

BUILDING AN AUSTRALASIAN COMMONS



CREATIVE COMMONS CASE STUDIES | VOLUME 1

EDITED BY RACHEL COBCROFT

CREATIVE COMMONS CLINIC, AUSTRALIAN RESEARCH COUNCIL
CENTRE OF EXCELLENCE FOR CREATIVE INDUSTRIES AND INNOVATION



BUILDING AN AUSTRALASIAN COMMONS

This book of case studies is a joint output of the Creative Commons Clinic research program, funded by the Australian Research Council Centre of Excellence for Creative Industries and Innovation, Creative Commons Australia, and Creative Commons International.

www.cci.edu.au
<http://creativecommons.org.au>
<http://creativecommons.org>

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Preface

The Creative Commons Case Studies wiki project and this printed volume have been undertaken as initiatives of the Australian Research Centre (ARC) Centre of Excellence for Creative Industries and Innovation (CCi) in association with the Queensland University of Technology (QUT) Law Faculty.

Since its inception, the ARC Centre of Excellence led by Professor Stuart Cunningham has worked to find, understand, investigate, explore and implement new ways to promote the sharing of knowledge, culture and content as a key driver of social, cultural and economic innovation.

Creative Commons licensing has been a key part of that research as this innovative and unique legal tool is a critical ingredient of the system of networked informational exchange we now call Web 2.0. The great value of this tool is in its understanding of and synergy with the technology, providing a simple yet brilliant mechanism for strategically managing copyright in an age of access.

As part of the process of understanding, improving and applying CC licences the Centre has sought to gather evidence on how the licences are being used. This offers a laboratory for investigation as well as case studies or role models for other adopters. It also serves as a proof of concept.

To this end this project provides detailed evidence of the ways in which CC is being used by creators and institutions along with an explanation of their motivations. Such a study is world-leading and as confirmation of this I would note that our work now forms the basis of the newly-created Creative Commons Case Studies wiki on the international CC website, <http://wiki.creativecommons.org/casestudies>. This alone is an extraordinary achievement.

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The work of CC in Australia would not have advanced so far were it not for the tremendous support and belief of Professor Tom Cochrane Deputy Vice Chancellor (DVC) QUT, the ccClinic Team of Jessica Coates, Elliott Bledsoe, Nic Suzor and Rachel Cobcroft and the ARC Centre of Excellence. Countless others have worked with us to make CC a reality in Australia and for their passion and commitment we are truly thankful. The efforts of many are reflected in the pages that follow. I am extremely grateful for the time and effort people have taken to contribute to these case studies.

In particular I should highlight the contribution and commitment of Rachel Cobcroft the lead researcher on this project. Rachel has put her heart and soul into this project and with excellent results. Jessica Coates and Elliott Bledsoe have given her unwavering support, with Elliott's layout and design (here with Merri Randall) again being a spectacular feature.

We hope you enjoy reading these studies and we encourage your feedback and insights.

Brian Fitzgerald

Professor of Intellectual Property and Innovation, Queensland University of Technology (QUT)
www.ip.qut.edu.au

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www.cci.edu.au



Introduction

Engaging Creative Australia

Creative Commons is a world-wide initiative founded on the concept of ‘free culture.’ Celebrating all forms of artistic expression and innovation, ‘CC’ promotes creators’ rights to distribute and modify their works in a legally recognised framework of ‘some rights reserved.’ Since the release of the first CC licences in December 2002, millions of documents, images, audio tracks, film clips and educational resources have been distributed via the Internet and more traditional means under the protections which CC provides. From its flexibility to its ease-of-use, there is increasing recognition of Creative Commons as the international leader in open content licensing (OCL).

This publication provides a new perspective on Australia’s creative communities and cultural institutions, Government initiatives, and educational offerings. The case studies collected here represent an ongoing effort to map the scope and scale of Creative Commons licence usage in Australia and internationally. Embracing both individuals and organisations who employ the flexible copyright framework, these studies show the hows, whys and wherefores of musicians, photographers, filmmakers, bloggers, educators, journalists, researchers and writers choosing to share their creativity. They recount the desire to manage copyrights upfront and to bring a significant change to the Australian creative landscape through the use of private rights to create public goods.

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By illustrating a selection of the innovative tools and techniques being used for inclusion and generation of OCL materials across the full breadth of the Australian creative sector—from curricula to business practices to individual artistic projects—this document demonstrates the significant impact which CC has had in this country since the launch of the first local licences in 2005 and ultimately, serves as a qualitative measure attesting to the influence of CC in this jurisdiction.

Importantly, this collection seeks to respond directly to the 2007 *Unlocking the Potential Through Creative Commons* report (<http://creativecommons.org.au/unlockingthepotential>) and its action items for community engagement:

- 1 Continued research on issues related to Creative Commons and Open Content Licensing in Australia;
- 2 Building awareness of the Creative Commons project in Australia;
- 3 Expanding the information available about the Creative Commons project in Australia;
- 4 Providing greater advice and support for projects that are considering implementing, are in the process of implementing and/or that have implemented Creative Commons licences in Australia; and
- 5 Further development of the Creative Commons Australia licences.



BUILDING AN AUSTRALASIAN COMMONS

Mapping the Creative Commons

'The impact of the CC project can be measured by the proliferation of its licences.'

OpenBusiness.cc, 2006, p 8

As demonstrated by the Creative Commons metrics project (<http://wiki.creativecommons.org/metrics>), the international uptake of CC licences is experiencing an exponential rise. In January 2006, when the movement was just three years old, former Creative Commons Chairman Lawrence Lessig noted in *The Guardian*:

"We've seen a pretty substantial lift... In the first year we recorded about one million take-ups for our licences. In the next year that went up to 4m. Between December 2004 and December 2005, the number went from about 4m to 45m.'

www.guardian.co.uk/science/2006/jan/16/academicexperts.copyright

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While no definitive figure is available for the number of items currently licensed under Creative Commons, estimates suggest that it is around 300 million worldwide (www.scribd.com/doc/2364888/Creative-Commons-CC-Overview). As an illustration, as of June 2008, the online photo-sharing site Flickr alone hosts in excess of 67 million images under the range of Creative Commons 2.0 licences(www.flickr.comcreativecommons). The music site Jamendo (www.jamendo.com/encreativecommons) has 9537 albums available under Creative Commons licences, whilst its contemporary Magnatune hosts 8815 songs across 553 albums by 244 artists (www.magnatune.com/info/stats). The impact of the commons is therefore increasingly clear across platforms and jurisdictions.

Significant studies are being undertaken in quantifying the commons by the research teams of Giorgios Cheliotis, visiting Assistant Professor of Information Systems at Singapore Management University in the Participatory Media Lab (<http://pml.wikidot.com>), and the ARC's Linkage Project Unlocking IP; in particular, the work of PhD researcher Ben Bildstein (www.cyberlawcentre.org/unlocking-ip). Using back-links to licences and advanced Creative Commons searches through Yahoo!, Google, and other customised interfaces, the researchers hope to provide an accurate estimate which can be placed on the uptake of CC worldwide. Taking stock of the Creative Commons initiative, Cheliotis et al. observe that there is an increasing social shift towards open collaboration both in developed and developing nations, identifying the rise of a 'new global consciousness of sharing and participation across national borders' (http://wiki.creativecommons.org/images/7/71/Taking-stock-of-the-creative-commons-experiment_eng.pdf). This report aims to build on this increased awareness, and to provide additional qualitative information on the means and motivations for sharing.



Building an Australasian Commons

This Book

'What artists need to see before they can feel confident about the licences are examples of other[s] taking the licences; incorporating them into their practices.'

OpenBusiness.cc, 2006, p 8

As clearly demonstrated by the following sixty-five case studies, Australian creators engaged in the commons are making a critical contribution to 'free culture' in this jurisdiction. Exploring the innovative practices of Australian artists and educators, scientists and screenwriters, these case studies provide an overview of the activities and undertakings expressing the desire to adopt a flexible approach to rights management. Importantly, the studies examine users' motivations to license under CC, and any identified impact the shift to OCL has had.

In preparing these studies, each participant was asked to respond to a broad series of questions relating to their practice, including:

- Describe your organisation (establishing goals, business models, partner organisations, etc.)
- What are your current projects?
- How did you first hear about Open Content Licences/Creative Commons?
- Why did you choose to use CC? Which licence did you select and why?
- How is the licence applied?
- What has been your experience with OCL/CC so far? What have been the benefits and possible problems?
- Do you work collaboratively with other parties?
- Which tools do you use?
- Any other issues you may have come across/comments you'd like to make?

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Several respondents were chosen because of their prominence in the Australian CC community, while others were found by Yahoo! and Google searches using local licence link backs. Each case study has been written with the intention of illustrating a particular use of the CC licence in a specific sector, and to demonstrate the successful local implementation of the international initiative.

The provision of appropriate information, advice, support and training on OCL application is key to the Creative Commons Clinic's education, research, and industry engagement projects. Feedback received on the application of the licences will be incorporated into future licence versions and Creative Commons Australia's ongoing outreach programme.

