additional information from the maker of the OER materials.

Traditional Copyright



Work cannot be used, adapted, copied, or published without the creator's permission

What does it apply to?

All original work is protected under copyright when it's created.

Creative Commons



Work may be used without permission, but only under certain circumstances.

...

Creators set rules for the way their work is used.



What does it apply to?

Only work that creators have chosen to designate as Creative Commons.

Public Domain



Work can be used, adapted, copied, and published, completely without restrictions, no permission needed.

What does it apply to?

Work published prior to 1923, work by long-dead creators, and work that creators have placed in the Public Domain.

OER ≠ OA

Open Educational Resources (OER)

- OER are freely and publicly available teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that permits their **free use and re-purposing** by others.
- Creative Commons licenses are used to dictate terms of use & re-use.
- Licensed in a way to participate in the “Five R’s of OER”

Open Access (OA)

- Open access refers to teaching, learning and research materials that are **available free online** for anyone to **use as is**.
- Users are permitted to read, download, copy, distribute, print, search, or link to.
- Typically used for scholarly works (journals, books, etc.), but can also refer to other class materials.
- Government documents, articles from open access journals, reports from think tanks, etc.
- More to do with paywalls/scientific research funding

Creative Commons (CC)

- **CC licenses work within copyright law.**
- Since every work is copyrighted automatically, creators can apply CC licenses to allow for flexibility and automatically grant specific permissions to users.
- You can use them **without permission and without any charge**, but you must follow other specified restrictions depending on the license – **“some rights reserved”**.
- You have specific permissions pre-granted to you depending on the license terms (the bundle of rights normally reserved only for the traditional Copyright holder).

CC Licenses Make OER Possible

- CC licenses may be applied to any type of work that qualifies to be copyrighted
- **Open Educational Resources (OER)** are teaching, learning, and research materials that are either (a) in the public domain or (b) licensed in a manner that provides everyone with free and perpetual permission to engage **in the 5R activities**.
- The type of CC license on the work will determine which of the rights or activities you have permission for.

The 5 R's of OER

- **Retain** – make, own, and control a copy of the resource
- **Reuse** – use your original, revised, or remixed copy of the resource publicly
- **Revise** – edit, adapt, and modify your copy of the resource
- **Remix** – combine your original or revised copy of the resource with other existing material to create something new
- **Redistribute** – share copies of your original, revised, or remixed copy of the resource with others

License Rules/Terms



Attribution (BY): All CC Licenses require attribution, if you want to use something without attribution, you need permission from the license holder.



NonCommercial (NC): Allows copying, distribution, performance, and modification (unless paired with NoDerivs) for any purpose other than commercial. You would need to get permission to use commercially.



ShareAlike (SA): Allows copying, distribution, display, performance, and modification, as long as you distribute any modified work under the same terms (unless permission is obtained).



NoDerivs (ND): Allows copying, distribution, display, and performance only of original copies of the work (unless permission is obtained).








