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**Do I have the right to reuse?  
The institutional acculturation process of open practices into producing, sharing  
and repurposing OER**

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In this presentation we will focus on the way open practices experiences are influenced by IPR and copyright issues, drawing on experiences of the Open University's own OER initiative (OpenLearn) and those of our collaborators worldwide, focusing on examples from Brazil and from our own work at OLnet. While copyright is generally considered in legal terms, our aim is to explore it from an educational perspective; both in how these issues influence the provider of resources, and their impact on the user with whom the content is being shared.

We understand it is important, however, to define what we mean by IPR and copyright in this context. Intellectual Property Rights are rights associated with the intangible assets of human output, encompassing how ideas are expressed (copyright), the method of producing something (patents), a name or logo that identifies the source of creation (trade mark), the knowledge embedded in a device or method (confidential information) and the aesthetic appearance of something (design rights) (Fenlon, 2010). Copyright then arises automatically when someone records an idea or a thinking process in the form of audio, video, written document, or any artistic format. In terms of education, teaching materials are recorded forms of knowledge that can be accessed in a variety of formats. Therefore, the approach we are taking to IPR and copyright is that they are interrelated; IPR as the intangible form of the human knowledge associated with a particular creative process of an individual, and copyright the tangible output of such creative process.

Operating in an open way provides new challenges in establishing practice and understanding around previously hidden processes of reuse and exchange of educational content. Early adopters of the approach developed their own licences. However the work of Creative Commons has helped to provide a common basis for licensing that brings out the function of the license to communicate the permissions that are being granted. The OER initiative of The Open University (OU), OpenLearn, adopted the Creative Commons license, attribution, non-commercial-share-alike 2.0 UK: England and Wales version. This means that all The Open University's educational material made available online through OpenLearn can be copied, distributed, displayed and modified as long as it is not used for direct profit, and that both the original copyright holder is given credit (the OU) and the derivative work is distributed under the same licensing conditions.

Initially, the process of clearing copyright for OpenLearn materials was lengthy and costly. OpenLearn invested time and money in negotiating with publishers and academics what could go online and what would remain under an 'all rights reserved' approach. However, what seemed to be most important in this process of clearing copyright was to start building a *give away* culture in the institution, by developing understanding of what offering OER meant to the institution, to the academics and to the practitioners and learners worldwide that would have access to these materials in such an innovative way. By raising this understanding and building this culture in the institution, it would be possible to embed the process of OER provision into the mainstream activities of the university. This way, newly produced material at the OU intended for use in OpenLearn is produced with the in-built perspective of cleared copyright. This has been an institutional acculturation process that is demanding an open and fresh perspective on what it means to be a forefront educational player in today's society. This acculturation process cuts across different actors in the institution, from decision makers to academics, editors, administrative staff and formal and informal learners.

A result of offering materials under the Creative Commons license is that the OU educational materials could then be used and repurposed. OpenLearn developed collaborations worldwide, of

which the Brazilian institution UnisulVirtual is an interesting illustrative case. Despite there being an intense debate of copyright law in Brazil (Rossini, 2010) UnisulVirtual decided to step forward and to implement the Creative Commons license on all the materials they were translating and repurposing from OpenLearn, and also on their own materials that they offered to be published in the OpenLearn website, as a way to reinforce the sharing culture. Their initiative shows that OER provision and uptake can start at a community level, and that OER provision does not need to be necessarily government-driven. That is not to say that government support and funding is not important nor valued, but rather to show that it is also possible to count on the independent effort of educational players (institutions, researchers and teachers) to steer the OER movement at different and complementary levels. A key factor in the collaboration was the ability to take away content under a clear set of permissions without further negotiations or formal agreements. The Creative Commons copyright notice and its association with openness helped communicate the intent and rationale for OpenLearn.

Finally, building upon the OpenLearn and UnisulVirtual's illustrative cases of how copyright issues were dealt with in relation to educational materials, we will discuss our own open practices at OLnet. The OLnet (Open Learning Network – [olnet.org](http://olnet.org)) is an initiative jointly hosted by the Open University UK and the Carnegie Mellon University, USA, funded by the William and Flora Hewlett Foundation. It aims to support the dialogue between members of the international OER community on a variety of aspects: research findings, new technologies for OER creation and sharing, barriers and motivations for using OER and institutional practices. At OLnet we believe that our own work as OER researchers must be as open as possible, enabling the wider community not only to have access to current research but also to openly share their experiences with the world.

Fenlon, A. (2010) An OER Amnesty – Ideas on how to solve the OER barrier. Presentation offered at OER10 Conference in Cambridge UK.  
Slides available at <http://www.slideshare.net/EngSC/an-oer-amnesty> . Last accessed on 26<sup>th</sup> March 2010.

Rossini, C. (2010) OER Brazil Green Paper. Available at <http://aisantos.wordpress.com/2010/03/04/oer-brazil-green-paper/> . Last accessed on 26<sup>th</sup> March 2010.