Creative Commons constitutes a thriving, and ever-increasing, community in Australia. Underpinning this community is a desire to keep the results of intellectual endeavour as open as is practicable, allowing materials to be shared across the divides of geography, sector, and expertise. We commend the following case studies to you as innovators and exemplars, acknowledging the ever-increasing creation of a vibrant and vital Australasia commons.

BUILDING AN AUSTRALASIAN COMMONS

Acknowledgements

First and foremost, this book acknowledges the invaluable contribution made to the building of an Australasian commons by the many creators – designers, playwrights, educators, writers, editors, photographers, illustrators, filmmakers, amongst significant others – who demonstrate their dedication to free culture and the retention of a meaningful public domain. To the interviewees we have approached in the last six months, we thank you for your ongoing initiatives and for the inspiration you impart to others wishing to explore the application of open content.

At the centre of the Creative Commons Australia initiative are Professors Brian Fitzgerald and Tom Cochrane from the Queensland University of Technology. Their insight and support in establishing the Creative Commons research initiative has allowed a community of creators to thrive, and for which both industry and individual artists are deeply grateful. Key members of the ccAustralia team who have contributed immeasurably to this project are Elliott Bledsoe, Jessica Coates, Emma Carroll, Steven Gething, James Milsom and Merri Randell.

Behind the scenes, a team of dedicated Creative Commons staff has helped to build the CC Case Studies Wiki (<http://wiki.creativecommons.org/casestudies>). Particular thanks go to Jon Phillips, CC's Community Manager and enthusiastic advocate, Timothy Vollmer (tvol) for his responsive bug fixing and technical insights in building the backbone of the project. Thanks also to Cameron Parkins, Michelle Thorne, Mike Linksvayer, Asheesh Laroia, and Nathan Kinkade.

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We strongly encourage you to contribute your own CC stories to the wiki for this project at <http://wiki.creativecommons.org/casestudies> and to contact us with any comments or questions you have about the CC framework.

Rachel Cobcroft
Editor

Research Officer, Creative Commons Clinic,
Australian Research Council Centre of Excellence for Creative Industries and Innovation
www.cci.edu.au/ccc



Building an Australasian Commons

NEW WAYS OF DOING MUSIC BUSINESS



Creative Commons & Sound

In May 2008, front man of the noir-rock band Nine Inch Nails (<http://nin.com>) Trent Reznor announced to the world that they were releasing a second album, *The Slip* (<http://theslip.nin.com>), under a Creative Commons licence, encouraging fans to download, distribute, and mashup their work. In doing so, NIN was making an indelible mark upon the music industry: take note, business models are on the move.

Offering a flexible framework with which to manage copyright, CC provides artists with the opportunity to engage creatively with content. As early adopters of the flexible CC licences, musicians demonstrate an increasing interest in entrepreneurial activities through online and offline community-based and collaborative initiatives. Presenting the incentive to 'Rip. Sample. Mash. Share,' in 2004 *Wired Magazine* released a CC remixable CD, featuring the Beastie Boys, David Byrne, Le Tigre and Gilberto Gil, amongst other artists of note (<http://creativecommons.org/wired>). This venture gave rise to the ccMixter.org online community, an award-winning project which is currently being converted into a business spin-off to explore the commercialisation of user-generated content.

More recently, as the music industry has turned towards new business models appropriate to the digital era, several 'survival strategies' have been posited by David Byrne (www.wired.com/entertainment/music/magazine/16-01/ff_byrne) and the Open Rights Group in the United Kingdom (www.openrightsgroup.org/

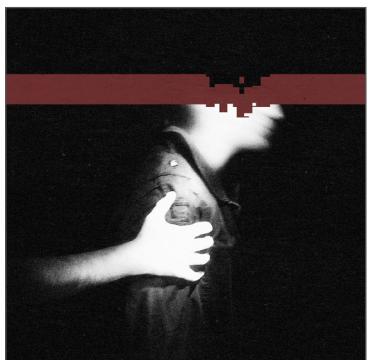
MUSIC BUSINESS CASE STUDIES

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Images: CC BY-NC-SA 3.0 US, <http://theslip.nin.com>



creativebusiness/index.php/Main_Page). In this environment, an increasing focus has been placed on CC's role in innovative practice. Pioneering music sites such as Magnatune (<http://magnatune.com>) represent a concerted effort to introduce innovation to the management of content, combining open access philosophies with revenue-raising mechanisms.

Building on this innovation, in December 2007, Creative Commons outlined its CC+ framework (<http://wiki.creativecommons.org/CCPlus>), which aims to encompass both the sharing and the commercial economies, offering artists the ability to relicense their work non-commercially whilst retaining the right for resale to commercial enterprises. Business strategies embracing CC are currently being considered and implemented by an ever-increasing series of sites, including Jamendo, Beatpick, Strayform, Youlicense, RightsAgent, Blip.tv, the Copyright Clearance Center, and Cloakx. These models provide salient illustrations of different engagements with commercial practices, which are continually being redefined in the effort to capture the imagination of online audiences.

The downloadable package for The Slip included the music files (as high-quality MP3s, in FLAC or Apple Lossless formats at CD quality or in higher-than-CD quality as 24/96 WAVE files) accompanied by a PDF of album artwork. These are four images from the album artwork.

The following case studies underscore the desire of independent Australian

artists and labels to connect with their community of fans through CC licences. Employing CC as a promotional tool, local musicians such as anime-inspired pop star Yunyu, experimental ensemble Topology and New Zealand synth-rock band Knives at Noon allow free downloads of their works for non-commercial purposes, and offer albums for sale on CD Baby and Jamendo. Such distribution, bypassing traditional publishers, has been embraced as a way of increasing the bands' prominence in both local and international markets. At an international level, the innovative business approach expressed by the independent and idiosyncratic Jonathan Coulton has been shown to work well in his favour. His experiment with new ways in which content can be distributed and disseminated as a result of the Internet has born significant fruit, with 45% of his income in 2007 being derived from paid digital downloads.

Whether engaging in distribution models as an emerging artist or a megastar, musicians are navigating a new dynamic which promises greater creative control. The Creative Commons licensing scheme signifies a departure from the traditional middle-man approach, and as such, represents a unique opportunity to capitalise on creativity whilst giving back to the community.

*'thank you for
your continued
and loyal support
over the years –
this one's on me.'*

Trent Reznor
<http://nинblogs.wordpress.com>



Ancient Free Gardeners

| | |
|---------------|---|
| DESCRIPTION: | Ancient Free Gardeners are an indie-rock band from Melbourne, Australia, using Creative Commons licences to distribute their music. |
| WEBSITE: | http://ancientfreegardeners.com |
| LICENCE USED: | CC BY-NC-SA 2.5 Australia, http://creativecommons.org/licenses/by-nc-sa/2.5/au |
| MEDIA: | Audio |
| LOCATION: | Melbourne, Australia |



Image: Bo Hui. CC BY-SA 2.5 AUS.
http://ancientfreegardeners.com/?page_id=13

Ancient Free Gardeners – (Left to Right) Callum Barter, James Milsom, Steve Morfesse and Gautam Raju

Overview

Ancient Free Gardeners are an indie-rock band in Melbourne, Australia. The band consists of James Milsom (vocals, guitar), Gautam Raju (bass guitar), Callum Barter (drums) and Steve Morfesse (keys, vocals). The band plays original music written by James Milsom at venues in Melbourne and (on occasion) tours interstate.

The band takes its name from the friendly society, Order of Free Gardeners, which dates back to around the 15th century. What is the actual link between the two? The tram into Melbourne CBD from the cemetery-side sharehouse in which the band was established rushes past the now-defunct headquarters of the Free Gardeners' Melbourne branch. An impulse caused two band members to make a visit on one occasion, and so bizarre was the experience that the adoption of the name was a foregone conclusion.

Ancient Free Gardeners earn income from playing live shows, CD sales and digital music sales via iTunes. However, the band is not yet self-sustaining, and is financially supported by the members.

The band aims to reach wider audiences internationally through the use of Creative Commons licences, having previously been signatory to distribution deals that have borne significantly less than what the band had aimed for. Their first album is currently being pieced together. The singles will be available under Creative Commons; perhaps the whole album.

Licence Usage

For the self-titled release the Creative Commons Attribution-Noncommercial-ShareAlike 2.5 Australia licence was used. After almost completely selling out of the five-track EP without recouping expenses, the band tried another angle for the distribution of the same songs: to adopt Creative Commons.

The entire EP is available on their website for free download (http://ancientfreegardeners.com/?page_id=49) or streaming. It is also available on the Creative Commons distribution platform Jamendo (www.jamendo.com/en/album/22206) and through commercial distribution points including Apple's iTunes music store.

Ancient Free Gardeners vocalist and guitarist, James Milsom took part in the Creative Commons Clinic Intern Program in 2008. During his internship, James researched and wrote a paper exploring the need for new business models for the music sector and what these new models might look like.

