LinuxWorld

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Free Software/Free Culture Collaboration

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Vice President, Creative Commons

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ToC

- Affiliation
- Software/Culture
- Freedom
- History
- Indicators
- Let us help each other

Creative Commons .ORG

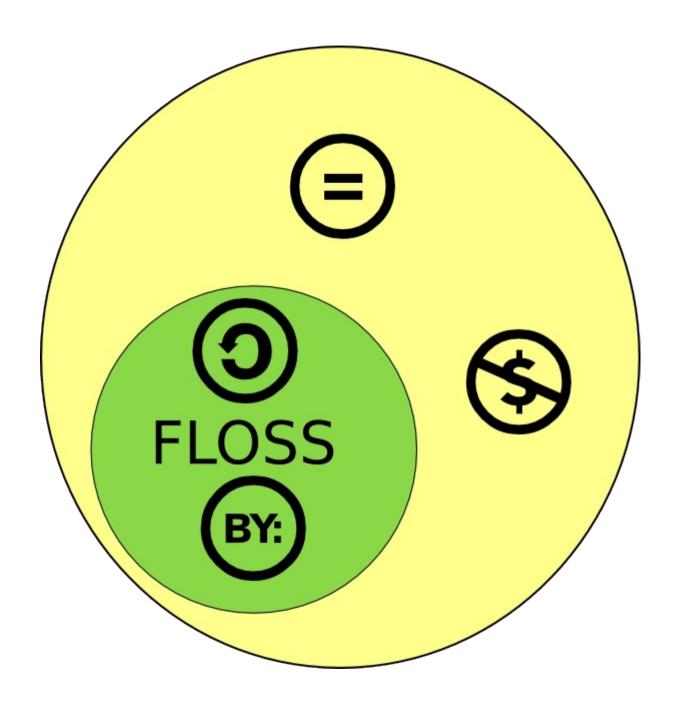
- Nonprofit organization, launched to public December 2002
- HQ in San Francisco (around the corner)
- Science Commons division in Boston
- ~60 international jurisdiction projects, coordinated from Berlin
- Foundation, corporate, and individual funding



Enabling Reasonable Copyright

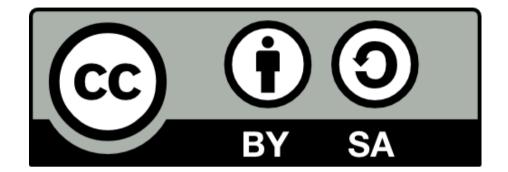
- Space between ignoring copyright and ignoring fair use & public good
- Legal and technical tools enabling a "Some Rights Reserved" model
- Like "free software" or "open source" for content/media
 - But with more restrictive options
 - Media is more diverse and at least a decade(?) behind software

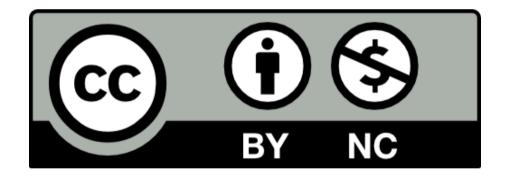




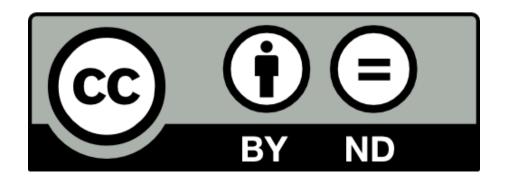
Six Mainstream Licenses













Lawyer Readable



Naamsvermelding-NietCommercieel-GelijkDelen 3.0



CREATIVE COMMONS CORPORATION IS GEEN ADVOCATENPRAKTIJK EN VERLEENT GEEN JURIDISCHE DIENSTEN. DE VERSPREIDING VAN DEZE LICENTIE ROEPT GEEN JURIDISCHE RELATIE MET CREATIVE COMMONS IN HET LEVEN. CREATIVE COMMONS VERSPREIDT DEZE INFORMATIE 'AS-IS'. CREATIVE COMMONS STAAT NIET IN VOOR DE INHOUD VAN DE VERSTREKTE INFORMATIE EN SLUIT ALLE AANSPRAKELIJKHEID UIT VOOR ENIGERLEI SCHADE VOORTVLOEIEND UIT HET GEBRUIK VAN DEZE INFORMATIE INDIEN EN VOORZOVER DE WET NIET ANDERS BEPAALT.