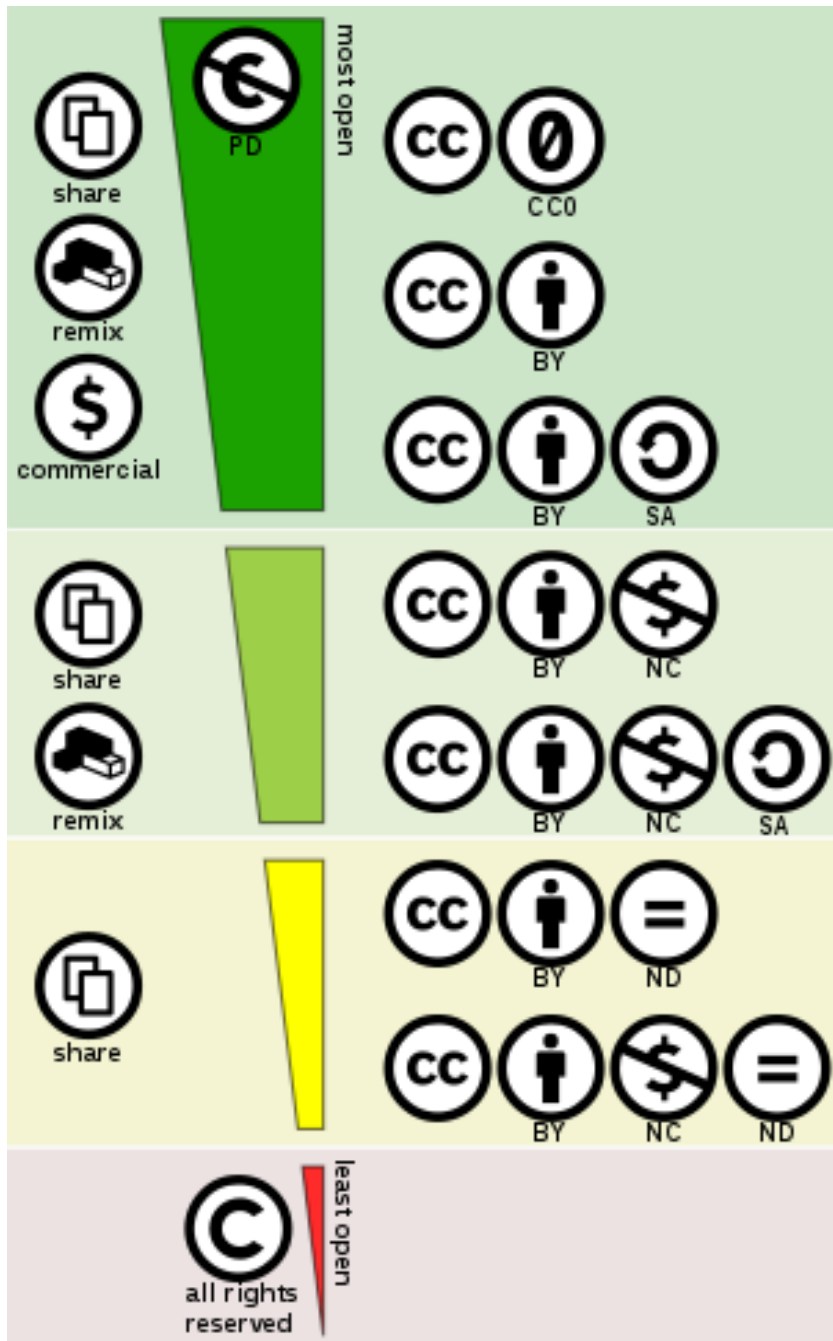
Icon ⇄	Description ⇄	Shortening ⇄	Attribution Required ⇄	Allows Remix culture ⇄	Allows commercial use ⇄
	Freeing content globally without restrictions	CC0	No	Yes	Yes
	Attribution alone	BY	Yes	Yes	Yes
	Attribution + ShareAlike	BY-SA	Yes	Yes	Yes
	Attribution + Noncommercial	BY-NC	Yes	Yes	No
	Attribution + Noncommercial + ShareAlike	BY-NC-SA	Yes	Yes	No
	Attribution + NoDerivatives	BY-ND	Yes	No	Yes
	Attribution + Noncommercial + NoDerivatives	BY-NC-ND	Yes	No	No

Table derived from [Creative Commons License](#) (2022), Six regularly used licenses table. In *Wikipedia* under [CC-BY-SA 3.0](#).



CC License Spectrum

- CC license spectrum between public domain (top - most open) and all rights reserved (bottom – least open).
- Left side indicates the use-cases allowed, right side the license components.

[Creative commons license spectrum](#) by Shaddim is licensed under [CC BY 4.0](#).

Before Using CC Licensed Material

- Review the material license & terms to make sure your anticipated use is permitted.
- If you wish you use the work in a manner that is not permitted, get permission, or find an alternative.
- Check if there is third party content incorporated into the work.
 - Is the incorporated work also under a CC license? Is it used under Fair Use?
- Be sure to confirm that the material you want to use is actually under a CC license, as *search results may sometimes be misleading*.

