A Guide to CHOOSING AN OPEN LICENCE

The Peer 2 Peer University Experience

25 May 2010

Table of Contents

Acknowledgements

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Introduction and Framing

Peer to Peer University

The Peer 2 Peer University is a grassroots education project that organizes learning outside of institutional walls. Leveraging the internet and educational materials openly available online, P2PU provides the social environment necessary to learning for free anywhere at anytime. P2PU is teaching and learning by peers for peers and it is run and governed by volunteers. It builds on educational content that is free from copyright restrictions or licensed under [Creative Commons](#) licences.

Why Choose an Open Licence?

Open licences and the free sharing and reuse of materials online have become increasingly popular. Governments, institutions, communities and individual creators, particularly those in the open education field have realised that effective sharing of knowledge is best facilitated by using open licences, which enable permissions that traditional "All Rights Reserved" copyright does not. While current copyright law creates constraints on collaborative co-production, open licences enable large groups of people to efficiently co-create educational resources.

From the beginning, P2PU has been committed to licensing all the materials we produce under as open a licence as possible. P2PU is a volunteer-driven community that originated from the open education movement[1] The Cape Town Open Education Declaration describes the open education movement: "Educators worldwide are developing a vast pool of educational resources on the Internet, open and free for all to use. These educators are creating a world where each and every person on earth can access and contribute to the sum of all human knowledge. They are also planting the seeds of a new pedagogy where educators and learners create, shape and evolve knowledge together, deepening their skills and understanding as they go".[2] We exist to make education more accessible around the world. For this very reason, we felt very strongly that we needed to use an open licence for material collaboratively created by the community. The question was, which one do we choose, and how do we go about reaching consensus?

What Does the Open Licence Cover?

The licence is to be applied to those resources hosted on the platform of P2PU itself which includes original materials, improvements and additions by the community. P2PU also links to a range of other resources, including purportedly "All Rights Reserved" resources, but takes a strong

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1 http://en.wikipedia.org/wiki/Open_educational_resources

2 http://www.capetowndeclaration.org/read-the-declaration

position in support of openness.[3] If you are a legal geek, you might be interested to read that P2PU takes the view that linking to resources is no different in principle to referring to other works in a footnote and therefore cannot give rise to any legal liability for P2PU.

Choosing the Right Licence

Many participants in open source or open education projects have heard of different open licences. However, it's still quite difficult to find advice on which ones to choose and why. There are many excellent guides out there, written by really smart lawyers explaining exactly what each licence means, and what permissions are associated with them. But many creators, organisations and communities still struggle to figure out exactly which licence to choose, and to articulate why any one particular licence might be the best for them. It's a difficult decision to make, and not one that should be taken lightly.

Anyone who has worked with a group of people to choose how to licence collaboratively created material will probably know that it's not an easy process. Different people value different aspects of openness. Some may want to use a licence that protects the creators of materials. Others may want to make it as easy as possible for third parties to access, rework, and re-use materials. Some people think that adding non-commercial restrictions is a good way to keep materials from being unfairly exploited, while others think that adding restrictions that require derivatives to be licensed openly is a better way of doing this. All these opinions are valuable when discussing issues around open licensing. Because these opinions often arise out of personally held values and understandings of what is right and wrong, fair and unfair, by people committed to openness, it can sometimes be very difficult to reach an agreement. It can also be very difficult to predict what impact the choice of a certain licence will have on creators, users and re-users of the material, especially given the potential for confusion with licence compatibility.

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3   http://p2pu.org/values

The Process

Step 1: Surveying the Network

We realised early on in the process that we'd need some expert help if we were to start a conversation within the community about which licence we should choose.

As a first step, we reached out to various individuals who were involved in the free culture, open education and open licensing movements. We asked them two very simple questions:

- Which licence should P2PU use?
- What is the one most important reason why that is the right licence ?

Each person was asked to send a short response (one page or less) and we deliberately gave them a short deadline to respond to, to ensure that the process stayed dynamic, and long-winded discussions could be avoided.

