

Creative Commons

By Becky Hogge

If you're using the internet to showcase and distribute your work, or if you like the idea of collaborating online, then you might be interested in a new kind of copyright called 'Creative Commons'.

Frequently Asked Questions

What is Creative Commons?

The birth of the internet has created new mechanisms for the production and distribution of creative work, and many artists and designers have seized this opportunity to showcase their work to a larger audience.

Traditional copyright law – which automatically grants the creator 'all rights reserved' - can offer too little choice for many creative people. Creative Commons offers a different framework of 'some rights reserved'. Unlike traditional copyright law, the Creative Commons licences permit users to download and distribute creative work freely, but let creators choose to maintain other rights granted to them by copyright law, such as the right to exploit works for commercial gain, to veto derivative works or to be credited each time their work is reproduced.

With traditional copyright law, there is no room to make these choices, since traditional copyright law is automatic and universal, and as such forbids users to download and distribute other people's work.

Who started Creative Commons?

Creative Commons was started in 2001 by a group of cyberlaw and intellectual property experts, computer scientists, artists and publishers in the United States. It is a not-for-profits organisation based at Stanford Law School.

The UK Creative Commons team is based at Oxford University as part of their Programme in Comparative Media Law. (<http://pcmlp.socleg.ox.ac.uk/>)

What problem does Creative Commons intend to solve, and how?

Creative works are automatically copyrighted as soon as they are 'fixed in a tangible medium of expression'. Thus, the moment you lift your pen from a cocktail napkin doodle, you earn exclusive rights to copy and distribute that doodle. In the UK, no copyright notice is required. (For more detail on this, see the Own It copyright factsheet.)

Many people may prefer an alternative to this 'copyright by default' particularly those who showcase or distribute their creative work on the

internet, a place that promises unfettered communication and collaboration. But there is no easy way to announce that you intend to enforce only some of your rights, or none at all. Because copyright notice is optional, people who want to copy and reuse creative works have no reliable way to identify works available for such uses.¹

Creative Commons solves this problem by creating a selection of copyright licences which announce exactly which rights you do and do not intend to enforce.

What is the difference between Creative Commons and copyright?

Creative Commons is copyright, in a new form designed to help creators make the best use of the internet as a method of display and distribution for their work.

With traditional copyright law, everything you create is automatically yours to exclusively distribute, perform and exploit.

With Creative Commons, you must register your work with Creative Commons at their website (<http://www.creativecommons.org>). You can then pick and choose which rights you wish to maintain which are already granted to you under copyright law, and which you wish to give up.

What rights can I choose from?

The Creative Commons licence lets others copy, distribute, perform your work - plus any work derived from your work - under certain conditions. Those conditions are up to you. Which ones you choose depends how best you want to use the system to your advantage.

- The **attribution** right means anyone using your work must give you credit. This is the default option and your licence will usually contain this right.
- The **non-commercial** right means anyone using your work must not profit from it. You should pick this right if you're hoping to profit from your work in the future.
- The **no derivative works** right means anyone using your work must do so without changing it. If you want people to contact you about sampling your work, for example, this would be a good right to pick.
- The **share-alike** right means anyone making derivative works from your work should release those works under the same kind of Creative Commons licence as you did. You can pick this right if you want people to follow your example, or if you're trying to seed a collaborative project.

You can combine any of these rights in a single licence, apart from the no derivative works and share-alike options, which are incompatible.

Remember, you're not stopping anybody from ever sampling or profiting from your work if you pick these rights, you're just saying you want them to contact you first and come to an agreement before they do.

¹This section is adapted from the Creative Commons organisation's FAQ section, released under a CC attribution licence. The original text can be found at http://creativecommons.org/faq#faq_entry_3313

There are other types of licence available, such as the sampling licence. You can get more info on these from the Creative Commons website (<http://creativecommons.org/license/>.)

What types of work is Creative Commons for?

Creative Commons is primarily for work you are showcasing on the internet.

Online work could be any form of audio, video, image, text or interactive creation. Even if some of this work is also showcased offline – in print, in galleries or performance spaces, for example - you can still release it under Creative Commons. See ‘**Can I use Creative Commons if my work is viewed offline too?**’

If you are a software engineer you are probably better off using the General Public Licence. See ‘**Are there other kinds of open source license?**’

Is Creative Commons just for people whose work is on the internet?

Creative Commons is primarily for people whose work is on the internet, but the Creative Commons website (<http://www.creativecommons.org>) will help you put your work online.

If you want to put your work online, then during the registration process you will be asked to upload your work onto one of a selection of websites which provide free services designed to showcase your work online. Each of the sites offers your work a permanent home on the web. And all the sites are compatible with Creative Commons, which means people viewing your work online will know exactly what you will and will not let them do with that work.

Which web service you use depends on what type of work you are putting online. Images can use the photosharing websites Flickr (<http://www.flickr.com>) and Buzznet (<http://www.buzznet.com>). Music can be hosted at The Internet Archive (<http://www.archive.org>), a digital archive project, or Soundclick (<http://www.soundclick.com>), a free service offered to signed and unsigned musicians which has won plaudits from the Musician's Trade Journal. The Internet Archive also hosts video. Text that you have in either .pdf format or as part of a software package for blogs such as Moveable Type or Blogger can also be accommodated.

Can I use Creative Commons if my work is viewed offline too?

If your work is also viewed offline, there are ways to make sure that people viewing it offline know that it's registered under Creative Commons.

Lawrence Lessig, who helped start Creative Commons, published his book *Free Culture* both online and offline under Creative Commons. After he had persuaded his publishers it was a good idea, he just printed the relevant terms and conditions on the inner leaf of the book.

