

OnlineHE project

A practical toolkit for integrating eLearning in Higher Education Curricula

Building the capacity of HE teaching staff, academics, and learning designers in integrating eLearning into their educational programmes



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Module 1: Online Safety

Module Summary

The objective of the training is to provide a conceptual basis on copyright linked to academic activity and the provisions contemplated by legislation aimed at promoting educational work.

Additionally, a first approach will be made to the regulation on the protection of personal data and aspects related to teaching activity.

Disclaimer:

This training has been prepared on the basis of Spanish legislation, especially Royal Legislative Decree 1/1996, of April 12, which approves the revised text of the Intellectual Property Law. Without prejudice to this, the principles enshrined are applicable at European continental level..

Module 7: ONLINE SAFETY

Índice

The index will indicate the content to be developed in this training.

- **UNIT 1: INTELLECTUAL PROPERTY**
 - Conceptualization and scope.
 - Basics. Starting Point
 - Implications of Copyright in academia.
 - Copyright Limits Applicable to Teaching Materials.
 - Legitimate exploitation
 - Under commercial licenses
 - Under "Creative Commons" licenses
 - Open Educational Resources (OER)
 - Collective Management Organizations.

Module 7: ONLINE SAFETY

Index

- **UNIT 1 (CONTINUED) INTELLECTUAL PROPERTY**
 - Teaching materials.
 - Type of materials in the academic year. Rights holders.
 - Material specificities.
 - Multimedia.
 - Infographics and templates.
 - Links.
 - Texts.
 - Good practices and general recommendations.
 - Case studies.
 - Frequently asked questions. (in development)

Module 7: ONLINE SAFETY

Index

- **UNIT 2: PROTECTION OF PERSONAL DATA**
 - Conceptualization and scope.
 - Basics.
 - Roles and Responsibilities.
 - Implications in the academic field.

Unit 1: INTELLECTUAL PROPERTY

Basics. Starting Point

What is Intellectual Property?

It is the set of **personal** (moral) and **economic** (patrimonial) **rights** that correspond to the authors **on the following works of their creation**



Literary



Artistic



Scientific

An article, book, brochure, video, photograph, graphic, speech even a computer program are subject to what we also know as **Copyright**

Unit 1: INTELLECTUAL PROPERTY

Basics. Starting Point

Examples of protected original works

- Books, pamphlets, printed matter, correspondence, writings, speeches and speeches, conferences, forensic reports, lectures and any other works of the same nature.
- Musical compositions, with or without lyrics.
- Dramatic and dramatic-musical works, choreographies, pantomimes and, in general, theatrical works.
- Cinematographic works and any other audiovisual works.
- Sculptures and works of painting, drawing, engraving, lithography and graphic comics, comics or comics, as well as their essays or sketches and other plastic works, whether or not applied.
- The projects, plans, models and designs of architectural and engineering works.
- Graphs, maps and designs relating to topography, geography and, in general, science.
- Photographic works and those expressed by a procedure analogous to photography.
- Computer programs.

Unit 1: INTELLECTUAL PROPERTY

Basics. Starting Point

What rights do the Authors attribute?

Moral rights

- **Disclosure** > D^o to decide the disclosure of your work and in what form
- **Paternity/ Attribution** > D^o to the recognition of the status of author
- **Integrity** > respect for the integrity of the work and not alteration of it.
- **Withdrawal** > D^o to withdraw the work from the market respecting the rights acquired by third parties

Economic rights

- **Reproduction** > Copy number / fixation of the work on a medium
- **Distribution** > D^o Making available to the public of the original or copy (Rent, sale, loan)
- **Public Communication** > D^o to make available to a plurality of people to access the work without prior distribution of copies.
- **Transformation** > translation, adaptation, or any other modification.

Unit 1: INTELLECTUAL PROPERTY

Basics. Starting Point

What is the scope of copyright?

Temporary

- During the life of the Author and:
 - 70 years after your death or declaration of death. (General deadline)
 - 80 years authors died before 7/12/1987 (Spain)
 - More than one author (term begins from the death of the last of the authors.)
- **Other:** Right of performers, 50 years from the first public performance demonstrable or fixed on a sound or audiovisual medium

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Unit 1: INTELLECTUAL PROPERTY

Basics. Starting Point

What is the scope of copyright?

Spatial

- All territories worldwide > International protection.
- Unlike Industrial Property rights (Trademarks, Patents, Industrial Design) that are territorial, that is, for each country in which they are protected.

Unit 1: INTELLECTUAL PROPERTY

Basics. Starting Point

What requirements are necessary to have the Copyright?

- Berne Convention "Protection shall not be subject to the performance of any formality.
- Principle of "automatic" protection.
- The Author is recognized as the author and will have the rights conferred from the moment of creation.
- It is advisable to include the ©

HOWEVER, IT IS CONVENIENT TO SAFEGUARD THE WORK FOR EVIDENTIARY PURPOSES TO FAVOR THE POSITION IN A DISPUTE SCENARIO.

Unit 1: INTELLECTUAL PROPERTY

Exploitation of works in online courses

What acts are considered exploitation of a work?

- Upload material to an online platform/campus
- Download material from an online platform
- Email students in class
- Use electronic resources, databases, periodicals, etc.
- Print of works (electronic or not)
- Download a file from the internet
- Scan, copy a file
- Distribute photocopies
- Allow access to electronic resources such as databases, periodicals
- Project films, documentaries, videos from websites such as YouTube, Vimeo, etc.
- Include photographs, logos, etc. on a website that are on your own server

Unit 1: INTELLECTUAL PROPERTY

What are the implications of Copyright in academia?

