

## Lecture notes – Info2009 module

### Lecture: Creative Commons and you

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EdShare resource - <http://www.edshare.soton.ac.uk/6305/>  
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For the theoretical consumption of second year Computer Science students at the University of Southampton, although existing CS or geographical knowledge is not assumed for teaching, merely tonal commentary. All written contributions are the work of the speakers announced in the script. All slides are the work of Geoff Birch, who will act as the main narrator throughout the script and who produced this presentation. Every care has been taken to retain the integrity and style of each speaker's original voice. A full list of references is provided in the associated EdShare resource and some will be linked in the associated slides; all contributors take full responsibility for their own plagiarism declarations. Portions written by Geoff Birch are licensed under cc by-nc-sa.

The following lectures notes are not meant to be read word for word by the presenter(s), although some sections may be styled in a casual spoken form by their author. The themes and required teachings will be presented in the text as an aide mémoire to the speaker(s) and to maintain cohesion with the published lecture slides. To assist this second point, these notes contain some instruction and notes to switch slides, denoted by citation-like square bracketed numbers. The notes are presented in the format of a four man talk with distinct voices for each section, which was the original format conceived for the presentation. There is no scheduled talk date for this presentation as the exercise was to create only a theoretical resource of interest to students of the Info 2009 course on one of a chosen selection of topics. The actors have not learnt their lines.

Any speaker should expect students to be given access to the slides as a pdf for revision and annotation purposes and are provided with an online quiz (see EdShare resource) to test attendance and basic understanding. As an introduction to Creative Commons, this talk does not have time to delve deeply into any specific areas but links are provided to supplemental reading for students interested in finding out more.

[Geoff enter stage left]

[Make sure the projector is showing slide one]

[Welcome students to lecture and announce speaker(s), if not done by a presenter] [look up at name(s) in bright lights thanks to the projector and slide [1], you're famous!]

While we are all Computer Science students here, interested in publishing our code under the GPL, LGPL, or similar copyleft licenses to enable free collaboration; there will be times when all of us creates something artistic or, perhaps more realistically, needs to find something artistic to add to our projects. The GPL isn't a great fit for a piece of music or drawing; no one needs to be given access to the source code for a Van Gogh, if that idea even makes any sense. [2] Luckily, an organisation called Creative Commons was formed to 'port' some copyleft ideals over to the poor suffering artists who would be lost without the guidance of us Computer Scientists.

At least that was the story I was told. Come to think about it, it was an old Software Engineer who told me that tale. There were probably some lawyers involved in the real story that he's leaving

out.

So without further delay, here is Siyuan to give an introduction to Creative Commons.

[Cede centre stage for left wing] [Siyuan enter right] [3]

“Creative Commons is a nonprofit corporation dedicated to making it easier for people to share and build upon the work of others, consistent with the rules of copyright.

“We provide free licenses and other legal tools to mark creative work with the freedom the creator wants it to carry, so others can share, remix, use commercially, or any combination thereof.”

The paragraphs above are the definition and the purpose of creative commons and given by its official website. The creative commons was first founded in 2001 and released its first set of licences in the next year. Nowadays, there are more than 350 million cc licences was used as it is a very useful and easy to implement for people who want to share their work on internet and meanwhile declare the legal statement effectively and legally.

[4] Be aware there are two versions currently used in the Great Britain: version 2.0 in England and Wales, version 2.5 in Scotland.

There are 6 main licences which are formed by 4 licence conditions in different combination. Each them has different meanings and can be in the name by symbols.

