

A Guide to Creative Commons

A GUIDE TO CREATIVE COMMONS

LUCY WALTON



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This Guide to Creative Commons is intended to be used as a resource to dip in and out of as needed.

Key Updates

13 September: Updated cover image to incorporate new Western Open Books logo.

21 August 2023: Replaced the email address with the WesterNow contact details for the University Copyright Officer.

1.

QUICK SEARCH: INTERACTIVE CREATIVE COMMONS LICENSING TOOLS

Licensing choices tool

This interactive Licensing choices tool will help you find **an appropriate Creative Commons licence for your work.**

Use this Tool if you are:

- familiar with Creative Commons
- quickly need to know which licence to use, and
- have a good understanding of how to attribute your work.



One or more interactive elements has been excluded from this version of the text. You can view them online here:
<https://westernsydney.pressbooks.pub/cclicensingattribution/?p=221>

This Licensing choices tool contains elements of the CC License Chooser (beta) by The University of Newcastle is licensed under Attribution 4.0 International (CC BY 4.0) and elements of the CC licensing flowchart by Creative Commons Australia licensed under Attribution 2.5 Generic (CC BY 2.5).

Creative Commons License Chooser

Use this interactive Creative Commons License Chooser to **help you build your attribution and comply with the attribution requirements of a Creative Commons licence.** Follow the steps on the website to select the appropriate licence for your work.

Use these Creative Commons License Chooser instructions to help you build an attribution for Western Sydney University-copyrighted content.



Home > Chooser

LICENSE CHOOSER

Follow the steps to select the appropriate license for your work. This site does not store any information.

1 Do you know which license you need?

- ☐ Yes, I know the license I need.
- ☐ No, I need help selecting a license.

NEXT

2 Attribution

3 Commercial Use

4 Derivative Works

5 Sharing Requirements

6 Confirm that CC licensing is appropriate

7 Attribution Details

Choose a License. (2022). Retrieved 24 October 2022, from <https://chooser-beta.creativecommons.org/>

Consult your School Librarian for CC licensing and copyright support. For copyright and licensing advice or to seek third-party content permissions, contact the University Copyright Officer.

Permissions Tracker

Use this Record of Permissions form (Excel download) to keep track of third-party content permissions.

6 | QUICK SEARCH: INTERACTIVE CREATIVE COMMONS
LICENSING TOOLS

15						
	A	B	C	D	E	F
1	URL	Title of Work	Format/Medium	Derivative Work	CC License	Attribution
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						

2.

ABOUT COPYRIGHT

CC licences are not an alternative to copyright. They are built on copyright and similar rights and last for the same length of term as these rights. The licences enable rights holders to specify a standard set of terms and conditions regarding sharing and reuse that best suit their needs while ensuring that the authors are credited for their work.

What is copyright?

Copyright is the exclusive right, held by the creator (author) of a work, to reproduce, publish, modify and distribute or sell copies of that work. Without the creator's permission, third parties are not allowed to do this; except for some specific and limited uses provided by statutory exemptions in the Dutch Copyright Act

Copyright arises automatically as soon as a work is created. For academic work (academic output), this usually means as soon as it is written. No application or registration is necessary. Throughout the European Union, copyright will remain with the creators during their life and for at least 70 years after their death. Copyright can be transferred to a third party (a private

individual or a legal person like a publishing company) by the creator in a written contract or an assignment.

With a CC licence on a work, the creator can – without transferring copyright – grant certain permissions to use a work, whether or not under specific conditions, directly to a third party. This is on top of the rights, e.g. quotation and educational use, that already exist in the Dutch Copyright Act. It is often very difficult for a third party to understand copyright exceptions, to find out who the current copyright holder is, and how to contact them to ask for permission.

The University Copyright Policy (based on provisions of the Copyright Act, 1968 (the Act), the Statutory Educational Licence Agreements) provides general advice on using copyright material for educational, research and other non-commercial purposes at Western Sydney University.

What is fair dealing?

Fair Dealing refers to provisions in the Copyright Act, 1968 (the Act), which cover copying for (personal) research or study, criticism or review, reporting the news, parody and satire, and purposes related to judicial proceedings.

University staff and students must ensure that the risk of copyright infringement is minimised by ensuring that any copying made under Fair Dealing for the purposes of research, study, criticism, review, parody or satire is fair and is limited to the amounts indicated in the Act.

