

## **Jisc Institution as E-Textbook Publisher project Licensing**

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### **UCL Licensing model**

UCL has a staff copyright and intellectual property rights framework, which recognises the right of authors to retain copyright in their own work. This policy is set as an institutional waiver, with rights in scholarly outputs being re-invested by UCL in the author. This is in line with the recommendation which UCL makes to all research-active staff not to assign copyright to commercial publishers, but to grant them a non-exclusive licence to publish their academic outputs commercially.

In the staff copyright and intellectual property rights policy, UCL also claims a non-exclusive right to re-use academic outputs from its staff. UCL is granted a free, unconditional, irrevocable, perpetual, non-exclusive worldwide licence to use, for academic and commercial purposes, academic and teaching materials in all formats (now known or yet to be devised), which are generated by members of staff arising out of employment by UCL.

UCL has an open access mandate, agreed by UCL Academic Board, that (copyright permissions allowing), versions of academic outputs should be made available as open access outputs with a copy in UCL's open access repository.

This institutional copyright framework is overseen by the director of UCL library services as UCL's copyright officer and is often cited as a model of best practice. UCL's copyright framework does not advocate open access per se. It is, however, fully permissive of open access approaches to dissemination. With this in mind, UCL has selected a Creative Commons BY licence for its open access e-textbooks in order to allow the freest and widest dissemination possible to the materials being produced.

The CC BY licence is fully in line with UCL's copyright framework. CC-BY is also in line with Research Councils UK guidance on relevant licences for research outputs funded by RCUK funding. As such CC-BY licences are becoming more widely known and appreciated in the academic community. In addition, CC-BY protects the moral rights of the author to be associated with their work by stipulating attribution requirements for each work to which this licence is attached.

CC-BY is the licensing model to be adopted for UCL's two e-textbooks. If datasets are to be included as additional information available via the textbook, the project will investigate alternative licensing possibilities. It is noted that the new LERU Roadmap for Research Data recommends a CC0 licence for research data. The project will follow up on possible alternative licensing possibilities by working with the LERU Secretary-General and the LERU Chief Information Officer Community (chaired by UCL) which has been working with legal experts in the area of licensing and Open Access.

### **UHI/Edinburgh Napier Licensing Model**

eTIPS is testing two licensing models; one for the e-textbooks and a second for the companion websites. An additional advantage of the Amazon route for epublication is that there is a choice at the time of uploading to decide upon Digital Rights Management (DRM) options. When DRM is 'turned on', downloaded copies may be accessed only on devices registered by the customer. A greater advantage of KDP is that, whether on iPad, Android, or Kindle, if the user is signed in, the eText may be read. For the companion websites, the learning resources will be badged under a Creative Commons BY-NC-SA 2.5 licence in order to allow reuse, and to encourage a community of practitioners who would contribute additional e-resources.

eTIPS believes that the dual licensing model selected at the start of the project has performed well, offering no issue, and requiring no change in thinking. The content of the companion web materials is provided on CC licence, which its authors understand, and reuse is encouraged. The project's distribution route largely defines its licensing model, but eTIPS has continued to enable Digital Rights Management on Amazon KDP for its eTextbooks, and has offered them through the KDP Select marketplace.

The report sees no reason to believe that the dual licensing model tested by the eTIPS project would not be sustainable. Whilst there is some contradiction in offering material on a creative commons licence, and others on a commercial basis, the project believes that by testing the relational basis between the two platforms, it will understand how its students expect content to be made available to them, and begin a conversation around sustainability of 'product'. That expectation is also being looked at across the evaluation interviews and survey.

No issues were encountered with licensing during the first and second years of the project.

### **Liverpool Licensing Model**

Liverpool have selected a CC BY-NC-ND 3.0 licence for both e-textbooks. This will allow the books to be freely accessed and utilised for teaching across HEIs and more generally but at the same time it will protect the Liverpool imprimatur, the authors' IP and ensure that teaching materials developed by a leading institution are not diluted or undermined in any way.

