

## **Creative Commons**

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### Creative Commons History:

Creative Commons was founded in 2001 as “a nonprofit organization” (page 1) which aimed to “promote an expansion of copyright law to allow greater access, use, and repurposing of creative works.” (page 1) In 2005, the organisation expanded their licensing to include scientific works which they called Science Commons[1] (page 1). Creative Commons was originally focused on U.S copyright, but since then has “expanded its licenses to be compatible with copyright laws in more than 50 countries.” (page 1) What they offer are “licenses that can be applied by copyright owners to their work to allow or prohibit certain uses.” (page 1)

Dowling, John D.H. “Creative Commons.” Encyclopaedia of Social Movement Media(2011): 1-3. SAGE Knowledge, 01 Dec. 2010. Web.

Lawrence Lessig

Creative Commons has three original founders, one being “Lawrence Lessig, a Stanford intellectual property scholar”[1], who is also the “founder of its Centre for Internet and Society” [2]. His motivations behind creating and chairing Creative Commons is based around his belief that “recent developments in intellectual property law are moving us as a society away from freedom (especially the freedom to spread ideas that our new technologies can allow) toward greater control.” [1] Furthermore, he champions the belief that creators should assert their right not only to protect their works, but allowed them to be shared with less restrictions[1]. This means that Lessig fundamentally objects to the continual extensions of copyright on “on constitutional, educational and creative grounds”[2] as it makes them “perpetual”[2]. Therefore, Creative Commons and Lessig have no problem with copyright itself, but the ways that it limits freedom through its restrictions and the constantly extended time periods placed on the copyright. Lessig believes that “it’s impossible not to bump up against copyright”[2] when creating content online, as people continue to mash-up “online content of all kinds”[2].

[1] Conhaim, Wallys W. “Creative Commons nurtures the public domain. (News Break).” Information Today July-Aug. 2002: 52+. Academic OneFile. Web. 7 Oct. 2013.

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[2] “Cyberlawyer 2.0.” The Economist 8 Dec. 2007: 31(US). Academic OneFile. Web. 7 Oct. 2013.

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## Hal Abelson

One of the original founders of Creative Commons, Abelson is the professor Electrical Engineering and Computer Science at MIT. He also is a founding director of the project Public Knowledge and a director at the Center for Democracy and Technology. Abelson's interesting in computer science and programing has seen him being involved in numerous different projects and initiatives in the field, including designing a introductory programing subject at MIT, assisting coordination of MIT's Artificial Intelligence Lab and on the team that produced the 'App Inventor for Android' educational program. He was born in 1947.

### Copyright:

Copyright is a “form of intellectual property that gives the author of an original work exclusive rights for a certain time period” (page 31). The right to be recognized and credited for the author’s work is also considered, as “jurisdictions also describe “moral rights””(page 31). The Statute of Anne [1](page 32), coming from Britain established “the author of a work as the owner of the right to copy that work”(page 32), and is the first example of copyright being acknowledged and recognised. Although the length of the copyright can be varied, it is generally “the life of the author plus 50 or 70 years” (page 36).

Miller, Frederic P., Agnes F. Vandome, and John McBrewster. Creative Commons: Non-profit Organization, Creativity, Copyright, License, Creative Commons Licenses, Waiver, Creative Commons International, Copyleft. Beau Bassin, Mauritius: Alphascript Pub., 2009. Print.

Copyleft:

Based on the term 'copyright', copyleft is used "to describe the practice of using copyright law to remove restrictions on distributing copies and modified versions of a work" (page 56). Commonly, a copyleft licence is codified with the copying terms, and "typically gives each person possessing a copy of the work the same freedoms as the author" (page 58).

These are:

1. The freedom to use the work,
2. the freedom to study the work,
3. the freedom to copy and share the work with others,
4. the freedom to modify the work, and the freedom to distribute modified and therefore derivative works." (page 58)

In order for this to work effectively, "the licence has to ensure that the author of a derived work can only distribute such works under the same or equivalent license". (page 58)  
Creative Commons call their license "ShareAlike" (page 56), and is similar to the "widely used and originating copyleft license... GNU General Public License." (page 56)

Miller, Frederic P., Agnes F. Vandome, and John McBrewster. Creative Commons: Non-profit Organization, Creativity, Copyright, License, Creative Commons Licenses, Waiver, Creative Commons International, Copyleft. Beau Bassin, Mauritius: Alphascript Pub., 2009. Print.