- **The publication and use** in the classroom (campus, posts, use of parts, etc.) of **any intellectual work** (e.g. papers, articles, blog posts, photos, infographics, music ..) **requires prior authorization from the author** or rights holder (attention: in many cases the rights of the holders are managed by the publishers).

YES, EVERYTHING....



What does this imply?

If we want to **use/include third-party content** that is subject to Copyright, **we must manage the corresponding licenses**, either directly **with the rights holder** or through third parties who manage their rights to agree on the terms of a license.

Unit 1: INTELLECTUAL PROPERTY

What are the implications of Copyright in academia?



However....

There are **EXCEPTIONS** applicable in academia!!!

These exceptions are known as... **COPYRIGHT LIMITS**

Unit 1: INTELLECTUAL PROPERTY

What are the copyright limits that apply to teaching materials?

Can I include **fragments** of works (written, sound or audiovisual) of other authors without their authorization in the academic resources I prepare?



Unit 1: INTELLECTUAL PROPERTY

What are the copyright limits that apply to teaching materials?

The answer is YES,

The right of Citation implies, include in a work of its own:

- Fragments of works of a written, sound or audiovisual nature
- Isolated works of a plastic or photographic nature

When:

- Is done for teaching or research purposes only (Non-commercial)
- About works already disclosed
- Its inclusion is made by way of quotation or for its analysis, comment or critical judgment.
- Your inclusion is justified
- **INDICATE AUTHOR AND SOURCE OF WORK USED.**



**WE REFER TO THE LIMIT OF
"CITATION"**

The citation must be made by mentioning the source and the name of the author, if this name appears in the source, by means of quotation captions or other similar means, which allows the identification of the fragment in question as a quote or review owned by a particular author.

Unit 1: INTELLECTUAL PROPERTY

Most relevant exceptions.

Let's define fragments of works (written, sound or audiovisual)).

The Berne Convention provides that quotations taken from a work that has been lawfully made available to the public are lawful, provided that they are made in accordance with fair practice and to the extent justified by the purpose pursued (Art. 10 Berne Convention).

Most laws explicitly include the reference to the fact that in all cases the quotation is limited to the parts of the text indispensable for that purpose, but not all mention a specific amount.

Argentine legislation indicating that the length should not exceed **one thousand words**.

Unit 1: INTELLECTUAL PROPERTY

What are the copyright limits that apply to teaching materials?

1. The limit of illustration for teaching implies that acts of reproduction, distribution and public communication of:

- Small fragments of works of a written, sound or audiovisual nature
- Isolated works of a plastic or photographic nature.
- By teachers of formal education

When:

- Is done for teaching or research purposes only (Non-commercial)
- About works already disclosed
- Their inclusion is justified by the non-commercial purpose.
- INDICATE AUTHOR AND SOURCE OF WORK USED.

NO
REMUNERATION



WE REFER TO THE LIMIT OF
"ILLUSTRATION FOR TEACHING"

Unit 1: INTELLECTUAL PROPERTY

What are the copyright limits that apply to teaching materials?

ATTENTION!

They are excluded from this limit....

Textbooks, university manuals (any publication, printed or likely to be, edited in order to be used as a resource or material of teachers or students of formal education to facilitate the process of teaching or learning)



**WE REFER TO THE LIMIT OF
“ILLUSTRATION FOR TEACHING”**

Unit 1: INTELLECTUAL PROPERTY

What are the copyright limits that apply to teaching materials?

ATTENTION!

The exclusion does not apply when:

- The **partial copies are distributed exclusively** among students and teaching or research staff of the same institution in which the reproduction is made..
- Acts of public communication involving the making available through the **internal and closed networks accessible only to those beneficiaries or within the framework of a distance education programme offered by that educational institution.**



**WE REFER TO THE LIMIT OF
“ILLUSTRATION FOR TEACHING”**

Unit 1: INTELLECTUAL PROPERTY

What are the copyright limits that apply to teaching materials?

¿I can include a chapter of a book or a magazine article,
i.e. larger fragments?



Unit 1: INTELLECTUAL PROPERTY

Copyright Limits Applicable to Teaching Materials

The answer is **YES**,

The limit of illustration for educational / research purposes implies that acts of reproduction, distribution and public communication of:

- Works or publications printed or likely to be.
- Limited to one chapter of the book, article of a magazine or equivalent extension in assimilated publication or extension comparable to 10% of the total of the work.
- In universities and public research centres, by their staff.

When:

- Is done for teaching or research purposes only (Non-commercial)
- About works already disclosed
- Their inclusion is justified by the non-commercial purpose.
- **INDICATE AUTHOR AND SOURCE OF WORK USED.**



WE REFER TO THE LIMIT OF
"ILLUSTRATION FOR EDUCATIONAL
/ RESEARCH PURPOSES"

Unit 1: INTELLECTUAL PROPERTY

Example of fees applicable to the illustration limit for educational and research purposes

CAPÍTULO 20: UNIVERSIDADES Y CENTROS PÚBLICOS DE INVESTIGACIÓN

La remuneración por los actos de reproducción parcial, distribución y comunicación pública de obras o publicaciones impresas o susceptibles de serlo que deberán abonar los centros que cumplan todos los requisitos del artículo 32.4 TRLPI es de:

Usuario	Modalidad de explotación	Tarifa anual	Ratio	Relevancia
Universidades y centros públicos de Investigación	Fotocopiar	1,59 €	Alumno	Significativa
	Usos digitales*	5,90 €	Alumno	Significativa
	Escanear	0,67 €	Alumno	Significativa
	Imprimir	1,60 €	Alumno	Significativa
	Distribución copias papel	0,59 €	Alumno	Significativa

* Se han valorado la puesta a disposición a través de la red cerrada e interna, así como el envío por el correo electrónico. No se han tenido en cuenta copias puestas a disposición otros espacios (foros y chats) de estas redes.

