Copyright

Creative Commons
IP management practice

Government of **Western Australia**
Department of **Training**
and Workforce Development

Copyright

Creative Commons

What is Creative Commons?

Creative Commons (CC) is an international, non-profit organisation that allows creators to share their creative work with the public through a system of licences. These licences help creators give permission for others to use the work under certain conditions as specified in each licence and without payment.

However, it is important to note that all CC licences have one requirement in common. Without exception, all users must attribute the work to its creator.

All CC licences allow works to be used for educational purposes; as a result, teachers and students can freely copy, share and sometimes even modify or remix (if the licence permits) a CC work without having to seek the permission of the creator.

CC resources include a range of products such as music, film clips, text, clip art and pictures. A number of Australian government websites, eg abs.gov.au, now offer their information for free through a CC licence.

Why use Creative Commons material?

Every time a work is created, it is automatically protected by copyright. Copyright protection prevents others from using the work in certain ways, such as copying the work or putting the work online. The statutory licences in the *Copyright Act 1968* allow educational institutions to reproduce and communicate (put on a secure intranet site or content management system) copyright material, in return for fees paid to copyright collecting societies. The downside of this is that the fees are expensive; often teachers cannot copy a whole or large portion of a work, nor modify or remix the work. CC resources should be used as third-party content whenever possible, because the copying of CC works is not subject to remuneration and whole works can be copied, modified or remixed, depending on the licence used.

How does Creative Commons work?

CC licences allow creators of works to establish how they want others to use their creative works. These licences communicate, by means of standardised symbols, the terms of use for each licence; for example, some licences allow users to adapt or modify material, while others do not. If a user wants to use the work in a way not permitted by the CC licence, permission must be sought from the copyright owner. It is worth noting that CC materials are not free of copyright and if the CC licence is breached by using the material in a way not permitted, copyright law still applies.

Every CC licence allows State Training Providers (STPs) to:

*   copy the work (eg download, upload, photocopy or scan the work);

*   distribute the work (eg provide copies of the work to teachers, students, parents or the community);

*   display or perform the work (eg play a sound recording or film in class);

*   communicate the work (eg make the work available online on the institute's intranet, learning management system or on a class blog); and

*   format shift verbatim copies of the work (eg copy an MP3 version of music onto a CD, or an MP4 version of a film onto a DVD to play in class).

Source: Adapted from the information sheet 'Baseline Rights', wiki.creativecommons.org/Baseline_Rights

Some CC licences also allow other uses; however, the above are the base user rights provided for all CC material.

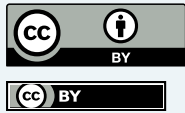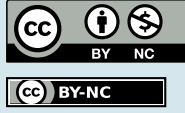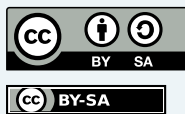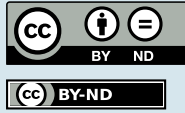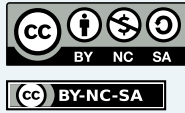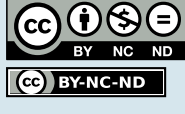### What are the six standard Creative Commons licences?

Different elements are mixed and matched to create the six standard CC licences. The table on the following page lists these licences and the different conditions attached to each.

What must I do when using Creative Commons material?

All Creative Commons licences require that users attribute the work to its creator. This is a requirement under Australian copyright law.

When attributing a work under a CC licence it is necessary to:

*   credit the creator;

*   provide the title of the work;

*   provide the URL where the work is hosted;

*   indicate the type of licence it is available under and provide a link to the licence (so others can find out the licence terms); and

*   keep intact any copyright notice associated with the work.

Licence	Button/symbols	Terms of use*	Users can
Attribution only (BY)	CC ① BY / CC BY	commercial and non-commercial	• copy; • adapt or modify; • distribute (publish, display, publicly perform or communicate the work); and • license to others.
Attribution–Non-commercial (BY–NC)	CC ① ⑤ BY NC / CC BY-NC	non-commercial only	• copy; • adapt or modify; • distribute (publish, display, publicly perform, communicate the work or format shift verbatim copies of the work); and • license to others.
Attribution–ShareAlike (BY–SA)	CC ① ⑤ BY SA / CC BY-SA	commercial and non-commercial	• copy; • adapt or modify; • distribute (publish, display, publicly perform or communicate the work); and • license to others on the same terms as the original work.
Attribution–NoDerivatives (BY–ND)	CC ① ⊜ BY ND / CC BY-ND	commercial and non-commercial	• copy; • distribute (publish, display, publicly perform or communicate the work or format shift verbatim copies of the work); and • license to others.
Attribution–Non-commercial–ShareAlike (BY–NC–SA)	CC ① ⑤ ⊙ BY NC SA / CC BY-NC-SA	non-commercial only	• copy; • adapt or modify; • distribute (publish, display, publicly perform or communicate the work); and • license to others on the same terms as the original work.
Attribution–Non-commercial–NoDerivatives (BY–NC–ND)	CC ① ⑤ ⊜ BY NC ND / CC BY-NC-ND	non-commercial only	• copy; • distribute (publish, display, publicly perform or communicate the work or format shift verbatim copies of the work); and • license to others.