Fair Use Exceptions do not apply in Australian copyright law and must not be used to copy and communicate copyrighted content for educational purposes.

Western Sydney University's Copyright Policy includes further details on Fair Dealing.

Copyright and publishers' contracts

When you want to publish your work with a publisher, the publisher has to get your permission to reproduce, publish, distribute and archive the work in print and electronic form. To be able to do so, the publisher may ask you to transfer your copyrights or grant a licence to publish.

With a Transfer of Copyright Agreement, the author transfers (all) their rights of the work to the publisher, including those regarding electronic forms and transmissions, and can no longer exercise control over how the publisher uses those rights. On the other hand, in a Licence to Publish, the author retains copyright and licences specific rights to the publisher, thus maintaining control over their rights that have not been granted.

A Licence to Publish can be exclusive or non-exclusive. The author (licensor) granting an exclusive licence will, in most cases, have the same result as a transfer of copyright: the specific rights have been exclusively granted to the publisher (licensee); the licensor can no longer exercise them. That is why it is important to grant a non-exclusive licence. With a non-exclusive licence,

such as a CC licence, you can grant all licensees specific rights with a standard contract.

Please note that some publishers ask you to transfer your copyrights or assign exclusive rights to be able for them to grant a CC licence. If you have a choice, we recommend not to do so. By transferring the copyright or granting an exclusive licence, you will no longer be in the position to exercise specific rights yourself. For instance, if the publisher owns your commercial rights,

you would have to ask the publisher permission, and in most cases pay the publisher, to be able to add your publication to a printed course reader and charge for it.

Rights that are usually reserved to the author after signing a publishing contract

Usually, certain rights remain reserved to authors or are granted by publishers in a standard contract, whether based on a Transfer of Copyright Agreement or an exclusive Licence to Publish.

These are:

- the right to make further copies of all or part of the work for private use and classroom teaching.
- the right to reuse all or part of the work in a compilation of a work or textbook of which you are the author.

- the right to make copies of the published work for internal distribution within the institution that employs you.

That said, the author will have to seek permission if a publisher does not expressly allow the author to exercise those rights as standard in the contract.

Retaining your rights

Authors can always try to retain more rights over the work through negotiation with the publisher. For that purpose, SPARC has developed an Author Addendum that can be added to your paper at submission.

In addition, cOAlition S has announced its Rights Retention Strategy, which aims to empower researchers funded by cOAlition S to retain control over their work. This strategy allows authors to publish in their journal of choice, including subscription journals, while retaining the right to self-archive the author's accepted manuscript of

their papers immediately upon publication under a CC BY licence.

3.

ABOUT CREATIVE COMMONS LICENCES

Creative Commons licences give everyone from individual creators to large institutions a standardized way to grant the public permission to use their creative work under copyright law. From the reuser's perspective, the presence of a Creative Commons license on a copyrighted work answers the question, "What can I do with this work?"

What is Creative Commons?

Creative Commons (CC) is a licence applied to a work protected by Copyright. It's a way of easily sharing copyrighted work without giving up total control or spending countless hours granting permissions.

- Users only need to seek the creator's permission to use the work in a way not permitted by the licence.
- CC licences allow works to be used for educational purposes. As a result, instructors and students can

freely copy, share, and sometimes modify and remix a CC work without seeking the creator's permission.

CC licences are not an alternative to copyright. They are built on copyright and similar rights and last for the same length of term as these rights. The licences enable rights holders to specify a standard set of terms and conditions regarding sharing and reuse that best suit their needs while ensuring that the authors are credited for their work.

Videos

Watch these two videos that explain Creative Commons licences in more detail.



One or more interactive elements has been excluded from this version of the text. You can view

them online here:

<https://westernsydney.pressbooks.pub/cclicensingattribution/?p=5>

What are Creative Commons Licences? by U of G Library is licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License



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can view them online here:

*[https://westernsydney.pressbooks.pub/
cclicensingattribution/?p=5](https://westernsydney.pressbooks.pub/cclicensingattribution/?p=5)*

Creative Commons Licensing Explained [by](#) Max Noble, [licensed under a](#) Creative Commons Attribution license (reuse allowed)

What does Creative Commons mean?

Bildersuche.org
by Martin Missfeldt

Creatives



Creators enrich the Internet with their works.