Liverpool also anticipate that the NC-ND elements will instil confidence in the reader that the work is as intended by some of the leading teachers in their fields. Both titles will be a teaching tool under the University of Liverpool imprimatur and therefore it is not appropriate to opt for CC BY. Liverpool anticipate strong usage, which will be monitored by the Library and Liverpool University Press.

### Nottingham Licensing Model

*Applied ethics.* This title will be released using the Creative Commons BY-NC-SA licence. This aligns with the Creative Commons licence used for all university OER and will ensure that the e-textbook is widely promoted under the Open Nottingham remit.

*Corporate responsibility and sustainability in practice.* The licensing model and rights management model for this title will be defined in the early stages of the project. This is to ensure that the freemium model can be fully examined and the appropriate licensing and digital rights management strategy applied. At present, the business model for this title is structured such that the ICCRS are providing an exclusive licence to Nottingham University Business School to publish the text based on their competency framework at no initial cost. This license will support the three year duration of the project. Any revenues generated will be ring-fenced to support the ongoing provision and development of this material. The agreement includes the facility for the ICCRS to provide the e-textbook to their membership at no additional charge in exchange for exclusive rights and support in development. This should generate sufficient data to assess whether membership revenues as well as freemium income is sufficient to re-invest in and develop the e-textbook content. However, the market for ICCRS professional membership and qualifications is untested. It is anticipated that at the end of three years, there will be enough data to value the licence model and to enable the relationship with the ICCRS to be reviewed, renewed and, if mutually agreeable, extended.

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### Creative Commons and Open Access Books

by Chris Penfold, Commissioning Editor, UCL Press

Creative Commons licences determine how open access content can be reused, and each licence permits the content to be reused in different ways. The most common licences are:

- **CC BY:** Allows others to redistribute, edit and build upon the content, even commercially, as long as the original author is credited.
- **CC BY-SA:** Allows others to redistribute, edit and build upon the content, even commercially, as long as the original author is credited and the new content is licenced under identical terms as the original content.
- **CC BY-ND:** Allows others to redistribute the content, even commercially, as long as the original author is credited. If the material is modified, it cannot be distributed.

- **CC BY-NC:** Allows others to redistribute, edit and build upon the content, but not commercially. The original author must be credited.
- **CC BY-NC-ND:** Allows others to copy and redistribute the material in any medium or format, but not commercially. If the material is modified, it cannot be distributed. The original author must be credited.
- Authors are gradually warming to licensing their work with CC licences. The benefits of CC BY, in particular, are now widely understood and appreciated. CC BY fully realises the potential of open publishing to transform content into an effective tool for education and research: the less restrictive the licence, the more widely and flexibly the content can be redistributed and reused. *Key Concepts in Public Archaeology*, which was published by UCL Press as part of the JISC e-textbook initiative, enjoys the benefits of this licence.

However, while CC BY is the most popular licence among UCL Press authors, some still opt for a more restrictive licence. This decision is no longer driven by a fear of commercial exploitation – once the most common concern, in my experience, as authors envisaged their work being repackaged and sold by a predatory publisher – now, the fear is centred on poor translation. The discussion, then, has shifted from the implications of NC to ND.

Authors in area studies, for example, who strongly anticipate an international readership, want any translations of their work to remain under their control. This has become a pressing issue in relation to policy and cases where certain jargon has no agreed equivalent in other languages. Also, authors who focus on generating new ideas to tackle the world's global problems – ideas that are not yet established in other countries and cultures – depend on careful translation to ensure that the ideas are interpreted correctly. Authors in these disciplines desire the freedom to undertake the translation first and in their own time, or to collaborate with a translator they know and trust. Although UCL Press encourages the adoption of CC BY, we allow authors to choose the licence they prefer, and we agree that a more restrictive licence can offer an important security measure in specific cases. This security measure, when adopted, is not primarily for the benefit of publisher or author, but for the benefit of the discipline.