Unit 1: INTELLECTUAL PROPERTY

Copyright Limits Applicable to Teaching Materials

ARE THERE ANY ADDITIONAL EXCEPTIONS?



Unit 1: INTELLECTUAL PROPERTY

Most relevant exceptions.

LIBRARIES

Museums, archives, libraries, newspaper libraries, sound libraries or film libraries of **public ownership** or belonging to non-profit cultural, scientific or educational entities of general interest, or to **educational institutions integrated into the Spanish educational system**:

They shall not require authorisation from rightholders by:

- 1. The reproduction of works when it is done exclusively for research or conservation purposes.**
- 2. Make the loan of the works (against remuneration – Management Entity)**
- 3. Consultation in specialized terminals for research, provided that they appear in the collections of these establishments (against remuneration – Management Entity)**

Unit 1: INTELLECTUAL PROPERTY

Most relevant exceptions.

ORPHAN AND OUT-OF-COMMERCE WORKS (DESCTAALOGADAS)

DEFINITION: the work whose rights holders are not identified or, if so, are not located despite a prior diligent search for them

Museums, archives, libraries, EDUCATIONAL CENTERS

- may reproduce, for the purposes of digitisation, making available to the public, indexing, cataloguing, preservation or restoration, and make available to the public.
- Non-profit

Unit 1: INTELLECTUAL PROPERTY

Legitimate exploitation

1. Own Works
2. Works in the public domain
3. Laws and Other Non-Copyrighted Materials
4. Under business licenses
5. Under "creative commons" licenses
6. Open Educational Resources (OER)
7. Fragments with authorizations of the Management Entities (mentioned above)

Unit 1: INTELLECTUAL PROPERTY

Legitimate Exploitation – Public Domain

What works are considered in the Public Domain?

- All works that are not protected by copyright and can therefore be used without permission or without having to pay the original author. That means that public domain works can be copied, distributed, adapted, performed and displayed in public free of charge, as if they belonged to everyone.

When are they considered in the Public Domain?

- **Once the term of its copyright protection ends.** (The term of copyright protection varies from country to country, but typically ends 50 to 70 years after the author's death.)
- When they do not comply with the conditions of copyright protection.
- Data and lists do not meet the conditions of protection, therefore the ingredient list of a recipe and the dates of a calendar are in the public domain. However, the description of how to use the ingredients of the recipe and the graphic material that is included in a calendar can be considered original expressions and are therefore protected by copyright.

Unit 1: INTELLECTUAL PROPERTY

Legitimate Exploitation – Public Domain

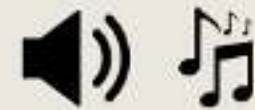


Derivative works are also **protected by copyright**, even if the original works from which they are derived are in the public domain.

Traducciones



Arreglos musicales



Ilustraciones



Introducciones, comentarios, etc.



Unit 1: INTELLECTUAL PROPERTY

Legitimate Exploitation – Creative Commons Licenses

What are CC licenses?

Creative Commons is an international project that aims to strengthen creators so that they are the ones who define the terms in which their works can be used, what rights they want to deliver and under what conditions they will do so.

Creative Commons licenses offer content creators a standard way to authorize someone else to use your material.

What types of CC licenses are there?

Types of Creative Commons licenses

Recognition (by)

Recognition – Non-Commercial (by-nc)

Recognition – NonCommercial – Share Alike (by-nc-sa)

Attribution – Non-Commercial – No Derivative Works (by-nc-ND)

Recognition – Share Equal (by-sa)

Acknowledgment – No Derivative Work (by-nd)

Unit 1: INTELLECTUAL PROPERTY

Legitimate Exploitation – Creative Commons Licenses



Briefly...

Attribution means: You can copy, distribute, display, and perform this copyrighted work - and derivative works based upon it - but only if the artist is given credit.



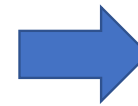
Noncommercial means: You can copy, distribute, display, and perform this work - and derivative works based upon it - but for noncommercial purposes only.



No Derivatives means: You can copy, distribute, display, and perform only verbatim copies of this work, not derivative works based upon it.



Share Alike means: You can distribute derivative works only under a license identical to the license that governs your work.








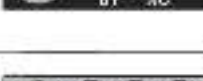


Allow reproduction, distribution and public communication



Unit 1: INTELLECTUAL PROPERTY

Legitimate Exploitation – Creative Commons Licenses

What rights and obligations do each license imply?

