



Closed or Open?
Ubongo's Switch from Copyright Protected
to Creative Commons Licensing

Lisbeth Levey
Kirsty von Gogh



early
literacy
resource
network



Background

With funding from the [William and Flora Hewlett Foundation](#), and as part of its work on the early literacy ecosystem and open licensing, [Neil Butcher & Associates](#) (NBA) is conducting research on the different components involved in storybook creation in Africa. NBA's goals are to contribute to enhancing the availability of children's books in mother-tongue languages in Africa and to explore the potential of open licensing.

This paper is part of a series of policy briefs on the impact of open licensing and OER on access to early literacy resources. Future papers to be published in 2020-21 include:

- Lessons from NBA research on donor impact on local content creation in early literacy
- Access to and use of online platforms to enhance the availability of storybooks in mother-tongue languages

NBA has also created a website, the [Early Literacy Resource Network](#) (ELRN), to share information on toolkits and research about open licensing, teacher training, national language and book policies, access and distribution, and key players in early literacy. The ELRN blog features individuals and organizations working in the early literacy sector and current information about our work. The ELRN website gathers work carried out by major organizations and researchers in this field.

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Cover page illustration, Ubongo, [CC NY-NC-ND](#)



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Abbreviations and acronyms

ASb	African Storybook
BSc	Bachelor of Science
CC	Creative Commons
CEO	Chief Executive Officer
DBE	Department of Basic Education
ECD	Early Childhood Development
KA	Khan Academy
MSc	Master of Science
MILL	Molteno Institute for Language and Literacy
OER	Open educational resources
VOD	Video on demand
WHO	World Health Organization

Background on Ubongo

Ubongo¹ is a non-profit social enterprise, originating from Tanzania and with staff across Africa, which produces edutainment content for kids and caregivers. Ubongo has two main cartoon shows: *Ubongo Kids* and *Akili and Me*. *Ubongo Kids* focuses on science, technology, engineering, mathematics, and life skills for children in primary school (seven years old and up), while *Akili and Me* is aimed at promoting learning readiness for pre-primary children.² Ubongo also has a show for caregivers called Akili Family (Tunakujenga in Kiswahili)³

Nisha Ligon, who has a BSc in biology from Yale University in the US and an MSc in science media production from Imperial College in the United Kingdom and now lives in Tanzania, co-founded Ubongo in 2013 with Rajab Semtawa, the lead animator, Cleophae Ng'atigwa, Thomas Ng'atigwa, and Arnold Minde. Ubongo employs 53 people, including administrators, animators, graphic designers, researchers, software developers, sound engineers, and videographers. Ubongo also has an internship programme and two interns.⁴

'Ubongo' means brain in Kiswahili, and the organization plans to reach children's brains through 'edutainment.' It has created cartoon videos, radio programmes, apps, and books, and believes in distributing its content through technology that is already widely available to Tanzanian and other African children, primarily television but also radio, mobile phones, and other digital devices. Television penetration in Africa is large and projected to grow, albeit slowly.⁵ At the time of writing, both *Ubongo Kids* and *Akili and Me* are broadcast for free on public and free-to-air television stations in 18 countries and seven languages. The programmes also screen on pay television in 13 countries and on radio in four countries.⁶ *Ubongo Kids*⁷ and *Akili and Me*⁸ videos in English and Kiswahili are also freely available for streaming on YouTube.

Almost all of Ubongo's content was copyright protected until 2020. This brief tells the story of Ubongo's decision to switch from copyright protected licensing to Creative Commons (CC) licensing, why, and the possible ramifications for open educational resources (OER) more broadly.⁹

Creative Commons licensing

Creative Commons licensing permit the copyright owner to determine the extent to which others are allowed to reuse material. Creative Commons licences range from very permissive, allowing copying and modification (CC BY), to those that are more restrictive, permitting distribution of a work in its original form, but no modification (CC BY-ND).¹⁰

¹ Home - Ubongo Learning: African Children's Media & Edutainment. (n.d.). Retrieved July 25, 2020, from <https://www.ubongo.org/>

² Butcher, N., Levey, L., & von Gogh, K. (2019, January 01). Good Stories Don't Grow on Trees: A Guide to Effective Costing of Storybooks in the Global South. Retrieved July 5, 2020, from <http://www.earlyliteracynetwork.org/content/good-stories-dont-grow-trees-guide-effective-costing-storybooks-global-south> (See appendix seven for a full discussion of Ubongo.)

³ *Akili Family*. (n.d.). Ubongo. Retrieved October 4, 2020, from <https://www.ubongo.org/shows/akili-family/>

⁴ Team - Ubongo Learning: African Children's Media & Edutainment. (n.d.). Retrieved July 5, 2020, from <https://www.ubongo.org/what-we-do/meet-the-team/>

⁵ Television penetration in sub-Saharan Africa reached 42 percent in 2018, up from 40 percent in 2016. See *Advanced Television*. (2019, September 18). Slow progress for TV penetration in Sub-Saharan Africa. Retrieved July 5, 2020, from <https://advanced-television.com/2019/09/18/slow-progress-for-tv-penetration-in-sub-saharan-africa/>

⁶ Results - Ubongo Learning: African Children's Media & Edutainment. (n.d.). Retrieved July 5, 2020, from <https://www.ubongo.org/results/> (See distribution map at bottom of page.)