## How to get a license

Getting a Creative Commons License is easy. Simply visit: <http://creativecommons.org/choose/> and follow the steps. You are able to choose the level of the license, including how much people are able to, if at all, change your work, and if they are able to use it for their own commercial purposes. You are able to enter in the URL details of your work to make it easier for people to correctly attribute you, and provides a HTML code that you are able to put into your webpage to inform others about your specific CC license. All CC licenses are free of charge.

## The 4 Elements of a CC License

### Attribution

Allows for a work to be changed, including the remixing or altering of it in any way, so long as credit is given to the original creator for the parts of their work used, and include a link to their original work.

### Noncommercial

Allows for the performance, reproduction, display and redistribution of a work for noncommercial purposes only.

### No Derivative Works

Allows for the performance, reproduction, display and redistribution of a work so long as the work is not altered in any way whatsoever.

### Share Alike

Allows for the remixing, altering and changing of a work, as well as the distribution of it, so long as it is distributed under the same CC license as the original work was under.

These elements are combined to create six different license types in order to allow for the maximum control to be given to an author for how they wish for their work to be shared.

These elements are combined, in order of most free to least, are:

Attribution

Attribution-Share Alike

Attribution-No Derivative Works

Attribution-Noncommercial

Attribution-Noncommercial-Share Alike

Attribution-Noncommercial-No Derivatives



## Freedom Of Information

Freedom of Information is considered a fundamental and basic human right, and tied closely with other notions of freedom, including expression and speech, and the right to privacy. Over 70 countries worldwide have legislation regarding freedom of information, as it has been recognized as a crucial element to transparency and government accountability. In some of these countries, similar legislation applies to private bodies such as companies and businesses.

The advent of the Internet has seen an exponential increase in the production of information, which many believe should be publicly available without restriction. Much of this is based of Article 19 of the Universal Declaration of Human Rights, that states:

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

(<http://www.un.org/en/documents/udhr/index.shtml#a19>)

### Brands/Companies That Have Used CC

Otago Polytechnic is a tertiary education provider in New Zealand's South Island that opened up their training programs and materials to the public under a Creative Commons license in 2008. This was done in an effort to support the application of theory to practice, and encourage more creative thinking. The Attribution license used by Otago Polytechnic allows the most freedom, for others to change and adapt material, requiring only that they attribute Otago Polytechnic as the original creator.

Another field that has seen Creative Commons license being used is in the scientific community, with Australian researchers Zablon Njiru and Andrew Thompson allowing their groundbreaking test for African sleeping sickness to be freely available. Their simple, low-tech and low-cost method is able to test for human African trypanosomiasis, which causes joint-pain, swollen lymph nodes and general muscular weakness in those affected. They published their findings in 'PLoS Neglected Tropical Diseases', an open access peer-reviewed scientific journal, so as to allow for maximum use to be made from their findings.

"Case Studies". Creative Commons. Creative Commons Australia, 22 November 2012. 8 October 2013. [http://wiki.creativecommons.org/Case\\_Studies](http://wiki.creativecommons.org/Case_Studies)

### Criticism of Creative Commons:

However, criticisms of Creative Commons exist in regards to its' relation to the public domain and the moral rights associated with the licenses.

Many critics of the Creative Commons model argue that it is a factor in the decline of the public domain. Public domain is "generally considered to embrace all works which have no copyright protection and can therefore be used freely by the public." (page 518) Critics therefore argue that "Creative Commons licences confuse notions of the public domain and commons" (page 518), and it is through this that Creative Commons threaten the viability of Public Domain through this confusion amongst the community.

The second criticism is based more around the functioning of the licenses themselves.

Essentially, Corbett (2011) outlines the problem as being based on the fact that:

"Although four versions of Creative Commons licences permit derivative works and adaptations to be made from the work to which they attach, it is essential to ensure that the creation of any such derivatives and adaptations does not infringe any moral rights of the original author."

pg. 520

Once again the problem is surrounding the communities who would probably not understand the "the subtleties and nuances invoked by the term[s]" (pg. 520) and would therefore be unable to uphold the moral rights of the authors afforded in the licensing of Creative Commons. Coupled with this is the fact that "protections for moral rights differ throughout the world." (page 520) Therefore, it makes it extremely difficult to regulate these moral rights for authors internationally.

Corbett, S. (2011), Creative Commons Licences, the Copyright Regime and the Online Community: Is there a Fatal Disconnect?. *The Modern Law Review*, 74: 503-531. doi: 10.1111/j.1468-2230.2011.00858.x