Copyright and Curated Content
This article sets out the copyright requirements to use curated content in an Open Educational Resource Repository. Curated content, in this context, is material that you acquire from other places like disciplinary websites, institutional repositories and from others not associated with your repository. This article will address: copyright basics; identifying conditions for use; permissible uses of external content.

Copyright Basics

When using content that you did not create, you need to ensure that the manner in which you want to make use of it is legitimate: that is, that the use meets any license or legal requirements assigned by the owner of the content. This means understanding what conditions pertain to make a legitimate use of others' content.

In general, once an idea is expressed in a written statement, in a sound recording, or as computer code it achieves copyright status. The same may be true even for a graffiti tag. This is what the term "fixed" means: The expression is in a material form capable of identification and having some permanence. So even unpublished documents, like one's diary or a report that is not issued, enjoy copyright protection. In copyright speak such things are termed "works".

Identifying Conditions for Use

The most important legal requirement in copyright law is the copyright owner's sole determination to make the work available in a format and a market she considers appropriate. This requirement can be tempered in certain instances through the application of "fair dealing', but that may be of little value to an Open Educational Resource Repository. At the same time, there are many things copyright does not protect. This is because they are too well known or do not display the level of originality to enjoy copyright.

When identifying potential content for your repository you should assume, absent any positive statement to the contrary, that the material is copyrighted. If you want to use it, you may need to add permission seeking to your planning schedule. If you identify resources on websites, in blogs or in print publications, there are likely restrictions on copying and uploading the works to an Open Educational Resource Repository. Recall what was said earlier: in most instances the copyright owner has the sole right to decide whether a work can be used.

An open educational resources repository is an open public website in that users are encouraged to copy and reuse, repurpose, display and distribute the content. Consider that material in an Open Educational Resources Repository is available globally: What impact would this have on the copyright owner's ability to market content when it is freely available elsewhere?

Permissible Use of External Content

There are several means of identifying the copyright status of works. A Public Website is one that does not require authentication to gain access to the content. Even where it does not require authentication to access, it does not mean that the public is invited to copy and reuse the content without permission. Look for expressions like 'terms of use', 'copyright', 'Terms of Service' and similar language on the site to identify the copyright protection of the content. Many limit copying for personal use and restrict public display or distribution.

Technological protection measures, TPMs, and other digital locks actively prevent the copying, downloading and uploading of the site's content. In most jurisdictions the breaking of a digital lock is illegal. As a result of these considerations, it is recommended that postings to a public website come from openly licensed content or works in the public domain.

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Useful Links

For more information please refer to the following Copyright at UBC website resources:

- Copyright at UBC

- Basic FAQ

- Copyright Guidelines for Faculty, Staff and Students

- Public Domain