⁷ Ubongo Kids English. (n.d.). Retrieved July 5, 2020, from <https://www.youtube.com/channel/UCjsrL7gPn-S5SJcKp-OYUA> (Go to <https://www.youtube.com/user/ubongokids> for Ki-Swahili.)

⁸ Akili and Me. (n.d.). Retrieved July 5, 2020, from <https://www.youtube.com/channel/UC0TLvo891eEEM6HGC5ON7ug>

⁹ In contrast to Ubongo's new CC policy, Sesame Workshop, which produces *Sesame Street* and other programming, makes some content free of charge online—but every resource is fully copyright protected.

¹⁰ Go to <https://creativecommons.org/licenses/> for an explanation of the different licences.

Table 1: From copyright to Creative Commons: a summary of rights¹¹

Copyright	Creative Commons						Public Domain
All Rights Reserved	Attribution Non-Commercial No Derivatives	Attribution Non-Commercial Share Alike	Attribution Non-Commercial	Attribution No Derivatives	Attribution Share Alike	Attribution	No Rights Reserved
							
							
Most Restrictive Most Accommodating							

CC licensing and Ubongo

Ubongo selected the most restrictive CC licence – attribution, non-commercial, no derivatives. Its goal was to make the resources easily and freely available – without requiring permission – to encourage distribution and maximum impact, but only with attribution, for non-commercial purposes, and without making any changes. Each episode undergoes numerous educational and technical reviews, including during the animation and translation processes. Stories are developed through focus groups with children, who review the stories at different steps of the way to test for comprehension and engagement of key topics.¹² Ubongo does not wish its strict quality assurance methods to be compromised in any way through someone else’s adaptation, even if the alteration is acknowledged in the citation statement.

Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International Public License

This license allows you to download our works and share them with others as long as you credit us, you just can't change them in any way or use them commercially.

BY: Attribute the creation of this video to Ubongo. We have made it easy for you by putting the license terms on the video.

NC: This resource is provided to you for free so please do not commercialize it.

ND: No changes should be made to the resources.

Figure 1: Ubongo licence terms

Access to and use of Ubongo’s CC-licensed materials

The CC-licensed content is available online on the [Ubongo Toolkits](#) platform in English, Kiswahili, Hausa, Kinyarwanda, and French, thus far. Ubongo is currently working on content in Kikuyu, Luo, Yoruba, Chichewa, Igbo, Amharic, and Twi, which Ubongo hopes will be added to the Toolkits platform. The Toolkits platform was developed with support from the Human Development Innovation Fund (HDIF) over a two-year period and launched in March 2020 at a workshop titled ‘Building Brains.’¹³ The HDIF grant covered the costs of the web developer’s time, as well as some tools and software that are used to run the website. The grant also paid for development of some of the resources on the platform (in particular printable resources) and development of support materials, manuals, and guides to help partners understand how to use different Toolkits resources.

¹¹ This table is a derivative of Hodgkinson-Williams, C., Paskevicius, M., & Brown, R. (2009, May 18). A Culture of Sharing: Open Education Resources An introduction Cheryl Hodgkinson-Williams, Michael Paskevicius, Roger Brown Teaching with Technology Seminar. Retrieved 7 July 2018, from <https://slideplayer.com/slide/6853266/>. (This presentation carries a CC BY licence.)

¹² Nisha Ligon communication to Lisbeth Levey, 18 December 2018 in which she delineated the 20 different steps involved in conceptualization and production of Ubongo resources (video and print).

¹³ Ubongo launches digital toolkits platform for learners in Africa. (2020, March 6). Retrieved August 16, 2020, from <https://www.ippmedia.com/en/business/ubongo-launches-digital-toolkits-platform-learners-africa>

As of 19 October 2020, there were 954 resources on the platform, primarily short-segment videos from *Akili and Me*. Additional resources are frequently uploaded. Nisha Ligon explained the organization’s reasoning for the Ubongo Kids/*Akili and Me* split on the Platform:¹⁴

The initial focus was on making ECD [Early Childhood Development] content available to partners. This is part of the reason why the majority of resources are from Akili and me. The other reason is that Ubongo has a lot more Akili and Me content than Ubongo Kids content – each Akili and Me episode has 5 segments which we are uploading separately to the platform, whereas the Ubongo Kids videos are complete episodes.

Figure 2: Ubongo Toolkits Registration form

First Name

Last Name

E-mail Address

Country

Role

- Parent
- Guardian
- Teacher
- Caregiver
- School
- Education Practitioner
- Project/Program Manager
- Government
- Trainer
- Trainer of Trainer

Number of beneficiaries that you are aiming to reach?