*Non-commercial use applies to educating students at an educational institution. The use of material for profit would be considered commercial use.

Changing Creative Commons work

CC works licensed under a non-derivative (ND) licence cannot be changed or used to build upon. Permission must always be obtained from the creator to do anything that goes beyond the terms of the licence (eg making a commercial use of the work or creating a derivative work where the licence does not permit this).

Derivative works are created if the original work is changed in any way; through such means as cropping, changing the colours or replacing words. Derivative works should always attribute the original work and identify the changes that have been made to it, for example, by including 'This is a French translation of the original text, XYZ.'

Examples of attribution

There is flexibility in the way CC attributions are made.

Information regarding the specific CC licence may be provided as a link.

'Eid Mubarak' by Hamed Saber, available at flickr.com/photos/hamed/1552383685/ under a Creative Commons Attribution 2.0 Generic licence creativecommons.org/licenses/by/2.0/

or

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'Eid Mubarak' by Hamed Saber (cc) (i) BY
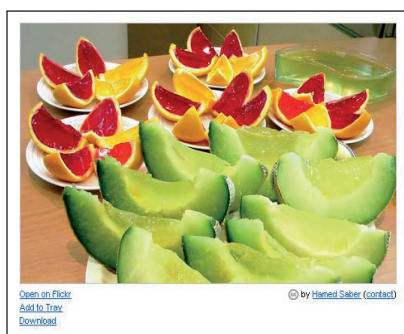flickr.com/photos/hamed/1552383685/

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Information regarding the CC licence may be embedded within the content. Sometimes the website itself embeds the information into the picture, eg sprixi.com/.

Open on Flickr
Add to Tray   (cc) by Hamed Saber (contact)
Download

Another example is FlickrStorm, which provides access to all the information required by the CC licence (and more) by using clever linking.

- When a mouse is rolled over the symbol, a pop-up box gives the name of, and link to, the CC licence, eg creativecommons.org/licenses/by/2.0/.
- The author's name links to the author's photostream on Flickr, flickr.com/photos/hamed. From there, the author's profile may be accessed (flickr.com/people/hamed).
- The photo itself links to the photo's Flickr entry, flickr.com/photos/hamed/1552383685, which includes the full title ('Eid Mubarak') and other details.
- The contact link gives direct access to Flickr's internal messaging system.

Attributing non-text material, photos and images

Provide the relevant attribution next to the photograph, or, if that is too obtrusive, close by; for example, on the edge or bottom of the page.

Slide shows

Include the relevant attribution information next to the CC work or as a footer along the bottom of the work on each slide on which the work appears. Alternatively, include a 'credits' slide at the end of the show, listing all the materials used and their attribution details. Indicate the slide or order so people can find the attribution for a specific work.

Films

Include the relevant attribution information with the work when it appears on screen during the film. If this is not possible, attribute the work in the credits, as would be seen in a normal film.

Podcasts

Mention the name of the artist and that their work is under a CC licence during the podcast (like a radio announcement) and provide full attribution on the website, next to the podcast link.

Finding Creative Commons material

Google™, Yahoo!® and Mozilla® Firefox® can be used to seek CC materials. These search engines offer advanced options to customise a search for CC material based on a term and the type of CC licence under which the material is available.

Search for the topic as normal, but add 'creative commons' to the field, eg cloud formation creative commons.

The main CC search engine is search.creativecommons.org/

(Google™ is a trademark of Google Inc. Yahoo® is a trademark of Yahoo Inc. Mozilla® Firefox® is a registered trademark of the Mozilla Foundation.)

Can Creative Commons materials infringe copyright?

Since users do not have to register in order to use a CC licence, CC has no way to determine what has and hasn't been placed under the terms of a CC licence. If you are in doubt, or if the work contains commercial music, television or films, you should contact the copyright holder directly or try to contact the site containing the content.

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