An Introduction to the Creative Commons

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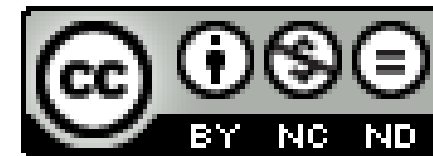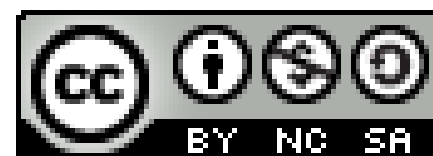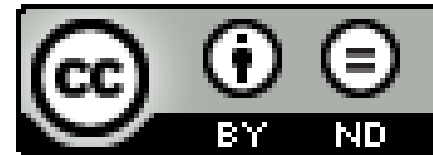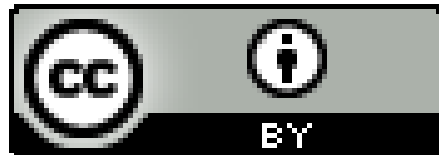An OhioNET Webinar

In This Presentation

- Basics of CC licenses
- Types of licenses
- Iterations of licenses
- Using CC licenses
- Finding CC works

What's in a License?

A Bit of History…

- With support from the Center for the Public Domain, the Creative Commons was founded in 2001

- Published their first set of Creative Commons licenses (version 1.0) in 2002
    - CC-BY
    - CC-BY-SA
    - CC-BY-NC
    - CC-BY-NC-SA
    - CC-BY-ND
    - CC-BY-NC-ND

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Front End

Back End, Layer 1– Commons Deeds

- Summary of the "legal code"
- Plain language text of what the user <u>can do</u> with the CC licensed work
- Plain language text of what the user <u>must do</u> in order to be in compliance with the license
- Notices – a few things for the user to be aware of
- Pros: Easy to read and understand
- Cons: Easy not read, or too much is read into it!

Notices:

You do not have to comply with the license for elements of the material in the public domain or where your use is permitted by an applicable exception or limitation.

No warranties are given. The license may not give you all of the permissions necessary for your intended use. For example, other rights such as publicity, privacy, or moral rights may limit how you use the material.

Back End, Layer 2 – Legal Code

The terms and conditions of this Creative Commons Attribution 4.0 International Public License ("Public License"). To the extent this Public License may be interpreted as a contract, You are granted the Licensed Rights in consideration of Your acceptance of these terms and conditions, and the Licensor grants You such rights in consideration of benefits the Licensor receives from making the Licensed Material available under these terms and conditions.

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More Legal Code

1. Definitions
2. Scope
3. License Conditions
4. Sui Generis Database Rights
5. Disclaimer of Warranties and Limitation of Liability
6. Term and Termination
7. Other Terms and Conditions
8. Interpretation

Pros: There are a lot of answers to be found here!

Cons: If you are comfortable navigating through the language, you can learn a lot

Back End, Layer 3 – Machine Readable Code

Metadata that helps identify your works as a CC work
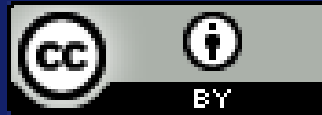
Help others attribute you!

This part is optional, but filling it out will add machine-readable metadata to the suggested HTML!

Title of work [　　　　　　　　　　] (?)

Attribute work to name [　　　　　　　　　　] (?)

Attribute work to URL [　　　　　　　　　　] (?)

Source work URL [　　　　　　　　　　] (?)

More permissions URL [　　　　　　　　　　] (?)

Format of work [Other / Multiple formats ▼] (?)

License mark [HTML+RDFa ▼] (?)

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The Licenses

CC-BY

The user _can_:

- **Share** — copy and redistribute the material in any medium or format

- **Adapt** — remix, transform, and build upon the material for any purpose, even **commercially**.

- The licensor cannot revoke these freedoms as long as you follow the license terms.

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Sharing

Share means to provide material to the *public* by any means or process . . . such as reproduction, public display, public performance, distribution, dissemination, communication, or importation, and to make material available to the public including in ways that members of the public may access the material from a place and at a time individually chosen by them.

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Adaption is…

Generally, a modification rises to the level of an adaptation [derivative] under copyright law when the modified work is based on the prior work but manifests sufficient new creativity to be copyrightable, such as a translation of a novel from one language to another, or the creation of a screenplay based on a novel.

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Adaptation is not…

Under the CC licenses, adaptations are not…

- Format shifting
- Fixing minor errors, e.g. a misspelled work or punctuation
- Putting works together in a collection, e.g. a collection of essays or poems
- Including a photo in connection with text

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Commercial Uses

- Uses that are primarily intended for or directed toward commercial advantage or monetary compensation

- Whether a use is commercial will depend on the specifics of the situation and the intentions of the user.