Attributions

Required by all CC Licenses except CC0

Providing Attribution

- **All CC licenses** require users to attribute (BY) the creator of licensed material.
- **You must retain** a copyright notice, a link to the license (or to the deed), a license notice, a notice about the disclaimer of warranties, and a URI or URL if reasonable.
- **You must indicate** if you have modified the work.
- **Attribution is flexible.**
 - You may simply provide a link to where the attribution information can be found.
 - Consider creating a permalink (perma.cc) to avoid link rot/broken links.

About Attribution

- If using something under CC0 or Public Domain, you are not required to provide attribution but – **best practice is to you give the same credit** you would give to any other source.
- Do not imply sponsorship, endorsement, or connection with the licensor or attribution party without their permission.
- If the licensor requests that you remove identifying credit, you must do so to the extent practical.
- If you are using a work that is an adaptation of one or more pre-existing works, **you may need to give credit to the creator(s) of the pre-existing work(s), in addition to giving credit to the creator of the adaptation.**

Attribution Exceptions

- If you are **using the material personally** but are not making it or any adaptations of it available to others, you do not have to attribute the licensor.
- If you are only distributing the material or adaptations of it **within your company or organization**, you do not have to comply with the attribution requirement.
- If your use would not require permission from the rights holder because it falls under an exception or limitation, such as **fair use**, or because the material has come into the **public domain**, the license does not apply, and you do not need to comply with its terms and conditions.
- If you are using an excerpt small enough to be uncopyrightable, the license does not apply to your use, and you do not need to comply with its terms.

Can I combine material if they are
under different CC licenses?

It Depends

Determining the License

- Each source work should be treated case by case
- Ask yourself:
 - What does the license allow or not allow?
 - Are you remixing multiple works with different licenses?
 - What is the nature of your use?
 - Should I cite, provide attribution, or both?

Attribution Example



["Neon sign: Open 2005"](#) by [Justinc](#) is licensed under [CC BY 2.0](#)

Attribution Best Practice

- **Title**
- **Author**
- **Source**
- **License**
- Include links



- Use the acronym **TASL**, which stands for **T**itle, **A**uthor, **S**ource, **L**icense.

["Neon sign: Open 2005"](#) by [Justinc](#) is licensed under [CC BY 2.0](#)

Template for Derivatives

This work, [YOUR TITLE], is a derivative of [ORIGINAL TITLE] by [ORIGINAL COPYRIGHT HOLDER] used under [LICENSE] and is licensed by [YOUR NAME] under [LICENSE].

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Derivative Attribution Example

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Tools

- Attribution Builder
 - Tool to help you build attributions. As you fill out the form, the attribution is automatically generated for you.
 - <https://www.openwa.org/attrib-builder/>
- License Generator
 - <https://chooser-beta.creativecommons.org/>
 - Generate a CC license for your work
- [Best Practices for Attribution CC Wiki](#)
 - Good (and not so good) examples of attribution



Citations vs. Attributions

What is the difference? Should I be using citations, attributions, or both?

Differences

- Citations are used for academic reasons in order to give credit to a colleague for their work as part of **academic integrity**. It's also used for legal reasons.
- Attributing an open work **fulfills the legal requirement of the open-copyright license**, which requires you to give credit to the creator of the work (Aesoph, 2022).
- **Citation:** Aesoph, L. M. (2022). *Self-publishing guide*. BCcampus.
<https://opentextbc.ca/selfpublishguide/>
- **Attribution:** [Self-Publishing Guide](#) by Lauri M. Aesoph is licensed under a [Creative Commons Attribution 4.0 International License](#), except where otherwise noted.

Similarities

- Both can be — and often are — **copyrighted**.
- Both **give credit to the creator** of the original work
- For both restricted and open works, the author or creator of a work might be different from the copyright holder.
- Both can be used for either **a newly created work or a revised work**
- Both can be used when referring to a portion of another work, though the amount that can be cited from a fully copyrighted work is substantially less than what can be used from an open work.
- Both can be used when building an argument or the foundation of a textbook.

