

**CREATIVE COMMONS:
AN "OPEN CONTENT" LICENCE**

What is Creative Commons?

Creative Commons (CC) is a U.S. based non-profit organisation, founded by Lawrence Lessig in 2001, dedicated to expanding the range of creative works available, especially online. The internet offers new opportunities for distributing, sharing and re-using creative content. Much of this content is subject to copyright. Copyright protects a work as soon as it exists, giving the creator a set of exclusive rights over its reproduction, translation, public performance and recording. Creative Commons offers an easy way for authors, artists, musicians and other creators to choose how to make their works available and under what conditions, and for users to identify the conditions under which a work may be used.

Creative Commons uses easy-to-understand licences and a logo to help users identify Creative Commons licensed material. An electronic version of the licence contains machine-readable metadata that describes the licence and indicates the copyright status, enabling CC-licensed material to be found by search engines and other online discovery tools.

Creative Commons covers a wide range of creative content. This includes audio e.g. music, sounds, speeches; images e.g. photos, illustrations, designs; video e.g. movies, animations, footage; text e.g. books, websites, blogs, essays; educational material e.g. lesson plans, course packs, textbooks, presentations.

Several million pages of web content now use Creative Commons licences. Some well known websites that use CC-licensed content include the photo sharing website Flickr, the Internet Archive which maintains an archive of Web and multimedia resources, MIT Open Courseware, an initiative to put online educational material from the Massachusetts Institute of Technology courses.

Creative Commons is an "open content" licence, so coined to describe a family of licences that explicitly allow for copying and re-use. Other examples of open content licences, albeit with differing conditions, are the GNU Free Documentation License (used by Wikipedia) and the Free Art licence.

Practice – how Creative Commons licences work

Creative Commons offers a voluntary, flexible set of licence options chosen according to the level of protection and freedom that an author or artist wishes to have. The licences build upon the "all rights reserved" concept of traditional copyright to use across a spectrum from "some rights reserved" to dedication to the public domain known as "no rights reserved".

Each licence contains certain baseline rights and a number of options chosen by the creator, depending on how they want their work to be used. The options are:

- Attribution: this lets others copy, distribute, display and perform a copyrighted work including derivative works, but only if they give credit (attribution);
- Non-commercial: this lets others copy, distribute, display and perform a work including derivative works, but only for non-commercial purposes;
- No derivative works: this lets others copy, distribute, display and perform only verbatim copies of the work, and not derivative works based upon it.

- Share alike: this allows others to distribute derivative works but only under a licence identical to the licence that governs the original work.

This results in six main types of licence plus a few others for specialised applications e.g. sampling licences. Each licence type has three versions:

- a "Commons Deed" that explains in simple terms what is permitted under the licence and uses easy to recognise symbols;
- a "Legal Code" aimed at lawyers which is the full text of the licence;
- a machine-readable version containing RDF/XML metadata that describes the licence, enabling CC-licensed works to be located by search engines on the web.

Science Commons, an offshoot of Creative Commons, aims to remove unnecessary legal and technical barriers to scientific collaboration and innovation. Their long term vision is to provide more than just useful contracts, but to also combine publishing, data and licensing approaches into an integrated and streamlined research process.

Policy issues in considering Creative Commons licences

Creative Commons licences originate from the United States and so are based on U.S. law. This means that some of the concepts are not applicable to other countries of the world. Creative Commons International, another CC offshoot, is dedicated to the drafting and adoption of jurisdiction-specific licenses. This involves the literal and legal translation of the licences by volunteers to fit with the copyright law and legal system of a particular country. National Creative Commons licences have been adopted so far in thirty-four countries from Argentina to the UK, with a further 20 under development.

Before deciding to assign a Creative Commons licence to a work, there are a number of other factors to consider. The work should fall within a Creative Commons licence, the licensor must have the rights i.e. they must own the copyright in the work and they must understand how Creative Commons licences operate. One important point is that Creative Commons licences are non-revocable; this means that a creator cannot stop someone who has obtained the work under a Creative Commons licence from using the work according to that licence. Of course, they can stop distributing the work at any time they wish, but this will not withdraw from circulation any copies of the work that already exist under a CC licence. Furthermore, collecting societies, who manage rights on behalf of creators, in some jurisdictions may not permit members to CC-licence their works because of the way in which the creator assigns their rights to the collecting society.

Policy issues for libraries

Creative Commons licences hold two aspects for libraries.

Firstly, there is the creator aspect. By and large, libraries are users rather than creators of protected content. However, routine library activities may generate content protected by copyright which the library may wish to share with others e.g. conference presentations, library building photos on the website, the library blog, etc. (It is important to remember that the library must own the copyright in the work in order to license it. In this context, it may be necessary to check the terms of employment contracts with regard to ownership of work products).

Then there is the user aspect. Libraries can avail of the millions of items of CC content when producing their own documents. For example, finding a cool new logo for the library brochure, using extracts from a recent travel guide as local visitor information for the website or including book reviews in the library acquisitions bulletin.

In June 2006, it was estimated that approximately 140 million webpages had adopted CC-licences. The Creative Commons brand has become one of the best known open content licences and receives regular coverage in the mainstream press, as well as analysis by academics and observers. As information professionals, librarians should be informed about such developments and should be able to advise library clients on issues relating to the access and use of digital content. In some institutions, the librarian has attained an expertise in legal issues in the digital environment and can play a role in keeping colleagues abreast of fast-moving developments in this increasingly complex area.

References

Creative Commons website <http://creativecommons.org/>

Freedom fighter with a guilty conscience. Lawrence Lessig explains his mission to limit the cultural damage caused by copyright
[lawhttp://technology.guardian.co.uk/weekly/story/0,,1792117,00.html](http://technology.guardian.co.uk/weekly/story/0,,1792117,00.html)

Unbounded Freedom. A guide to Creative Commons thinking for cultural organisations
<http://www.counterpoint-online.org/cgi-bin/item.cgi?id=618>