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CC-BY

The user _must_:

- **Attribution** — You must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use.

- **No additional restrictions** — You may not apply legal terms or technological measures that legally restrict others from doing anything the license permits.

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Providing Attribution

If You Share the Licensed Material (including in modified form), You must:

A. retain the following if it is supplied by the Licensor with the Licensed Material:

   i. identification of the creator(s) of the Licensed Material and any others designated to receive attribution, in any reasonable manner requested by the Licensor (including by pseudonym if designated);

   ii. a copyright notice;

   iii. a notice that refers to this Public License;

   iv. a notice that refers to the disclaimer of warranties;

   v. a URI or hyperlink to the Licensed Material to the extent reasonably practicable;

B. indicate if You modified the Licensed Material and retain an indication of any previous modifications; and

C. indicate the Licensed Material is licensed under this Public License, and include the text of, or the URI or hyperlink to, this Public License.

- You may satisfy the conditions in Section 3(a)(1) in any reasonable manner based on the medium, means, and context in which You Share the Licensed Material. For example, it may be reasonable to satisfy the conditions by providing a URI or hyperlink to a resource that includes the required information.

- If requested by the Licensor, You must remove any of the information required by Section 3(a)(1)(A) to the extent reasonably practicable.

Attribution 4.0 by the Creative Commons, is licensed under CC-BY 4.0

Resource: CC's Best Practices for Attribution:
https://wiki.creativecommons.org/wiki/Best_practices_for_attribution

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No Additional Restrictions

You may not offer or impose any additional or different terms or conditions on, or apply any Effective Technological Measures to, the Licensed Material if doing so restricts exercise of the Licensed Rights by any recipient of the Licensed Material.

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CC-BY-SA

The user can:

- Share

- Adapt, even commercially.
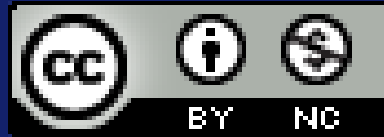
The user must:

- Provide attribution

- **<u>ShareAlike</u>** — If you remix, transform, or build upon the material, you must distribute your contributions under the same license as the original.

- No additional restrictions

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ShareAlike

- In general, when remixing ShareAlike content, your adapter's license must be the same license as the license on the material you are adapting [or a compatible one].

- The ShareAlike condition *only applies when a work is publicly shared*. Users may create remixes and adaptations that they do not publish and they do not have to comply with the license conditions.

- How does the use of a SA work in/with another apply (CC Examples)?
    - ShareAlike photo being used unmodified in a larger work. Unless the larger work would be considered an adaptation of it, using a ShareAlike photo as a separate element within it does not require original materials in the larger work to be ShareAlike or compatible. The larger work may be licensed under any terms.
    - Translation of a ShareAlike work. The translation is an adaptation of the original ShareAlike work, and must be licensed compatibly. The SA-licensed original work is inseparable from the translation; it must be distributed under SA terms, as must the translator's contribution.

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CC-BY-NC

The user can:

- Share
- Adapt

The user must:

- Provide attribution
- **<u>NonCommercial</u>** — You may not use the material for commercial purposes.
- No additional restrictions

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NonCommercial

- Prohibits uses that are "primarily intended for or directed toward commercial advantage or monetary compensation."

- Note: Here, the license is referring to the primary purpose for which the work is used, not the user!

- Whether a use is commercial will depend on the specifics of the situation and the intentions of the user.

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CC-BY-ND

The user can:

- Share

The user must:

- Provide attribution

- NoDerivatives — If you remix, transform, or build upon the material, you may not distribute the modified material.

- No additional restrictions

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NoDerivatives

- Users may reproduce and Share the Licensed Material, in whole or in part; and produce and reproduce, but not Share, Adapted Material.

- You can make changes to the work, you just can't share the adapted version.

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Combo Licenses

CC-BY-NC-SA

CC-BY-NC-ND

Other CC "Licenses"

CC0 **0 | PUBLIC DOMAIN**

The person who associated a work with this deed has dedicated the work to the public domain by waiving all of his or her rights to the work worldwide under copyright law, including all related and neighboring rights, to the extent allowed by law.

The user can:

- You can copy, modify, distribute and perform the work, even for commercial purposes, all without asking permission.

The user must:

- When using or citing the work, you should not imply endorsement by the author or the affirmer.

- No attribution required (but think of the ethics/optics)

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Public Domain Mark

This work has been identified as being free of known restrictions under copyright law, including all related and neighboring rights.

Users can:

- You can copy, modify, distribute and perform the work, even for commercial purposes, all without asking permission. Users must:

- When using or citing the work, you should not imply endorsement by the author or the person who identified the work.

- Note that the work may not be free of known copyright restrictions in all jurisdictions.