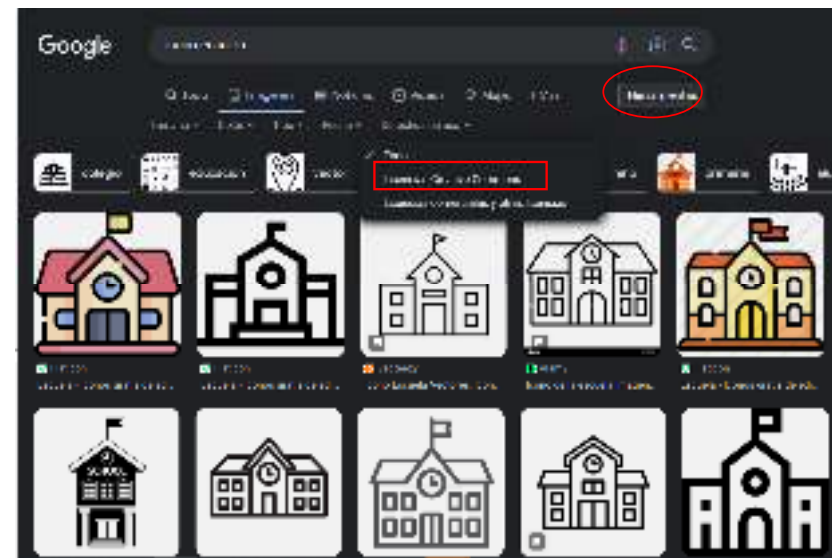
	Logo	License Type	Description
 <p>Most Open</p> <p>Least Open</p>		Public Domain/CC0	Anything goes! No credit to the original work or creator is needed and you may copy, remix, modify, and redistribute for commercial and non-commercial means.
		Attribution	Lets you distribute, copy, remix, modify, and build upon the original work as long as you give credit to the original creator(s) and the original work.
		Attribution Share-Alike	This license means you need to credit the creator(s) of the work and anything you produce with the work needs to have the same license as the original.
		Attribution Non-Commercial	Lets you remix the original work as long as you give credit to the original creator(s) and original work. You cannot distribute the original or your remix for commercial gain. Any new derivative works must also be non-commercial, but do not have to be licensed under the same terms.
		Attribution Non-Commercial Share-Alike	Lets remix the original work as long as you give credit to the original creator(s) and original work and do not distribute it for commercial gain. Any new derivative works must be licensed under the same terms.
		Attribution No Derivatives	Allows for redistribution and sharing of the original work for commercial or non-commercial purposes as long as you give credit to the creator. The work must be distributed in its original, unchanged form.
		Attribution Non-Commercial No Derivatives	This only allows for the non-commercial distribution of the original, unchanged work with credit given to the creator(s).

Unit 1: INTELLECTUAL PROPERTY

Legitimate Exploitation – Creative Commons Licenses

Advice:

- 1. Go to Google.com
- 2. Images
- 3. Search for an image of interest
- 4. Click Tools
- 5. CC Licenses
- 6. Use License Compliance



Unit 1: INTELLECTUAL PROPERTY

Legitimate Exploitation – Open Education

What other resources do we have available

Open Academic Resources (OER):

- **Reproduce:** the right to make, own, and control copies of content (e.g., download, duplicate, store, and manage)
- **Reuse:** the right to use content in many different ways (e.g. in a class, in a study group, on a website, in a video)
- **Review:** the right to adapt, adjust, modify or alter the content itself (for example, translate the content into another language)
- **Remixing:** the right to combine original or revised content with other material to create something new (e.g., incorporating the content into a mashup)
- **Redistribute:** the right to share copies of the original content, its revisions, or its remixes with others (for example, giving a copy of the content to a friend)

Most under CC license



- <https://www.oercommons.org/>
- <https://www.merlot.org/merlot/index.htm>
- <https://ocw.mit.edu/>

Unit 1: INTELLECTUAL PROPERTY

Collective Management Organisations

What are Collective Management Organizations?

Collective management organizations of intellectual property rights can be defined as private **organizations of associative base and non-profit nature** that are dedicated in (i) their own name or (ii) others, to the management of intellectual property rights of a patrimonial nature on behalf of their legitimate owners.

Functions

- Exercise intellectual property rights, either delegated by their legitimate owners, or by legal mandate (mandatory collective management rights)
- Prosecute violations of these rights through a control of uses, resorting to judicial channels.
- Set a remuneration appropriate to the type of exploitation carried out and receive that remuneration in accordance with the stipulations.
- In the field of mass use, conclude general contracts with associations of users of its repertoire and fix general tariffs for the use of it.
- Allow rights of a compensatory nature (e.g. remuneration for private copying) to be enforced.
- Make the distribution of the net collection corresponding to the holders of rights.
- Provide assistance and promotion services for authors and performers.

Unit 1: INTELLECTUAL PROPERTY

Collective Management Organisations

- Intellectual Property Rights Management Entities **of authors and publishers** (In Spain SGAE <https://www.sgae.es/>)
 - **Music:** composers and lyricists of all genres and styles.
 - **Audiovisuals:** storytellers, scriptwriters, directors, translators and adapters.
 - **Performing Arts:** Playwrights and choreographers.
- Intellectual Property Rights Management Entities (**Reprographic Rights**) **authors and publishers of books, magazines, newspapers, scores and periodicals.** (In Spain <https://www.cedro.org/>)
- Intellectual Property Rights Management Entities (**Plastic Artists**) **painters, sculptors, photographers, illustrators, designers, video artists, net-artists, architects.** (In Spain <https://vegap.es/>)
- Intellectual Property Rights Management Entities (**Audiovisual Works**) **scriptwriter, storyteller, director-director, translator or adaptor.** (In Spain <https://www.damautor.es/>)

Unit 1: INTELLECTUAL PROPERTY

Collective Management Organisations

- Entities for the Management of Intellectual Property Rights of **Artists Musical/Acting Performers** (In Spain AIE <https://www.aie.es/> (Musical) <https://www.aisge.es/> (actors))
- Entities of Management of Intellectual Property Rights of **phonogram and audiovisual producers** (In Spain <https://www.agedi.es/> (Phonograms) <https://www.egeda.es/> (Audiovisual))

At the European level, the initiatives recently proposed aimed at promoting competition between the different entities of the European Union are important..