Users must register to download resources, but registration is free. As of 29 September 2020, there were 267 registered users, and 5,132 downloads. Most are from Kenya, followed by the United States, Tanzania, and the United Kingdom.¹⁵

Users can search by subject, age, content type, and language. All of the resources are:¹⁶

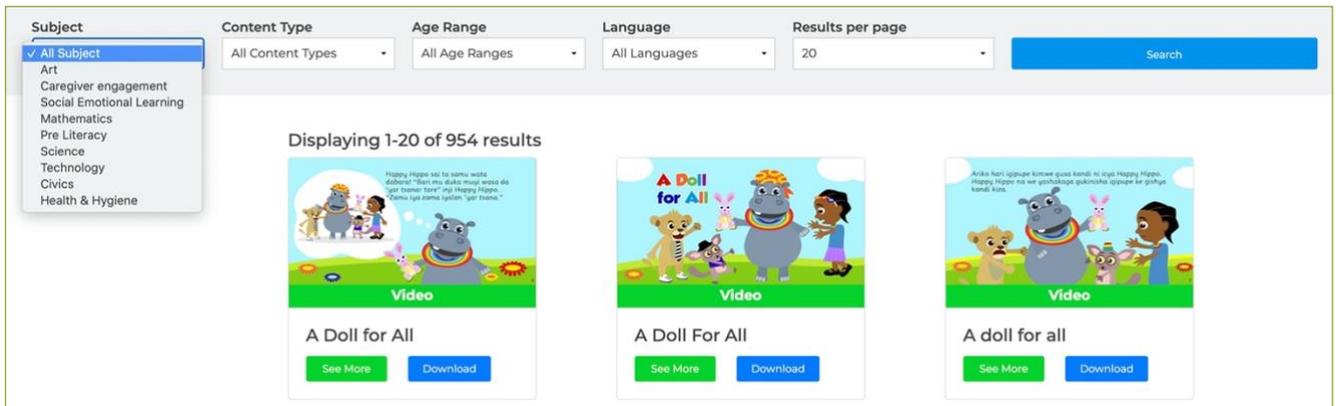
Technically under the CC BY-NC-ND license but since badging the content requires lots of re-editing, we are still sharing files that have not been badged as such, on other platforms like YouTube.

¹⁴ Nisha Ligon communication to Lisbeth Levey, 24 July 2020

¹⁵ Nisha Ligon communication to Lisbeth Levey, 24 July 2020

¹⁶ Nisha Ligon communication to Lisbeth Levey, 24 July 2020

Figure 3: A Doll for All is available in English, Hausa, and Kinyarwanda



In addition to the online platform, Toolkits content is also available on USB flash drives, Google Drive, and a WhatsApp chatbot for users who have limited Internet access because of technology, infrastructure, or other reasons. Ubongo Chat is currently available in Tanzania, Nigeria, and Uganda, with plans to add the Democratic Republic of the Congo and Rwanda in the future.¹⁷ In terms of online access, most of the videos are quite short to make downloading more feasible. They are also compressed to very small file sizes, just large enough to be used on TV screens but small enough for sharing on mobile phones.

Although it is understandable that Ubongo’s primary goal is to make the resources freely available as quickly as possible, confusion can set in if a user does not know the true licence terms. A check of several resources on the Toolkits platform had mixed results. Some videos were tagged correctly in the description, on the video, and on YouTube. Other materials carry the CC licence in the description, but the video is not tagged at all, neither on the platform nor on the original YouTube site. On YouTube, if a resource is not given a CC BY licence, then the standard YouTube licensing applies.

Figure 4: The Handwashing Song



[The Handwashing Song](#) does everything right. It is tagged correctly on the platform description, on the downloadable video on the platform, and on the YouTube site.

Ubongo’s partners can also complicate information on licensing. The World Health Organization (WHO) teamed up with Ubongo to create *The Handwashing Song*. The version promoted by WHO, uploaded to

¹⁷ Listen/Chat on Mobile. (n.d.). Retrieved October 4, 2020, from <https://www.ubongo.org/shows/mobile-ivr/>

YouTube on 19 August 2020, does not mention licence terms.¹⁸ It is the same video as above, which was mounted by Ubongo with a CC BY-NC-ND licence five months earlier.¹⁹

Another licensing problem relates to YouTube itself. Creators may apply a CC BY licence to the work they upload, but no other more restrictive CC licence.²⁰ Therefore, YouTube does not recognize Ubongo's CC BY-NC-ND licence.

Direct online streaming is the YouTube default for watching videos. YouTube allows CC BY content to be downloaded for offline viewing and editing, for which Ubongo's CC BY-NC-ND does not qualify. But it is also possible to purchase third-party software to download any video, including those created by Ubongo, even though this violates YouTube's terms of service. YouTube may not recognize CC BY-NC-ND, but Ubongo is wise to label its relevant videos with this license. Many users will therefore know that the content is free to share and under what terms.

It is worth noting another point related to YouTube in comparison with the Toolkits platform. Ubongo's audience on YouTube may appear larger than on Toolkits. On 16 March 2020, for example, over 117,000 people had viewed the YouTube version of the *Handwashing Song*, but on the Toolkits platform it is possible to easily identify a collection of 24 pertinent resources for video, audio, and one in print by doing a search on health and hygiene.²¹ Although these same resources may also be on YouTube, they may not be found so readily. In addition, even though the usage figures for YouTube may be greater than those on the Toolkits platform, the platform was created to promote sharing. It has no way of knowing how many times content has been shared on after download. Additionally, between 300 and 400 USB drives were distributed to participants at the March 2020 Building Brains workshop. The goal is to provide drives to those who will share content with large numbers of people, particularly in rural areas.