These responses were then drafted into a document and distributed among the community. Knowing that we had a community meeting coming up in the near future, we decided it would be best to save discussion around the licensing issue for that time. While some components of the process are best done face-to-face, the overall approach should be replicable for online communities as well. Once most members of the P2PU community were gathered in Berlin in November 2009, we were then able to discuss, debate and finally, reach consensus on which licence would be the best to use for P2PU.

Step 2: Building Consensus

In Berlin, workshop participants engaged in an exercise called spectogram, which is a powerful tool for gauging opinions and building consensus within a group. Participants were presented with the statement: "P2PU materials should be shared only with those who also share their work back. Agree/Disagree". All participants were then asked to arrange themselves along a spectrum that was marked on the floor, with those who agreed with the statement at one end, and those who disagreed at the other. The discussion helped participants identify a range of dimensions that affect their preference of licence. We wrote them down, and they are listed in more detail in the next step.

From the spectogram exercise it emerged that our choice lay between two licences: Creative Commons [Attribution](#) and Creative Commons [Attribution Share Alike](#). P2PU chose to use [Creative Commons licences](#) because [Creative Commons](#) have become a global standard and are supported by a large international community. Both licences are Free Culture licences and are more permissive than any of the other Creative Commons licences . In other words, the choice was not between two extremes but between two open licences at the same end of the licence spectrum. This is often the case, and just as often forgotten as supporters of two very open licences dig in their heels and advocate for what they believe is the best licence.

Step 3: Unpacking Dimensions

Once the dimensions around the choice of licence had been identified, participants formed groups of two. Each group was asked to to describe the impact of choosing either CC BY or CC BY SA for each of the identified dimensions - without making a recommendation. At this point we were only interested in understanding the implications of each choice, not which choice would be the *right* one.

The 5 main dimensions that emerged from the discussion were:
- A Including other peoples' materials in course design/outline and on P2PU platform;
- B Others using P2PU materials;
- C Collaboration with other projects
- D Participant's rights
- E The rights of P2PU volunteers/ course organisers

The potential implications of each possible licence choice on these five dimensions was explored in the groups of two and then presented back to the whole group:

A. Including Other Peoples' Materials for Course Design

P2PU can always link to everything, regardless of the licence finally chosen for the site. In terms of integrating material produced by others, a CC BY SA licence would let P2PU include a wider range of materials. The reason for this is that by using CC BY SA on the site, P2PU would be able to include materials from all sites that use CC BY, and also from all sites that use CC BY SA (e.g. Wikipedia). If the site was licenced CC BY then P2PU could not include materials from sites that use CC BY SA.

B. Others Using P2PU Materials

CC BY places fewer restrictions on others who might want to use P2PU materials. As a result more people could use P2PU materials. Fewer people would be able to use P2PU material if P2PU were to use BY SA. If P2PU were to use BY SA, it would be less likely that there would be commercial reuse of P2PU materials, at least from corporations.

C. Collaboration with Other Projects

If P2PU were to use BY SA, a downside would be that high-level government collaborations may be less likely. However, it does give P2PU a lot of potential for collaboration with projects like Wikipedia and the BY SA licence can act as a community building tool. With a BY licence it might be easier to find people from a wide variety of backgrounds that are willing to collaborate with P2PU. For many of the organisations that are producing and licensing materials in the open educational space, it would be easier to collaborate if P2PU were to use a CC BY licence.

D. Participants Rights

Under CC BY SA, things can be remixed but only under the same licence. The consequences of this is that it is less likely for other people to make commercial use of the material produced. With CC BY SA, the original author is able to licence a version of the work under an all rights reserved version (or other licence), but no-one else may do so. With CC BY, others can re-licence with all rights reserved. It is still possible to make abusive use of CC BY SA materials, but there is a disincentive to abusive use when using CC BY SA.

If an Attribution only licence (CC BY) was used, others would be able to reuse and remix the material under any licence (including under all rights reserved – they can, effectively, "close" the material). A CC BY licence would also make it possible for another party to use the material commercially. In terms of restricting scope for abusive use, it would be possible to place abusive use works under all rights reserved, meaning that the original author has no right to re-mix this derivative material. Under CC BY everyone would be able to create an all rights reserved version of the work.[4]

E. Volunteers / Course designers

Based on P2PU experience, people interested in volunteering and working with P2PU are usually interested in building something with a non-profit orientation. CC BY SA could act as an incentive, encouraging people to participate, because it makes commercial exploitation less likely. CC BY SA gives P2PU many of the benefits of a non-commercial restriction, without actually being non commercial.