Citation	Attribution
Academic and legal purposes (plagiarism and copyright infringement).	Legal purposes (e.g., rules of Creative Commons licences).
The rights of the copy (meaning copyright) are NOT shared with the general public by the copyright holder.	Copyright IS shared with the general public by the copyright holder by marking the work with an open-copyright licence.
Protects an author who wants to refer to a restricted work by another author.	Author of an open work has given advanced permissions to use their work.
Used to quote or paraphrase a limited portion of a restricted work. (Fair Use)	Used to quote (or paraphrase) all or a portion of an openly licensed work.
Can paraphrase but cannot change work without permission.	Author has given advanced permission to change work.
Many citation styles are available: APA, Chicago, MLA.	Attribution statement styles are still emerging, but there are some defined best practices.
A reference list of cited resources are typically placed at the end of the book.	Attribution statements are found on the same page as the resource.

Table adapted from [Citation vs Attribution table](#) in Self-Publishing Guide by Lauri M. Aesoph under [CC BY 4.0](#).

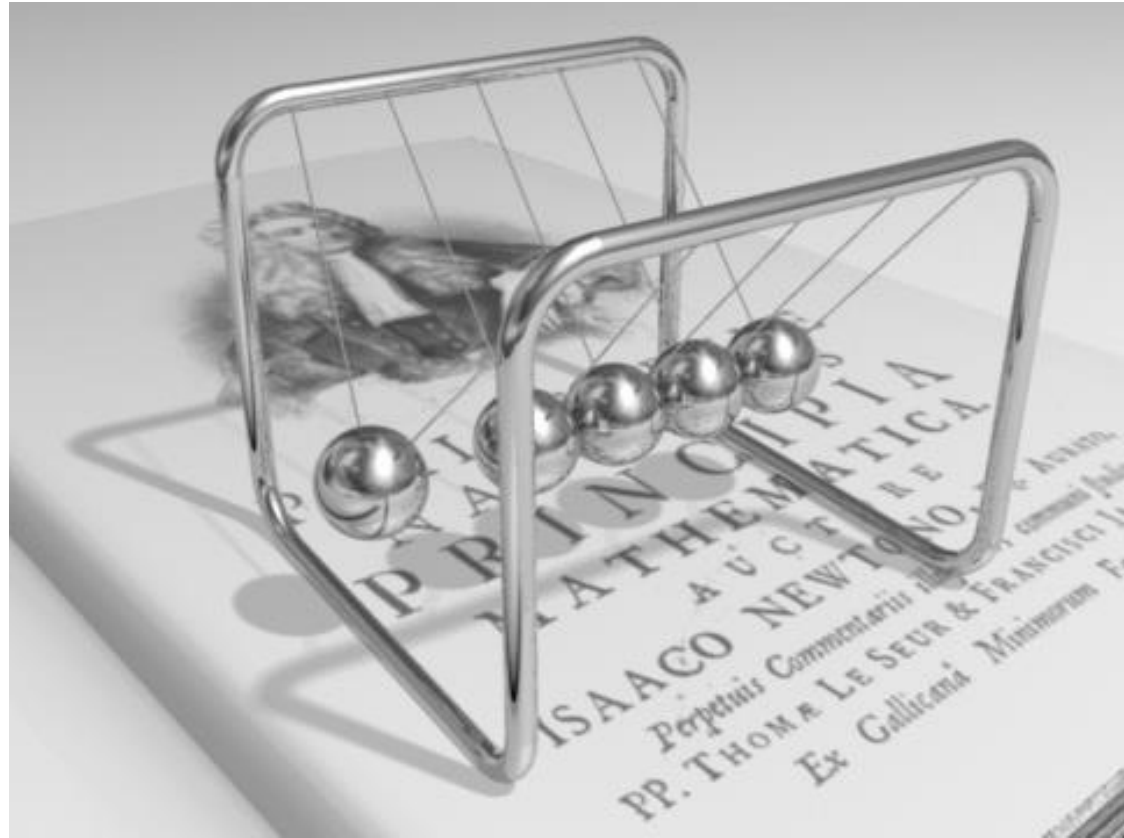
Best Practices for Citation

- **Always cite** your sources, regardless of CC license.
- **Be consistent**, choose a format and stick with it
 - CC BY vs. CC-BY vs. long version of license names
- Though not legally required, it is best practice to **credit creators** of public domain as a gesture of academic courtesy.
- You may **cite non open work** in your OER (Fair Use amounts)
- Citing an open textbook is like citing any online textbook.
 - If you are authoring a textbook or other OER work - is your job to provide the elements required for a complete reference, regardless of citation style, such as: textbook title, author(s) or editor(s), copyright year, and publisher name and place.
 - It is also helpful for readers to see a citation example or two in different citation styles.