Ubongo's reasons for creating the platform and switching to CC licences

Ubongo's initial approach to licensing was to put its content on broadcast media, which is free to the user. Its plan was to use CC licences for about 20 percent of its resources only and to use the rest of its material to cover production costs. Nisha Ligon wrote that this strategy was not feasible because:²²

The potential for monetization of premium content in Africa was still quite low, and it was more important to ensure that the content we already have can reach as many children as possible. So we started by making everything available for free on YouTube and then after that, moved to putting all content under a CC-NC-ND license.

Partner needs were the primary reason that the platform was created. Nisha Ligon further explained:²³

*The Toolkits platform is **for all of our partners who are able to distribute our content to kids "in the last mile" who otherwise would not have access** [emphasis hers]. Lack of access may result from geographical location, unavailability of technology, vulnerability (e.g. refugee populations) etc. So, the partners include (but are not limited to):*

- *Development partners who have projects working with kids in the last mile*
- *Local and national governments*

¹⁸ World Health Organization (WHO). (August 19, 2020). *Will you wash your hands with Akili?* YouTube. <https://www.youtube.com/watch?v=ogJUASq5Gv0>

¹⁹ Akili and Me. (2020, March 16). *Wash your hands and stay healthy with Akili! | Handwashing for Kids.* YouTube. <https://www.youtube.com/watch?v=IGzvqkQbuWk>

²⁰ Creative Commons - YouTube Help. (n.d.). Retrieved August 16, 2020, from <https://support.google.com/youtube/answer/2797468?hl=en>

²¹ *Health & Hygiene.* (2020, February 7). Toolkits Platform. https://toolkits.ubongo.org/toolkits/?tax_subject=health-hygiene&tax_category=0&tax_age-range=0&tax_language=0&posts_per_page=20&wpas_id=myform&wpas_submit=1

²² Nisha Ligon communication to Lisbeth Levey, 24 July 2020

²³ Nisha Ligon communication to Lisbeth Levey, 24 July 2020

- Religious groups who work with/near these kids
- Local businesses in rural areas (shopkeepers, stationery shops)
- Multinational corporations working on penetrating markets in rural areas of Africa (like solar companies)
- Parents and kids who are in networks with kids in the last mile
- Education centres (schools, nurseries, day care centres).

For example, Ubongo's *Akili Family* ('*Tunakujenga*' in Kiswahili) was created to help parents and caregivers support their children's cognitive development. These videos are now also being used in refugee camps:²⁴

In 2018-2019, Ubongo partnered with the International Rescue Committee to bring Tunakujenga videos and games to families in refugee communities. Ubongo's Tunakujenga partnership with IRC promoted social and emotional learning for children in refugee camps by empowering caregivers in SEL through fun and engaging videos and worksheets around which parents held Tunakujenga clubs at their churches. The pilot project was focused on creating Kiswahili content for families in the Nyaragusu camp in Kigoma, Tanzania. In addition to being distributed through clubs at churches, the Tunakujenga videos also aired on TV in Tanzania via TBC1.

These videos are now available on the Toolkits platform with Ubongo's CC licence. Malaria No More is another instance in which content was produced for YouTube only and has been mounted on the platform for downloading and sharing. These videos were created in 2015 for World Malaria Day and have been widely viewed since then on YouTube.²⁵ They can now be downloaded and distributed via the Toolkits platform, thus enhancing the potential of using them in communities without easy Internet access.

Ubongo differentiates between 'donors' and 'partners.' Donors, according to Ligon, are primarily interested in funding broadcast media distribution on free to air TV, which has always been free to end-users, but is copyright protected. Donors have been less interested in the Ubongo online platform. Some partners want to use Ubongo content in their programmes, which was difficult in the past because of copyright restrictions and permissions. Creative Commons licensing makes for a more seamless process.

Stephen Boustred, head of digital products at Ubongo, gave another reason why switching to CC licensing makes sense:²⁶

Under a CC license, partners can simply access our resources and use them as long as they are using them within the terms of CC BY NC ND. With the old system, partners would have to initiate a conversation, and we would then hash out the terms of use with them into a contract. This takes time and usually requires input from several people at the partner organization and Ubongo.

²⁴ *Akili Family*. (n.d.). Retrieved August 18, 2020, from <https://www.ubongo.org/akili-family/> and *Equipping Caregivers with Social Emotional Learning Games for Whole Child Development*. (n.d.). Retrieved August 18, 2020, from <https://www.ubongo.org/case-study/equipping-caregivers-with-social-emotional-learning-games-for-whole-child-development-with-irc/>

²⁵ *Teaching Kids Life Saving Habits with Malaria No More - Ubongo Learning*. (n.d.). Ubongo. Retrieved October 20, 2020, from <https://www.ubongo.org/case-study/malaria-no-more/>

²⁶ Stephan Boustred, communication to Lisbeth Levey, 29 September 2020

Figure 5: Cinnamon Magic from the Washing Hands song

Cinnamon Magic

Materials:

Oil
Cinnamon/Soil
Old cloth
Water
Soap

Get your child's "dirty" with cinnamon/soil and oil. Rub a little vegetable oil on your child's hands, then sprinkle with cinnamon "germs" while explaining that real germs are too small to see. Be sure to tell your kids not to touch their noses or eyes while cinnamon is on their hands. Have your child wash his or her hands without soap. Ask them to tell you what they see. Have them touch an old cloth. What happens? The "germs" won't come off and they will stain the cloth. Add soap—and watch those "germs" disappear! Make sure that you wash hands with soap and water for 20 seconds—the time it takes to sing The Happy Birthday Song twice. Remind your child to wash their hands at school too!