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Though no statistics are available for downloads, the band believe they derived very little benefit from the release being on iTunes and other online music retailers. The move to open content licensing was a very recent one, so the band has not yet experienced any significant benefits from licensing its music under Creative Commons, but looks forward to the experiment. They recently expanded their experimentation with CC by releasing the single *Innards Out* on the website under the same licence as their previous release.

'...once you understand that with CC licences you don't actually have to lose all of the rights to the music, there is nothing but benefit that you can derive. You have next to nothing, so you have nothing to "lose"'

James Milsom, vocalist and guitarist for Ancient Free Gardeners

(<http://obscuresound.com>). Equally, they negotiated a synchronisation licence with *LonelyGirl15* (www.lg15.com/lonelygirl15/?p=452) for the use of the track 'I am not a shipwright' which would ultimately be viewed more than 60,000 time. Despite this increased exposure they still only saw a minor rise in iTunes sales.

The Creative Commons Attribution-Noncommercial-ShareAlike 2.5 Australia licence was chosen because the band wished to reserve their right to attribution. Further, having licensed work previously and experienced fairly severe difficulty in generating any profit through independent music, the band wished to reserve their right to commercially license their music should the opportunity arise. Said Milsom:

"For the thousands of bands just like us, once you understand that with CC licences you don't actually have to lose all of the rights to the music, there is nothing but benefit that you can derive. You have next to nothing, so you have nothing to lose."

Ancient Free Gardeners have been experimenting with the use of Creative Commons licences. Their first release, a self-titled EP, and their recent single Innards Out are both available on their website under a Creative Commons Attribution-Noncommercial-ShareAlike 2.5 Australia licence.

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James Milsom, front-person for the band, first heard about Creative Commons at a lecture on innovation made by John Wilbanks, the Executive Director and Vice President of Science Commons (<http://sciencecommons.org>). The band became aware of the distribution and publicity potential afforded by the Internet. First steps into the area using iTunes failed to have the distributive and promotional effect they sought. But since making their music available free for non-commercial use they have gained from several significant promotional opportunities such as a feature on the Obscuresound music blog

Image: self-titled EP artwork by Elisabet Ericson.
Innards Out artwork by Martin Rinman.



New Ways of Doing Music Business

Andrew Garton

DESCRIPTION: Andrew Garton is a prominent Australian-based writer, producer and digital media adviser who widely employs and advocates the use of Creative Commons licences.

WEBSITE: <http://agarton.wordpress.com>

LICENCE USED: Website/Blog: CC BY-NC-SA 2.5 Australia, <http://creativecommons.org/licenses/by-nc-sa/2.5/au> and Flickr: CC BY-NC-SA 2.0 Generic, <http://creativecommons.org/licenses/by-nc-sa/2.0>

MEDIA: Audio, Video, Text, Images

LOCATION: Australia

Overview

Andrew Garton (<http://agarton.wordpress.com>) is a prominent Australian-based writer, producer and digital media advisor who sits at the forefront of new media practice and community cultural development. A passionate advocate for Creative Commons and open content licensing, Garton works across a number of projects which express the aims of inclusivity, sustainability, and respect for local context. As the current Managing Director of the online and community media group, the Association for Progressive Communications – Australia, (apc.au) (<http://apc.org.au>), Garton places focus on building sustainable IT infrastructure and community-based media based initiatives in Australia, South East Asia, and the Pacific Islands. For example, apc.au consults on delivery platforms to the Melbourne City Council – supported *Home Lands* project (http://wiki.apc.org.au/index.php?title=Home_Lands). *Home Lands* intends to assist young refugees to reconnect with their dispersed communities through an innovative Internet television programme. In addition, Andrew serves as Secretary of the Executive Board of the international Association for Progressive

Communications, is a member of the Arts Law Consortium of Victoria, and a founding member of Open Spectrum Australia (<http://openspectrum.org.au>).

Garton commenced his career at age 14, participating in community and public access media and contributing to the experimental music scene(s) in Sydney, Australia. Performing and producing as synthesist, saxophonist, and spoken-word performer from the late 1970s, he played with punk/soul band Private Lives (1979-1983) and fusion/improvisation outfit Lingo Babel (1985-1987). In the late 1980s he formed the acoustic-based White Punks on Hope and the jazz/punk trio, Return from Nowhere. For ABC Classic Radio's *The Listening Room* (now off-air), Garton

Andrew Garton



Image: By Garton. CC BY-NC-SA 2.0 Generic, www.flickr.com/photos/andrew-garton/105185343

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Image: By Garton, CC BY-NC-SA 2.0 Generic, www.flickr.com/photos/andrew-garton/2547023611



Andrew Garton introduces the Remix Forum for Video Slam 02

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performed *Sensorium Connect* (www.abc.net.au/arts/room/sensorium), the first generative sound piece for Australian radio and Internet in 1997, in collaboration with performance artist Stelarc (www.stelarc.va.com.au). Composer of numerous documentary soundtracks, interactive installations (both online and offline), and publisher of articles on independent media, generative music and radio art, Garton's composition and performance has been characterised by employment of streaming technologies, generative sound works and collaborative, cross-disciplinary approaches, exploring broader interpretations of screen culture and the moving image. Andrew releases his various projects through the Secession (<http://secession-records.org>) label. Succession's website is licensed under a CC BY-NC-SA 2.0 Generic licence.

Under the auspices of Toy Satellite (<http://toysatellite.org>), Andrew has produced several of the earliest audiovisual streaming projects in Australia, contributing to internationally-acclaimed and award-winning sound works and generative compositions commissioned by both the Australian Broadcasting Corporation (ABC) and ORF/KunstRadio (Austria). In 2001 he produced *Undercurrents*, which launched the Taipei International Arts Festival. This piece was subsequently commissioned for performance at the first multimedia event to be hosted by the Melbourne International Film Festival

(MIFF) in 2001. It was further performed, in part, for the Fringe Fashion Awards (Melbourne), Multimedia Arts Asia Pacific (MAAP) (Brisbane), the Melbourne International Arts Festival and the Electrofringe (Newcastle, NSW). Furthermore, in 2003, Andrew was commissioned to produce a situationist-inspired interactive work, *D3*, for the Australian Centre for the Moving Image (ACMI), where he spent two years as interactive media consultant.

In 2005, Garton accepted the role as Open Channel's (www.openchannel.org.au) inaugural Program Director, effectively relaunching the 35-year-old organisation. The new programme of activities included the Creative Commons-inspired VIDEO SLAM (www.openchannel.org.au/blogs/videoslam), the Certificate III in Screen course, *Producing for Community TV*, the *FRAMED* lunchtime seminar series and the community mobile movies initiative, *Talking Docklands: Video Quilt*.

Licence Usage

Andrew is a strong supporter of Creative Commons. His initial website and blog were licensed under a CC BY-NC-SA 1.0 Generic licence, now CC BY-NC-SA 2.5 Australia licence, and his photographs on Flickr (www.flickr.com/photos/andrew-garton) are licensed under a CC BY-NC-SA 2.0.

For Melbourne Arts Law Week 2007 (www.artslaw.com.au/events/PastEvents/VICArtsLawWeek2007.asp), Garton created the Open Channel VIDEO SLAM (www.openchannel.org.au/blogs/videoslam), 'a unique event in that it not only provides a forum for the open content philosophy, it's host to a hybrid form of production where people from across many arts disciplines can meet, network and make something... together!' As a collaboration with the Creative Commons Clinic and



New Ways of Doing Music Business

EngageMedia, the Victorian Arts Law Consortium and Melbourne's Horse Bazaar, its focus rested on flexible licences for the creation of new works that are given back to the community from which the material came. The second VIDEO SLAM, 'Appropriate Original,' saw the creation of four unique shorts, two of which were produced with no copyright restrictions what so ever, all four being launched at the innovative *Remix Forum* (<http://agarton.wordpress.com/2008/05/25/vs02-remix-forum>), also conceived and produced by Andrew.

Andrew performed at the inaugural 2006 Creative Commons Australia Salon (<http://creativecommons.org.au/ccsalon>), incorporating content from across the Australian Creative Commons, such as images from the CCau Flickr pool (www.flickr.com/groups/ccaustralia) established for the event. Garton chronicled this event in his *Reprise* (<http://agarton.wordpress.com/2006/12/01/ccsalon-reprise>).

Motivations

On 30 March 2007, Andrew addressed the Queensland University of Technology's Creative Commons Clinic (ccClinic) with a provocative presentation titled *Are We Insane?* (<http://agarton.wordpress.com/2007/04/05/are-we-insane>). In this, he expounded on humanity's tendency under the effects of globalisation to mass-produce items so they appear as mirror images, being 'manifestations of our liberal economies... which at the extreme... ensure a McDonald's in every capital city, the same clothing labels on every back, brands on every t-shirt and Big Brother haircuts in every pub across the country – what I'm talking about is homogeneity.'