Licentie

HET WERK (ALS HIERONDER OMSCHREVEN) WORDT TER BESCHIKKING GESTELD OVEREENKOMSTIG DE VOORWAARDEN VAN DEZE CREATIVE COMMONS PUBLIEKE LICENTIE ('CCPL' OF 'LICENTIE'). HET WERK WORDT BESCHERMD OP GROND VAN HET AUTEURSRECHT, NABURIGE RECHTEN, HET DATABANKENRECHT EN/OF ENIGE ANDERE TOEPASSELIJKE RECHTEN. MET UITZONDERING VAN HET IN DEZE LICENTIE OMSCHREVEN TOEGESTANE GEBRUIK VAN HET WERK IS ENIG ANDER GEBRUIK VAN HET WERK NIET TOEGESTAAN.

DOOR HET UITOEFENEN VAN DE IN DEZE LICENTIE VERLEENDE RECHTEN MET BETREKKING TOT HET WERK AANVAARDT EN GAAT DE GEBRUIKER AKKOORD MET DE VOORWAARDEN VAN DEZE LICENTIE, MET DIEN VERSTANDE DAT (DE INHOUD VAN) DEZE LICENTIE OP VOORHAND VOLDOENDE DUIDELIJK KENBAAR DIENT TE ZIJN VOOR DE ONTVANGER VAN HET WERK.

DE LICENTIEGEVER VERLEENT DE GEBRUIKER DE IN DEZE LICENTIE OMSCHREVEN RECHTEN MET INACHTNEMING VAN DE DESBETREFFENDE VOORWAARDEN.

1. Definities

- a. 'Verzamelwerk' een werk waarin het Werk, in zijn geheel en in ongewijzigde vorm, samen met een of meer andere werken, die elk een afzonderlijk en zelfstandig werk vormen, tot een geheel is samengevoegd. Voorbeelden van een verzamelwerk zijn een tijdschrift, een bloemlezing of een encyclopedie. Een Verzamelwerk zal voor de toepassing van deze Licentie niet als een Afgeleid werk (als hieronder omschreven) worden beschouwd.
- 'Afgeleid werk' een werk dat is gebaseerd op het Werk of op het Werk en andere reeds bestaande werken. Voorbeelden van een Afgeleid werk zijn een vertaling, een muziekschikking (arrangement), een



Human Readable



Machine Readable



Machine Readable (Work)

```
<span xmlns:cc="http://creativecommons.org/ns#"</pre>
xmlns:dc="http://purl.org/dc/elements/1.1/">
<span rel="dc:type" href="http://purl.org/dc/dcmitype/</pre>
Text" property="dc:title">My Book</span> by
<a rel="cc:attributionURL"
property="cc:attributionName"
href="http://example.org/me">My Name</a>
is licensed under a
<a rel="license"
href="http://creativecommons.org/licenses/by/3.0/">Cre
ative Commons Attribution 3.0 License</a>.
<span rel="dc:source"</pre>
href="http://example.net/her book"/>
Permissions beyond the scope of this license may be
available at <a rel="cc:morePermissions" href="http://
example.com/revenue_sharing_agreement">example.com</a>
</span>
```

Rights Description vs. Rights Management

- Copy/use promotion vs. copy/use protection
- Encourage fans vs. discourage casual pirates
- Resource management vs. customer management
- Web content model vs. 20th century content model
- Not necessarily mutually exclusive





"DRM Voodo"
by psd licensed under CC BY 2.0
http://flickr.com/photos/psd/1806247462/



CC RecentChanges

- 5½ years old
- CEO/Legal/Funding
- CC0
- ccLearn
- RDFa/ccREL
- liblicense and licensechooser.js
- Case Studies Project
- Metrics Project (estimated minimum 130 million CC licensed works)

Software/Culture (i)

Utilitarian/obvious but narrow reuse vs nonutilitarian but universal reuse possible

- Gecko in Firefox, Thunderbird, Songbird...
 = Obvious
- Device driver code in web application = Huh?
- Cat photos and heavy metal = music video

Software/Culture (ii)

Maintenance necessary vs rare

- Non-maintained software = dead
- "Maintained" cultural work = pretty special
- (Wikis are somewhat like software in this respect)

Software/Culture (iii)

Roughly all or nothing modifiable form vs varied and degradable forms

- You have the source code or you don't
- Text w/markup > PDF > Bitmap scan
- Multitracks > High bitrate > Low bitrate

Software/Culture (iv)

Construction is identical to creating modifiable form vs. iteratively leaving materials on the cutting room floor

Freedom (i)

Software

- Debian Free Software Guidelines
- Open Source Definition
- Free Software Definition
- Open Software Service Definition (new, and more than just software)

Freedom (ii)

Why?

- User autonomy
- Sharing ethic
- Facilitates collaboration, unlocks value, makes distributed maintenance tenable

Freedom (iii)

Does culture need freedom? As in free software?