The Toolkits platform gives Ubongo space to suggest simple activities aligned to the video's pedagogical objectives to complement content. *Cinnamon Magic*, for example, is one of two activities for the *Washing Hands* song. Note that materials used in this activity are simple and easily found in most households. There are only five such activities thus far, but the organization plans to work on adding more activities in the future.²⁷

Coupled with these activities, Ubongo is developing guides for teachers, parents, and others on how to use and share Toolkit resources. Efforts to meet the unexpected learning crisis engendered by COVID-19 school closures incorporates:²⁸

We are also working on mapping our content and other learning resources (ebooks, apps, worksheets) against the education curriculums (pre-primary to grade 7) in African countries where schools have been closed. We are currently focusing on Kenya, Rwanda, and Tanzania as priority markets. This will help families quickly find content that's relevant to their kids' grade level and better plan lessons at home. We will add the curriculums to the Toolkits platform on an ongoing basis

Ubongo has already mapped its content to the Tanzanian curriculum and it is available on the Toolkits platform.²⁹ Mapping for other countries is ongoing.

Ubongo, CC licensing and broadcasters

Most of the broadcasters with which Ubongo collaborates still have standard broadcasting agreements, but it is hoping to get new free-to-air broadcasters to agree to CC licensing and to switch those that already have standard contracts to the new licensing arrangements. The organization believes that CC licensing is a less cumbersome and bureaucratic process than its previous system of signing contract agreements with broadcasters for reasons that are explained above. Ubongo will use its CC licence for free-to-air broadcasters. For pay television broadcasters, it will license content for a fee or use a revenue share model.

According to Ligon, the agreement is very simple. It states that content will be given to the partner for free as long as it is used non-commercially, which means that there can be no sponsorship or advertising in the Ubongo slots. As she notes:³⁰

Many of the broadcasters have willingly signed the CC licence agreement because they cannot afford content due to the drop in advertising and the boom in online content. The idea of the CC licence, however, is definitely very foreign especially in Africa because people aren't used to getting anything for free but once we explain the agreement to them, they are very willing.

In the same email, she wrote about the impact of open licensing and COVID-19:³¹

²⁷ Stephan Boustred, communication to Lisbeth Levey, 29 September 2020

²⁸ 's Response to COVID-19: Supporting Caregivers and Kids to Learn at Home. (2020, July 14). Ubongo.

<https://www.ubongo.org/ubongos-response-to-covid-19-supporting-caregivers-and-kids-to-learn-at-home/>

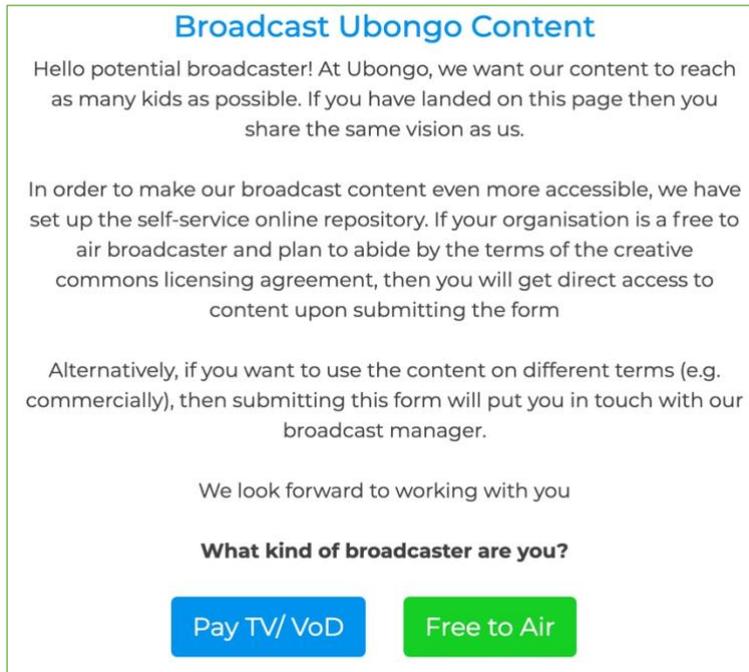
²⁹ Tanzania curriculum. (n.d.). Toolkits Platform. Retrieved October 20, 2020, from <https://toolkits.ubongo.org/?s=curriculum>

³⁰ Nisha Ligon communication to Lisbeth Levey, 24 July 2020

³¹ Nisha Ligon communication to Lisbeth Levey. 24 July 2020

We have had many broadcasters who have wanted us to be exclusive with them. We have had to educate them on our mission to reach as many children as possible, and luckily most of them have been agreeable. Since COVID-19, there has been very little discussion about exclusivity as many of them are in desperate need of kids' content and educational content with all the lockdowns and many schools being shut.