Problem: what license?

Many creative people want to share their works for use, but ...

How do I explain the license conditions?



Artist



User

What does he mean exactly?

Licensing agreements are complicated.

Solution:



creative commons

Creative Commons (CC) is a nonprofit organization. It offers pre-licensing agreements. CC licenses are free, but ...

Four possible conditions are important to check:

Version 3.0

Attribution (BY)



BY:



The author's name must be listed under or next to the work!

No Derivatives (ND)



Exactly use!
No editing!



Non Commercial (NC)



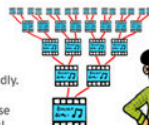
No revenue by using of the work.



Share Alike (SA)



Share: Gladly.
But only under these conditions!



As result of the combination of these conditions, there are six different CC licenses:

Icon	Short-Text	means...
	CC BY 3.0	Only Attribution (name, sometimes with Homepage-link)
	CC BY-ND 3.0	Attribution and No editing (no derivatives)
	CC BY-NC 3.0	Attribution and No commercial use
	CC BY-NC-ND 3.0	Attribution, No commercial use and No editing
	CC BY-NC-SA 3.0	Attribution, No commercial use and Share Alike
	CC BY-SA 3.0	Attribution and Share Alike

Important!

Creative Commons does **NOT** mean that works are public domain!
In any case, at least the **AUTHOR** has to be mentioned!

Advantages of CC licenses

- Statement: free access to digital culture
- Interest in the processing and derivatives.



- Especially:
• Sharing of your works.

- When using CC licenses users feel more secure that the works could be shared

Infographic: What does Creative Commons mean?

4.

BENEFITS OF USING CREATIVE COMMONS LICENCES

Open licences support creators that want to share their works freely and allow other users more flexibility to reuse and share the creators' works.

Specific **benefits** include:

- Allowing others to distribute the work freely, which in turn promotes wider circulation than if an individual or group retained the exclusive right to distribute.
- Reducing or eliminating the need for others to ask for permission to use or share the work can be time-consuming, especially if the work has many authors.
- Encouraging others to improve and add value to the work continuously; and
- Encouraging others to create new works based on the original work – e.g., translations, adaptations, or works with a different scope or focus.

Scholarly content such as journal articles and books are typically licensed under an open licensing system, the most popular being the Creative Commons (CC) licensing system.

CC licences provide everyone from individual creators to large institutions a standardized way to grant the public permission to use their creative work under copyright law. From the reuser's perspective, a CC licence on a copyrighted work answers the question, "What can I do with this work?".¹

Breaking down the CC licences

Creative Commons licenses are made up of four conditions that can be mixed and matched to create six different license combinations.

The licenses also come in three formats:

- human-readable
- lawyer-readable, and
- machine-readable.

Video

Watch this video about the benefits of using Creative Commons licences.



One or more interactive elements has been excluded from this version of the text. You

can view them online here:

<https://westernsydney.pressbooks.pub/cclicensingattribution/?p=52#oembed-1>

A Shared Culture from Creative Commons on Vimeo.

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¹ This paragraph is reproduced from About CC Licenses. Licensed under a Creative Commons Attribution 4.0 International license. <https://creativecommons.org/about/cclicenses/>

5.

CREATIVE COMMONS LICENCE TYPES

As a creator of open content, you can choose the conditions of reuse and modification, with the following caveat:

When selecting a Creative Commons (CC) licence:

- **Aim to retain your rights, and make your content as open as permitted** (authors are encouraged to anticipate their future needs and to retain the rights they need to optimise the dissemination of their research)
- **Consider other requirements**, such as funder licensing and copyright restrictions for the IP or third-party copyright content used in your work.

For example:

You have grant funding, and your Funder stipulates a particular CC licence. Consider:

1. When selecting third-party copyright content, that you only use content that enables you to meet your Funder licensing requirements.

2. When you look for journals in which to publish, that you check that the Open Access journal offers the licensing required by your Funder. If it doesn't, find another OA journal that does.
-

Optional licence elements




Along with the basic rights and obligations set out in each CC licence, there are a set of 'optional' licence elements which can be added by the creator of the work.

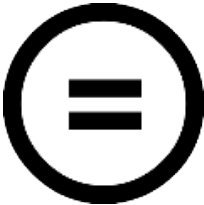
These elements allow the creator to select the different ways they want the public to use their work. The creator can mix and match the elements to produce the CC licence they want. This process is a simple and quick way for creators to indicate how they wish their work to be used.