- Note that in some jurisdictions moral rights of the author may persist beyond the term of copyright. These rights may include the right to be identified as the author and the right to object to derogatory treatments.

- Note that unless expressly stated otherwise, the person who identified the work makes no warranties about the work, and disclaims liability for all uses of the work, to the fullest extent permitted by applicable law.

Iterations

It Just Keeps Getting Better

- Version 1.0, 2002
- Version 2.0, 2004
- Version 2.5, 2005
- Version 3.0, 2007
- Version 4.0, 2013
- Things changed between versions, so it's good to check the terms of the license attached to the work to make sure you don't miss anything

Recommended resource:
https://wiki.creativecommons.org/wiki/License_Versions

Translations (version 4.0)

- Translations: official, linguistic translations done through a formal process:
  https://wiki.creativecommons.org/wiki/Legal_Code_Translation_Policy

- Previous versions:
  - Unported: Version that could apply internationally
  - Ported: Translated and adapted for use in certain countries

CC Licensing for Creators

Pros

- Keep your copyright!
- Remember, you are not bound by the terms of the CC license…only those looking to reuse your work are!
- Get credit for your creations
- Clear cut rules for user reuse
- Legally enforceable licenses
- Be in good company (over 1.4 billion CC licensed works*)

*See https://stateof.creativecommons.org/

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Licensing Your Works

- Do you hold the copyright?

- Remember that CC licenses are irrevocable

- Uncertain about reuses? Start conservative, then go more "open" with your license choice

- Remember, if you add on downstream restrictions you can no longer use the CC branding

Recommended Resource: Modifying the CC Licenses:
https://wiki.creativecommons.org/wiki/Modifying_the_CC_licenses

CC Choose a License Tool

https://creativecommons.org/choose/

License Features

Your choices on this panel will update the other panels on this page.

Allow adaptations of your work to be shared?

⊙ Yes   ○ No   ○ Yes, as long as others share alike

Allow commercial uses of your work?

⊙ Yes   ○ No

Selected License

Attribution 4.0 International

This is a Free Culture License!

CC Choose a License Tool

Labeling Your Work as a CC Work

Clearly express the license you've selected and provide related info to help the user comply with the terms of the license

- **T**itle

- **A**uthor (who should be credited)

- **S**ource (provide a URL to the original resource)

- **L**icense (provide a link to the CC Deed)

Creative Commons 10th Birthday Celebration San Francisco by tvol CC BY 2.0

When People Don't Comply with you License

- Don't forget the exceptions factor included in the language of the license!

- What do you do when they are in clear violation of your terms?
  - Ask for compliance
  - Remember, under the 4.0 licenses they have 30 days to remedy their error "provided it is cured within 30 days of Your discovery of the violation"
  - Pursue legal action
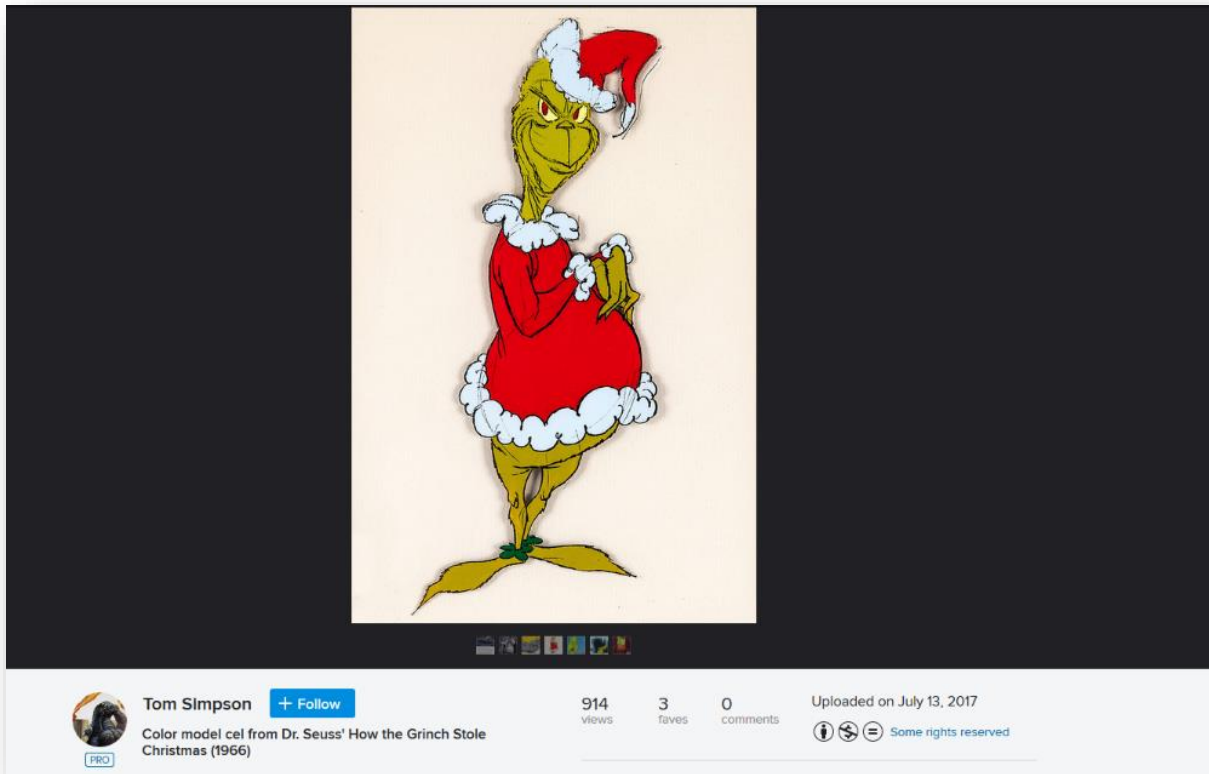
Finding CC Licensed Works

