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# Publishing Your Open Educational Resources on the Internet

Specifying Terms of Use and Copyright Licenses for Sites Hosting Open Educational Resources

## What is this document?

These are best practices for properly specifying Terms of Use (TOU) and copyright licenses for any site hosting Open Educational Resources (OER). Part I is for copyright holders or OER aggregators who publish OER on their own sites. Part II is for copyright holders who publish OER on someone else’s site.

## Who is it for?

Anyone who is already publishing or interested in publishing OER on the Internet. This includes people, projects, or organizations that host OER and those that publish their OER on someone else’s site.



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Attribute to ccLearn with a link to <http://learn.creativecommons.org>.

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## Background:

If you are hosting, publishing, or uploading Open Educational Resources on the Internet, the guidelines in this document will help you to ensure that people who visit the hosting site understand what rights they have been granted for using the resources. These guidelines address very practical matters, such as the location and language of the Terms of Use for the site, proper mark-up with the associated licenses, and so on. These guidelines are only a start – we recommend that you also browse the ccLearn FAQ ([learn.creativecommons.org/FAQ](http://learn.creativecommons.org/FAQ)) and other resources on the ccLearn site (<http://learn.creativecommons.org/productions>) to learn more.

## **Part I: For copyright holders who publish OER on their own sites**

### **1. You should use a Creative Commons license.**

Creative Commons (CC) licenses are free, standardized, public licenses that were created specifically to support the use and dissemination of digital information like OER. Only CC licenses consist of these three crucial parts: complete and standardized legal code, comprehensible summaries for non-lawyers, and attached machine-readable metadata to enable search and discovery. In addition, Creative Commons licenses are the most widely used licenses for OER.

### **2. The Terms of Use (TOU) or Terms of Service for the site and the contents should be easy to find.**

The TOU should not be buried in the site's FAQ or some other section. The TOU text should have its own section, and it should have its own direct link. The TOU section should, at a minimum, have an easy-to-find link from the home page, preferably at the bottom or in tabular form at the top. Basically, anyone landing on the home page of the site should be able to easily locate a link to the Terms of Use. Ideally, the TOU should be included in a permanent navigation bar that appears on every page on the site, as oftentimes users land on one of these pages first via search engines. A user should not have to click on more than one link to understand what rights are granted for use of the resources on the site. A readily accessible TOU section encourages the user and lets her know that these resources are really intended for open use.

The copyright status for the contents of the site should also be easy to find. We strongly recommend that you use the CC icons (viewable at: [creativecommons.org/about/licenses/](https://creativecommons.org/about/licenses/)) associated with each license and that you apply them to every openly licensed resource. This makes it possible for people to quickly ascertain or verify the licenses you are using and also provides a more intuitive way for people to click through to view the license deed itself.

### **3. The Terms of Use should be easy to understand.**

The TOU should be understandable by typical users of your site, who are probably not lawyers or experts on copyright law. Since each Creative Commons license already has a human-readable deed, this makes your job easy. All you have to do is link to this deed in the Terms of Use. You can accompany the link with explanatory text, such as:

*“All content, except otherwise noted, is licensed under Creative Commons Attribution 3.0 (CC BY). CC BY grants you the freedom to copy, distribute, transmit and adapt these works, as long as you provide proper attribution to the original creator. For the human-readable deed of this license, please [click here.](#)”*

The link points the user to the deed while concisely summarizing its terms. The Creative

Commons deed elaborates on what the user can or cannot do with the site's content. The complete legal code is also linked and available on the deed.

We also recommend that you prominently note any changes to your licensing policy so that people who frequently visit your site are alerted if the licensing schema have changed.

**4. The Terms of Use should not contain statements that conflict with the standard terms of the CC license.**

Our lawyers have worked hard to make our CC licenses legally viable. The legal code for each license is written by and for lawyers. As a result, you do not need to provide additional text concerning the CC license. Additional text may serve to confuse or inhibit the user, who will most likely interpret the text conservatively. Don't add additional terms. If you modify CC licenses, then the licenses on your site can no longer be called CC licenses (see our trademark policy: [creativecommons.org/policies#license](https://creativecommons.org/policies#license)). If you feel the need to provide some interpretive language that you feel will help users of your site, we suggest that you contact Creative Commons for informal feedback on the language you want to use.

**5. Ideally, every resource should be individually marked with its own CC license.**

In order for your resources to be discoverable using standard search tools, each resource needs to be accompanied with a license. If your site is designed so that each resource is located on its own page (as is usually the case for a wiki, for example), then you can integrate the licensing metadata directly into the page script once and it will be automatically applied every time. If you are using different licenses for different resources, then you will need to make sure each license is properly marked. Please see the ccLearn FAQ ([learn.creativecommons.org/FAQ](https://learn.creativecommons.org/FAQ)) for more details.