[Siyuan exit right] [Fan enter right] [5]

1. Creative Commons is an international non-profit founded in 2001 by a group of US copyright experts – most notably, Stanford law professor, Lawrence Lessig

2. The first Creative Commons licences were released in December 2002

3. Creative Commons offers six different licenses, each allowing different uses of your work [6]:

i. Attribution(by): The most permissive Creative Commons license allowing others to use, distribute, remix, tweak, and build upon your work—even for profit—so long as you are given credit for the original in the way you request.

ii. Attribution Share Alike(by-sa): Very similar to the Attribution license. You permit others to use, distribute, remix, tweak, and build upon your work—even commercially—provided you are given credit in the way you request for the original, but this license also requires the user to license all new creations under identical terms (meaning any new creations may also be used for profit); this is often compared to open source software licenses.

iii. Attribution No Derivatives(by-nd): Permits others to redistribute—including commercially—your work so long as you are credited in the way you request and the work remains whole and unchanged.

iv. Attribution Non-Commercial(by-nc): Allows others to use, distribute, remix, tweak, or build upon your work non-commercially so long as you are given credit in the way you request. Derivative works do not have to carry the same license (meaning future derivative works can be commercial).

v. Attribution Non-Commercial Share Alike(by-nc-sa): Permits others to use, distribute, remix, tweak, and build upon your work non-commercially so long as you are given credit in the

way you request and the new works are licensed under the same terms.

vi. Attribution Non-Commercial No Derivatives(by-nc-nd): Closest to traditional copyright, this is the most restrictive Creative Commons license and allows others only to redistribute your work non-commercially so long as it remains unchanged and you are given credit in the way you request; often called "free advertising" because people can download and share your work freely.

#### 4. How do Creative Commons licenses interact with copyright? [7]

Creative Commons licenses work alongside the rules of copyright, allowing you to authorize a more free usage of your work and choose the protection that best suits your needs. Creative Commons licenses apply to any work covered by copyright law.

By using a Creative Commons license, you do not give up your copyright; you still own your work.

Creative Commons licenses do not replace copyright registration—they apply in addition to copyright.

Even if you're using a Creative Commons license, it is advisable to register your copyright so you can protect your work from unauthorized uses through the courts.

Think of copyright as an "all rights reserved" option in which you hold all rights—something that you may desire if you don't want anyone taking, using, and potentially making money off of your work. A Creative Commons license, on the other hand, offers a "some rights reserved" option, which permits certain uses of your work under particular conditions that you choose. The options are described below.

[Fan exit right] [Geoff return to centre] [8]

Many thanks to Fan for that.

So by now you know a bit about who the Creative Commons guys are, how they've managed to go from the spark of an idea to offering a widely accepted group of licenses used by millions of people to share hundreds of millions of works in only the last decade. You've also been introduced to the actual licenses and the four basic components that make up the restrictions placed on the license.

[Optional interactive section to pad for time: ask some questions of the half-asleep students about what they have just been taught]

You might even be able to walk out of here right now and start using them properly in your daily lives to help share or consume content. [Depending on answers from optional section, riff on the quality of student exhibited just second previously] Unfortunately my watch [9] says we're only a third of the way done with this lecture slot so if you'll kindly remain in your seats, we can continue to talk about what all of this means.

When I introduced the topic, I started talking about copyleft, assuming you were all intimately aware of what that meant and were regularly using those principals to contribute to Linux, an Apache project, or suchlike. To the uninformed, copyleft is the movement to license work more freely and in such a way that forces any derivative work to also be licensed under those same terms. You can see where the idea of "Share Alike" came from. The Creative Commons licenses

are about more than this, and in the modern connected world, where copyright holders are paying anyone who offers to try and track down students like you for Intellectual Property infringement, they might provide some very significant advantages to both the strict doctrine of the copyleft evangelists or the closed ecosystem of the current copyright-loving purveyors of content.

Michael W. Carroll, Associate Professor of Law at Villanova University School of Law and member of the Board of Directors of Creative Commons, has produced a great paper about how this all enables new ways of people doing business and finding content called 'Creative Commons and the New Intermediaries'. [10] I advise you all to check it out in full after this lecture is over; the link is being shown on the projector.

To quote wholesale from the introduction, "Creative Commons licenses respond to the explosion of 'copyright events' that digital technologies have let loose. (...) The copyright explosion certainly has disrupted a number of industries and relationships that rely on copyright law. What is perhaps more interesting is how this radical expansion of copyright law's domain has not led to chaos, although it does have troubling implications. For the time being, a number of implicit understandings have grown up around digital technologies, and these understandings have led to norms and implied licenses that serve important coordinating functions. As robust as these informal mechanisms are, however, greater clarity and coordination can often be had when copyright owners explicitly designate which copyright events they consider to be permissible. Enter Creative Commons licenses."