In vociferous response, Andrew perceives flexible licensing as challenging such overarching concepts of ownership – by allowing copies of

their work to be made in perpetuity under OCL, an artist kicks at the core of globalisation's founding beliefs.

When asked why he chooses flexible licences such as Creative Commons, and how he is able to make money via the initiative, Andrew responds that:

'Just as we have to think of different ways of living, so too do we need to think of different ways of earning an income. I do not think it is possible to earn the kind of money we have come to expect from creative industries by merely posting our content online. In addition, we can no longer afford to live as we have done so, as our forefathers have done... we just do not have the resources to support this. As such, I feel tools such as Creative Commons are part of the discussion we should be having about our lives, how we live, how and what we learn and the mechanisms required to support innovation and creativity, that which sustains life, gives it meaning and purpose - a lifetime of learning rather than a lifetime of uncertainty.'

Ultimately, Andrew sees the CC movement as doing more than offering cool sampling licences: 'They are contributing to a revitalization of creativity and cultural development as a collective effort. It ensures diversity, sustains it and keeps our fans free of fines and some of them even out of jail.'

Andrew Garton performing at the Australian ccSalon 2006



Image: DSC8368-version 2 by yinyang. CC BY-NC-ND 2.0 Generic. www.flickr.com/photos/albertvinyang/309524021

BUILDING AN AUSTRALASIAN COMMONS

Audiophile

DESCRIPTION: Audiophile is an Australian online repository of interesting soundbites.

WEBSITE: www.audiophile.org.au

LICENCE USED: CC BY-NC-SA 2.5 Australia, <http://creativecommons.org/licenses/by-nc-sa/2.5/au>

MEDIA: Audio

LOCATION: Australia

'Creative Commons offers an important option for people to distribute their work around the world without limiting their right to some control over their creative output'

Shyam, Founder of Audiophile

rates for production through a limited number of commissions.

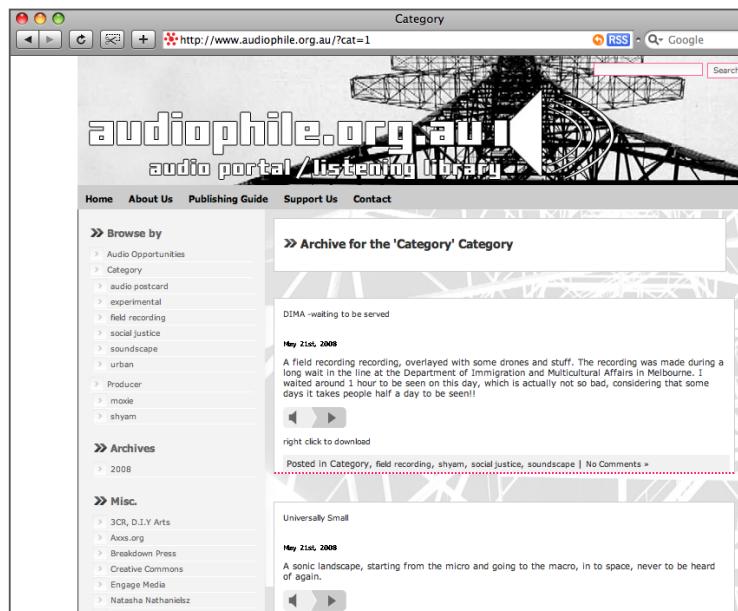
Overview

Audiophile is an Australian not-for-profit which publishes audio works by young and emerging producers. Topics include social justice, the environment, Indigenous issues, the arts, and popular culture. Audiophile showcases field recordings, cultural features, radio plays, social documentaries, audio postcards and experimental sound designs.

Audiophile provides publishing opportunities for emerging media producers and aims to pay professional

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Audiophile catalogue page, July 2008



Licence Usage

Contributions to Audiophile are published under the Creative Commons BY-NC-SA 2.5 Australia licence, and are available for free download.

Motivations

Audiophile emphasises contributions which engage with their surroundings, collecting audio recordings which reflect creators' own experiences. The site offers a way to profile recordings which may not otherwise be heard, placing an emphasis on documentary format rather than music, and the exploration of social justice and environmental issues.

The founder of Audiophile, Shyam, told Rachel Cobcroft from CCau via email interview in January 2008 that he had first heard about Creative Commons through a friend who is a graphic designer and fellow artist about three years previously. Shyam emphasises the flexibility and control that CC gives to artists about the distribution and commercial use of their works.



New Ways of Doing Music Business

Jonathan Coulton

DESCRIPTION: Jonathan Coulton is an independent and unsigned singer-songwriter who utilises Creative Commons licences to help promote his music via free downloads.

WEBSITE: www.jonathancoulton.com

LICENCE USED: CC BY-NC 3.0 Generic, <http://creativecommons.org/licenses/by-nc/3.0>

MEDIA: Audio

LOCATION: United States of America

Overview

Jonathan Coulton is a singer-songwriter based in America. Coulton refers to his music as an experiment in the new ways in which content will be distributed and disseminated as a result of the Internet. His rationale, in his own words, 'I give away music because I want to make music, and I can't make music unless I make money, and I won't make any money unless I get heard, and I won't get heard unless I give away music' (www.jonathancoulton.com/faq#Who). In 2005, Coulton began a project titled *Thing a Week*, where he wrote and released a new song on his website every week for a year (www.jonathancoulton.com/primer/thing-a-week). The project was aimed at getting publicity for Coulton's music, and several of the songs including 'Flickr' and 'Code Monkey' were big Internet hits. The *Thing a Week* project was released via a weekly podcast, with each song being available under a CC Attribution-Noncommercial licence.

Coulton has all of his music available to stream on his website, with many songs also available for free download. Customers can then buy songs in either MP3 or FLAC format for \$US1 and albums for between \$US5 - \$US10. Customers can also make donations via Pay Pal or Amazon, buy physical CDs through online distributor CD Baby, download songs as ringtones for free, or

buy t-shirts, books and games from the merchandise section. There are even karaoke versions available of some of the songs. Evidencing his enthusiasm for engaging fans, Coulton has also performed concerts in the virtual world, Second Life (<http://creativecommons.org/weblog/entry/6056>).

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Licence Usage

Jonathan Coulton

The licence adopted for all Coulton songs is Creative Commons Attribution-Noncommercial 3.0 licence. Coulton highlights the importance he places on allowing his fans to have the chance to use his work in whatever way they choose, including remixing and adding to his work (www.jonathancoulton.com/faq#Use).



Image: By Dale May. Used with permission.

'Creative Commons is the most powerful idea that I've heard since they told me there was going to be a sequel to Star Wars.'

Jonathan Coulton, www.jonathancoulton.com/faq#CC

Though unable to release any statistics, Jonathan says in an email interview with James Milsom on 5 April 2008, that some of his songs have been downloaded hundreds of thousands of times, and 45% of his income in 2007 was from paid digital downloads. Jonathan's content has been used in music videos made by fans and posted on YouTube, subsequently receiving (in some cases) over a million hits. Fans have also created cover versions of his songs, artwork, dances, plays, card games and even guitar instructional videos. Coulton says that this sort of outcome is very satisfying and validating, but more importantly from a business point of view, such enthusiasm from fans has meant that he has received a great amount of free publicity.

Motivations

Jonathan Coulton heard about open content licensing through his previous work writing software. He heard Lawrence Lessig speak at the PopTech conference in 2003, and was sold on the Creative Commons rationale immediately.

When asked about the benefits of licensing his music under CC by Wagner James Au for *New World Notes* in September 2006, Jonathan responded:

'It's gone very well for me. At first, even though I was all fired up about the possibilities of CC, I still had that panicky

lizard-brain fear about file sharing. I can understand why it's a hard thing for people in the industry to get over – I totally sympathise. But at least for someone in my position, it's the best thing I could have done. Every month I get more traffic, more donations/sales, and more fans. I'm quite certain that having a CC license on all the music has really helped that process. If someone who's never heard my music before gets a free mp3 (or twenty) and likes it, chances are they're going to pass it along to some friends, blog about it, maybe even make a video for it. Each one of those outcomes means more exposure, more fans, and more chances for people to pay me – something that wouldn't have happened as easily if the music was all locked up with DRM and the full battery of copyright restrictions.'

http://nwn.blogs.com/nwn/2006/09/the_second_life.html

Also, while understanding the significance of being able to give music away legally, Jonathan sees the importance of protecting some rights in the music; the noncommercial aspect of the licence he uses serves this purpose well. He sees it as important for musicians to reserve their right to commercially license their content if an opportunity to do so comes their way.

Jonathan uses the Creative Commons Attribution-Noncommercial 3.0 licence. Following trials using licences that incorporated the ShareAlike provision, Jonathan found that it was too difficult to monitor whether people were indeed 'sharing alike' and licensing derivative content in the same manner that he had licensed the original. For that reason, he abandoned use of the ShareAlike provision.