CC BY of course enables maximum re-usability, which could increase exposure for materials produced by a volunteer.

Step 4: Prioritising

As the final step in the process participants were asked to rank which of the five dimensions they felt were most important and write them down privately. Results were compiled publicly and showed a clear preference for P2PU to choose a CC BY SA licence.

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4   By "version" we mean a derivative that is sufficiently close to the original that it can be deemed as such under copyright law. The original work will always be under an open licence.

Conclusion

After reviewing the submissions we'd received from the outside experts, as well as the exercises and discussions in Berlin, consensus emerged that Creative Commons Attribution Share Alike was the most appropriate default licence for P2PU-generated materials. That being said there are still cases where CC BY might be applied, for example in situations where external funds pay for the development of the content.

The process was remarkable for the consensus that it created. Many participants were very familiar with these choices, and had come to the workshop with very strong opinions in one direction or another. Instead of simply taking a vote, which would probably have left a portion of the group feeling unhappy, going through the choices, consequences and priorities in such a systematic way made many people change their minds and we ended up with a choice that the entire community could embrace.

Choosing the Right Open Licence for You

P2PU went through this process quite early in our larger process of community-building, and after we'd undergone a lengthy and fascinating time of discussion and decision-making we realised that what we had experienced might be useful to other communities as well. So we created this document, as both a record of how we went about choosing what we felt was the best licence for our materials, and as a tool for other communities, groups and individuals, who might be grappling with the same questions.

We're not looking to influence anyone, and we're sure that other people might take a look at how we did things and decide to do it differently. In fact, we'd be delighted to hear from anyone who has modified our process – we hope it was a useful starting point and would love to see where you ended up.

Appendix A Compendium of Expert Opinions

The opinions expressed in this compendium are those of the individuals quoted and not the organisations they may represent.

Lila Bailey
Recommendation: Creative Commons Attribution Licence

In making the licensing decision for P2PU, it's important to consider the sort of platform and community P2PU are trying to build. There is not necessarily one "right" way to licence the site, but the licence decision will drive the community in one direction or another.

Personally, I feel that CC BY promotes the kind of community I want to build. CC BY invites the widest variety of participation, and provides a legal infrastructure that creates the least possible friction. The benefits of CC BY have already been widely discussed and agreed upon, so I'm mostly going to explain why I think P2PU should not adopt BY-SA for P2PU.

First, there is the issue of interoperability. Understanding exactly how and when it is possible to use and combine BY-SA works with works licenced differently is a challenge, and may prohibit educational innovation by limiting to sorts of resources that may be used as raw materials, including for example, anything published by the OCWC which includes NC terms. Creating amazing educational resources that cannot be recombined with other valuable educational resources seems very limiting in my mind for a project such as P2PU which is primarily interested in broad global impact rather than commercialization.

Use of BY-SA does have its uses, but in my mind, those uses are mostly to prohibit use and participation by certain types of users. Specifically, adoption of BY SA would likely inhibit participation and use by commercial interests. Some may see this as a benefit, preventing "appropriation" of materials intended for the commons. But rather than only focusing on the worst case scenario of having material "appropriated" by a large multi-national company in the global North, P2PU should also think about the other tolerable or even desired uses the decision to use BY-SA may exclude. But just as easily P2PU could be excluding participation by entities from the global South (imagine a small publishing company who translates OER into obscure African languages, prints and distributes them to isolated villages) for a variety of reasons, from a contractual agreement to licence under ANY licence other than BY-SA (from full copyright to CC BY to a custom licence) to working with authors who refuse to licence without a NC restriction (as if often the case for the OCWC).