Unit 1: INTELLECTUAL PROPERTY

Collective Management Organisations

- The LPI (Spanish Intellectual Property Law) imposes **mandatory collective management** through the Management Entities for certain intellectual property rights, so that in such cases the owner does not have the option of managing them individually and, in addition, the collective management organization represents it by legal mandate, that is, may collect on your behalf regardless of whether the entity has delegated the management of these rights to the entity.
- The rights in which collective management is mandatory are basically:
 - **remuneration rights** (right to remuneration for distribution and communication to the public)
 - also the exclusive **right of public communication** in its variant (cable retransmission) (article 20.4.b LPI)
 - the **right to fair compensation for private copying** (article 25 LPI).

Unit 1: INTELLECTUAL PROPERTY

Collective Management Organisations

When incorporating a work in the presentation for educational purposes, unless you can use one of the aforementioned exceptions, you must require a license from the corresponding management entity.

Unit 1: INTELLECTUAL PROPERTY

Teaching materials. Ownership

Teacher ownership

Those materials previously prepared by the teacher and used within the framework of the academic year.



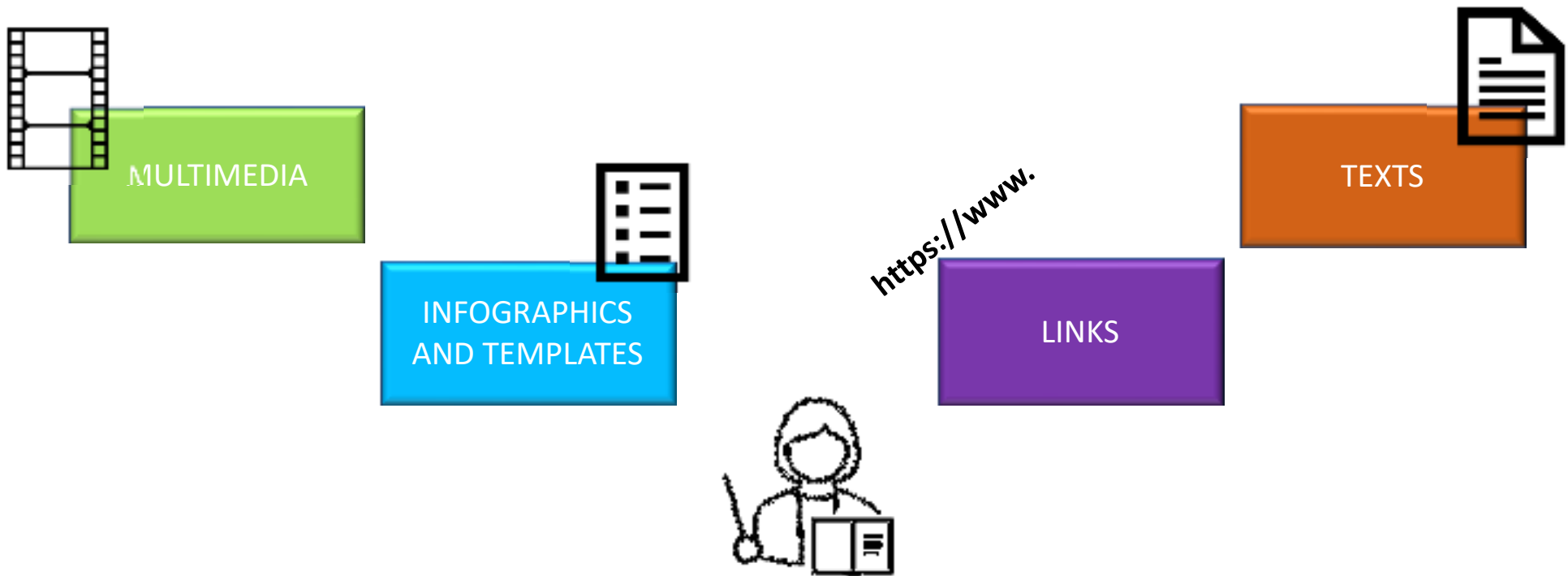
Ownership of the Educational Entity

Those materials prepared **expressly** for the Educational Entity by the teacher and whose rights are assigned to the Entity (contract)



Unit 1: INTELLECTUAL PROPERTY

Teaching materials. Types of Materials

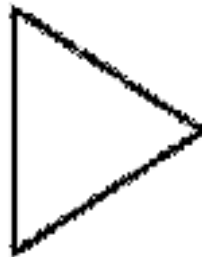
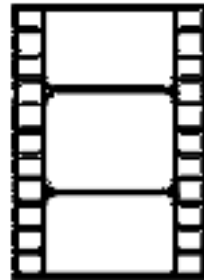


Unit 1: INTELLECTUAL PROPERTY

Teaching materials. Types of Materials

MULTIMEDIA

- Videos of a teacher's own content
- **Youtube** videos (third party videos)
- **Vimeo** videos (third party videos)
- **Ted Talk** videos (extracted directly from your page)
- Podcast



Unit 1: INTELLECTUAL PROPERTY

Teaching materials. Multimedia

What aspects should you take into account in homemade videos/podcasts?




Unit 1: INTELLECTUAL PROPERTY

Teaching materials. Multimedia



CC0 Public domain. Free for personal and business use

1. Is it **mine and am I the protagonist**?
2. If not... Have I been **authorized by the people who appear/participate** in the video/podcast? (personal rights)
3. Have I been **authorized by the content owners** featured in the video/podcast? (copyright)
4. Have I ensured that rights have not been **transferred to third parties**, e.g. under contract with a publisher or other publishing medium (exploitation rights)?
5. Am I going to **post it on a platform** (YouTube, Vimeo, etc.)?  assess which license to use for dissemination, either under a Creative Commons license or a more restrictive license, or the "default" platform.

Unit 1: INTELLECTUAL PROPERTY

Teaching materials. Multimedia

What aspects should be considered when using third-party videos/podcasts?