Each element has its own icon and abbreviation, making them easy to identify. There are four standard licence elements:

Optional Licence Elements

ICON	RIGHTS
------	--------

	Attribution
	ShareAlike
	Non-commercial

	No Deriva
-----------------------------------------------------------------------------------	------------------

sic Guide to Open Educational Resources by Commonwealth
of Learning licensed under CC BY-SA 4.0

Six standard Creative Commons licences

These elements are mixed and matched to create the six standard CC licences. The table below lists these licences and the conditions attached to each.







Note:

- All six CC licences include the attribution (BY) element, meaning anyone using a resource with this licence must credit the author of the original work.

Conversely, the 'CC0' Public Domain licence does not require attribution.

- CC licences are written in the format 'CC' followed by a space and then the relevant licence elements combined with hyphens.

Six main Creative Commons licences

CREATIVE COMMONS LICENCES ²		
Licence designation	Licence name	What does this mean for you as an author?
CC BY 	Attribution	The most liberal of the CC licences apart from CC0 Public Domain Dedication. This licence allows others to distribute , remix , tweak, and build upon a work – also commercially – provided they credit the author for the original creation and clearly indicate that changes were made to the work, if any.
CC BY-SA 	Attribution ShareAlike	Similar to CC BY; however, others must licence new creations under identical terms. Therefore, all new works reusing (parts of) such work will need to carry the same licence and any derivatives will also allow commercial use. ³
CC BY-ND 	Attribution NoDerivatives	This licence allows for redistribution, commercial and non-commercial, provided it is passed along unchanged and in whole, with credit to the author.
CC BY-NC 	Attribution Non-Commercial	With this licence others must not remix, tweak, or build upon the original work for commercial purposes. Although new works must also acknowledge the author and be non-commercial, reusers do not have to licence their derivative works on the same terms.
CC BY-NC-SA 	Attribution Non-Commercial ShareAlike	This licence lets others remix, tweak, and build upon the author's work non-commercially, provided they credit the author and licence their new creations under the identical terms.
CC BY-NC-ND 	Attribution Non-Commercial NoDerivatives	This is the most restrictive of the six licences, only allowing others to download works and share them with others as long as they credit the author, but they cannot change them in any way or use them commercially.

This table is reproduced with small alterations from Martin Paul Eve, *Open Access and the Humanities: Contexts, Controversies and the Future* (Cambridge: Cambridge University Press, 2014) <http://dx.doi.org/10.1017/CBO9781316161012>. Licensed under a CC BY license. The two columns were merged, and the text slightly changed.

This short video explains the six main Creative Commons Licences.



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can view them online here:

*[https://westernsydney.pressbooks.pub/
cclicensingattribution/?p=62#oembed-1](https://westernsydney.pressbooks.pub/cclicensingattribution/?p=62#oembed-1)*

Video: Creative Commons Kiwi [**Creative Commons
Kiwi video transcript** (RTF download)].

6.

SEEKING THIRD-PARTY CONTENT PERMISSIONS

Ask the **University Copyright Officer** to seek permission on your behalf to re-use third-party content and for further advice on copyright and Creative Commons licensing.

What is third-party content?

Third-party content is created by someone else, a third party, and as such, you do not have the right to licence the content. You may not have the rights for any number of reasons. For example, the content is protected by a trademark, owned by someone else, or licensed under another licence (even if it is the same Creative Commons licence that you applied for).

For all third-party content, you must prominently mark or indicate in a notice that this content is excluded from the

Creative Commons licence. Take a look at the examples included on the Smartcopy site.

Where to find user permissions

To help you determine the user permissions of the resources that you find online:

1. Look carefully at the resource you want to use and any information surrounding it to identify licensing information.
2. Review the “about” and “terms of use” pages of the resource’s website for permissions and licensing information.
3. If you cannot find a symbol or statement of the licence or the permissions for use, the copyright owner probably retains all their exclusive rights.

Seeking permission

Use the guidelines below to identify whether you need to seek permission from the copyright holder when repurposing existing materials as OER.