I would also like to separate out worries that come from corporations (or anyone really) from *violating* the terms of the licence (as was the case in Jacobsen v. Katzer) from the licensing decision itself. It makes absolutely no difference whatsoever if P2PU use BY or BY-SA to the question of whether the terms will be violated - this is a worry that accompanies that sharing of *any*

content on the web, regardless of the licence terms. In fact, this argument weighs in favour of CC BY because it is easier to comply with than BY-SA, and therefore far less likely to be violated and thus unlikely to lead to misunderstandings or lawsuits.

Further, I do not see it as an "appropriation" if a large multinational takes content under CC BY and simply uses it according to the licence terms (i.e., by giving the original author credit). Even if the content is "locked up" in some manner in the derivative work, the original work is still freely available to all via P2PU. It has not been touched, altered, or destroyed by the company's taking of a copy. Moreover, where is the harm to the creator? If the P2PU further by profit?

Indeed, one could see this as a potential upside for the author of releasing work under CC BY. Imagine an author who has no name recognition or connections, and therefore could not get a contract with a large publishing company to distribute her work. Instead, she releases her work on the web under CC BY, which in turn is picked up by the large publishing company. Assuming the company follows the licence terms, the author gets credit, name recognition and also the ability to point to a large publishing company - who is likely to be a trusted brand - that was willing to publish her work (even if it was for free). The large publishing company has a brand to protect and isn't going to publish just anything. The content will necessarily be vetted. The author therefore benefits by being associated with a quality, trusted brand. The likely outcome here is that the author's ability to make money (or have broader distribution or better reputation) on future works is only increased by virtue of the large publishing company's use of the work.

For these reasons, I think P2PU should consider that there can be an upside to having large companies take advantage of CC BY content and spread it into markets P2PU could not otherwise dream of reaching. This is not a use P2PU should necessarily be seeking to prevent, but rather to encourage. Using CC BY is really about having the broadest possible impact, and participation by commercial entities (regardless of where they are located) can really only help spread the content further, without destroying the original free and open version. If this is the vision, then a large company taking CC BY content is a success rather than a nightmare. A course creator or participant is going to create the content for free anyway, she has incentives other than money to create. What is the harm if others are motivated to distribute that content

Ahrash Bissell
Recommendation: Creative Commons Attribution

The question of which licence to choose should be answered by first identifying the key attributes of the project that might be affected by the licensing choice. Most importantly, the licence should facilitate the goals of the project, as opposed to hindering those who might do something you don't like.

Background on the licences can be obtained from the Creative Commons site licensing overview, the CC BY-SA licence itself, and the CC BY licence itself. CC Learn productions has accessible information regarding OER and CC licensing.

In my opinion, P2PU is first and foremost a platform for bringing together people who want to teach and learn a subject of shared interest. Anything that expands the participation and awareness of both the idea of peer-to-peer learning and the materials (OER) that make it possible seems like a good outcome to me, even if it happens outside of the P2PU platform, even if it uses P2PU-hosted materials. P2PU benefits from being able to leverage existing OER, adapting the resources to suit and combining them in new ways. Open licensing is necessary, though more restrictive and non-interoperable open licences are almost certainly going to cause problems and confusion.

All of these aspects of the P2PU project clearly point to adoption of CC BY as the default licence for any materials that are created specifically for P2PU and archived on the site. That puts the burden on course organizers to clearly label all other materials, both to properly cite sources and to make it clear that some materials are subject to a different licence. CC and other orgs are continuing to improve the marking and tagging tools for identifying content under different licences as well as content that has been included on the basis of some exception or limitation to copyright. With CC BY as the default for the "connective tissue" on P2PU, this task becomes more procedural than challenging since there will be far fewer issues with licence incompatibility. Even if most external resources are tied in by a simple link on the P2PU course sites, using CC BY for the P2PU content will alleviate any concerns about the reach-through aspect of the SA term.

The only counterpoint to the above is if P2PU envisions itself as a collaborative course-creation site. If the intention is to bring groups of people together, virtually, to co-create courses which will then be offered on the site, then the use of the CC BY-SA would be a good choice. The logic here is that the SA term clarifies for everyone that all contributions count, and that no one can take control over future versions of the resource to the exclusion of others. The SA term also makes it much easier for P2PU to specify attribution back to P2PU rather than to individual contributors, both because it is good for P2PU and because it avoids attribution stacking.

