

September 7, 2010

The Honorable Arne Duncan
Secretary
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

In re: *Secretary's Priorities for Discretionary Grant Programs* (Docket ID ED-OS-2010-0011)

Dear Secretary Duncan:

Creative Commons (CC) is pleased to submit comments responding to the U.S. Department of Education's (Department) recent Notice of Proposed Priorities for future discretionary grant programs. Creative Commons (<http://creativecommons.org>) is a 501(c)(3) nonprofit corporation dedicated to making it easier for people to share and build upon the work of others, consistent with the rules of copyright. CC provides free licenses and other legal tools to mark creative work with the freedom the creator wants it to carry.

Thank you for highlighting Open Educational Resources (OER) as an important component in supporting public access to publicly funded educational materials, and considering OER as a key criterion in aiding "projects that are designed to significantly increase efficiency in the use of time, staff, money, or other resources." One of the questions people often ask about OER is "does it really increase efficiency?" Creative Commons has worked with many OER innovators, and their stories indicate that it does.

The Internet and digital technologies have transformed how people learn. Educational resources are no longer static and scarce, but adaptable and widely available, allowing educational institutions, teachers, and learners to actively participate in a global exchange of knowledge via OER. Creative Commons provides the legal and technical infrastructure essential to the long-term success of OER, making it possible for educational resources to be widely accessible, adaptable, interoperable, and discoverable.

The Success of OER Depends on Legal and Technical Interoperability

The OER movement is poised to greatly further global access to and participation in education, but only if a critical mass of educational institutions and communities interoperate legally and technically via Creative Commons. Why is interoperability important? Because in its absence, content such as OER cannot be aggregated or mixed and then shared further in a legal or efficient manner without securing special permission from the original creators. Interoperability requires standardized, public licenses that grant rights in advance. Creative Commons licenses are the global standard for open content licensing, grant rights in advance, and are easy to understand and use. Institutions, teachers, and policymakers in all arenas should be required to implement and recommend use of CC's tools for educational resources.

Creative Commons Facilitates Innovation and Collaboration in Education

CC licenses help educators to broaden the impact of their own educational resources, to customize resources made similarly available by others to suit their own curriculum needs and the needs of their students, and to easily search for and find relevant OER.

CC enables translation of educational resources into different languages. A growing number of creators of educational resources are self-distributing their works openly via the Internet. When educational resources are released under a CC license that permits adaptations, anyone interested in the subject matter may translate those resources and otherwise customize them for local needs. For example, CC-licensed courses made available by MIT OpenCourseWare have been translated into at least 10 languages, including Spanish, Portuguese, Chinese, French, German, Vietnamese, and Ukrainian.

CC enables educational resources to evolve and be improved through peer and student edits. CC licensed OER are living documents that can be built upon and improved not only by authors and publishers, but also by colleagues and students. For example, when a University of Michigan professor was unsatisfied with currently available textbooks in his area of computer science, he was able to use an existing openly licensed textbook as the basis for developing a new book that met his needs, by changing the overall focus of the book, adding his own content, and restructuring the original text.

CC enables easier discovery of educational resources on the web. CC licenses provide the legal infrastructure that allows OER to be shared, but there is also an important technical component to sharing successfully. Creators of OER want to make sure their work is visible to users, and learners and educators need to be able to find resources relevant to their chosen subject. CC has broadened the impact of OER by embedding each of its licenses with software code that makes the license terms machine-readable—that is discoverable—by search engines. In addition to creating licenses that can be indexed by prominent search engines such as Google and Yahoo!, CC is also exploring ways to provide scalable search and discovery for educational resources on the web via its search prototype, DiscoverEd.

These are just a few examples of the kinds of innovative educational activity that CC's legal and technical tools have enabled—not to mention opening up opportunities for new business models in educational publishing (e.g., CK-12 Foundation, Flat World Knowledge, and Bloomsbury Academic, which publish textbooks and scholarly journals under CC licenses), new methods for professional development (e.g., the Siyavula project, helping South African teachers learn to share and collaborate around new curricular standards) and democratizing teaching and learning (e.g., Peer 2 Peer University, a grassroots education project for peers by peers).

How Creative Commons Makes Sharing, Adapting and Finding OER Easy

CC offers creators a simple, standardized way to grant copyright permissions to their work. CC licenses are built on top of copyright law, allowing creators to change their copyright terms from the default “all-rights-reserved” to “some rights reserved.” Creators may choose among a suite of six CC licenses that are free-of-charge, easy to use, and help to standardize what is “open” on the Internet. A rights-holder may choose one or more of the following terms:

Attribution. All CC licenses require that others who use your work must give you credit the way you request, but not in a way that suggests you endorse them or their use. If they want to use your work without giving you credit or for endorsement purposes, they must get your permission first.

NonCommercial. You let others copy, distribute, display, perform, and (unless you have chosen a NoDerivatives license) modify your work, but not for commercial purposes unless they get your permission first.

ShareAlike. You let others copy, distribute, display, perform, and modify your work, as long as they distribute any modified work on the same terms. If they want to distribute your modified work under other terms, they must get your permission first.

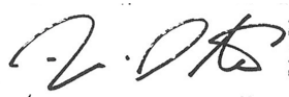
NoDerivatives. You let others copy, distribute, display and perform only original copies of your work. If they want to modify your work, they must get your permission first.

CC is a global standard. CC licenses are the most widely used open content licenses in the world, and have been legally and linguistically adapted to more than 50 jurisdictions worldwide. Government bodies, universities, libraries, and organizations around the world leverage CC licenses to increase the access to and impact of their educational resources. These include European Schoolnet, a group of 31 Ministries of Education in the EU making educational resources available under CC BY, The OpenCourseWare Consortium, a collaboration of over 200 universities world-wide making high quality courses available under CC licenses, eIFL.net, partnering with national library consortia to educate librarians about CC, and of course Wikipedia, the massive online collaborative encyclopedia, which is licensed under CC BY-SA.

CC licenses are available in three different formats. The first is a human-readable deed that simplifies the terms of each license into a few universal icons and non-technical language. The second is the lawyer-readable terms of the license itself, which have been vetted by a global team of legal experts. And the final layer is the machine-readable code that enables search and discovery.

Thank you again for providing this opportunity to provide feedback on the Notice of Proposed Priorities. CC appreciates the Department's recognition in making learning materials developed using public funding available as OER. We would be pleased to answer any follow up questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joi Ito', is positioned above the typed name.

Joi Ito, CEO
Creative Commons