Figure 6: Broadcaster landing page on the Toolkits platform



There is a link on the Toolkits platform for [broadcasters](#) to register and use content. Not only is the process more streamlined, but Ubongo hopes to make it easier for smaller local and community television and radio stations to register, agree to the terms, and get self-service access to the content.³² Ubongo is not yet promoting specifically to broadcasters, however, instead concentrating on general promotion of the platform. Four broadcasters have registered through the platform, thus far, with more expected, once Ubongo begins to target outreach to them.³³

Both types of broadcaster must complete a questionnaire. Free-to-air stations need to answer a series of questions designed to ensure that they understand the terms of the

CC licence. Pay television and video-on-demand (VOD) broadcasters have a different questionnaire and an option to talk with an Ubongo broadcast manager. They cannot register and use content without speaking to Ubongo first.

Open licensing and OER

Creators of openly licensed content, including OER, typically use CC licences. Creative Commons and many other organizations recommend CC BY licences because they are the 'freest' in terms of legally permitting adaptations, short of CC0 or public domain. Both [African Storybook](#) (ASb)³⁴ and [Storyweaver](#)³⁵ use CC BY licences, for example, and provide easy ways to create, translate, and otherwise adapt children's stories on their platforms.³⁶

Ubongo is not the only educational organization to select an ND licence. The Molteno Institute for Language and Literacy (MILL),³⁷ a South African NGO, which receives funding from the [Zenex Foundation](#), was required by Zenex to create a new business model that entailed switching from copyright protected to Creative

³² *Pay TV or Broadcasters*. (2020, July 2). Toolkits Platform. <https://toolkits.ubongo.org/pay-tv-or-broadcasters/>

³³ Stephan Boustred, communication to Lisbeth Levey, 29 September 2020

³⁴ African Storybook. (n.d.). Retrieved August 23, 2020, from <https://www.africanstorybook.org/>

³⁵ StoryWeaver. (n.d.). Retrieved August 23, 2020, from <https://storyweaver.org.in/>

³⁶ Both *ASb* and *StoryWeaver* are discussed in Butcher, N., Levey, L., & Von Gogh, K. (2019, January 01). Good Stories Don't Grow on Trees: A Guide to Effective Costing of Storybooks in the Global South. Retrieved July 5, 2020, from <http://www.earlyliteracynetwork.org/content/good-stories-dont-grow-trees-guide-effective-costing-storybooks-global-south>

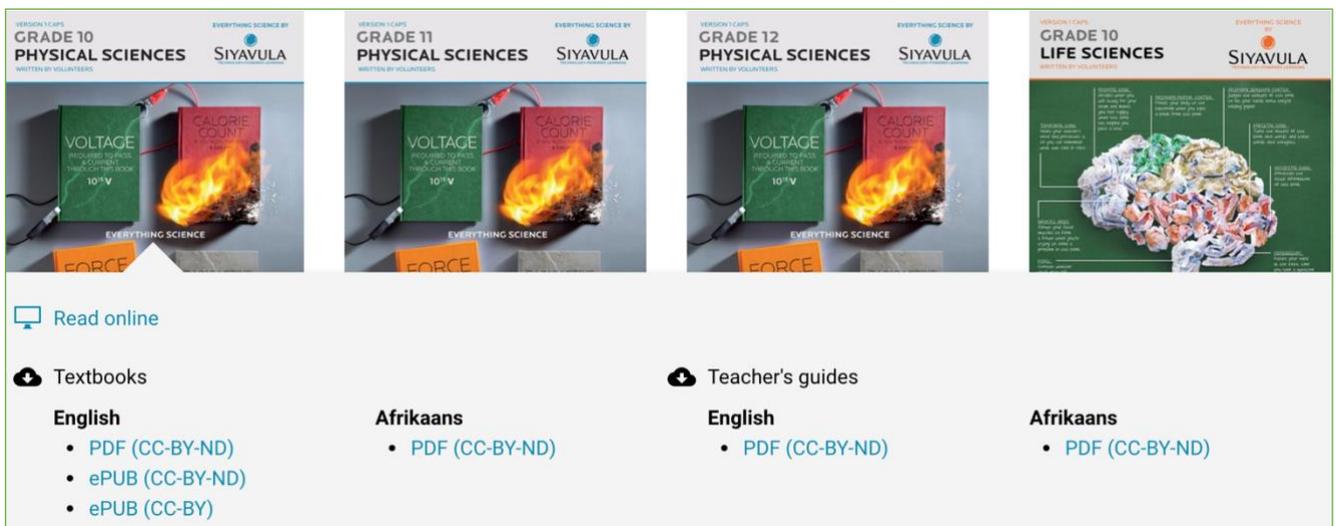
³⁷ *Molteno Institute for Language and Literacy*. (n.d.). Molteno Institute for Language and Literacy. Retrieved August 23, 2020, from <https://www.molteno.co.za/>

Commons licensing for the online version of its *Vula Bula* graded reading series in 11 South African languages.³⁸ MILL restricts its resources to a non-commercial and non-derivative (CC BY-NC-ND) licence so that the integrity of its *Vula Bula* literacy materials methodology can be retained. MTLL works on its *Vula Bula* early reading materials by developing them directly in African languages rather than translating English-language texts.³⁹ *Vula Bula* is available online in PDF format; print copies are sold.