These Creative Commons licenses are designed for the modern digital world, where we all upload our photos to the web and share them with friends, where musicians will trade non-commercial access for wide exposure, and where the academic community is no longer tied to journals or face to face teaching for the dissemination of their work to the widest audience. It has also led to the rise of whole new intermediaries who enable efficient transactions between people working with content where the author sees benefit from only reserving some of their rights. [11]

As we've already seen in describing the Creative Commons licenses, creators are effectively giving away their work as long their basic conditions are met, be that not profiting from their free distribution or even just giving credit to their work. The system creates a body of royalty-free material without anyone having to give away their intrinsic copyrights by placing their work into the public domain, and wraps it all up in a human and computer readable legal framework.

Stepping away from a build-distribute-consume model, Creative Commons licensing uses end-creator/consumer comprehensible language to facilitate creators giving away some of the rights as they disseminate their content in such a way that allows direct access to consumers. This is a disintermediating move that people originally thought was going to be the big thing with the move to online but something more interesting has started to evolve in the last few years. The ability for computers to read the metadata of some digital content and see how it is being licensed opens up a whole world of transactions that change the traditional intermediaries in the content chain.

The traditional intermediaries are struggling in an environment where remixing and the limits of fair use are being toyed with and the new generation, our generation, of creators and consumers are using the CC licensing to create a remix culture based around new intermediaries who facilitate searching, storing, and remixing of content. Lets have a quick look at some of these new intermediaries. [12]

The first intermediary we'll cover is something I bet most of you use on a daily basis but maybe have never realised has to power to leverage Creative Commons to help you find material you're free to use for your purposes. [13] Yes, Google Search. Acting as an agent over the top of all the other web-enabled Creative Commons uses are search engines like Google that will let you easily find the material you're looking for without having to trawl through piles of content that isn't suitable for your needs. When you go to the advanced options you'll be able to refine any search to only include material with the license you need. [14]

As we moved into the digital age, large copyright holder coalitions used their funding and influence to help grease the wheels of politics and make sure new laws were created to shift the balance towards absolute control with no exceptions. One of the problems with this trend, beyond the obvious rich paying to make sure they get richer at the cost of society as a whole, is that it makes it harder for libraries to do their traditional job of archiving works.

Creative Commons enables sites like the Wayback Machine, part of the Internet Archive, to easily archive material they know they can legally store without issues of infringement. [15]

Once again, quoting from Carroll to take an example, "one large and important role for Creative Commons licenses is to facilitate amateur-to-amateur communication. However, Creative Commons licenses also enable new intermediaries to create new business models for the distribution of creative works created by professional authors. For example, Magnatune, an online record label, was created to distribute music over the Internet and eliminate the problems inherent with traditional recording contracts. (...) With Magnatune, the Creative Commons license helps listeners and licensors find high-quality music that may not have mass appeal, while creating revenue streams for artists who would have difficulty earning revenues under a traditional recording contract and would not be likely to reach as broad an audience."

While big artists have found success in direct sales and others are using Creative Commons to directly interact with their audience, there is space for a new kind of middleman who leverages the freedoms of these licenses to provide samples and indexes where users can go and try before they buy. In the case of Magnatune, a new record label has been formed with the public image of being something very different from the classic litigious image the RIAA members have generated. They provide subscription plans, a visible revenue split model, and allowing users to sample music also advertises it to commercial users who might want to buy a commercial license from the artist for use in a project. [16]

Here we see a photo I took a while ago while in the lovely, safe Maths Dept lecture room. Available to all of you with the same restrictions as these lecture slides. You can't make money selling it, you've got to give me credit, and whatever you make remixing it has to be offered with the same access as I've provided. Flickr is a great example of a business built on Creative Commons for easy remixing and sharing of content. With just one click you can set the default level of sharing for all your uploaded photos and Flickr tags all your images appropriately.

