



THE UNIVERSITY OF  
NEWCASTLE  
AUSTRALIA

# CREATING OER

## COPYRIGHT - WHAT YOU NEED TO KNOW

*This factsheet is intended for University of Newcastle staff members to use in the context of their employment only and provides general advice. University staff should contact the Copyright Advisor if they have specific questions or concerns.*

### What are OER?

Open Education Resources (OER) are open-licensed learning and teaching materials that can be used, adapted and shared for classroom or other use. Open materials that provide users with the '5R' permissions ([Retain, Reuse, Revise, Remix, Redistribute](#)) is considered to be true OER.

### What materials are OK to use in an OER?

In addition to materials you create yourself for the OER, you may decide to include images or resources created by others (third-party copyright). When reusing this external content, there are requirements you must follow so that you do not infringe copyright. [UON Copyright Compliance Guidelines](#)

The educational statutory licence exception in the *Copyright Act 1968* (the Act) does not apply to reuse of content does not apply to OER as they are open/public resources. You will therefore more likely need to rely on licensing or seek permission from the copyright holder for reuse of content in your OER.

### What about reusing material that I wrote/created?

Course materials created here are [owned by the University](#) and may be able to be reused where the OER is also University-owned (third-party copyright permitting). Ownership of scholarly materials, such as articles, chapters or other publications will be determined by your publishing agreement – you may still need permission for reuse in OER. Where you have retained full copyright, or the material has a [Creative Commons licence](#) attached, you will have more options for reuse.

### Creative Commons, open access and 'educational purposes' licensing

You may be able to rely on direct permissions or licensing from the copyright owner, such as material shared under a [Creative Commons \(CC\) licence](#) or web content that is 'open access' or freely licensed 'for educational purposes'. Where you rely on permissions or licensing, check the [compatibility with your choice of end-licence](#) and follow any conditions for reuse requirements (e.g. [attribution, noting licensing and any changes made](#)). Keep a copy of the permission/licensing on file.

### Other permissions

Where material was created by an internal University unit such as Academic Learning Support or the Library, the copyright is held by the University. Check with the unit involved for suitability for reuse in OER and any updates.

For reuse of third-party 'all rights reserved' content, you may be able to rely on direct permissions (licensing) from the copyright owner. Where you rely on these permissions (e.g. for a digital image), keep this on file – you should also note the copyright involved for this material in your OER to make it clear that it is outside of any open licensing involved.

### Linking to content

An easy way to include publicly available content is to provide a link. As linking isn't classed as reuse it does not require permission. Be careful not to link to infringing content as this could be seen as authorising infringement.

### Seeking permission

Where you cannot find permission/licensing for reuse, you will need to contact the copyright owner and request the ability to include the content in your OER. For assistance please contact the **Copyright Advisor**.

### How can I show that I've received permission for reuse?

Including a note as part of the content's caption is recommended. This should include either (i) the [attribution and licensing information](#) (for CC licences), or (ii) wording such as '© [Copyright Owner]. Reproduced with permission' (for others). When you apply open-licensing to your OER best practice is to be clear which material is outside of this licence.

For assistance with permissions or understanding licensing contact the **Copyright Advisor**.

### Copyright Support

Ask a question: [newcastle.edu.au/copyright-request](https://newcastle.edu.au/copyright-request)

Phone: (02) 492 16456

Web: [newcastle.edu.au/copyright-support](https://newcastle.edu.au/copyright-support)

Academic Division | Library Services

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**GETTING  
COPYRIGHT  
'RIGHT'**