Creative Commons Music Collaboration Project (CCMCP)

DESCRIPTION: CCMCP provides musicians with applications to contribute to collaborative audio projects.

WEBSITE: <http://ccmcp.info>

LICENCE USED: CC 3.0 Generic Suite, full copyright and Public Domain Dedication.

MEDIA: Audio

LOCATION: Global

Overview

The Creative Commons Music Collaboration Project (CCMCP) was developed by Yoav Givati to create a community among musicians who share their songs, beats, and ideas with other artists who will tweak, mix, edit and expand upon their works in infinitely creative ways. Offering a collaborative platform of applications, tools, and discussion fora, the project emphasises a holistic music education through interaction between professional musicians and beginners, assisting users in the interpretation of music notation, playing technique, theory, and skill development such as writing lyrics, tablature, and understanding technical equipment and recording software such as Logic, SONAR, and Audacity.

The CCMCP Library application underpinning the site is a collaborative music engine which allows subscribed users to contribute to listed musical projects. Within CCMCP's Project area (<http://ccmcp.info/project>), artists are encouraged to outline how they wish others to interpret their works, which are streamed and available for download. Each project consists of a number of files, which comprise an individual track, such as for lead guitar or drum, or a

multi-track composition. If a musician is inspired by a particular project, they are encouraged to download it according to its specified copyright terms, and embellish it in their own way. Once the new track has been uploaded, the musician will be able to receive feedback via comments and ratings from other members. CCMCP's Forums (<http://ccmcp.info/forums>) facilitate discussions on the collaborations, enabling education through interaction.

The CCMCP project is currently in beta form. Since its commencement on 20 May 2007, CCMCP has reportedly taken on several different shapes. Wanting to remove the distance between musicians via the Internet – to recreate the experience of jamming live – the project has employed technologies such as skypescasts to content management systems, and custom-built applications for research and development. Currently, CCMCP developers are in the process of building a platform to replace the present implementation that will further embody the ideas of openness, community, and education. Founder Yoav Givati envisages creating a system for live gigs, podcasts, classifieds and show listings, and aspires towards releasing compilation albums of work created on the site. The project plans to go live in

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Content that is part of CCMCP is available through a downloadable desktop application that utilises Adobe Integrated Runtime (AIR) (www.adobe.com/products/air) to access the CCMCP catalogue.

Adobe AIR lets developers use proven web technologies to build Rich Internet Applications (RIA) that deploy to the desktop and run across operating systems.



BUILDING AN AUSTRALASIAN COMMONS

the next few months under the domain Ear-Drum.org.

In an email interview conducted with Rachel Cobcroft from Creative Commons Australia, CCMCP creator Yoav Givati explains that to date, the CCMCP has attracted attention from two main demographics: web developers interested in progressive web technology and musicians who are tired of the severe disconnect of online music ‘communities’ like MySpace (www.myspace.com) and Bandspace (www.bandspace.com) (before it became a ‘waiting page’), where users are walled off from one another and where musicians are forced to market themselves, thereby creating a somewhat insincere, competitive environment.

Statistics

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Since CCMCP’s launch, the site has attracted more than 2000 unique visitors, of whom approximately 150 have registered to test and use the application. Ranging from Mumbai, India to Johannesburg, South Africa, visitors to the site are diverse. Most come from the United States of America, then Canada, followed by the United Kingdom, Italy, and Brazil. A few enthusiastic testers have gone beyond the simple feature requests, and through discussions over Instant Messaging have

‘I started developing with the intention of exposing people to music; the idea that everyone should have free, unfettered access to all kinds of music.’

Yoav Givati, Founder, CCMCP, www.chalk-it-out.com/causes

provided the main development team with in-depth examinations of desired features and functionality of the site.

Licence Usage

With the new implementation of the CCMCP site, Yoav Givati and his development team intend to allow users to select among the six main Creative Commons licences in addition to a Public Domain option and the standard © All Rights Reserved. The goal for this implementation is to give users the freedom to do whatever they want with their content and whatever is welcomed with each other’s.

The CCMCP’s current Terms of Use (<http://ccmcp.info/terms.html>) specify that user-submitted audio is subject to copyright or the CC licence the user who uploaded it assigns to it. By uploading copyrighted materials such as audio and images, the user grants the CCMCP the right to stream and display that copyrighted material on CCMCP for as long as the user keeps it on CCMCP. Users have the right to remove their content whenever they wish, and the CCMCP does not claim any ownership over such content.

As explained on the CCMCP Project site (<http://ccmcp.info/project>), the CCMCP Library is technically a Rich Internet Application (RIA) which allows the subscribed user to access the site’s music library, as well as contribute to that library through the addition of their own original or transformative tracks. The library is catalogued and viewable by projects, which carry descriptions specified at point of creation. Each project can have unlimited files added by an unlimited number of people. Each project file (in MP3 format) is assigned a Creative Commons licence or full copyright, which gives the musician control over how others use and manipulate their works. Artists



CREATIVE COMMONS CASE STUDIES

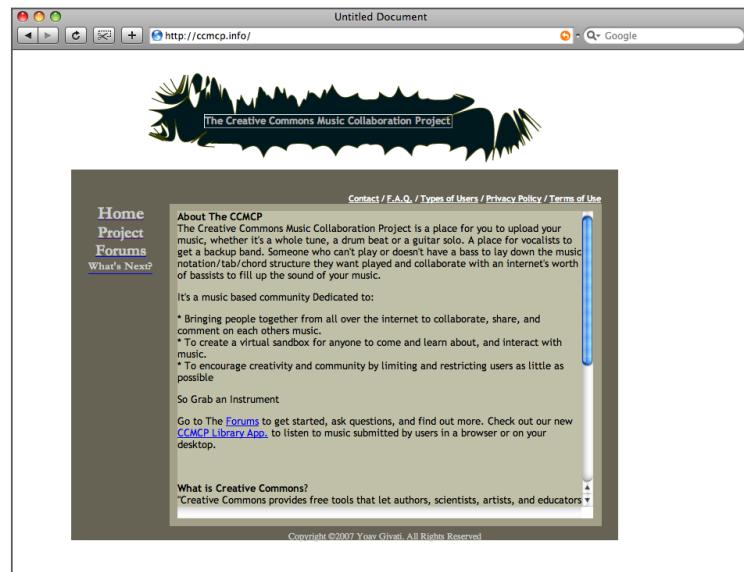
can also specify uses through adding detail to the description box about how they wish their work to be used. The description as to how others can sample or create derivative works can be changed during the file's initial upload or at any time thereafter.

The RIA is accessible via the main website or can be downloaded onto a PC or Mac. The RIA is part of a new breed of Internet application that exists independently of web browsers. It requires the Adobe Integrated Runtime (AIR) environment to run.

Motivations

CCMCP creator Yoav Givati first heard about Creative Commons after entering the world of web development in mid-2006, when he was introduced to the idea of flexible rights for creative content. Yoav immediately began reading up on open source, GPL, copyleft, and Creative Commons. Creative Commons appealed to him not only because the licences seemed to reach the widest spectrum of users, but he also found that in reading through the documentation and browsing through different implementations there was a distinct sense of openness that other alternatives lacked. In addition, Yoav found a sense of community where it seemed possible for the licences to be applicable across the depths of the Internet regardless of region, nationality or legal system.

'The idea that I – not some governing body – could decide how others can interact with my work and that declaring those rights didn't involve sending off for some customized patent or making some vague declaration of insertion into the public domain. ...Creative Commons was applicable to so much more than just computer code, and as a musician, artist, and naïve programmer, the wheels



CCMCP homepage, July 2008

in my head just began spinning and aren't likely to stop soon.'

Yoav Givati, in email conversation with Rachel Cobcroft from CCau, 12 April 2008

CCMCP's stated purpose is to create a music-rich community focused on education and musical experimentation, and to deliver this environment to anyone with Internet access. The concept underlying CCMCP is thus a simple one: to take the feeling of an intimate yet open community and provide access to knowledge, granting users the freedom to get knee-deep in each other's creative works for the sake of learning, sharing, and connecting. Yoav adds:

'A big part of that freedom is allowing users to define their own boundaries for a given work, rather than forcing them to adopt someone else's view of the optimum rights for sharing. We believe the creator should define the purpose for their work and based on our feedback we can say that people believe the purpose of creating is to share, at the very root, for the sake and in the hopes of enriching someone else's experience.'