Likewise, Siyavula is a South African NGO that produces open textbooks in mathematics and science in English and Afrikaans that are aligned to the South African curriculum as set by the Department of Basic Education (DBE). It licenses some versions of its textbooks only as CC BY-ND, while other versions carry a CC BY licence. Textbooks that feature a DBE logo are branded with a CC BY-ND licence to prevent any changes without permission; the DBE logo does not appear in the CC BY version. The ones in the latter category are downloadable in ePUB format to allow for easy adaptation. Mark Horner, Chief Executive Officer of Siyavula explained the policy as follows:⁴⁰

We do all our development of the textbook content with a community under a CC-BY licence, and you'll find that logo on the general textbook reading experience of our books on our site, but if you download the PDF file of the book that was printed for schools you'll find an CC-BY-ND version that carries the DBE logo. Practically we do everything CC-BY and then, once all content is approved by DBE, we create the final PDF files CC-BY-ND for DBE.

Figure 7: Siyavula textbooks



The type of licence selected is important, of course, but so are the methods used to create content. Video can be particularly challenging to adapt, even if it is legally permissible. Khan Academy (KA) videos are a case in point. KA shares most under a CC BY-NC-SA licence, which allows for changes in content or language.⁴¹

³⁸ ZENEX Foundation. (2019, November 6). *ZENEX Foundation - Molteno African Language Readers and Organisational Development*. <https://www.zenexfoundation.org.za/programme/early-grades-numeracy-literacy/resource-development/item/236-molteno-african-language-readers-and-organisational-development>

³⁹ At an August 2018 workshop organized by NBA, Jenny Katz of MTLL told participants about the problems entailed in direct translation from English into African languages, which is what, she said, the vast majority of early readers do. See: *Early Literacy and Open Licensing Workshop Report 2018 | Early Literacy Resource Network*. (2018, August). Early Literacy Resource Network. <http://www.earlyliteracynetwork.org/content/early-literacy-and-open-licensing-workshop-report-2018>

⁴⁰ Mark Horner communication to Lisbeth Levey, 19 September 2020

⁴¹ *Creative commons and open source (article)*. (n.d.). Khan Academy. Retrieved September 9, 2020, from <https://www.khanacademy.org/computing/computers-and-internet/xcae6f4a7ff015e7d:digital-information/xcae6f4a7ff015e7d:digital-copyright-and-licenses/a/creative-commons-and-open-source>

However, even when videos are downloaded for offline use,⁴² such as those produced by KA, adaptation requires a set of specialized skills and software to do the job competently. The KA support center uploaded a detailed document for translators registered with the Academy, which delineates the many steps, software, and skills necessary to translate properly. It begins with this advice:⁴³

Before you read these instructions, think about whether dubbing or recreating is the best choice for your language and local audience.

Editing PDF files can also be difficult without the right skills and software, particularly if users do not have the source file from which the PDF was generated.⁴⁴

Creative Commons and other organizations discuss OER in the context of five key points called the five Rs – reuse, retain, revise, remix, and redistribute.⁴⁵ ‘Retain, reuse, and redistribute’ mean that users have the right to download, distribute, and keep the content without requesting permission of the resource creator. ‘Revise and remix’ mean that the user may change the content in some way without asking permission. As an example, stories on African Storybook and Storyweaver can be reused, retained, revised, remixed, and redistributed. Ubongo content and other resources with an ND designation, may be retained, reused, and redistributed, but not revised or remixed.

Our research raises the following questions, amongst others:

1. Are those adherents who maintain that a resource licence must allow all five Rs to be considered an OER being unnecessarily restrictive and not taking sufficient account of different contexts of use?
2. What are the risks of pushing many good people, organizations, and initiatives away from considering open licences if the concept of OER does not embrace a diverse range of applications and contexts?
3. What happens if a resource permits each R, but it is not technically feasible to revise or remix?

Perhaps OER and the five Rs require a nuanced approach. Clearly, the right to redistribute without requesting permission is of critical importance for all open content. The five Rs taken together might be most relevant to full courses and sometimes open textbooks. Resources, such as those produced by Ubongo, MILL, KA, and others, which are either restrictive because they have an ND licence or are technically difficult to adapt, could be incorporated into an openly licensed course. Andrew Moore, a materials developer and instructional designer at NBA, wrote about this type of content:⁴⁶

I tend to work with what I call OER assets rather than OER collections. It provides more latitude to shape the OER into many different uses. But the principles would be the same for assets and/or courses.