Search engines, as we've already covered, offer a great way for people to find material like this; Google Image Search has exactly the same ability to drill down by license type and index the millions of photos on services like Flickr. In fact, many popular blogs extensively use such searches to add colour to their articles by mining the freedom of Creative Commons licensed content. Communities built up around this kind of design offer sharing as a default state around which the users can feel they are contributing to a greater whole and in some cases this collaboration

becomes the entire point of the community. [17]

CC Mixer is an online music resource that provides a dynamic library of music and samples all licensed for remixing due to the freedoms of the Creative Commons licenses. Many artists can work together or create derivative works without worrying about the minutia of fair use and other legal pitfalls that lead to many professional musicians licensing clips, however short, when creating remix music. With all the paperwork taken out of the equation, users are freed to collaborate on community non-commercial projects without spending time and effort on covering themselves legally from IP infringement or even theft of their own work. [18]

Finally in this section, we reach the most academically relevant example of a new intermediary. Educators have long rallied behind the cry of freedom of information and the universal right of access to knowledge and a good education. In fact there are plenty of arts students who don't have to spend all their time in lectures or actually working who are protesting that very point this Winter [for future use: is a reference to 2010 student tuition]. Rather than charge people for access to their notes, slides and other teaching material, many academics are making great use of Creative Commons to release their material without giving up all their right by putting it in the public domain. The slides associated with this lecture, available from the EdShare link that you'll get as a reward for sticking to the end of the lecture, are licensed under Creative Commons. It was the easiest way for me to provide access to the slides to all of you without having to contact a legal expert. And there is the power of CC, a layman can understand and use the six simple licenses to quickly and easily release their work into the public without giving up all rights. A lecturer uploads their lecture slides and notes to a public index and students globally can benefit from their expertise.

In the above slide is the website for the Massachusetts Institute of Technology OpenCourseWare, an archive of over 2000 courses worth of lecture material, available free for non-commercial use to anyone with a web browser. [19]

To whet your appetite for reading the full paper this section has been based on, I leave you with this quote to sum up and leave something further to think about. "The rapid adoption of Creative Commons licenses by individual copyright owners and by a variety of new intermediaries demonstrates the utility of standardized understandings that enable some sharing of copyrighted works while reserving other rights to the copyright owner. To date, this utility has been derived primarily from the simplicity of the human-readable Commons Deed and associated icons, which quickly communicate the essential permissions and restrictions for each Creative Commons license. Soon, however, chances are that the machine-readable description of these licenses is likely to become paramount as efforts to build a Semantic Web progress." [20]

The time really has been flying by, and I'm about to hand over to Charalampos to talk more about the legal issues around the Creative Commons but first I wanted to bring this publication to your attention. 'Analyzing the Nature of Creative Commons Licenses' by Herkko A. Hietanen. We don't have time to cover this material fully but this second document provides an interesting look into the International nature of the legalities behind the simply written fronting of CC licensing. The author probably says it best as to the meat of the paper: "By treating the Creative Commons licenses as pure licenses rather than contractual agreements, both licensor and licensee get a predictable legal deal. [21] The differences between contracts and one sided permissions are emphasized in public licensing. The difference is best seen in the way how the obligations are shared between the parties. In contractual agreement both parties generally have an obligation

rising from the contract. The licensee in turn isn't obliged to anything other than what the law enacts. This is why the licensee can't be forced to comply with the license. Because the licensor is not creating any new obligations to the licensee, license creates only a one sided obligation for the licensor to tolerate actions that would otherwise covered by copyright. This is why the procedural safeguards normally required for forming a contract are not needed. Pure licensing doesn't require the act of accepting nor does it require contractual competency from the licensee."