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BUILDING AN AUSTRALASIAN COMMONS

Jamendo

| | |
|---------------|---|
| DESCRIPTION: | Jamendo is a music platform offering artists the ability to promote, publish, and be paid for their music while still making it available for download under Open licences. |
| WEBSITE: | www.jamendo.com |
| LICENCE USED: | Currently includes full CC 3.0 Suite (including international variations), CC 2.0 Suite (including international variations), CC Sampling Plus 1.0, http://creativecommons.org/licenses/sampling+/1.0 , CC Noncommercial Sampling Plus 1.0: http://creativecommons.org/licenses/nc-sampling+/1.0 and Free Art Licence: http://artlibre.org/licence/lal/en |
| MEDIA: | Music |
| LOCATION: | Global |

Overview

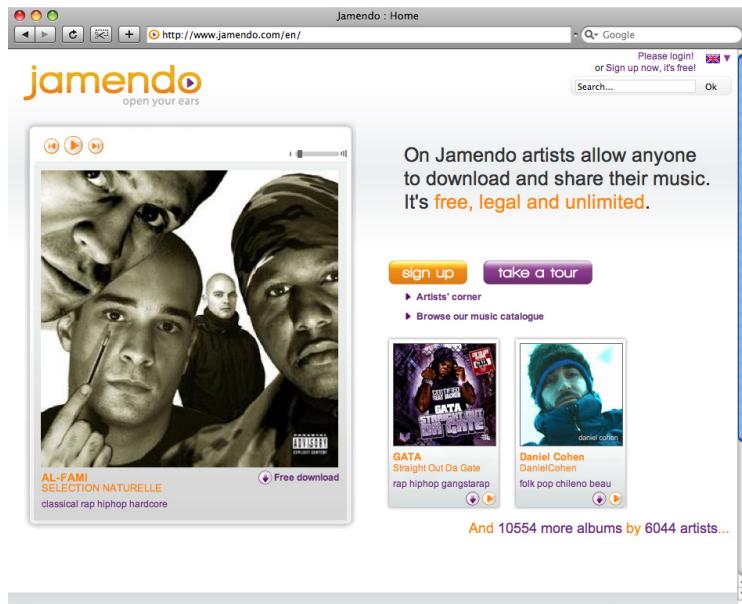
Jamendo is a unique music platform aiming to assist artists to 'promote, publish, and be paid for' their music. Found May 2004 in Luxembourg by free culture enthusiasts Sylvain Zimmer, Laurent Kratz and Pierre Gérard, Jamendo has established a dedicated international community. Utilising peer-to-peer distribution methods, such as BitTorrent (www.bittorrent.com) and eMule (www.emule-project.net), coupled with Creative Commons and Free Art

licensing, Jamendo emphasises the legal distribution of content. Its business model is based on the concept that the wide dissemination of content across networks leads to popularity and prominence: 'Be known and recognized. Spread your music worldwide.'

Jamendo is the first site to offer its contributors 50% of revenue gained from advertising. By registering for this optional programme (www.jamendo.com/en/static/help_revenueshare), artists share in the site's profits according to their page views. In addition, Jamendo offers the ability for users to donate directly to their favourite artists through a PayPal 'tip jar' facility. Artists receive close to 100% of monies donated: a small administrative fee is deducted. This has been the first serious attempt of a file-sharing site to provide a direct way to compensate musicians for their work. Furthermore, by adopting Creative Commons, the site offers the possibility to distribute music freely, while preserving the basic rights of the artist.

As a portmanteau of 'jam' and 'crescendo,' the Jamendo platform unites:

Jamendo homepage, July 2008



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- A legal framework to support artists, through Creative Commons and Free Art Licensing;
- An integrated rating and recommendation system adapted from iRATE (<http://irate.sourceforge.net>), a collaborative filtering system for music;
- Free, simple, and quick access to music through tag searches;
- Use of common peer-to-peer technologies, such as BitTorrent and eMule for album download and content streaming;
- music in MP3 and Ogg Vorbis file formats; and
- Mechanisms to make direct donations to the artists through PayPal.

Each artist is assigned a personal profile which includes links to their works, information about licensing, photos, event announcements and user-submitted reviews. As of 5 November, 2007, Jamendo hosted over 5000 albums and 336,000 artists. By 21 May 2008, Jamendo had significantly increased their offerings: featuring 9249 albums, 56904 album reviews, and 338131 active members.

Jamendo emphasises that it is:

- A nonexclusive platform: the artist remains the owner of their music, which they are free to distribute by any other means at their disposal. Jamendo maintains a strong commitment to complementing traditional music distribution methods, such as CD sales.
- A zero-cost platform: Jamendo provides hosting

Statistics

As of 5 November 2007, Jamendo hosted over 5000 albums and 336,000 artists, equivalent to:

| | |
|---|-----------|
| <i>Available hours of music</i> | 4592 |
| <i>Number of album tracks</i> | 70 966 |
| <i>Number of available artists</i> | 336 914 |
| <i>Number of registered artists</i> | 196 851 |
| <i>Number of known concert dates</i> | 2905 |
| <i>Total size of distributed files</i> | 2.52 TB |
| <i>Number of distributed files</i> | 289 418 |
| <i>Finished BitTorrent downloads</i> | 2 310 084 |
| <i>Data transferred with BitTorrent</i> | 106.74 TB |
| <i>Number of available languages</i> | 26 |
| <i>Number of reviews</i> | 54 288 |

Source: www.jamendo.com/en/?p=stats

for free. Site costs are kept low by using P2P distribution. Minimal advertising is included on the site and included in audio streams to raise revenue.

- A free platform: Artists reserve the right to remove their content from the site at any point, and are thus not prevented from signing exclusive contracts with record companies.

Artists are encouraged to increase their revenue by:

- embedding the Jamendo Player or Widget featuring their album into blogs and websites;
- advertising the link to Jamendo on flyers, artists' sites etc.;
- spreading the word about Jamendo: the more popular the site, the greater the hit count and thus the greater the revenue.

On 6 June 2008, Jamendo announced a partnership with Archos, manufacturers of the Archos WiFi portable media player. Through a specially designed interface, Archos users are able to download anything in the Jamendo catalogue freely and legally.

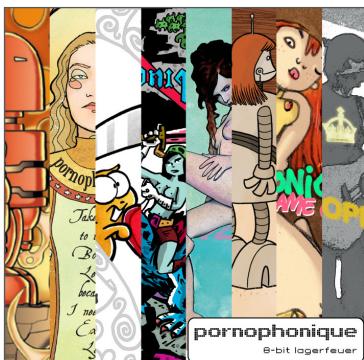
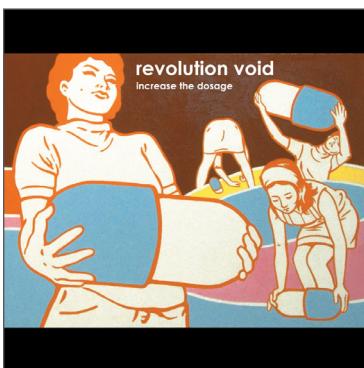


Image: Archos AV500 by Michael Boulegue, www.flickr.com/photos/bmika/192500158, CC BY 2.0 Generic



BUILDING AN AUSTRALASIAN COMMONS

Images: (Top to Bottom) Cover for SaReGaMa's single *Aquarius*, CC BY-NC-ND 3.0 Unported; Revolution Void's *Increase the Dosage*, CC BY-NC-SA 3.0 Unported; Pornophonique's 8-bit *Lagerfeuer*, CC BY-NC-ND 2.0 German and self-titled EP of Blue Haired Girl, CC BY-NC-SA 2.0 France



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Jamendo hosts a diverse range of music: from instrumental (like SaReGaMa's single *Aquarius*) to acid jazz (like Revolution Void's *Increase the Dosage*), from German electro (like Pornophonique's 8-bit *Lagerfeuer*) to French rock (like *Blue Haired Girl*).

On 29 October 2007, economist Aaron Schiff from 26econ.com (www.26econ.com/music-by-donation-some-data) wrote on the progress of voluntary donations on Jamendo, providing statistics as follows, in addition to the Excel file (www.26econ.com/wp-content/uploads/2007/10/donationdata.xls) of the data. This sits alongside Jamendo's donation statistics (www.jamendo.com/fr/get/donation/list/donation/data/plain/?dni=info_common&n=all).

On analysis, Schiff found that total donations were small:

Jamendo currently claims about 69,000 songs are available for download... Over the 22 months there were 1,454 donations made, for a total value of US\$21,150. So each artist is receiving very little money, if anything

www.26econ.com/wp-content/uploads/2007/10/count.png

Looking at the raw data, people generally make donations of round numbers, mostly multiples of \$5 or €5. There were a few odd donations though, like 5.99 or 6.49. The largest donation was about \$204. The smallest was \$5, which is the

default minimum donation that the website suggests. Across all donations the average was \$14.55.

www.26econ.com/wp-content/uploads/2007/10/mean1.png

There's a slight trend upwards over time in the average monthly donation, but a linear trend is not statistically significant As you might expect, the distribution of donations (across all months) is skewed. Most donations cluster around relatively low values, but there are a number of higher donations. There were 12 donations of \$100 or more.

www.26econ.com/wp-content/uploads/2007/10/hist.png

Attracting Venture Capital funding in July 2007 from Luxembourg-based Mangrove Capital Partners, an early investor in Skype, Laurent Kratz, Jamendo's CEO and Co-Founder, stated:

'With this funding, we plan to become the undisputed global player of free music. More than a music sharing platform we are economically supporting and promoting the long tail of music. We have a proven business model where music is not only proposed for free to end consumers but we are also closing an increasing number of partnership agreements and licensing deals.'