You DO NOT need to ask permission if:

- The resource is in the public domain. However, if resources reside in the public domain, they may contain copyrighted works, so examine the resource and read the terms of use carefully.
- Your intended use falls within a copyright exception or limitation (such as fair dealing).
- The way you want to use the resource complies with the terms of a copyright licence that applies to you, i.e., you already have permission in this case.

You DO need to ask permission if:

- You wish to use a resource protected by copyright, and your intended use would be infringing copyright law.
- You wish to use a resource in a way that is beyond the scope of the permission granted to users in an applicable copyright licence.

You should consider asking for permission if:

- You are uncertain whether an applicable copyright licence permits your intended use.
 - You are uncertain about whether a work is protected by copyright.
 - You are uncertain whether your intended use falls within a copyright exception.
-

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7.

UNDERSTANDING CC LICENCE COMPATIBILITY

Before you start combining licences:

- Download this free template, Record of Permissions (Excel download). It will help you keep track of third-party copyright content permissions.
- watch this video about Creating OER and Combining Licences [9:16]



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can view them online here:

<https://westernsydney.pressbooks.pub/cclicensingattribution/?p=94#oembed-1>

Video: Creating OER and Combining Licences – Full by TheOERRepository is Licensed under Creative Commons Attribution-ShareAlike 3.0 Unported | Creative Commons Attribution license (reuse allowed)

'Creator' versus 'user' licences

You need to understand the different types of CC licences, as both a potential **user** and **creator** of OER.

- As a potential OER **user (adapter)**, you will review others' OER for material to reuse. The terms of the licence will specify **exactly how you may reuse the resource** (Adapter's licence).
- As a potential OER **creator [of original content]**, you will need to **think about what types of reuse, modification, translation and remix of your work you will permit** before you select your CC licence (Original licence).

General Rules

1. **If the original work is licensed with BY or BY-NC, your adapter's licence must include the same licence elements as the licence applied to the original.** For example, if you adapt a BY-NC work, you will apply BY-NC to your adaptation. If you adapt a BY work, you can apply BY or BY-NC to your adaptation.

2. **If the original work is licensed with BY-SA or BY-NC-SA, your adapter's licence must be the same licence applied to the original or designated as compatible with the original licence.**
3. **If the original work is licensed with BY-ND or BY-NC-ND, you cannot distribute adaptations.**

Licence compatibility

Licence compatibility is the term used to address the issue of which types of licensed works can be adapted into a new work.

- Simple scenario: When creating an adaptation of a CC-licensed work, the simplest scenario is when you take a single CC-licensed work and adapt it.
- More complicated scenario: The more complicated scenario is when you are adapting two or more CC-licensed works into a new work.

For either situation, think about your options for licensing the copyright you have in your adaptation (your Adapter's Licence).

Note:

- Your rights in your adaptation only apply to your own contributions.

- The original licence continues to govern the reuse of the elements from the original work that you used when creating your adaptation.

REMixING CHARTS

Chart 1: How licences can be combined

The remix chart below **shows which CC licences can be combined**.

	 PUBLIC DOMAIN	 PUBLIC DOMAIN	 CC BY	 CC BY-SA	 CC BY-NC	 CC BY-ND	 CC BY-NC-SA	 CC BY-ND-SA
 PUBLIC DOMAIN	✓	✓	✓	✓	✓	✗	✓	✗
 PUBLIC DOMAIN	✓	✓	✓	✓	✓	✗	✓	✗
 CC BY	✓	✓	✓	✓	✓	✗	✓	✗
 CC BY-SA	✓	✓	✓	✓	✗	✗	✗	✗
 CC BY-NC	✓	✓	✓	✗	✓	✗	✓	✗
 CC BY-ND	✗	✗	✗	✗	✗	✗	✗	✗
 CC BY-NC-SA	✓	✓	✓	✗	✓	✗	✓	✗
 CC BY-ND-SA	✗	✗	✗	✗	✗	✗	✗	✗

To use the chart, find a licence that applies to one of the works on the left column and the licence that applies to the other work on the top right row.

1. **If there is a checkmark in the box where that row and column intersect:** The works under those two licences can be remixed.

2. **If there is an “X” in the box:** The works may not be remixed unless an exception or limitation applies.

Chart 2: Licences that can be applied to your work

Use this Adapters License Chart to determine which licence to apply to your own work (**Adapter’s Licence**) by comparing it to the original work.

Adapter’s license chart		Adapter’s license						
		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							

Note: PD = Public Domain.