**6. Ideally, you should use the Creative Commons Attribution 3.0 (CC BY) license.**

Only the CC BY license endows OER with all of the fundamental attributes that we want for resources that comprise a global learning commons. While any CC license is better than none, the more restrictive licenses usually affect the usability of your OER in ways that you may not want or expect. We would urge you to review the goals and constraints of your organization regarding the OER you produce, and to only apply more restrictive licensing when fully justified.

**7. Make sure the CC license and accompanying metadata are specified using ccREL.**

RDFa (Resource Description Framework in attributes) is a W3C recommended standard for specifying information on the Internet. Creative Commons has developed a specific application of RDFa, called ccREL, which is instrumental to the way that CC licenses work. ccREL can also be used to specify other attributes of online resources, including subject areas, languages, quality metrics, etc. You can identify many of these values in the license

chooser on the Creative Commons site, or you can include these specifications at the time of publication on your own platform.

For more information about ccREL and metadata issues, visit: [wiki.creativecommons.org/Metadata](http://wiki.creativecommons.org/Metadata)



## **Part II: For copyright holders who publish OER on someone else's site**

### **1. Make sure the site uses or supports resources with a Creative Commons license.**

Creative Commons (CC) licenses are free, standardized, public licenses that were created specifically to support the use and dissemination of digital information like OER. Even if a site itself is not CC licensed, you want to be sure that the site can easily publish and host CC-licensed resources, including yours. Ideally the site should have a mechanism to specify the licensing conditions upon uploading your work to the site. It would be even better if the site allows you to save your preferences so that you set the default condition for your uploaded resources to apply a Creative Commons license. If the site does not have CC licensing integrated, you will not get the machine-readable benefits of the licenses, and we would suggest that you look elsewhere.

### **2. Verify that the site has an easy-to-find Terms of Use (TOU) link and that the TOU for your uploaded content are clear to you.**

- The TOU should be linked from the home page, or ideally from every page (for example, in the page-bottom navigation bar). It should not take more than a few seconds to locate the TOU and to arrive at the text of those terms. Remember, if you have trouble finding the Terms of Use, so will every other person who comes to that site looking for resources, including yours.
- The TOU should ideally specify that the contents of the site are available under one or more Creative Commons licenses, and appropriate icons and links to the deeds should be provided.
- The TOU should be understandable to you. If Creative Commons licenses are used by default, then the Terms of Use should be very straightforward. You may provide a license to the site as part of the Terms of Service, but that should not be an exclusive license since you are hoping to provide your own resources to the world using a Creative Commons license. You should check to make sure that the TOU don't add to or modify terms of the CC licenses. Check any explanations that the site may provide about what CC licenses do and don't do. If anything contradicts your understanding, or if there are

additional terms or conditions, then look elsewhere or contact the site administrator.

### **3. Verify that each resource on the site is associated with its own license and is machine-readable.**

In order for users and search engines to find your CC-licensed works and easily understand what rights you have granted, insist that each of your resources be associated (marked up as metadata) with its own license. Simply stating the terms of use on one page somewhere within the site will not work.

It can be difficult to verify that the licenses on a site are properly implemented to be machine-readable, but sometimes a quick search for your uploaded resource on Google, Yahoo, or other platforms can help you figure this out. You can also examine the source pages of the site to see if the licenses have been encoded properly. You will need to understand some things about ccREL and metadata standards. Additional information is available at: [wiki.creativecommons.org/Metadata](http://wiki.creativecommons.org/Metadata)

### **4. Choose an appropriate license for your OER.**

Some sites require that you use a specific CC license in order to upload content to the site – if this is the case, ensure that the license is appropriate for your needs. For sites that allow you to choose your own license, we would urge you to use the Creative Commons Attribution 3.0 (CC BY) license, if possible. No other license endows resources with all of the desired qualities for resources in a global learning commons. If you must use a more restrictive license, please do so, but keep in mind that some potentially valuable uses of your resources will be disallowed and that some users may avoid your resources for that reason. Check the ccLearn FAQ ([learn.creativecommons.org/FAQ](http://learn.creativecommons.org/FAQ)) for more information about how to choose an appropriate license for your OER.

### **Questions?**

This is a highly abbreviated document. For more information about these and related topics, visit Creative Commons ([creativecommons.org](http://creativecommons.org)) or send questions to ccLearn directly by email: [cclearn-info@creativecommons.org](mailto:cclearn-info@creativecommons.org)