If you are a visual artist, musician or film-maker then there are other ways of letting the people viewing your work offline know it is released under Creative Commons. You should display the terms and conditions of the licence somewhere in your exhibition/performance space. Let people come to see your work know where they can read these terms and conditions. You don't have to go up to each person individually: if you're selling tickets or

giving out programmes, exhibition handouts or flyers, then let them know somewhere on this material.

If you need to win over the people who are helping you publish your work offline – promoters, agents, publishers, curators – or if you're doing it yourself and just unsure how to go about things, the UK Creative Commons team can offer you personal help. Get in touch with Own It (www.own-it.org) to find out more.

Why should I give away my work for free?

There are lots of reasons to let people look at your work for free. Creative Commons makes sure the people viewing your work for free know under what terms they can use it.

By giving your work more exposure on the net, it's more likely to win the attention of somebody who wishes to use it in a commercial project or for publication. And when that does happen, they'll know how to get in touch with you.

If lots of people are already enjoying your work for free, publishing outlets know your work will be popular if they invest in you. If you're a writer, that means getting your work in print. If you're a musician, it could mean securing gigs and recording sessions. If you're a visual artist, it could mean a new exhibition.

You may also make other creators who wish to collaborate with you more aware of your work, which could perhaps lead to new and unexpected opportunities.

Is Creative Commons just for amateurs?

No. Creative Commons lets professionals take advantage of new business models on the internet. If you've succeeded as an artist under the current copyright system, nobody's saying you have to change your ways. But it does make good business sense to consider how to use the opportunities of the internet to your commercial advantage.

Cory Doctorow and Dan Gilmor are just two authors who have put their books online for free, as well as publishing them in print. They believe that if consumers like what they sample online, they will buy the book.

Several bands have put free tracks up on their sites to strengthen their fan base. The Beastie Boys and David Byrne, released Creative Commons tracks on a CD for a special edition of *Wired* magazine. They might not have maximised their profits in the short term, but by releasing the tracks under Creative Commons, they added a modern kudos to their image.

Does it cost me anything to use a Creative Commons licence?

No, Creative Commons is free.

How much effort is it?

If your work is already online, then it is almost no effort at all. Visit the Creative Commons website (<http://www.creativecommons.org>), select the type of licence you want, and you'll be given a small chunk of HTML code to copy onto your website. The whole thing takes about ten minutes.

If you need to put your work online first, the Creative Commons website shows you how to do this. The process shouldn't take more than a couple of hours, and getting your work online could be worth the effort in itself.

Of course, if you're trying to persuade a publisher to Creative Commons your work offline, then it will be as much effort as it takes to exert your persuasive skills. If you believe Creative Commons is the right thing for your work, you might find yourself pioneering new forms or uses of the licence. The UK Creative Commons team can help. Get in touch with Own It (www.own-it.org) to find out more.

What does the Creative Commons icon look like?

The Creative Commons symbol looks like this:



How does Creative Commons affect the right to fair use?

Other's rights to fair use of your work are not affected by your use of a Creative Commons licence. For more information about fair use, see the Own It copyright factsheet.

How does CC affect my moral rights?

If you pick a UK Creative Commons licence, you will be able to exert your moral rights in court.

Are works that use CC in the 'public domain'?

No, works that use Creative Commons licences are protected under copyright law.

What if I change my mind and want to revert back to full copyright protection?

You can remove the Creative Commons licence from your publishing source at any time, but if people have already distributed your work under Creative Commons, you cannot affect your decision retrospectively.

Before you decide to licence your work under Creative Commons, think carefully about how you might want to use this work in the future. If you initially chose an attribution, non-commercial licence, then many of the things that might make you revoke a Creative Commons licence won't have been affected by your decision to release work under Creative Commons.

Is my work protected just in the UK, or everywhere?

If you produce your work in the UK, then you are advised to pick out a UK Creative Commons licence. This means that publishers and courts in the UK will recognise more easily what you are trying to achieve.

This licence has been drafted to protect your work in as many international jurisdictions as possible. Several of these will already understand Creative Commons through their own native Creative Commons licences.

Does a Creative Commons license give me proper legal protection?

The Creative Commons licence has not been tested in court. This means that there is no case law to back it up. This is not uncommon.

In drafting the licence, the UK Creative Commons team have worked with a legal advisory board that included a member of the Judiciary. The team's main aim in developing the Creative Commons licence has been to give you proper legal protection – remember, the service is entirely free.

Are there other kinds of open source license?

The Creative Commons licence was inspired by a licence called the General Public Licence (GPL), sometimes known as ‘copyleft’. It was developed by Richard Stallman to seed the open source software movement.

If you are a software engineer, you are strongly recommended to use this licence, and not Creative Commons. If you don't already know about GPL, have a look at this site <http://www.gnu.org/copyleft/gpl.html>.

Creative Commons is the first ‘open source’ licence designed specifically for the creative industries working online.

This work is licensed under the Creative Commons Attribution License. To view a copy of this license, visit <http://creativecommons.org/licenses/by/2.0/> or send a letter to Creative Commons, 559 Nathan Abbott Way, Stanford, California 94305, USA.

Own It – the Creative London Intellectual Property Advice Service

Advice, events and information for London's creative people on:

- Design rights
- Patents
- Trademarks
- Branding
- Confidentiality agreements
- Licensing
- Royalties
- Contracts
- Copyright

Own It

University of the Arts London

The London College of Communication

Elephant and Castle

London SE1 6SB

e info@own-it.org

w www.own-it.org