FAQ

- How to I generate a CC license for my own work?
 - Use the [CC License Chooser](#)
- How do I re-use a CC licensed work?
 - Check the license permissions and terms
 - Provide attribution and note changes, if any
- Can I use software screenshots in my OER?
 - Is the software open source? Does fair use or other license cover your usage?
 - Look at the specific terms of use
 - Adobe & Google allow screenshots, others like Yahoo require permission
- Can I use stock images from Microsoft Office, Canva etc. in my OER?
 - Check if your membership/account type/user agreement for permissions
 - PowerPoints that you create, are your creations to Copyright.

Questions?



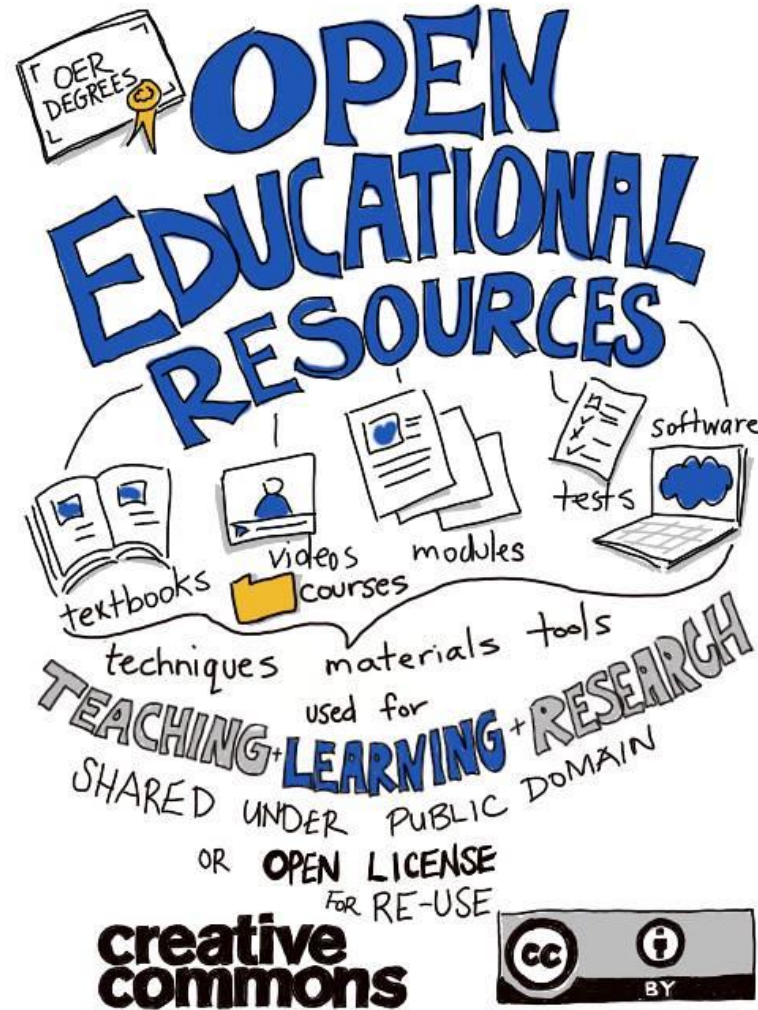
Thank you!

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Resources & Further Reading

- [Adopting Open Educational Resources in the Classroom](#) (Lumen Learning)
- [BCcampus Self-Publishing Guide](#) (CC-BY)
- [Code of Best Practices in Fair Use for Open Educational Resources](#) (CC-BY)
- [Copyright Basics](#), from the U.S. Copyright Office
- [Digital Humanities Toolkit](#) (CC-BY-NC)
- [Flickr Creative Commons Attribution Helper](#)
- [Open Access by Peter Suber](#) (CC-BY)
- [Openverse](#) (formerly CC Search)
- [Ryerson Open Textbook Authoring Guide](#) (CC-BY)
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