And finally from me, I'd be remiss if I didn't reinforce this choice quote from the Creative Commons license terms, section 7b, which comes as a result of the above and is worth thinking about in case you're uncomfortable with it. [22] "Subject to the above terms and conditions, the license granted here is perpetual (for the duration of the applicable copyright in the Work). Notwithstanding the above, Licensor reserves the right to release the Work under different license terms or to stop distributing the Work at any time; provided, however that any such election will not serve to withdraw this License (or any other license that has been, or is required to be, granted under the terms of this License), and this License will continue in full force and effect unless terminated as stated above." Due to the unilateral nature of the license, once you offer a license and someone collects the work, then the rights you've given away are set in stone. There are some legal details that are covered in the publication about how this doesn't perfectly fit with all local laws, but once you give something away the Creative Commons license is quite clear that you are giving away those right in perpetuity. No take backs. As a consumer or transmuted of content this does also mean you can use or start remixing something within the limits of the license without having to worry about the licensor later deciding to take away your rights and leaving you half way through remixing your magnum opus and without the rights to the work on which you have built. Giants cannot suddenly remove the shoulders on which you stand.

[Cede centre stage for left wing] [Charalampos enter right] [23]

### **Can CC give legal advice about its licenses or help with CC license enforcement?**

No. We are not permitted to provide legal advice or legal services to assist anyone with enforcing Creative Commons licenses. We are not a law firm. We're much like a legal self-help site that offers free form-based legal documents for you to use however you see fit.

However, we do maintain a list of lawyers and organizations who have identified themselves as being willing to advise clients about CC licensing issues. Please note that CC does not provide referral services, and that we do not necessarily endorse or recommend anyone on this list for any particular client or circumstance. Our international network of CC affiliates may also be a good resource for further information (but not legal advice) about CC licenses in a particular jurisdiction. Contact information of our affiliates is located on each jurisdiction's page. [24]

### **What is CC?**

Creative Commons is a nonprofit organization

We work to increase the amount of creativity (cultural, educational, and scientific content) in "the commons" — the body of work that is available to the public for free and legal sharing, use, repurposing, and remixing.

CC provides free, easy-to-use legal tools

Our tools give everyone from individual creators to large companies and institutions a simple, standardized way to grant copyright permissions to their creative work. The Creative Commons licenses enable people to easily change their copyright terms from the default of "all rights reserved" to "some rights reserved." [25]

### **Do I need to sign something or register to obtain a Creative Commons license?**

No. Creative Commons licenses are designed to be applied to your work and to be binding upon people who use your work based on their notice of the Creative Commons “Some Rights Reserved” (or “No Rights Reserved” in the case of works dedicated to or certified to be in the public domain with one of our public domain tools) button and the statement that the work is Creative Commons-licensed.

We do not keep track of or a register of which creative works have been licensed under a Creative Commons license. We make the licenses, code and tools available for you to use or not as you wish. [26]

### **What if I change my mind?**

Creative Commons licenses are non-revocable. This means that you cannot stop someone, who has obtained your work under a Creative Commons license, from using the work according to that license. You can stop distributing your work under a Creative Commons license at any time you wish; but this will not withdraw any copies of your work that already exist under a Creative Commons license from circulation, be they verbatim copies, copies included in collective works and/or adaptations of your work. So you need to think carefully when choosing a Creative Commons license to make sure that you are happy for people to be using your work consistent with the terms of the license, even if you later stop distributing your work.

[Charalampos exit right] [Geoff return to centre] [27]

Many thanks for that, Charalampos.

Ok everyone, it's time to put the laptops away and get off facebook or wake up so you're ready to move on to your next lecture. We've come to the end of this lecture, hopefully you'll have a look into some of the papers we highlighted. On the off chance that you actually learnt something today the above link provides a quiz for you to take that will test that understanding and help give us feedback on what did and didn't stick in our talk. If you navigate to the quiz via the link in our EdShare resource, which is far easier to remember than the survey url with that long string, then please remember to hit the 'close frame' button at the top of the page before clicking on the start quiz button. The quiz is off-site and so the EdShare link only works when you break it out of the 1990s style framing and go to the actual website.

On the EdShare page you'll also find copies of the lecture notes in PDF and OpenOffice Presentation format so you can take them home and look over them to remind yourself of what was discussed today and get those urls right. [28]

So it looks like our time is just about up here. Many thanks for your attention and go out and share or use something Creative Commons licensed today.

[Exit left to rapturous applause from mythical students who enjoyed the light styling of that lecture and weren't on facebook throughout]