<http://creativecommons.org/weblog/entry/7571>

The lessons able to be learned from the Jamendo site by other online publishers (particularly e-book entrepreneurs, in this instance) have been summarised by Robert Nagle (www.teleread.org/blog/?p=6138) as follows:



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- 1 There are many content creators willing to give their content away;
- 2 Tools for distributing, cataloguing, and rating this are constantly improving;
- 3 The openness permitted by Creative Commons offers a way for independents to compete against various mainstream media operations;
- 4 Audio books can easily go the ‘way of Jamendo,’ as has been demonstrated with podiobooks.com; and
- 5 Although the site has yet to produce a lot of revenue, it does so without DRM. This may cause difficulties in verification.

Nagle concludes that ‘Jamendo is an inspiration for people in the content creation field regardless of genre.’

Use of Creative Commons

Jamendo’s entire catalogue is available for free download, under various Creative Commons or (less commonly)

the Free Art Licence, the English-language version of the *Licence Art Libre*, a French copyleft licence applying to works of art.

Jamendo’s Creative Commons search interface (www.jamendo.com/en/creativecommons) presents thumbnails of the albums which fall into the six Creative Commons licence categories, clearly showing which albums are available for remix or commercial use. Jamendo employs the ‘Jamloader’ tool (www.jamendo.com/en/jamloader) for uploads, a GPL-licensed, Python-based open source software application inspired by ccPublisher (<http://wiki.creativecommons.org/CcPublisher>), as used by the Internet Archive (<http://archive.org>). As with ccPublisher, this tool allows users to select an appropriate Creative Commons licence and to tag audio and video files with metadata through an administrative panel (www.jamendo.com/en/static/artists_how).

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In addition, each artist’s profile clearly details their licence terms under the ‘Your rights on this album’ section, linking to the relevant Creative Commons deed. It also includes a CC logo on embedded widgets which pops up the relevant licence badge which links to the relevant deed.

Statistics

As of 7 November 2007, the distribution of licences on Jamendo was:

| | |
|--|------|
| Attribution | 98 |
| Attribution-ShareAlike | 498 |
| Attribution-Noncommercial | 45 |
| Attribution-No Derivatives | 87 |
| Attribution-Noncommercial-ShareAlike | 2694 |
| Attribution-Noncommercial-No Derivatives | 1365 |
| Sampling + | 0 |
| Noncommercial Sampling + | 419 |
| Free Art Licence | 229 |

As of 21 May 2008, the distribution of licences on Jamendo was:

| | |
|--|------|
| Attribution | 196 |
| Attribution-ShareAlike | 1163 |
| Attribution-Noncommercial | 70 |
| Attribution-No Derivatives | 167 |
| Attribution-Noncommercial-ShareAlike | 4902 |
| Attribution-Noncommercial-No Derivatives | 2121 |
| Sampling + | 129 |
| Noncommercial Sampling + | 262 |
| Free Art Licence | 222 |



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Motivations

Jamendo allows artists to distribute their work across peer-to-peer networks via legally-recognised means. The site harnesses the power of the Internet for rapid recognition of talent, and rewards the artist for their work through fair compensation mechanisms. In adopting Creative Commons, the site offers the possibility to distribute music freely, while preserving the basic rights of the artist.

'By authorising the free distribution of your album on these networks, you are helping to make Peer-to-Peer tools legitimate. And, your work will receive additional recognition and publicity due to the current media attention on the subject.'

'You will be recognized as an artist with mature views on music distribution.'

www.jamendo.com/en/static/artists_why

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The site's Chief Technology Officer Sylvain Zimmer outlines the three reasons why Jamendo decided on Creative Commons as the site's licensing framework:

- 1 The flexibility of the licenses that let the artist choose 'how free' they want their music to be.
- 2 The clarity of the "human-readable" license page and the quality of the "machine-readable" and "lawyer-readable" license pages.
- 3 Creative Commons is an organization supported by great individuals, a vibrant community and a tremendous growth rate worldwide.

As to users' individual motivations to license under CC, Dailymotion (www.dailymotion.com), a Paris-based video-sharing site, recently called upon Jamendo's artists and users to provide testimonials and anecdotes of their experience with the site.



Knives at Noon

| | |
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| DESCRIPTION: | Knives at Noon are an indie-electric-rock band based in Dunedin, New Zealand, utilise Creative Commons to encourage remixing of their music. |
| WEBSITE: | www.myspace.com/knivesatnoon |
| LICENCE USED: | Creative Commons BY-NC-SA 3.0 New Zealand, http://creativecommons.org/licenses/by-nc-sa/3.0/nz |
| MEDIA: | Audio |
| LOCATION: | New Zealand |

'The music market is so saturated and Creative Commons is another way we can reach more people with our music.'

Oli Wilson, synth and vocals for Knives at Noon

Overview

Knives at Noon are a progressive New Zealand band formed in late 2007 by vocalist and guitar player, Andrew Ketels, synth and bass player, Oli Wilson and drummer, Tim Couch. Having just been placed in the top 32 bands for MTV Australia's Kickstart Competition and completing a national tour (finishing up with a session at the Red Bull Live to Air Studio in May), the group have been prolific despite such a short time together.

The band attribute their success to their reliance on modern technology and music-sharing practices including Creative Commons, enabling them to create a unique sound as well as to build their fan base. At one point, the band members were spread between Dunedin, Auckland and Papua New Guinea, which led to working via the Internet and traditional post to construct tracks. As recounted to Jane Hornibrook from Creative Commons Aotearoa New Zealand, Oli Wilson explains:

'Andy would send me songs, I would add in a synth line or add in a line, send it back to him. It would go to and fro, then we'd send it to Tim, he'd write some rhythm stuff for it, and then when we'd get back together in Dunedin, we pretty much rehearse and take it on the road.'

Their creative processes have resulted in a debut EP of richly detailed tracks stamped with each member's sound. Drummer Tim Couch says that finished songs end up consisting of about twenty parts of separate recordings.

Knives at Noon – (From Left to Right) Tim Couch, Oli Wilson and Andy Ketels



Image: Teri Lyn Higgins. Used with permission.

BUILDING AN AUSTRALASIAN COMMONS

Creative Commons has led Knives at Noon even further towards open collaboration, enabling producers and DJs around the world to sample and remix their work. Since releasing their tracks, the band have engaged interested parties in the UK, America, Australia and New Zealand who download and make derivatives of the original tracks to form new material. Knives at Noon welcome others to use their work, providing producers with the Pro-Tools recording files to sample at will.

By embracing the potential of Internet file-sharing enabled by Creative Commons and hosting site MySpace (<http://www.myspace.com>), the band have attracted listeners from all over the world in a way that would not have been possible ten years ago. To hear Knives at Noon online, visit their MySpace page (<http://www.myspace.com/knivesatnoon>).

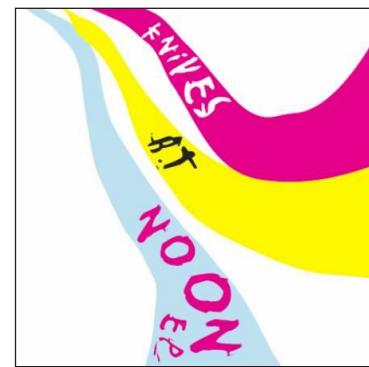
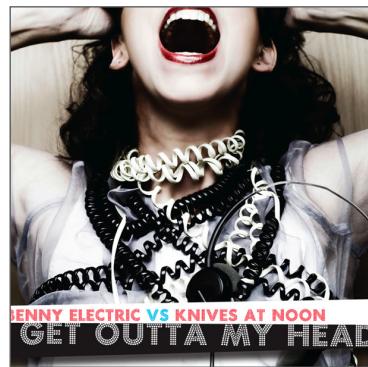
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Licence Usage

Knives at Noon use a CC BY-NC-SA 3.0 New Zealand licence for their six-track EP release. They choose Creative Commons to allow other musicians to remix their tracks. Already, artists such as Future One (Auckland), Darkist (UK), Dean Lawz Brisbane, (Australia), Benny Electric Brisbane, (Australia), Woosh (Dunedin), MC Beau (Dunedin), Undertow (Dunedin), Module (Wellington) and Michael Schraa (Dunedin) are remixing tracks. While these parties cannot make commercial use of the original or remixed work without permission from the band, Knives at Noon are planning to release a limited edition 'remix' tape later in the year.

Since releasing their 6-track, self-titled EP under a Creative Commons licence, Knives at Noon have seen their tracks remixed by international and local artists including Darkist from the United Kingdom. In Australia, Brisbane's Benny Electric's remix of the track 'Get Outta My Head' won the Voter's Choice for June 2008 on the social network MySongCast (<http://mysongcast.com>). You can hear his mix on his MySpace page (www.myspace.com/bennyelectric).

Benny Electric's remix single cover and Knives at Noon EP cover



Images: Used with permission.