 The Definition of Free Cultural Works (freedomdefined.org) says yes

The easier it is to re-use and derive works, the richer our cultures become.

. . .

These freedoms should be available to anyone, anywhere, anytime. They should not be restricted by the context in which the work is used. Creativity is the act of using an existing resource in a way that had not been envisioned before.

Freedom (iv)

- Four freedoms for works of authorship according to the *Definition of Free* Cultural Works:
- the freedom to use the work and enjoy the benefits of using it
- the freedom to study the work and to apply knowledge acquired from it
- the freedom to make and redistribute copies, in whole or in part, of the information or expression
- the freedom to make changes and improvements, and to distribute derivative works

Freedom (v)

Definition of Free Cultural Works

- Wikipedia/Wikimedia licensing policy
- Recognized (reciprocally) by CC licenses "Approved for Free Cutural Works" (PD, BY, BY-SA)

© creative commons

Attribution-Share Alike 3.0 Unported

You are free:



to Share - to copy, distribute and transmit the work



to Remix — to adapt the work





Freedom (vi)

So why NoDerivatives and NonCommercial?

- Legal sharing of verbatim works made interesting by filesharing wars
- Maybe less emphasis on maintenance means
 - Restrictions on field of use less impactful
 - Free commercial use more impactful on existing business models

Freedom (vii)

Commercial anticommons

- When distributed maintenance is important, NC is unusable for business (one explanation of why free software =~ open source)
- Maybe some artists want a commercial anticommons: nobody can be "exploited" ... but most want to exploit commerce. NC maybe does both.

Freedom (viii)

For some communities free as in free software is not free enough

 Science Commons Protocol for Implementing Open Access Data

Freedom (ix)

Copyleft scope or "strength" ... a theme

- Permissive < LGPL < GPL < AGPL < copyleft the world
- For culture, what constitutes an adaptation that triggers copyleft (ShareAlike)?
- If goal is to expand free universe, optimal copyleft is where underuse opportunity cost cancels out vacuum effect at the margin ... have there been experiments?

creative commons

History (i)

Some evocative dates for software ...

- 1983: Launch of GNU Project
- 1989: GPLv1
- 1991: Linux kernel, GPLv2
- 1993: Debian
- 1996: Apache
- 1998: Mozilla, "open source", IBM

History (ii)

... evocative dates for software

1999: crazine\$\$

• 2004: Firefox 1.0

2007: [A]GPLv3

• ????: World Domination

History (iii)

Open content licenses (some of them Free):

- 1998: Open Content License
- 1999: Open Publication License
- 2000: GFDL, Free Art License
- 2001: EFF Open Audio License

History (iv)

Other early 2000s open content licenses (some of them Free):

Design Science License, Ethymonics Free Music Public License, Open Music Green/Yellow/Red/Rainbow Licenses, Open Source Music License, No Type License, Public Library of Science Open Access License, Electrohippie Collective's Ethical Open Documentation License

History (v)

Versioning of Creative Commons licenses (some of them Free):

2002: 1.0

2004: 2.0

2005: 2.5

2007: 3.0

History (vi)

- Anti-proliferation?
- 2003: author of Open Content/Publication licenses recommends CC instead and PLoS adopts CC BY
- 2004: EFF OAL 2.0 declares CC BY-SA 2.0 its next version
- No significant new culture licenses since 2002
- 2008: Possible Wikipedia migration to CC BY-SA

Indicators (community)

1993: Debian :: 2001 : Wikipedia

- 8 years
- Wikipedia's success came faster and more visibly
- Does Wikipedia even need an Ubuntu (2004)?
- But how typical is Wikipedia of free culture?

Indicators (business)

```
1989: Cygnus Solutions :: 2003 : Magnatune
```

- 14 years
- Cygnus acquired by Red Hat (1999);
 Magnatune's long term impact TBD
- Magnatune may not be Free enough for some, but it seems like the best analogy

Indicators (big business)

1998: IBM :: ???? : ?

 No analogous investments have been made in free culture. Most large computer companies have now made large investments in free/open source software

1998: Microsoft :: 2008 : Big Media

 Could Microsoft's attitude toward openness a decade ago be analogous to big media's today?

Indicators (Wikitravel)

Very cool round-trip story:

- 2003: Launch, CC BY-SA
- 2006: Acquired by Internet Brands
- 2008: First Wikitravel Press paper titles

Community is the new "IP"?