⁴² In the article above, KA mentions Kolibri as an app to download content to use offline. KA resources downloaded to Kolibri also provide licence information. Kolibri can be found at <https://learningequality.org/kolibri/>

⁴³ How do I recreate Khan Academy videos? (n.d.). Retrieved August 23, 2020, from <https://support.khanacademy.org/hc/en-us/articles/226885367-How-do-I-recreate-Khan-Academy-videos->

⁴⁴ *Early Literacy and Open Licensing Workshop Report 2018 | Early Literacy Resource Network*. (2018, August). Early Literacy Resource Network. <http://www.earlyliteracynetwork.org/content/early-literacy-and-open-licensing-workshop-report-2018>

⁴⁵ Open Educational Resources (OER): 5 Rs of OER. (n.d.). Retrieved August 23, 2020, from <https://nsufl.libguides.com/oer/5rs>

⁴⁶ Andrew Moore communication to Lisbeth Levey, 24 August 2020

Figure 8: OER Africa attribution page

Attribution

The following OER were adapted to create this learning pathway:

- 1 BC OER. (2015). **Faculty Guide for Evaluating Open Education Resources**. Available online at BC Campus http://lms.nba.co.za/pluginfile.php/3329/mod_resource/content/1/OER%20Evaluation%20Faculty-Guide-22-Apr-15.pdf. (CC BY)
- 2 Clark, S. (2016). **Online Research: Tips for Effective Search Strategies**. Available on YouTube at <https://youtu.be/LTJygQwYV84>. (CC BY)
- 3 Commonwealth of Learning. (2015). **OER Search Techniques**. Available on YouTube at <https://youtu.be/EV4K-V2cHYk>. (CC BY-SA)

It is essential, however, for OER creators to attribute correctly every resource they use in producing their OER. As just one example, the figure on the left shows the attribution page of OER Africa’s Learning Pathway on finding open content, which was developed by Andrew Moore for OER Africa.⁴⁷ Attribution can be time-consuming and detailed, but is essential to ensure that it is done to ensure the integrity of the OER.

Reflections on the Ubongo experience

It is understandable that Ubongo has been more concerned about freely sharing its content than ensuring that every resource is properly licensed. It felt even more pressed to release content in 2020 when large numbers of school children have been out of school because of the COVID-19 pandemic. It has been a mammoth job; we congratulate Ubongo for its commitment to African children, learning, and edutainment. Notwithstanding this, the fact that not all content is properly identified as CC BY-NC-ND may cause trouble down the road and lead to misunderstanding. The WHO YouTube version of *The Handwashing Song* is an example of that. Users who stream from the WHO video have no way of knowing that the content is available for downloading on the Ubongo Toolkit platform and that distribution is permissible without requesting permission.

In addition, publicity about the platform focuses on freely sharing materials. No one is alerted in advance of visiting the platform that the resources are CC licensed. Visitors are told on the home page only that they can download the resources for free. The magic of a CC licence, however, is that users may also share content, which all-rights-reserved copyright does not permit. Given this, it might be useful for Ubongo to incorporate information on CC licensing when it writes or talks about the toolkit. The resources are not just free, they can be legally downloaded, copied, used, and redistributed without asking permission. In addition, if it has not done so already, it would also be good for Ubongo to share this information with all its partners, including WHO.

While researching this paper, we began to dig more deeply into what constitutes an OER. This research affirms our view that wider, more inclusive definitions of OER retain greatest relevance because they take better account of contexts of use and do not try to force people into a particular ideological perspective – it leaves the choice to them, which is where it belongs. As we suggest above, we should consider all openly licensed resources as OER. The important consideration is the purpose for which the content will be used. This issue assumes even more importance since UNESCO’s OER Recommendation was unanimously adopted at the UNESCO General Conference in November 2019.⁴⁸ Member governments and institutions worldwide are encouraged to integrate this recommendation into educational policies that promotes learning, equity, quality, and inclusivity – including the licence they use for school textbooks. All educational levels are impacted by this Recommendation, from early childhood learning through tertiary education, non-formal education, and lifelong learning.

⁴⁷ Find Open Content. (2020, May). OER Africa. <https://www.oerafrica.org/communication/find-open-content/index.html#/>

⁴⁸ UNESCO Recommendation on OER. (n.d.). UNESCO. Retrieved August 25, 2020, from <https://en.unesco.org/themes/building-knowledge-societies/oer/recommendation>

Finally, even before Ubongo switched to CC BY-NC-ND licensing, its content reached wide audiences throughout Africa and elsewhere. Ubongo’s goal is to reach all ‘550 million kids in Africa’. It estimates that more than 17 million households across Africa watch, listen to, and learn from its programming every week.⁴⁹ How many more children, their parents, caregivers, and teachers can benefit now that Ubongo uses CC licensing and has created a platform to permit downloads? Ubongo has very preliminary information on registered users. We would be interested to know more about Ubongo’s research on user data, including countries from which visitors are reaching the platform, their role, and the number of children users hope to reach. Ubongo could also send email questionnaires to ascertain more information on how Ubongo is being used. We will continue to follow Ubongo as it investigates how it can use Creative Commons licensing to achieve its goals.

⁴⁹ *Results - Ubongo Learning | African Children’s Media & Edutainment*. (n.d.). Ubongo. Retrieved August 26, 2020, from <https://www.ubongo.org/results/>



Closed or Open?
Ubongo's Switch from Copyright Protected to Creative Commons

Lisbeth Levey (levey180@gmail.com)

Kirsty von Gogh (kirstyvg@nba.co.za)

[Neil Butcher & Associates](#)
[Early Literacy Resource Network](#)

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