- **Green boxes (OK to use this licence for your work):** When creating an adaptation of material under the licence identified in the left-hand column, you may licence your contributions to the adaptation under one of the licences indicated on the top row if the corresponding box is green.
- **Yellow boxes (technically permitted, but not recommended for your work):** If the corresponding box is yellow CC does not recommend using a licence. If you do use the licence,

mark the adaptation as involving multiple copyrights under different terms so that downstream users know their obligations to comply with the licences from all rights holders.

- **Dark grey boxes (don't use this licence for your work):** Grey boxes indicate those licences you may not use as your adapter's licence.

8.

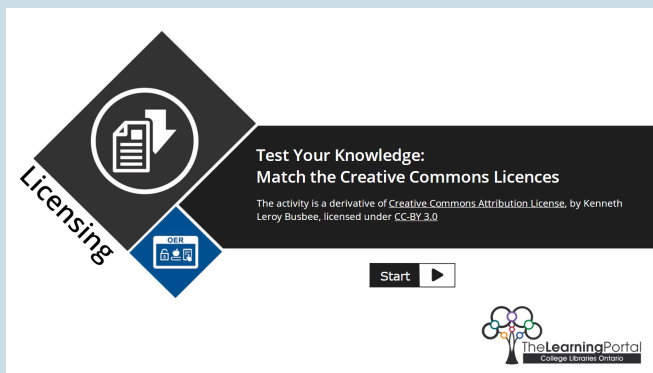
INTERACTIVE CC LICENSING GAMES

**Interactive CC licence mixing games to
test your knowledge**

Answer the multiple choice questions in this CC
licence mixing game

[https://course.oeru.org/lida103/learning-pathways/
remix-game/overview/](https://course.oeru.org/lida103/learning-pathways/remix-game/overview/)

Use 'click and drag' to match the Creative Commons
licences




The interface features a large black diamond on the left with a white circle containing a document icon and a downward arrow. The word "Licensing" is written diagonally across the diamond. Below the diamond is a blue diamond containing a Creative Commons license icon. To the right, a black rectangular box contains the title "Test Your Knowledge: Match the Creative Commons Licences" and a paragraph of text. Below this box is a "Start" button with a play icon. In the bottom right corner is the logo for "The Learning Portal College Libraries Ontario", which includes a stylized tree icon.

Licensing

**Test Your Knowledge:
Match the Creative Commons Licences**

The activity is a derivative of [Creative Commons Attribution License](#), by Kenneth Leroy Busbee, licensed under CC-BY 3.0

Start ▶

 **The Learning Portal**
College Libraries Ontario

9.

ATTRIBUTION STATEMENTS (INCLUDING WSU EXEMPLARS)

Nearly all Creative Commons-licensed resources require attribution, i.e. giving credit to the author/creator of the resource. However, even when you are using OER for which the licence does not require attribution (such as the CC0 Public Domain licence, as in the image above), it is good practice to provide attribution.

CC licences are flexible regarding how an OER can be attributed, but a good rule of thumb is to use the acronym TASL as a reminder of the specific information to include, i.e. Title, Author, Source and Licence.

- **Title** — What is the name of the resource? If a title was provided, it is good practice to include this.
- **Author** — The most important field to include in the attribution is the author, i.e. who owns the resource? Sometimes, the author/creator may

require you to give credit to another entity, like an institution, company or group. This information is generally provided along with the open licence attached to the resource.

- **Source** — Where can I find this resource? Provide the source of the OER so that others can access it also.
- **Licence** — How can I use this resource? Name and provide a link to the specific Creative Commons (or other) licence under which the resource was made available.

Sometimes an OER will include a statement as to how the creator(s) would like the material to be attributed. If this is provided, you can simply use that statement.

Western Sydney University attributions

The following exemplars can be used to build a WSU Creative Commons (CC) Licence attribution statement.

For consistency, and where the resource is copyright of Western Sydney University, add the following to the start of your attribution statement:

© Western Sydney University, unless otherwise attributed.

Examples

© Western Sydney University, unless otherwise

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- Best practices for Creative Commons attributions(New Media Rights)

2.2 Creative Commons for open licensing. *OER and OEP for Teaching and Learning*. (2022). Retrieved 21 October 2022, from <https://open.teachingandlearning.ie/cc-for-open-licensing/>

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