That said, I don't think that this is what P2PU is all about. Indeed, I would argue that the success of the courses depends on the individual viewpoints and expertise of the course organizers. The relationship in the courses is one of mentorship and facilitation, but people will need to build reputations as course organizers and facilitators, which won't happen if they are anonymized due to licensing constraints and terms of use.

I guess my final point is that it is always easier to go from more open to less open, if you have a really good reason to do so. If P2PU gets to the point where they are more focused on course co-creation, and they have a platform that makes that easy, then there is nothing stopping P2PU from building on the existing CC BY materials to get there, including re-licensing the materials CC BY-SA. Going the other direction would mean starting over.

Leigh Blackall
Recommendation: How Might P2PU Do Without Copyright?

"*I swear, by my life and my love of it, that I will never live for the sake of another man's copyright, nor ask another man to live for mine.*" (Steve Forester, in discussion with Minhaaj Rehman and others on the Resist-Copyright list, Nov 2009.)

The Peer to Peer University is discussing copyright at the moment, and have invited comment from people who have something to say on the matter. They're looking for "1 pagers" to bring into their meeting for consideration and debate within the P2PU team.

The argument that I am going to try and make is that P2PU should actively resist copyright. So the question should not be which copyright licence to use, but how to not use copyright at all?

I've been writing and acting on the topic of copyright in education for 6 years now. A seemingly short time, but pretty much the duration as it applies to copyright in education. Most of that time has been explaining and promoting the use of the Creative Commons Attribution licence as the best choice for educational organisations. Not because it "enables" sharing (P2PU shouldn't, and don't need a licence to share) but because it was a logical compromise between the prevailing restrictive licences at the time, and the objective to remove all bureaucratic costs over the free use and reuse of information and expression - especially educative. At that time, educational organisations and their contractors were following the Free Trade lead of corporatisation and privatisation, and at that time corporations and private organisations believed ownership and restricted access to information and media was the only way to protect their "property", competitive edge and/or income. Free software, open source, Wikimedia, OurMedia, Youtube and Google, and Creative Commons was to gradually show otherwise is possible.

The moral and even economic arguments for free and unrestricted information is as old as the Internet itself. The so-called CopyLeft offered a temporary enabler in the face of overwhelming restrictions, while the rest of us slowly came to terms with what new economic models where being made possible. Corey Doctorow took advantage of the Creative Commons star and showed how openness in book authoring is beneficial even to the old models of publishing. Many universities eventually saw the moral and economic advantage of open access to their information. Yochai Benkler academically legitimised what many in the popular sphere had been practising for years. Google and the social media providers generally, showed that the Gift Economy can be happy bedfellows with the Market Economy.

The point here is not that copyright restricts or enables this new economy, copyright is merely temporary within it. The Gift Economy, Information Economy, free information world, what ever you want to call it, is driven by profound human will and desire, ages old, to know and communicate. This will, combined with digital formats and the Internet, completely decimated business models that relied on the preventative costs of production and distribution, and now they rely on the protectionism of copyright alone. Copyright is merely a nuisance to a truer force for free information, certainly not an enabler.

And so, P2PU wait for groups and organisations to recognise the freedom that individuals enjoy regardless of copyright laws and protectionism. Look to the success-at-the-time of Napster and Pirate Bay for models of such freedom, and learn from their eventual weaknesses. As well, consider corporations like Google who boldly flaunt their disregard for copyright, helping the rest of us to push out and enjoy that freedom. Groups like the Peer to Peer University should join direct and indirect activist such as these and reject copyright as a defining policy over their activities. Their reasoning for such a stance should be abundantly clear by now, none-the-less there will be die hard and wanna be bureaucrats out there who simply cannot envision an operation free of copyright, and so a strong statement, coupled with a defiant stance in the face of what remains of such conservatism is necessary.

P2PU wants to be a network, made up of individual action and responsibility. As such P2PU should not impose a particular copyright policy on these individuals, instead focusing on the facilitation of the free exchange of learning and educational advance. Further, P2PU should not even recognise copyright as a legitimate governing force over the free exchange of learning or educational advance, and so it follows that it will not take action for or against any individual in the network based on copyright.

