

Creative Commons: What is it?

National Network Libraries of Medicine
Mid-Atlantic Region
Gregg Headrick

How did we get here?

- Advent of the printing press.
- Royalty gave exclusive license to presses for specific books.
- Term copyright appeared first in 1735 according to the OED





Copyright

Exclusive rights:

- Produce and sell copies.
- To import or export the work.
- To create derivative works.
- To perform or display publicly.
- To sell or assign the rights to others.



Bern Convention

- Established that copyright for creative works don't have to be asserted or declared – they are automatically in force at creation.
- This includes all derivative works.

A “derivative work” is a work based upon one or more preexisting works, such as a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgment, condensation, or any other form in which a work may be recast, transformed, or adapted. A work consisting of editorial revisions, annotations, elaborations, or other modifications which, as a whole, represent an original work of authorship, is a “derivative work”.

Copyright “loopholes”

- “Right of first sale” – Owner can sell his/her copy.
e.g. secondhand bookstores or CD stores.
Some states are making this difficult
- “Fair Use Doctrine” – 1976
 1. Purpose and character of use.
 2. Nature of copyrighted work.
 3. What amount of work was used.
 4. The effect on the market its use will have.



Entering the digital world

Digital files are easy to copy, easy to share. No loss of quality with copying.

How are publishers going to stay viable?

Control the technology!

Enter Digital Rights Management (DRM)

DRM

Examples of DRM

- DVDs - CSS installed in 1996. Cracked in 1999 with deCSS.
- Audio CDs – Installed on CDs in 2002. Caused them not to play on some CD players and PCs.
- Audio CDs - Sony rootkit software
- Digital music files – iTunes, Napster, Windows “play for sure”

Users keep cracking it!

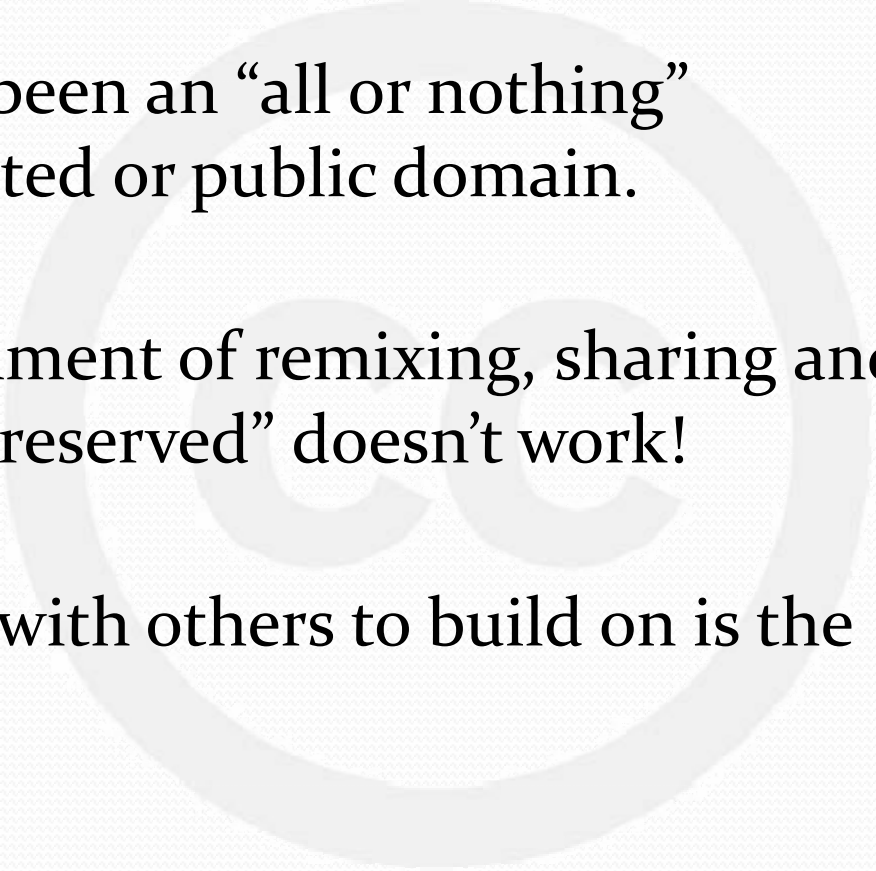


Digital Millennium Copyright Act (DMCA)

- Passed into law in the US in 1998.
- Criminalizes production/dissemination of tech that allows users to bypass DRM. (Some exceptions)
- Problematic for archival uses of media that are under DRM.
- Some exemptions are reviewed every three years.



Enter Creative Commons

- Copyright has always been an “all or nothing” proposition. Copyrighted or public domain.
 - In the web 2.0 environment of remixing, sharing and reusing the “all rights reserved” doesn’t work!
 - Sharing our creations with others to build on is the way forward.
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Creative Commons

- Creative Commons group formed in 2001 by Lawrence Lessig.



- Saw success of group-coded software projects licensed under the GNU license.
- Community-minded and cooperative. Companies are stifling the growth of our culture.
- Establish a middle ground of rights between “all reserved” and public domain.



Creative Commons Licensing

- CC licensing allows the creator to maintain the copyright of their work while allowing other users to copy and distribute provided the creator gets credit.
- Licensing is simple and straightforward process.
- Geared towards electronic content – easily applied to other mediums also.
- Licenses are machine readable so search engines can determine rights.



CC Licenses

- Attribution required in all versions.
- Allow or disallow commercial use of your work.
- Allow or disallow users to modify your work.
- Can require users to license their creations based on your work with the same type of license.

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