Unit 1: INTELLECTUAL PROPERTY

Teaching materials. Multimedia



CC0 Public domain. Free for personal and business use

In the event that you want to make **use of third party videos/podcasts** (i.e. posted on YouTube, Vimeo, Podimo, etc.) in order **to include or upload** this type of content in materials, **we must ensure their legitimate** use by asking ourselves the following:

1. Is it in the **public domain?** or **under an open license?** (i.e. Creative Commons, as long as the conditions correspond to the intended use – for example not an "NC" license).
2. Does my usage fall **within the citation or illustration limit?**

If the answer is **NO... Don't panic!** You can always ask if you can hire a **commercial license for educational use** (if any) To do this you must review the Terms and Conditions of application.

Unit 1: INTELLECTUAL PROPERTY

Teaching materials. Multimedia

You should verify as much as possible that the videos have been uploaded to the platform by their rights holders.

Otherwise or in case of doubt, it is better to include a link on the Campus to external resources, and not include the entire work as is.



TIP!

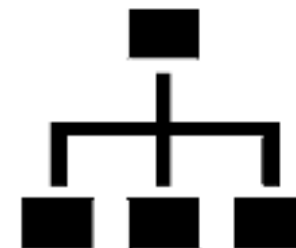
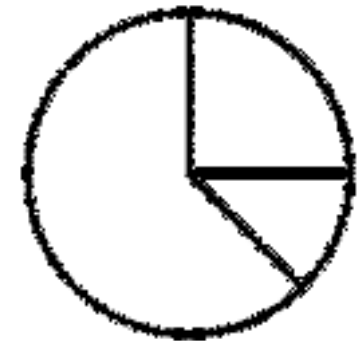
Unit 1: INTELLECTUAL PROPERTY

Teaching materials. INFOGRAPHICS AND TEMPLATES

INFOGRAPHICS AND TEMPLATES

Infographic: third-party images (decorative, graphic, illustrative of content) diagrams and tables.

Templates: own and third-party elaboration (Excels, Word, PDF etc).



Unit 1: INTELLECTUAL PROPERTY

Teaching materials. INFOGRAPHICS AND TEMPLATES

To be able to include **infographics / templates** in the resources that will be **uploaded to the Virtual Campus** such as decorative images, graphics, images that illustrate the content, diagrams or tables:

Own Creation



Creation of Third Parties



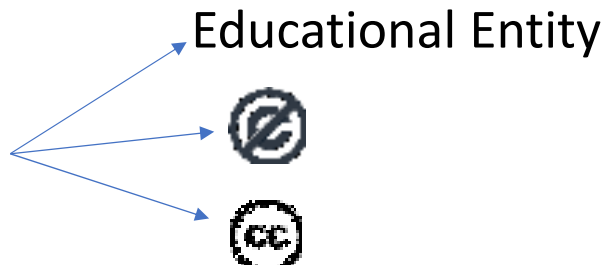


Unit 1: INTELLECTUAL PROPERTY

Teaching materials. INFOGRAPHICS AND TEMPLATES

Creation of Third Parties



In the case in which they are used **Third-party infographics/images** to include them in a resource is allowed as long as you apply one of the following scenarios:

- a) Source from electronic resources 
 - Educational Entity
 - 
 - 
- b) Apply the citation or illustration limit

Unit 1: INTELLECTUAL PROPERTY

Teaching materials. Multimedia

In case of not being able to apply any of the above cases:

You can link to images published on the Internet, including those included in electronic resources subscribed by the Educational Entity.



TIP!

Unit 1: INTELLECTUAL PROPERTY

Teaching materials. LINKS

LINKS

Links to articles,
ebooks, videos,
third-party
content
libraries.

<https://www.youtube.com/channel/UCkjh1hiu>

<https://www.elpais.com/channel/UCkjh1hiu>

<https://www.vimeo.com/channel/UCkjh1hiu>



Unit 1: INTELLECTUAL PROPERTY

Teaching materials. LINKS

- The inclusion of links to articles, images, ebooks, videos, content libraries (HBR, VitalSource, Pearson) both in materials (.ppt, PDF, MSWord, etc.) and in the Virtual Campus must ensure that:
 - i. The source of the linked work is **LICIT**; and
 - ii. The work is accessible in a **FREE AND OPENLY** in said source (website) this is, **there are no measures restricting their access** (for example, item behind a subscription or paywall), this way you don't need to ask permission from the rights holder

IT WILL NOT BE CONSIDERED A NEW PUBLIC COMMUNICATION

Unit 1: INTELLECTUAL PROPERTY

Teaching materials. LINKS

TEXTS



Unit 1: INTELLECTUAL PROPERTY

Teaching materials. TEXTS

Texts: As for "edited work" or not (pdfs, articles, blog posts, etc):

- **Own texts:**

- Ensure that exploitation rights have not been transferred to third parties such as a magazine, publisher, etc.
 - *Note: If you're negotiating an editing contract... Always reserve the right of personal use on campus/university!... In addition to copies for the library and friends)*

- **Third party texts:**

a) **To include them in own work:** *one of the following scenarios must be true:*

- i. Enforce **appointment limit**
- ii. It is a **fragment of works for teaching purposes**, through its **inclusion closed networks such as the virtual classrooms of the ENTITY**, provided that it is:
 - up to a **chapter** of the same book, **an article** in a magazine (and not educational material, e.g. manuals, exercise books ...)
 - Always a maximum of **10% of the pages** of the same book

TIP!



