



TITLE: COPYRIGHT AND OPEN LICENSING POLICY

APPLIES TO: All Employees, Contractors and OSPI Grantees

EFFECTIVE DATE: June 6, 2016

APPROVAL: 

Randy I. Dorn,
State Superintendent

PURPOSE

To define the copyright owner for any materials created by Office of Superintendent of Public Instruction (OSPI) employees, contractors, and grantees. To clarify the requirement for open licensing of those materials.

This policy will allow school districts, Educational Service Districts, and members of the public, to realize the educational impact from the substantial investments the state, the federal government, and private foundations have made (and will continue to make) in educational resources created by OSPI employees.

This policy is not retroactive and does not pertain to work created before the effective date on this document.

POLICY

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Copyright and Licensing Chart

Creator	Copyright Holder on Original Works	License Requirement on Original Work	License Requirement on Derivative Works
OSPI Employee	OSPI	Creative Commons Attribution License , version 4.0 or later (CC BY)	Follow the terms of the open license on the adapted materials. The derivative work must be licensed with the least restrictive open license possible that is not in conflict with existing licenses.
OSPI Contractor	OSPI	Creative Commons Attribution License , version 4.0 or later (CC BY)	
OSPI Grantee	Grantee	Creative Commons Attribution License , version 4.0 or later (CC BY)	
OSPI administered grant	OSPI or appropriate Grantor	Creative Commons Attribution License , version 4.0 or later (CC BY) or License determined by grantor	

This policy

- Begins June 6, 2016

Cases where this policy is not applicable:

- Posters/brochures for which a stock image was purchased and that image carries a license that is specific to only one usage of the materials.
- Work that is intended for limited use within the agency.

This policy does not affect retention schedules. Follow the retention schedule for grants, contracts, and OSPI generated materials as directed by your department.

PROCEDURE FOR AN OSPI EMPLOYEE OR GRANTEE APPLYING AN OPEN LICENSE

1. Ensure all elements of your work (e.g. text, images, charts) are eligible to be shared. This means your work should be one or a combination of the following types:
 - your original work,
 - built from open resources,
 - built from works in the public domain, or
 - built from copyrighted work that you have obtained permission to use
2. Make sure you have provided proper attribution for all elements of the work not created by you. Here are some [best practices for attribution](#).
3. Address any questions with the OSPI chief legal officer or communications office.
4. Go online to the [OSPI Copyright and Open Licensing Tool](#). This will guide you through the steps necessary to generate an open license statement for use on your work.

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1. Confirm all elements of the contractor's work (e.g. text, images, charts) are eligible to be shared. This means their work should be one or a combination of the following types:
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 - built from open resources,
 - built from works in the public domain, or
 - built from copyrighted work that the contractor obtained permission to use
2. Confirm the contractor has provided proper attribution for all elements of the work not created by them. Here are some [best practices for attribution](#).
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DEFINITIONS/RESOURCES

Work Made for Hire

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- a) a work prepared by an employee within the scope of his or her employment or
- b) a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas

Works of authorship include the following categories:

- a) literary works;
- b) musical works, including any accompanying words;
- c) dramatic works, including any accompanying music;
- d) pantomimes and choreographic works;
- e) pictorial, graphic, and sculptural works;
- f) motion pictures and other audiovisual works;
- g) sound recordings; and
- h) architectural works.

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EXAMPLES

Original Resource Attribution Text

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Adapted Resource Attribution Text

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Sample iGrant RFP text

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