

The issue of

EDUCATIONAL RESOURCES DEVELOPMENT

is more complicated than it should be!

FIRST, WHAT ARE EDUCATIONAL RESOURCES?

Textbooks, games, tests, presentations, lesson plans, course syllabi and other teaching and learning materials.

HOW ARE THEY AFFECTED BY COPYRIGHT?

Often, it is necessary to use (e.g. quote, compile, translate or otherwise adapt) copyrighted works in educational resources, but some copyright laws restrict such uses. Besides, determining whether a certain use is allowed or not can be a very difficult task.

ARE OPEN EDUCATIONAL RESOURCES THE SOLUTION?

OER are educational resources that are in the public domain or have been released under a license (e.g. a Creative Commons license) that allows for free uses and reuses that would otherwise violate copyright. OER foster the development of further educational resources, but they cannot help when there is a need to use a specific copyrighted work in an educational resource.

Who is affected by this?

It's not only teachers:



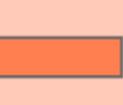
STUDENTS



PUBLIC AND PRIVATE SCHOOLS



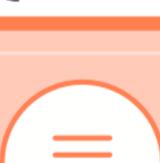
UNIVERSITIES



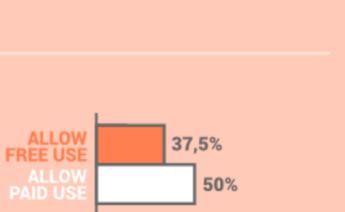
ONLINE EDUCATION PROVIDERS

What kinds of uses are in play? And which countries allow them for free?

Cite
Quote
Refer to



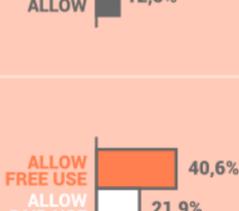
QUOTATIONS



Select
Arrange
Compile



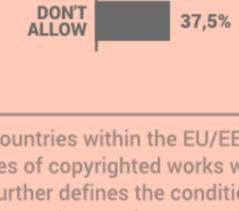
COMPILATIONS



Combine
Adapt
Translate



DERIVATIVES



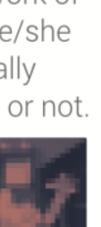
These charts only show how many countries within the EU/EEA region permit to some extent the above uses of copyrighted works within an educational context. Each country further defines the conditions (e.g. compensation, works that can be used, acts of use, purposes, beneficiaries) under which such uses are allowed.

Works of Art in Educational Resources



Did you know?

Picasso's works are still under copyright, and will only enter the public domain in the year 2043. And only if lawmakers do not pass further copyright extensions.



If a teacher of Art History wants to quote a work of art by Picasso on a new teaching resource he/she has created, his/her location will fundamentally determine whether he/she is allowed to do it or not.



62,5%

of the EU/EEA countries allow quotation of full-sized copyrighted works of art



37,5%

of the EU/EEA countries only allow quotation of parts of copyrighted works of art

There are many use cases that demonstrate the need for harmonized copyright policies in favour of education. Let's look at compilations.



Compile copyrighted works of any nature in a course syllabus



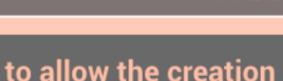
Compile audiovisual works in a multimedia compilation



Translate literary works for use in a teaching compilation



Provide teaching compilations online



20 EU/EEA countries seem to allow the creation of educational resources that are derived from or based upon copyrighted works, but more than half of such law provisions have a limited scope of application.

In Ireland, derivatives are only allowed for the purposes of an exam

In Latvia, derivatives have to be created and used within face-to-face teaching or research contexts in educational or research institutions

In Malta, the only derivatives allowed are translations

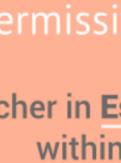
Did you know?

There are 24 official languages in the EU, but 37,5% of EU countries don't allow the translation of copyrighted works for educational purposes beyond the scope of quotations and compilations.



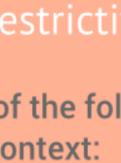
EU/EEA teaching provisions are hardly homogeneous. It shouldn't be like that.

Limitations and exceptions to copyright vary wildly inside the EU/EEA. We can compare one of the most restrictive countries with one of the most permissive.



ESTONIA

Permissive



FRANCE

Restrictive

A teacher in **Estonia** can do all of the following within an educational context:

QUOTE WORKS TO ANY JUSTIFIED EXTENT

COMPILE WORKS OF ANY NATURE

TRANSLATE AND ADAPT ENTIRE WORKS

(in face-to-face or online teaching environments and for free!)

...while a teacher in **France** is not allowed to do any of these things!

Considering that:

- the language used by national laws is vague and in some cases too unclear,
- no national case law or legal scholarship was analysed,
- in one case, the only translated version of the national law available was not up to date,

Consult a local lawyer to assess the permissibility of these acts!

If you care about this issue and want to know more, find out about our efforts in our website:

oerpolicy.eu

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Data collection and comparative analysis by **Teresa Nobre**

(working paper, July 2014)

Infographics by **Journalism++**