

Self-Created Content

The purpose of this document is to discuss copyright considerations for content that you have created yourself and wish to upload to an Open Educational Resource Repository. The article will address: ownership of copyright; using third-party content in your submissions; limitations on using third-party created content in your works.

Copyright Ownership

In general, the creator of a work owns the copyright in that work. That person can assign the ownership of the work to another body such as a publisher, University, or a film distributor in a variety of ways. In doing so, the creator may limit the manner in which she can subsequently use the work.

There is an important qualification to this statement that is governed by copyright law and contractual agreement. Copyright law states that the work of an employee belongs to his employer. This is popularly known as the 'work for hire' doctrine. UBC owns the work of non-faculty employees created in the course of their employment. Students who are associated with the lab of a faculty member may be or may not be employees. This status is important and is determined by employment contracts etc. For greater certainty review [Policy 88: Inventions and Discoveries](#). Faculty at UBC, conducting work in the course of research and teaching, generally own the copyright in those works. In general, students engaged in their own academic coursework also enjoy ownership of copyright in their work.

Standard academic publication agreements often require that the author assign her copyright to the publisher. Some publishers will permit reuse, but few will permit uploading to an OERR because of the competition for commercial goods.

This situation is evolving as a result of [open access](#) policies of public and some private funding agencies. These policies require that the publishers make the content available free of charge to a broad audience following an embargo period in which they enjoy exclusive rights to make the content available. In this manner commercial interests are preserved but global access is guaranteed after a time period, often 12 to 24 months. Review your publication agreement to see whether you can make use of content from your own publication. [The Scholarly Communications office](#) can assist you in identifying appropriate language on the publisher's web page regarding reuse of content. If there are restrictions on use, contact the publisher to seek permission.

Using Third Party Content

The concept of fair dealing, permitting the use of copyrighted works for specific purposes including education, will be of limited use in the case of an OERR. The reason for this is that the publication of a work in an OERR results in potentially multiple users and copies, and interferes with the commercial potential of the source document. See the [fair dealing six factor analysis](#) of the Supreme Court of Canada to assess whether your uses is a fair one on the [Copyright at UBC](#) website.

Material in the [public domain](#) is out of copyright either because the copyright term has ended or because the creator has donated her creation to the public domain. This material can be freely used, it can be repurposed and mashed up with other content.

Limitations on Using Third Party Content

Educational exceptions are useful for the presentation of copyrighted material in instructional settings because they permit one to make uses that in other situations would be considered infringement. This includes the presentation of sound recordings and moving images in classrooms, reproducing broadcasts, reproducing works on the Internet and similar activities. The key element of an education exception is that it is provided within the context of a classroom and offered to an audience limited to students of the educational institution. That is, of the University of British Columbia in this case.



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Given that limitation, the educational exceptions are not likely to be applicable in open environments like MOOCs or Open Educational Resource Repositories.

Useful Links

For more information visit the following Copyright at UBC website resources:

- [Copyright at UBC](#)
- [Scholarly Communications @ UBC](#)
- [UBC Copyright Requirements for UBC Faculty and Staff](#)
- [Open Course and Educational Resource Guidelines](#)
- [Author Rights](#)