Indicators (NIN)

Ghosts I-IV released 2008 under CC BY-NC-SA:

- \$1.6m gross in first week
- \$750k in two days from limited edition "ultra deluxe edition"
- This while available legally and easily, gratis.
- NC doesn't seem important in this story ... yet

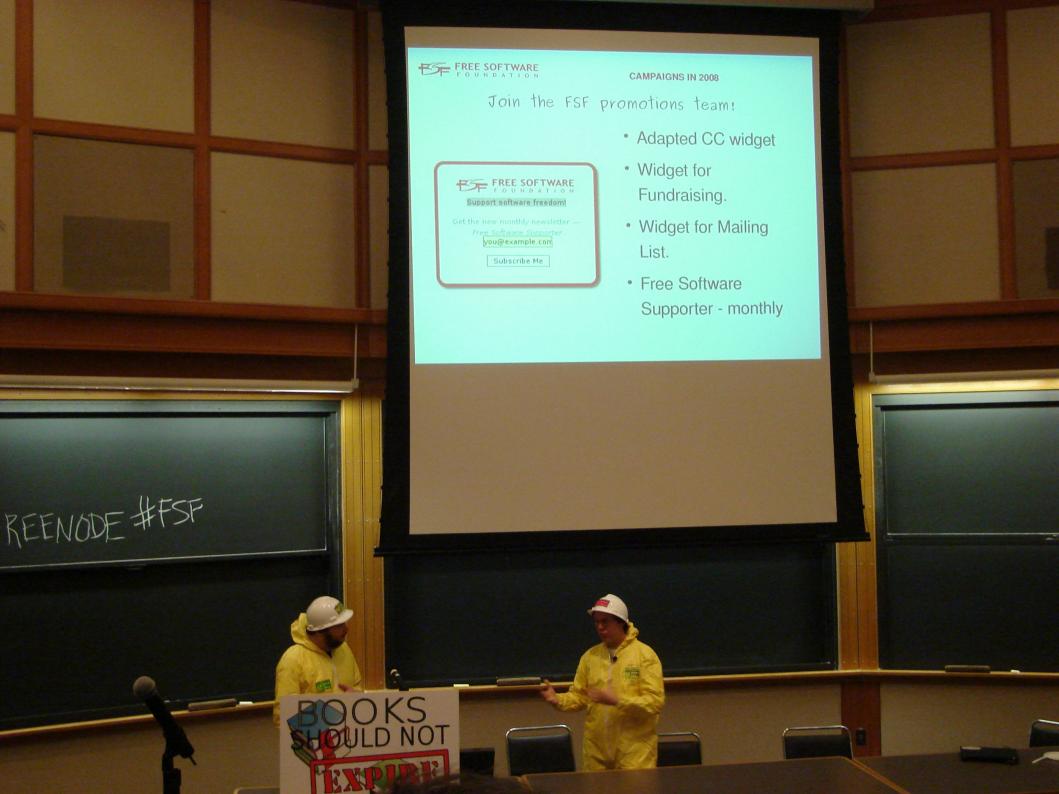
Indicators (Summary Guesses)

Free culture is at least a decade behind free software

Except where it has mass collaboration/maintenance aspects of software, where it may rocket ahead (Wikipedia)

Generally culture is much more varied than software; success will be spikey

Why Free Software/Free Culture Collaboration?



Why?

- Proprietary culture seems to create demand for things that break free software (DRM, closed media formats, proprietary software only access)
- Proprietary software seems to foster things that cripple free culture (DRM, favored access for proprietary culture)
- Shared interest not only in (defeating)
 DRM and other common enemies...

Knowledge and stories mutually reinforcing

- "We" are still learning how to make openness work better (always will be)
- Stories spread that knowledge and convince others that freedom is good
- Create demand for user autonomy

General problems to work on together

- Open formats (and by extension, software patents)
- Free media creation tools
- "Open media web" open formats, URL addressable
- Free culture distribution/discovery
- How to make more cultural production more wiki-like (i.e. software-like)?

A few currently interesting projects (large and small, of many...)

- Wikimedia Commons (and Wiki[mp]edia generally)
- Amarok, Banshee, Gnash, Miro, Rhythmbox, Songbird & co. (free software media players)
- liblicense and other CC software projects (all CC-produced software is free software)
- Severed Fifth (Jono Bacon's free music project)

Next?

Free Software network service with source + Free Content = Free Network Services see http://autonomo.us

Example: http://identi.ca

Because:

- User freedoms gained through free software threatened by move to network services
- Proprietary silos not a solid foundation for building shared culture

Mirror challenges

- Getting free software people to put effort into preferring free culture
- Getting free culture people to put effort into preferring free software

Spreading the source/culture/word

- The non-confrontational method of spreading free software: become an expert user of free software (so you'll be ready to help)
- Spreading free culture: get to know and love lots of free culture (so you'll be ready to recommend)



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