Unit 1: INTELLECTUAL PROPERTY

Teaching materials. General Recommendations

1. **Review materials** to be able to identify those that are of EXTERNAL AUTHORSHIP. Typical examples: images that we find by Google, pages that we scan from books...
2. **Ensure the use of free materials** of **Copyright** or **licenses of use**: there are repositories and banks of royalty-free images, works under Creative Commons licenses...
3. In the event that the material we want to use is **protected by copyright**...
4. You can base yourself on the **idea** of that material... /!\ Rights apply to the expression of the idea, not to the idea *per se*.
 - Search for **similar materials** that are royalty-free or under Creative Commons licenses
 - Use as a **quote** or **snippet**
 - Contact the **author/publisher** to request authorization
 - And if you have **any questions when using the material**... always contact the person in charge of managing the contents of the academic year in the Entity.



TIP!

Unit 2: PROTECTION OF PERSONAL DATA

Conceptualization and Scope

Instructors must know some fundamental aspects about data protection in order to exercise their duties

What is personal data?

What does the processing of personal data mean?

According to the General Data Protection Regulation 679/2016 "GDPR", what are the rights of the data subject?

How should I act in case any right of the interested party is exercised?

What is a security breach?

What should I do if a security breach is detected?

Unit 2: PROTECTION OF PERSONAL DATA

Conceptualization and Scope

What is personal data?

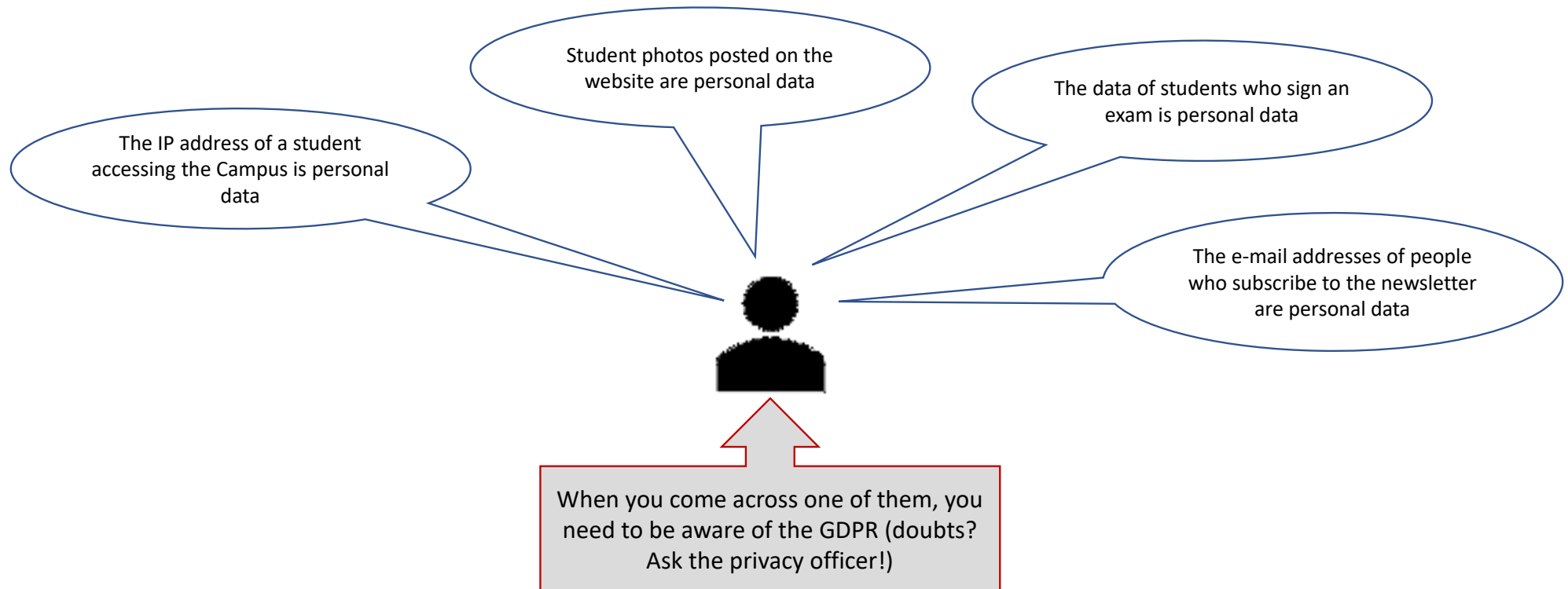
Data relating to **directly** identifiable individuals (such as their name) or **indirectly** identifiable to the **Data Controller** or to third parties, including pseudonymized data.

- **When is a person "identifiable"?**
 - if additional **information can be obtained** without disproportionate effort, **allowing the identification of the data subject.**
- **When is the data "anonymized"?**
 - if they **do not contain any identifying data** (and these cannot be linked or interfered with).
- **When is the data "pseudonymised"?**
 - if the **identification data is encrypted and can be retrieved** (by the Data Controller).

Unit 2: PROTECTION OF PERSONAL DATA

Conceptualization and Scope

What is personal data?



Unit 2: PROTECTION OF PERSONAL DATA

Conceptualization and Scope

What is considered sensitive data?

They are those special categories of data that require enhanced protection and are subject to a special legal regime:

- ethnic or racial origin
- Bless you
- Religion
- Philosophical, political beliefs
- Trade union activity
- Religious preferences
- Sexual preference

These data can only be processed in limited cases and with the express / implicit consent of its owner.

Unit 2: PROTECTION OF PERSONAL DATA

Conceptualization and Scope

What activities are considered to be the processing of personal data?

The processing of personal data refers to any operation carried out on personal data (whether automated operations or not), such as collection, recording, organization, storage, modification, consultation, disclosure to third parties, combination with other data...

