



Appendix 3: Politics in Spires legal issues

Background

Politics in Spires (<http://politicsinspires.org>) is a collaborative blog between the Department of Politics and International Relations (DPIR), University of Oxford and the Department of Politics and International Studies (POLIS), University of Cambridge. The blog forms part of the JISC-funded Triton project and will facilitate sharing of open educational resources (OER) within the politics subject community.

Politics in Spires was created with the intent to share, both within the two departments and with a wider community, thoughts on politics and international relations. The blog aims to promote and disseminate research, to engage in scholarly debate on current affairs, addressing topical issues in a timely fashion. To that end all contributions to the blog will be released under a Creative Commons UK: England & Wales Attribution-Share Alike 2.0 licence.

The blog encourages free expression and invites critical exchange of ideas in an informal environment, openly accessible to anyone. Comments are welcome and invited from many audiences: contributors would like to receive feedback on their ideas, to hear the audience's opinions, and to promote frank and respectful debate around these topics.

Which legal notices and licenses would be required?

An early issue which required speedy resolution was determining who owns the copyright in the blog content. The IP policies for both Oxford and Cambridge Universities indicated that the contributors would own the copyright in their contributions (Cambridge allows all unregistered IP rights to remain with the creator and Oxford excludes 'articles' from the work it claims).

Once this was determined, the nature of the legal notices and licence was discussed and the issues to be explored were:

1. The need for a clear licensing model for material posted on the site to facilitate OER release.
2. The need for additional legal text for the site, including terms of use, accessibility statement, privacy policy and statement on how moderation is carried out.
3. The creation of 1 & 2 is complicated by the fact that the site is a joint project between Oxford and Cambridge.

Oxford Legal Services contacted Cambridge Legal Services asking if an amended version of Oxford's web site terms and conditions would meet Cambridge's requirements. Cambridge responded that – as the domain name politicsinspires.org is registered to Oxford – Cambridge was not directly responsible for the site and therefore Oxford could arrange to meet the obligations of running the site (for example the requirements in point 2) itself. Alternatively, Cambridge offered to become a joint registrant with Oxford and share the responsibilities. In either case, Cambridge offered to help with drafting the required documents. Cambridge also suggested that the two Universities would need a brief data-sharing agreement to cover the fact that shared site administration would mean that registrant email addresses would be available to both institutions. Finally, Cambridge also suggested that a non-exclusive licence be taken from the contributors permitting the release of their contributions under a Creative Commons licence (this differs from the policy the project team had

originally envisaged, which involved contributors directly agreeing to license their contributions under Creative Commons to third parties without the site acting as a middle-man).

Outcomes agreed

There were two main options for proceeding:

- 1) We could accept Cambridge's offer to become joint registrants and proceed to draft the required documents in collaboration. This could involve either CC-licensing model, subject to agreement.
- 2) We could keep the domain registration with Oxford and use amended versions of Oxford policies and terms and conditions along with either Oxford or Cambridge's CC-licensing model. This would also involve obtaining permission from Cambridge to use their branding on the site.

To minimise the possibility of delays with option (1), the project team (in discussion with the DPIR) agreed to pursue option (2). Oxford Legal Services provided modified versions of their policies and terms and conditions suitable for use on politicsinspires.org, and permission to use their branding was obtained from Cambridge.

The Oxford terms and conditions were modified to make clear that the University is not responsible for the contributions (the posts and articles on the website are the property of the poster), and that users are responsible for correctly attributing the material they post and must ensure that they are entitled to submit any material prior to posting it. If the University takes on a role in monitoring the content of the site and deciding whether or not it is appropriate then they increase the risk to the University. If the University fails to identify something that a third party considers offensive in some way they can more easily take proceedings against the University for a failure in the duty of care they have assumed. In other words, the University disclaims its liability for any editorial control that it does happen to exercise. To further emphasise this point, Legal Services recommended that the wording on the website describing the function of the Oversight Team was changed as follows:

'The blog has an Oversight Team to monitor the blog and which will seek to ensure that appropriate editorial standards are maintained.'

The terms and conditions, policies and the licence are available on each page of the blog site. They are included within the registration process for users and links to the documents are included within emails which form part of the registration process. Legal Services were satisfied that these steps were adequate to ensure a sufficiently clear link between the documents setting out the terms and the acceptance mechanism.

[Legal Notice](#)

[Privacy Policy](#)

[Accessibility Policy](#)

[Comments Policy](#)

[Takedown Policy](#)

[Creative Commons Licence \(CC-BY-SA\)](#)

Creative Commons Licence

After consultation with the DPIR, the Triton project team chose to use the Creative Commons Attribution-Share Alike licence. By choosing this licence, the team felt that it would enable content to be used commercially (for example in national press) as long as the content owner was attributed and all future versions should be distributed under the same licence.