

Open licensing strategy for the academic environment in Cyprus



Intellectual Property Rights & Open Educational Resources: Challenges, Prospects and Contradictions in Education

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IP as a strategic asset for non-profit organizations

You are in the knowledge-disseminating field.

You are in the business of creating, curation, distributing, and preserving various forms of ideas, expressions, knowledge and works.

Choices for Libraries & IP

- ✓Materials are held in copyright by someone else such as the author or publisher of a work.

- ✓Materials are held in copyright that has elapsed.
 1. Do nothing.
 2. Invest in the digitization of works.
 3. Partner with for-profit publishers having the resources to digitize works subject to contractual agreement (licensing).
 - a. The works of the library are digitized sooner than it otherwise would be.
 - b. The publisher gets access to works to sell to third parties.
 - c. Third parties (e.g. other libraries) get access to works.

Choices for Libraries & IP (at the end of licensing)

1. Put the works on the Web for anyone to see.
 2. Keep the works close at hand.
 3. Seek another publisher to exploit the works.
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- ✓ Consideration of what is the library's mission?
 - ✓ Consideration of what is the capability of the library's board to envisage the library's positioning among competitors in the near future.

Cultural institutions such as academic libraries and universities have to look hard at their missions and ask what ends are served by the distribution in various ways of educative and cultural materials and other open educational resources.

Benefits of open licensing

1. Greater reach of intellectual property.
2. Better research on and off campus.
3. Gain a leg up in the competitive labor market for researcher interested in the open-licensing approach.
4. Compliance with the open-access requirement for U.S./E.U. funded work.

The Creative Commons licensing model

- ✓ Develop, support, and steward legal and technical infrastructure that maximizes digital creativity, sharing, and innovation.
- ✓ To achieve the vision of universal access, Creative Commons provide a free, public, and standardized infrastructure that creates a balance between the reality of the Internet and the reality of Copyright laws.
- ✓ Creative Commons works to counter what the organization considers to be a dominant and increasingly restrictive permission culture.

Valuable issues for consideration & sharing

- ✓ Educational and informational efforts aimed at increasing awareness in the foundation sector of open licensing generally, and of its potential benefits and synergies specifically are of high value.
- ✓ Begin to think carefully and in informed ways about how to get the most value and impact from those works while still ensuring that they are used legally.
- ✓ Beginning conversations about open licensing can have unintended, “viral” effects. These types of conversations can deepen partners’ understanding of “the whole innovation cycle.”
- ✓ Develop and draw meaningful lessons from a larger number of case—studies of instances where foundations have successfully used open licenses to advance their goals and priorities.

Awareness for openness

- ✓ Review the program areas within organization and develop informed, deliberate determinations about where within these programs open licenses might be appropriate.
- ✓ Discuss licensing options, benefits and objections with grantees and potential grantees.
- ✓ Ensure that the fruits of grants achieve the widest dissemination, the broadest reach, the greatest impact, and the most follow-on innovation, even if these goals may sometimes be at odds with certain grantee preferences.

Questions to consider

1. What are the goals of the particular project or work product?
2. How important to achieving those goals are broad distribution of the work?
3. In what field or program area do the grantee and supported work fall?
4. How likely is the funded-work product to generate substantial revenue, and how important is that revenue to the sustainability of the grantee or the project?
5. Could certain open licenses, such as the Creative Commons non-commercial license, preserve at least some needed revenue opportunities for grantees?
6. Will harm come to any party as a result of an open license?
7. Would a limited, case-by-case opt-out opportunity solve particular problems?
8. What do potential grantees in this field think about open licenses?
9. Would more limited types of open licenses address any concern about them?

Incremental process to open licensing

- ✓ Once a non-profit organization decides to pursue the use of open licenses in some situations, the process can be an incremental one of experimentation, evaluation, adjustment and further evaluation. This approach allows an assessment of how the benefits and synergies of open licensing to the non-profit organization's mission actually play out in certain contexts, and how any drawbacks or objections can be avoided or managed.
- ✓ Your organization can work to nurture its own culture of openness.

Why not openness?

The best way to ask the question about open licenses is not when and why, but rather, “why not?”

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Thank you for your open-minded and attentive stance!

Recommended reading:

John Palfrey, (2012), ***Intellectual Property Strategy***, The MIT Press Essential Knowledge Series