Teemu Leinonen
Recommendation: CC-By-SA is THE licence of the Free/Libre/Open Educational Resources

Creative Commons, Free Software Foundation and Wikimedia Foundation are working on to make the FSF's GFDL and CC's CC-By-SA compatible. This will mean that in future all the Wikimedia content (Wikipedia, Wikibooks, Wikimedia Commons, etc.), that are licenced under GFLD can be remixed with content using CC-By-SA. The Wikimedia Foundation's Board made a resolution about this some days ago. Because the volume of Wikimedia content is so huge – tens of millions of article and millions of media files – We may already assume that *the most common licence used with free/libre/open educational resources will be the CC-By-SA.* This is absolutely great news!

In LeMill we use the Creative Commons Attribution-Share Alike licence. We have good reasons for this. These are:

- The licence is human readable and internationally the most well known free/libre/open licence among educators.
- It supports remixing and massive public collaborations.
- It offers a minimum protection for authors against possible rip-off of their content.

The issue of having or not the "share-alike" and the "non-commercial" restrictions in the free/libre/open education resources has been widely discussed online in different forums

I believe that the Share-alike virus is protecting the author and the future authors (remixing) against possible rip-offs (see the reason 3, above). With the share-alike restriction the message is simple: you play according the rules of free/libre/open resources or you'll drop the author an email and make her a business offer.

The fact that there isn't restriction against commercial use will make the content more movable. It makes it possible to use the content in other web sites with different kind of "business models". It also gives people the chance to make CD's, DVD's and other media out of the content and charge reasonable price to cover their working hours, reproduction and material costs. Without the non-commercial restriction teachers are also free to use the content without thinking is the fact that they are paid salary a commercial use.

Wayne Mackintosh
Recommendation: CC BY / CC BY SA but not NC

From a sustainable ecosystem perspective, I would recommend the most permissive licence (eg CC-BY) your community will accept – this creates increased opportunities for businesses - even locking down derivative works under all rights reserved.

That said - the education community is historically conservative and copyleft provisions do protect investment in content from commercial exploitation while still respecting the human rights associated with earning a living from value added services. (As a free culture advocate - I have many battle scars as a result of my commitment to freedom and fully understand and respect the arguments for copyleft)

I don't think that you necessarily have to choose one or the other as both alternatives are defensible from the perspective of the essential freedoms. At all costs, the NC restriction must be avoided in my opinion.

Murugan Pal
Recommendation: CC BY SA

It is important to have agreed upon licence terms across all Open Educational Resources (OER). This must not be in their own terms. Hence the need for Creative Commons (CC).At the least, the licence must be least restricting and attributable (BY). Hence the need for CC-BY.

Many content authors and donors prefer the improvements of their materials to be shared back (SA) to the community. Many of them still prefer non-commercial (NC) and non-derivatives (ND). But, to settle with Share-Alike and not compromise on NC/ND seemed to be a reasonable balance to meet author requests. This is why I decided on CC-BY-SA.

Andrew Rens

Recommendation: Creative Commons Attribution Share Alike

Share with those who want to share

If the Peer 2 Peer university is to use only one licence then it should use Creative Commons Attribution Share Alike. A Share Alike licence policy allows the inclusion of both "Attribution Only" and Share Alike resources in p2pu, which is important because Share-Alike creates incentives to share.

The most flexible platform licence:

The best licence for a single work is not necessarily the best licence for a platform. A person might choose a pair of shoes because the shoes are black, and black "goes" with her other clothes. However if she adopted a "black only" wardrobe policy then all that she would have to wear would be black. A platform licence is like a wardrobe and not a single garment. It is entirely mistaken to think that "Attribution Only" is the most flexible <u>platform</u> licence. It is not. A single copyright work licenced under "Attribution Only" may be remixed under any other licence. But an "Attribution Only" licence for a platform, only allows works that are "Attribution Only" and automatically **excludes** works that are under other open licences.