When:

- a. You store an exam
- b. You receive an email from a student
- c. You use third-party platforms to communicate with students (video call)



You are processing personal data (therefore, the Entity is processing personal data).

Unit 2: PROTECTION OF PERSONAL DATA

Conceptualization and Scope

What roles are defined in the regulations?

Responsible for the treatment: person or entity that *determines the purposes of processing and its means*.

- The main obligations of the treatment (for compliance) fall on the Data Controllers.
- Ensure compliance with data protection regulations.
- Must be diligent in choosing and monitoring/verifying compliance of Processors.

For example, the following persons or entities may be considered **Data Controllers**, when personal data is processed for their own purposes.:

- **Universities/Instigation Centers that collect data.**
- **Research centres and universities that receive copies of data – for their own purposes.**

Unit 2: PROTECTION OF PERSONAL DATA

Conceptualization and Scope

What roles are defined in the regulations?

Data Processor: persons or entities that process personal data on behalf of the Data Controller.

- If they carry out processing for their own purposes, they become Data Controllers (and are likely to violate data protection regulations).

•E.g. email providers, Dropbox, law firms, IT providers, hosting or hosting services

Interested: the **individual** – natural person – to whom the data refer. (e.g. student)

Unit 2: PROTECTION OF PERSONAL DATA

Conceptualization and Scope

What principles apply to the processing of personal data?

Legitimacy of processing

Personal data should be processed lawfully, fairly and transparently in relation to the data subject

Purpose limitation

Personal data must be collected for specified, explicit and legitimate purposes, and processing must not be carried out that is incompatible with those purposes.

Data minimization

Personal data will be adequate, relevant and limited and limited to what is necessary in relation to the purposes for which they are processed

Accuracy

Personal data must be accurate and updated whenever necessary

Storage limitation

The personal data will be kept in such a way that it is possible to identify the interested party for no longer than necessary for the purposes for which they are processed.

Integrity and confidentiality

Personal data should be processed in such a way as to ensure appropriate data security, including against unlawful or unauthorised processing, as well as accidental loss, destruction or damage, by appropriate technical and organisational measures

Responsibility

The data controller is responsible for compliance with the GDPR and must be able to prove it.

Unit 2: PROTECTION OF PERSONAL DATA

Conceptualization and Scope

What principle is very relevant for the instructor to consider?

Data minimization: The instructor must follow the instructions of the Entity (**Data Controller**)

- Collect or process only personal data that are **sufficient and necessary** for the purposes for which it is carried out.
 - You must erase all data when no more data will be needed.
 - *e.g. old email addresses*
- Identify the **minimum amount of personal data necessary** to properly fulfill its purpose.

Unit 2: PROTECTION OF PERSONAL DATA

Conceptualization and Scope

What principle is very relevant for the instructor to consider?

Storage limit: The instructor must follow the instructions of the Entity (**Data Controller**)

- Not to keep personal data longer than necessary for the purposes for which it is carried out (and ancillary or secondary purposes that are legitimate, e.g. accounting or taxation, legal defence)
- Not to keep personal data that is no longer necessary for the purposes (the data must be deleted or blocked - separated from active data and no longer accessed - or no longer personal, e.g. anonymized)
- Securely update, archive, or delete any outdated information

Unit 2: PROTECTION OF PERSONAL DATA

Conceptualization and Scope

What principle is very relevant for the instructor to consider?

Integrity and Confidentiality : The instructor must follow the instructions of the Entity (**Data Controller**)

- Implement the technical and organizational measures determined by the Responsible against illicit or unauthorized processing of personal data
- Take appropriate technical and organizational measures against **accidental loss, destruction or damage of personal data (loss of mobile devices, involuntary destruction of files, involuntary sending of documents to different recipients)**
- Adopt and respect the policies and procedures determined by the Data Controller
- Attend and participate in training in the field

Unit 2: PROTECTION OF PERSONAL DATA

Conceptualization and Scope

What principle is very relevant for the instructor to consider?

Integrity and Confidentiality : The instructor must follow the instructions of the Entity (**Data Controller**)

- Implement **pseudonymization** and/or **encryption** of personal data.
- Implement device encryption.
- Implement the clean table policy.
- Avoid the use of third-party software not authorized by the Data Controller.
- Report Receipt of Phishing Attempts.
- Report any suspicious activity.

Unit 2: PROTECTION OF PERSONAL DATA

Conceptualization and Scope

What principle is very relevant for the instructor to consider?

Exercise of rights by the "Data Subject" : The instructor must follow the instructions of the Entity (**Data Controller**)

- Initiate the procedure provided by the Data Controller in the case of receiving an exercise of rights by the interested parties, in the specific case students.
- Act promptly and diligently.
- Document their actions.

Summary

Key Points

The most relevant content of this training lies in the conceptualization of the copyright involved in the teaching activity. Mention is made of the limits provided for by the regulations together with the particularities of the licenses available in the sector.

Specific tips and additional references have been included to complete the level of learning.

Regarding the Protection of personal data, a first approach to the subject to trigger concern in instructors.



References

<https://www.boe.es/buscar/act.php?id=BOE-A-1996-8930>

<https://www.boe.es/doue/2016/119/L00001-00088.pdf>

<https://www.cnmc.es/>

<https://www.culturaydeporte.gob.es/cultura/propiedadintelectual/gestion-colectiva/direcciones-y-tarifas.html>

http://descargas.pntic.mec.es/cedec/proyectoedia/guias/contenidos/guiadelicencias/lmites_y_excepcion.es.html

https://www.wipo.int/export/sites/www/copyright/es/activities/pdf/international_protection.pdf

<https://creativecommons.org/>

https://www.uv.es/ocw/documents/Derecho_de_cita_190608.pdf