

---

## OPEN EDUCATIONAL RESOURCES (OER) AND LIBRARIES : COPYRIGHT LIMITATIONS

**Mrs. Sarika V.Patil**

Librarian

Shri Niketan Arts Commerce College,  
Nagpur

---

### **Abstract :**

*Open Educational Resources (OER) and libraries play a vital role in expanding access to knowledge by providing free and openly licensed educational materials. However, they must navigate complex copyright laws and licensing restrictions. OER are typically governed by open licenses, such as Creative Commons, which define how materials can be used, shared, and modified. In contrast, libraries manage a mix of copyrighted and open-access materials, often subject to restrictive licensing agreements and Digital Rights Management (DRM). Key copyright challenges include limitations on fair use, derivative work restrictions, and cross-border copyright variations. To maximize legal compliance and accessibility, libraries and educators must carefully adhere to copyright policies, use openly licensed resources, and seek permissions where necessary. Addressing these copyright issues is crucial for ensuring the effective dissemination and utilization of educational resources worldwide.*

**Keywords :** IPR (Intellectual Property Rights) Copyright, OER(Open Educational Research),

---

**Open Educational Resources (OER)** are freely accessible, openly licensed educational materials that can be used for teaching, learning, research, and training. These resources help reduce costs, improve accessibility, and promote collaborative knowledge sharing.

### **Key Features of OER :**

**Free Access :** OER are available at no cost to users, removing financial barriers to education.

- 1) **Open Licensing :** Most OER materials are licensed under **Creative Commons (CC)**, allowing free use, adaptation, and redistribution.

Common licenses include:

- **CC BY** – Allows modification and redistribution with credit.
- **CC BY-SA** – Requires derivative works to have the same license.
- **CC BY-NC** – For non-commercial use only.

- 2) **Diverse Formats :** OER include **textbooks, videos, lecture notes, quizzes, assignments, and software.**



- 3) **Customization and Adaptability** : OER materials can be modified, localized, or updated to suit different educational needs.

OER revolutionizes education by making learning materials widely accessible and adaptable. However, ensuring high-quality content and navigating copyright laws are crucial for maximizing its benefits.

### **Copyright: An Overview :**

**Copyright** is a legal framework that grants creators exclusive rights over their original works, including literary, artistic, musical, and digital content. It ensures that creators can control the reproduction, distribution, adaptation, and public display of their works while preventing unauthorized use.

### **Key Features of Copyright :**

#### 1) **Automatic Protection :**

- a) Copyright applies as soon as an original work is created and fixed in a tangible form (e.g., written, recorded, or saved digitally).
- b) Registration is not required but can provide legal benefits in case of disputes.

#### 2) **Rights of Copyright Holders :**

- a) **Reproduction** – Copying the work.
- b) **Distribution** – Selling, sharing, or licensing copies.
- c) **Adaptation** – Creating derivative works (e.g., translations, remixes).
- d) **Public Performance & Display** – Showing or performing the work publicly.

#### 3) **Duration of Copyright :**

- a) Typically lasts for the **author's lifetime plus 50–70 years**, depending on jurisdiction.
- b) After expiration, works enter the **public domain** and can be freely used.

#### 4) **Fair Use & Exceptions :**

- a) Certain uses of copyrighted material are allowed without permission, such as:
  - **Education & research** (limited classroom use).
  - **News reporting & commentary.**
  - **Parody & satire.**
- b) The extent of fair use varies by country.



## 5) **Copyright vs. Other Intellectual Property Rights**

- a) **Copyright:** Protects creative works (e.g., books, music, films).
- b) **Trademark:** Protects brand names, logos, and slogans.
- c) **Patent:** Protects inventions and technological processes.

Copyright protects the interests of creators while allowing for limited public use through fair use and open licensing. Understanding copyright laws is essential for respecting intellectual property rights and legally using content.

OER (Open Educational Resources) and IPR (Intellectual Property Rights) are two important concepts in education and content sharing.

### **OER (Open Educational Resources) :**

Educational materials that are freely accessible, openly licensed, and available for anyone to use, modify, and distribute. Exa. Open textbooks, lecture notes, videos, research papers, and online courses.

**Licensing:** Often use Creative Commons (CC) licenses to define how they can be shared and modified.

### **Benefits:**

1. Reduces cost barriers for students.
2. Encourages collaboration and innovation in education.
3. Provides access to high-quality learning materials for a global audience.

### **IPR (Intellectual Property Rights) :**

Legal rights that protect the creations of individuals and organizations, such as books, music, inventions, and trademarks.

### **Types of IPR:**

- 1) **Copyright:** Protects original works like books, music, and software.
- 2) **Patents:** Protects inventions and technological innovations.
- 3) **Trademarks:** Protects brand names, logos, and symbols.
- 4) **Trade Secrets:** Protects confidential business information.

**Purpose:** Ensures creators receive credit and financial benefits from their work.



### **Challenges with OER:**

- 1) Some OERs may conflict with traditional IPR laws.
- 2) Licensing must be carefully managed to ensure compliance with copyright rules.

Libraries play a crucial role in providing access to educational materials, including Open Educational Resources (OER). However, there are several copyright limitations that libraries must navigate when integrating OER into their collections.

### **Copyright Limitations in Libraries :**

Libraries traditionally operate under copyright laws that limit how they can use, distribute, and modify materials. Some key copyright restrictions include:

- **Fair Use / Fair Dealing** (varies by country)
  - a) Allows limited use of copyrighted works for education, research, and scholarship without permission.
  - b) Not all educational uses qualify as fair use.
  - c) Subject to factors like the amount used and potential market impact.
- **Licensing Restrictions**
  - a) Many digital resources in libraries are governed by **subscription licenses**, which may prevent copying, modifying, or sharing materials openly.
  - b) Libraries must negotiate terms with publishers for access, often at high costs.
- **Digital Rights Management (DRM)**
  - a) Many e-books and digital resources are locked by DRM, limiting how they can be accessed, printed, or shared.
  - b) Libraries may not have full control over lending or long-term preservation.

### **OER and How Libraries Overcome Copyright Barriers :**

Open Educational Resources help libraries bypass traditional copyright restrictions by offering openly licensed materials. Libraries can:

- **Freely distribute and share** OER without violating copyright laws.
- **Modify and adapt** resources to fit specific educational needs.
- **Digitally preserve** OER for long-term access without worrying about DRM or subscription fees.



- **Promote open licensing** (e.g., Creative Commons) to encourage wider access to knowledge.

### **Challenges in Using OER in Libraries :**

Despite their benefits, OER also come with some challenges for libraries:

- **Quality control:** Not all OER undergo rigorous peer review, so libraries must evaluate their reliability.
- **Copyright confusion:** Some resources labelled as "free" may still have copyright restrictions. Libraries must verify licensing terms.
- **Limited awareness:** Many educators and students are unaware of OER, requiring libraries to provide training and advocacy.

### **Conclusion :**

OER provide a valuable solution to copyright limitations in libraries, allowing free and open access to educational materials. However, libraries must carefully navigate copyright laws, verify licensing terms, and educate users on how to legally use and share OER.

### **References :**

- <https://www.unesco.org>
- <https://open-access.network/en/information/publishing/translate-to-english-open-educational-resources>
- <https://oercommons.org/about>
- <https://www.wipo.int/en/web/copyright>
- <https://www.investopedia.com/terms/c/copyright.asp>
- <https://stfrancislaw.com/blog/intellectual-property-rights/>