Compare the following charts. The first chart show how a work can be re-licenced. It is clear from the chart that a work can be most flexibly re-licenced if that work is under a Creative Commons Attribution licence. The second chart shows how the choice of platform licence affects which works can be included in the platform.

Chart 1

Compatibility chart		Terms that can be used for a derivative work or adaptation						
		by	by-nc	by-nc-nd	by-nc-sa	by-nd	by-sa	pd
Status of original work	pd	■	■	■	■	■	■	■
	by	■	■	■	■	■	■	
	by-nc		■	■	■			
	by-nc-nd							
	by-nc-sa				■			
	by-nd							
	by-sa						■	

Abbreviation Key

- by = Attribution only
- by-nd = Attribution-NoDerivatives
- by-nc-nd = Attribution-NonCommercial- NoDerivatives
- by-nc = Attribution-NonCommercial
- by-nc-sa = Attribution-NonCommercial- ShareAlike
- by-sa = Attribution-ShareAlike
- pd = Dedicated to or certified to be in the public domain via one of our public domain tools or other public domain work

Chart 2

		Input Licence							
Plat form		PD	BY	BY SA	FDL	BY NC	BY NC SA	BY ND	BY NC ND
Licence	PD	🟩							
	BY		🟩						
	BY SA	🟩	🟩	🟩	🟩				
	FDL	🟩	🟩		🟩				
	BY NC	🟩	🟩			🟩	🟩		
	BY NC SA	🟩	🟩				🟩		
	BY ND	🟩	🟩					🟩	
	BY NC ND	🟩	🟩						🟩

As can be seen from the chart a Share Alike licence policy allows the inclusion of both "Attribution Only" and Share Alike resources, indeed while remaining an extremely permissive licence the Share Alike licence enables the inclusion of material under four different input licences, the greatest number of input licences possible for a platform.

The success of Share Alike

The most successful peer produced works in history are the Linux operating system, and its host of applications, and Wikipedia (3 079 000 articles in English alone). Both rely on peer production processes which require sharing. Linux uses the GNU General Public Licence (GPL) and associated Free Documentation Licence (FDL) , while Wikipedia was born under the FDL and is

now under Creative Commons Share Alike. These projects have been successful because they have created mechanisms which enable contributions from people with a wide range of incentives. These incentives include working with peers to produce "goods" which will benefit the public. In other words they stem from a desire to "share with those who want to share". A reciprocal commons is the basis for peer-production. (Benkler, Wealth of Networks, 63-68)

Conclusion

A Share-Alike platform licence enables greater re-use of commons resources than other platform licences. Share-Alike creates a commons. Share-Alike gives incentives to contribute to the commons, the basis for peer-production.

Lindsey Weeramuni
Recommendation: Creative Commons Attribution Share Alike

I would select the CC BY SA licence. Attribution for academic content is so highly valued that this satisfies that need. No one ever goes into academia to get rich, so the NC restriction seems unnecessary. (If I had an idea or project I really wanted to try to monetize, I wouldn't release it under a CC licence anyway.) And I'd want people to build on my academic content, so I wouldn't select the ND restriction either. Lastly, I don't think I'd have the patience to answer repeated permission requests for exceptions, so CC BY SA would be the most hassle-free.

Biographies of Contributors to Annex A

Lila Bailey

Lila Baily is currently Legal Counsel at ccLearn. She has practised Internet-related litigation and counseling, focusing on novel copyright and privacy issues. She previously worked for the Seattle-based law firm Perkins Coie, where she devoted significant energy to her *pro bono* work for the Internet Archive. Lila was also an Intellectual Property Fellow with the Electronic Frontier Foundation in 2007. She earned her Juris Doctor at the University of California, Berkeley School of Law (Boalt Hall) and holds a BA degree in philosophy from Brown University.

Ahrash Bissell

Ahrash Bissell is a consultant on innovation in education and science for the William and Flora Hewlett Foundation, as well as Project Lead on Open Accreditation for Peer to Peer University and the Mozilla Foundation. Prior to his current role, Ahrash was the Executive Director of the education program, called ccLearn at Creative Commons. Previously, Ahrash has also been the Assistant Director of the Academic Resource Centre and a Research Associate in Biology at Duke University and he sits on several advisory boards related to scientific data sharing, educational innovation and capacity-building for non-profits. He has a Ph.D. in Biology (Evolutionary Genetics) from the University of Oregon and a BS in Biology from the University of California, San Diego.

