



Knowledge to lead

Understanding Copyright

What is copyright?

According to the Berne Convention, everything is copyright protected. Practical examples of copyrighted works are books, writings, academic documents, musical compositions, cinematographic works (e.g. videos), drawings, photographic works (e.g. photos), illustrations, maps and any transmission of those works on the internet and in similar networks. This non-limitative list only provides a few examples and could include any other type of literary, musical, scientific or artistic material.

By creating a literary, musical, scientific or artistic work, the copyright owner (also called "the author", or "owner of rights") is free to decide on its use. He or she can control the destiny of the work and is the owner of five "exclusive rights":

- **The right to reproduce the work** (make copies of the material).
- **The right to prepare derivative works** (translations, adaptations, arrangements and any other alterations of materials).
- **The right to distribute copies of the work to the public** (distribution to the "market").
- **The right to perform the work publicly** (e.g. public recitation).
- **The right to display the work publicly** (e.g. use the material for a face-to-face or an online course).

Copyright law protects the above rights automatically, without the formality of registration, deposit or the like. Nevertheless, a common practice (but not a legal necessity) is the copyright notation: copyright material is often supplemented by the word "copyright" or the international copyright symbol "©", together with the year of first publication and the owner's name. As a consequence, when you are reproducing, adapting, distributing,



unitar

United Nations Institute for Training and Research



performing or displaying a copyright work, you will automatically infringe copyright law. The main consequences of copyright infringements related to the use of copyrighted material in e-learning trainings are:

- **Damage to the Organization's image:** the use of copyrighted material without the authorization of the owner will have serious negative implications on the image of the Organization.
- **Monetary claims:** right holders can ask for a payment to compensate copyrights infringement and monetary fines can be applied in case of copyright piracy on a commercial scale.

Special User Rights in Copyright Works

For the usage of materials in learning contexts, there are three main cases where users are entitled to use copyright protected work both legally and freely:

- **Free use of news or various facts having the character of mere items of press information.** Cases concern legal and political documents (official texts of legislative, administrative and legal nature and official translations of such texts), and any work for public information (lectures, addresses and other similar works which are delivered in public).
- **Free use of quotations, granted that it is not a substantial part of the document and when its use is compatible with "fair practice".** Fair practice implies restricting use to what is necessary so that such reproduction does not cause unreasonable prejudice to the legitimate interests of the author. The source and the name of the author must always be mentioned.
- **Single States can give the right to use copyrighted material for educational purposes but only as a "way of illustration", "to the extent justified by the purpose" and when "such utilization is compatible with fair practice".**

Public Domain and Public Use

Public domain is the intellectual property designation for the range of contents which are of "public property" and available for anyone to use freely for any purpose. Generally, public domain refers to the use of copyright works after the expiry of their term of copyright; when the copyright expires (depending on the duration of the protection), the work enters the public domain.



unitar

United Nations Institute for Training and Research



Furthermore, public domain also refers to ideas, information and works that are "publicly available": as an example, if you are linking to a document you are not infringing copyright laws because you are referring to something that can be consulted on the internet, and which could be removed by the owner at any time. Unlike the previous example, if you download or "copy-paste" a document or a video directly into the contents of an e-learning course, the material will not be for public use anymore and will automatically infringe copyright protection.

Open Educational Resources (OER)

Open Educational Resources (OER) is an important movement that works to build a global learning commons for the free use of learning materials (e.g. full courses, course materials, content modules, learning objects, collections and journals). This can be considered as supporting the growing trend towards open education. In view of the fact that OER collects learning materials that are freely available for use, educators and administrators who are developing e-learning courses are encouraged to consult and take advantage of the materials and works available on the OER website: www.oercommons.org .

Creative Commons Rights

Creative Commons (CC) licenses are the most important open licenses for copyrighted material. CC has created a spectrum of licenses which allow users to combine four different rights: Attribution, Non-commercial, No Derivative and Share Alike. By combining these rights, users have the opportunity to use "personalized" licenses for a less restrictive use of copyrighted material. The CC website lists and explains these rights as listed below:

- **Attribution License:** This license lets others distribute, remix, tweak, and build upon a work, even commercially, as long as the original creator is credited. This is the most accommodating of licenses offered, in terms of what others can do with the works licensed under Attribution.
- **Attribution – Share Alike License:** This license lets others remix, tweak, and build upon a work even for commercial reasons, as long as the original creator is credited and the new creations are licensed under the identical terms.
- **Attribution – No Derivatives License:** This license allows for redistribution (commercial and non-commercial) as long as it is passed along unchanged, and in whole, with credit attributed to the original creator.



unitar

United Nations Institute for Training and Research



- **Attribution – Non-commercial License:** This license lets others remix, tweak, and build upon a work non-commercially, and although their new works must acknowledge the original creator and be non-commercial, they don't have to license their derivative works on the same terms.
- **Attribution – Non-commercial – Share Alike License:** This license lets others remix, tweak, and build upon a work non-commercially, as long as they credit the original creator and license their new creations under the identical terms. They can also translate, make remixes, and produce new stories based on the original work, but will have to carry the same license.
- **Attribution – Non-commercial – No Derivatives License:** This license is the most restrictive of the six main licenses. It is often called the "free advertising" license because it allows others to download a work and share it with others as long as they mention the original creator and link back to him or her, but they can't change the work in any way or use it commercially.



unitar

United Nations Institute for Training and Research