Pros

- Clear cut rules = no infringement worries
- Does not prevent uses that might otherwise be lawful under expectations and limitations found in copyright law
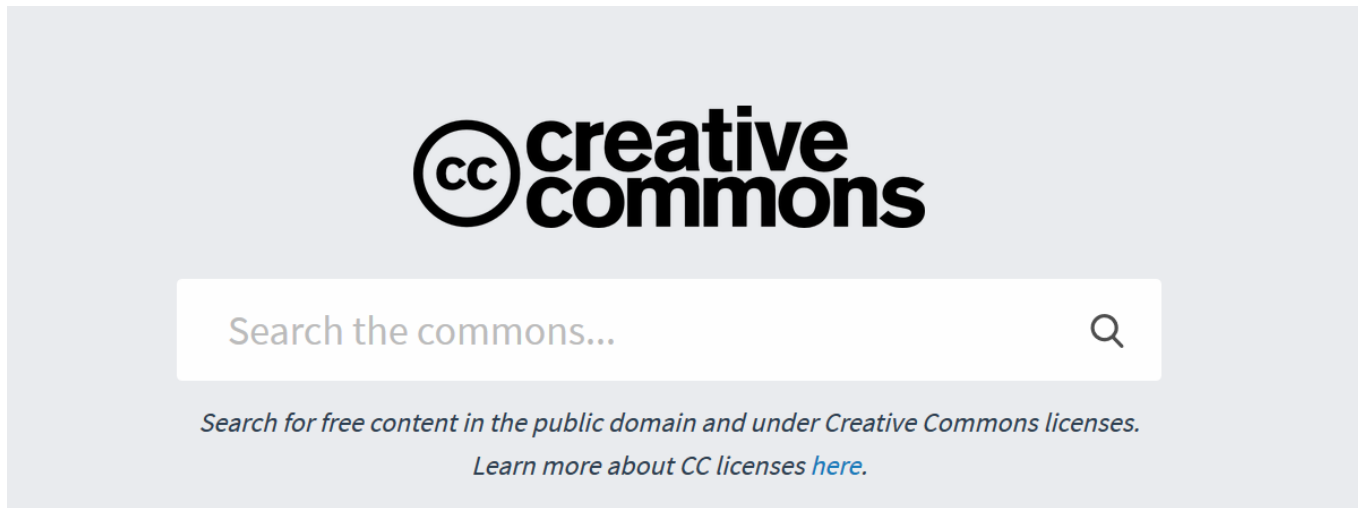
Cons

Who is posting what?

Cons

- Other areas of IP may not be covered under the license
  - Trademarks
  - Privacy/Celebrity
- Not following the rules can get you into trouble

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Finding CC Works

CC Search: https://search.creativecommons.org/

User Tips

- What do you wish to be able to do?

- Search for an appropriately licensed work

- Check the license version, then read the correct legal code (don't just go by the Deed)

- Can you really do what you want to do?

- Ask for the permission needed, if needed

- Don't forget you can consider exceptions, e.g. fair use. In these situations, you are not required to comply with the license…this includes giving credit (but giving credit is still the nice and ethical thing to do)

- Provide attribution as required by the legal code* (Title, Author, Source, License)

- Note if modifications were made

- Provide attribution for each work used

- Don't put into place barriers for others using a CC work you may have copied

Putting it all Together

The CC is a Useful Tool for Creators

- Independent creators and those looking to reuse the works of others

- In either situation, creators should work to familiarize themselves with the full license terms and follow them!

- As librarians, we can help guide faculty, students, and our colleagues to information about the CC that will empower them to make effective decisions about their application and use

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