Leigh Blackall

Leigh Blackall lives in Canberra, Australia where he currently works in Educational Development for the National Institute of Sport Studies, at the University of Canberra. He specialises in developing open educational resources and practices, facilitating online courses, and developing educational uses of social media.

Teemu Leinonen

Teemu Leinonen is a professor of New Media Design and Learning and the Head of Department of the Media Lab, School of Art and Design, Aalto University in Helsinki Finland. Since 1998 he has led the Learning Environments research group (http://legroup.uiah.fi) of the Media Lab (http://mlab.taik.fi), University of Art and Design Helsinki (http://wwww.uiah.fi). The research group has coordinated research and development project, funded by The European Commission in the Information Society Technologies (IST) framework, UNESCO, the Nordic Council of Ministers, and the National Technology Agency of Finland (TEKES). Since late 2008 he has been the acting head of department of the the Media Lab (http://mlab.taik.fi), the school of digital design at the University of Art and Design Helsinki and soon, the new Aalto University. Teemu is currently undertaking doctoral dissertation research on learning and design with collaborative computer tools in unconventional learning communities. As part of the work he is developing new online learning tools to web and mobile environments.

Wayne Mackintosh

Dr. Wayne Mackintosh is a committed advocate and user of free software for education. He was the founding project leader of New Zealand's eLearning XHTML editor (eXe) project (www.exelearning.org) and founder of WikiEducator (www.WikiEducator.org) - an international community of educators collaborating with the free culture movement in developing free/libre teaching materials in support of all national curricula by 2015. Currently Wayne serves as founding Director of the International Centre for Open Education at Otago Polytechnic in New Zealand and is member of the Board of Directors of the OER Foundation.

Murugan Pal

Murugan Pal is self-described as a serial entrepreneur based in Silicon Valley, and is currently the Co-Founder & President of CK-12 Foundation. CK-12 is a non-profit organization launched in 2006, which aims to reduce the cost of textbook materials for the K-12 educational market worldwide. Prior to CK-12, Mr.Pal had a brief tenure with Foundation Capital as Entrepreneur-In-Residence. Previously, Pal was the founder and CTO of SpikeSource. Before founding SpikeSource, he was an entrepreneur-in-residence with venture capital firm Kleiner, Perkins, Caufield & Byers. Prior to this, Pal was a Founding Engineer of e-business software company Asera, Inc. Before Asera, Pal was a principal developer at Oracle Corporation in the Application Server division and was part of the company's early XML initiatives. Prior to Oracle, he was one of the lead developers of Versant Corporation's Object Database. Pal holds a Bachelor's degree in Mechanical Engineering from Thiagarajar College of Engineering, affiliated with Madurai University in India, a Master's Degree in Industrial Engineering from Arizona State University, a Master's Degree in Computer Science from Arizona State University, and was a Doctoral Candidate in Industrial Engineering at Arizona State University.

Andrew Rens

Andrew Rens is a former Intellectual Property Fellow at the Shuttleworth Foundation, a South African attorney, academic and social entrepreneur, formerly legal lead of Creative Commons South Africa he has advised on the use of open licences in education since 2003.

Lindsey Weeramuni

Lindsey Weeramuni is the intellectual property supervisor of MIT's OpenCourseWare, a free and open publication of MIT course materials that reflects almost all the undergraduate and graduate subjects taught at MIT, all available with no registration required (http://ocw.mit.edu/). Weeramuni developed the IP strategy for MIT OpenCourseWare and oversees its implementation in the ongoing publication. She was the project director for the Code of Best Practices in Fair Use for OpenCourseWare (http://www.centerforsocialmedia.org/ocw), a document produced by a committee of practitioners of OpenCourseWare in the U.S. She also consults with members of the OpenCourseWare Consortium, a worldwide collaboration of more than 200 higher education institutions and associated organizations creating open educational content using a shared model.