Motivations

Bass and synth player Oli Wilson first heard about Creative Commons when he met Elliott Bledsoe from Creative Commons Australia while visiting friends in Brisbane. After picking up the *Asia and the Commons Case Studies 2008* handbook and *Unlocking the Potential through Creative Commons* Oli was convinced that Creative Commons would be invaluable for Knives at Noon.

The group decision to take on an Attribution-Noncommercial-ShareAlike licence reflects the band members' preference for open sharing. Knives at Noon feel that even though they allow sharing and remixing of their work, the noncommercial terms of their Creative Commons licence will help them strive for commercial viability through tours and royalty payments. In fact, vocalist Andy Ketels believes that giving fans the freedom to share is the best way to reach their goals as established musicians because 'more people are using our music.' Oli adds that:

'The music market is so saturated and Creative Commons is another way we can reach more people with our music. I like it how our ideas aren't entombed.'

The band knows that 'the Internet has changed everything.' Knives at Noon have used advances in digital collaboration, music sharing and the Internet as a social medium to their full advantage and are leading the way to online creative success.



Magnatune

| | |
|---------------|--|
| DESCRIPTION: | Magnatune is a pioneering online record label that uses Creative Commons licences to promote its catalogue with free samples of songs, alongside a variable pricing model. |
| WEBSITE: | www.magnatune.com |
| LICENCE USED: | Creative Commons BY-NC-SA 1.0 Generic, http://creativecommons.org/licenses/by-nc-sa/1.0 |
| MEDIA: | Audio |
| LOCATION: | Global |

Overview

Magnatune is an online record label based in Berkeley, California that was founded in 2003 by John Buckman. Underpinned by the philosophy that 'Musicians need to be in control and enjoy the process of having their music released' (www.magnatune.com/info/ethos), Magnatune aims to attract wider exposure for its artists than they would have achieved employing traditional music distribution models, which in turn enables the creation of a fan base and gaining of income. The site supports musicians by offering 50/50 revenue deals within a variable pricing model, made famous by Radiohead's 2007 *In Rainbows* release. Buyers can purchase either MP3 copies of albums at a price the buyer determines to be fair, ranging between \$US5 and \$US18, or physical CDs for a fixed price. Magnatune offers streaming audio of its artists' music for free as a promotional 'try before you buy' strategy.

Allowing Creative Commons downloads of music tracks realises John's dream of 'open music' (www.magnatune.com/info/openmusic), countering the musician's biggest hurdle of obscurity.

'Open Music is music that is shareable, available in "source code" form, allows derivative works and is free of cost for non-commercial use. It is the concept of "open source" computer software applied to music.'

Magnatune has been a leader in the implementation of the CC+ protocol, promoting artists' sustained commercial success alongside this sharing model (www.magnatune.com/info/model). CC+ allows a significant proportion of an artist's income to accrue from business deals, with licences automatically generated using forms on the website. Licences generated are royalty free (meaning the initial licensing fee is on a one-off basis) and cost between \$US150 and \$US5000. From both music sales and sub-licensing, artists receive 50% of the sale price. As at 12 January 2006, artists received, on average, somewhere between \$US1500 and \$US4000 per year from Magnatune (*Linux User Magazine*, www.magnatune.com/info/press/coverage/img/lud.pdf). John's vision is to provide an income of \$US10,000 p.a. to a third of the artists signed to the label.



In March 2005, Magnatune began experimenting with music distribution by releasing 'Tuneplug': a USB portable flash drive pre-loaded with complete MP3 albums from 10 Magnatune artists.



BUILDING AN AUSTRALASIAN COMMONS

Licence Usage

The licence used for all Magnatune content is the Creative Commons Attribution-Noncommercial-ShareAlike

'This is very exciting news about Magnatune. This is precisely the kind of innovation that will solve the current crisis within music.'

Lawrence Lessig, founder, Creative Commons,
www.magnatune.com/info/openmusic

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1.0 Generic licence. This licence provides the basis of Magnatune's 'open music,' allowing works to be shared, made available in 'source code' form, remixed, and free of cost for non-commercial use.

Music compressed to 128 kbit/s quality is either downloadable (when chosen as a 'song of the day') or streamed for users to hear music in order to attract them to the options of either buying MP3 files or licensing music for commercial use. Users are invited to pass tracks to three friends, and are permitted to sample and remix these for non-commercial purposes. Ten percent of the catalogue is also available as 'source' materials, as scores, MIDI files, samples, and track-by-track audio files (<http://www.magnatune.com/info/openmusic>).

Magnatune is a pioneer for Open Content Licensing in independent music, with the company's website providing anecdotal evidence of success with the use of Creative Commons licences.

However, the organisation does flag as an issue the fact of some countries' collecting societies acting as a barrier to artists using CC licences, thus preventing any artist from the country from being able to work with Magnatune (or similar platforms). A major benefit of using Creative Commons licensing in Magnatune's experience has been the ease with which other distribution platforms such as radio station Last.fm, and non-commercial podcasts, can use Magnatune content.

Statistics

Magnatune has (at 11 March 2008, www.magnatune.com/info/stats): 269 artists, 593 albums and 8696 songs available. The highest average payment made for an album has been \$US10.43. As at 11 March 2007 (1 year before writing), 70 licences were being sold per month. Classical music still dominates paid downloads, contributing 30% of revenue.

Motivations

'If I retain all rights to everything, then I'm not necessarily going to further my own goals, whatever they might be, so I'm going to open up and let some of my rights be available for free under certain conditions because I find it furthers my goals overall.'

John Buckman, CEO, Magnatune
www.openrightsgroup.org/creativebusiness/index.php/John_Buckman:_Magnatune



CREATIVE COMMONS CASE STUDIES

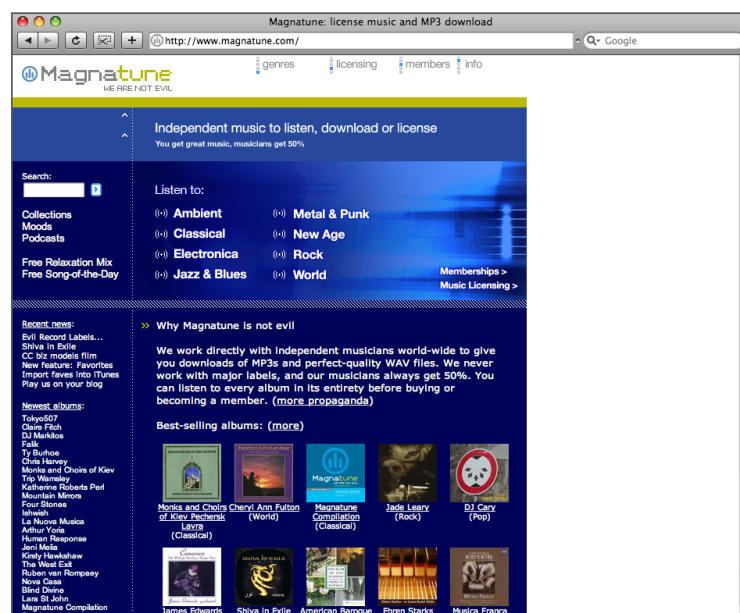
Magnatune licenses under Creative Commons primarily for promotional reasons. Unrestricted access to content logically allows for easier dissemination of that content. Where other platforms and labels online offer small samples of songs or songs at dramatically lower quality than CDs, Magnatune uses Creative Commons licences to enable it to allow potential customers to listen to full, near-CD quality versions of the songs with fewer restrictions. Restrictions being placed on mainstream commercial content to attempt to combat copyright infringement are referred to as Digital Rights Management (DRM). Where these technologies are designed to limit the use and transfer of copyrighted content, Magnatune hoped to provide 'clean' song files, meaning that they could be freely transferred and used. Reflecting this, Magnatune allows its customers to send purchased song files to three friends (www.magnatune.com/info/give). The argument is that if potential customers can hear a whole song without any restrictions in high quality, they are more likely to pay for the song.

Another motivation in the creation of Magnatune has been the need to be selective of content. From around 400 submissions each month, Magnatune releases about 10 albums based on their quality (<http://creativecommons.org/weblog/entry/7002>). While the nature of many distribution platforms, especially the social networking ones such as MySpace, is to be specifically non-selective, Magnatune bucks this trend and aspires to become a 'label' with a reputation of quality, respecting both artists and fans alike.

An in-detail study of Magnatune has been published by the Open Rights Group at www.openrightsgroup.org/creativebusiness/index.php/John_Buckman:_Magnatune

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Magnatune homepage, July 2008



BUILDING AN AUSTRALASIAN COMMONS

Nine Inch Nails – *Ghosts I-IV* and *The Slip*

DESCRIPTION: American band Nine Inch Nails (NIN) rocked the music establishment by releasing its last two albums under a Creative Commons licence.

WEBSITE: <http://nin.com>

LICENCE USED: Creative Commons BY-NC-SA 3.0 USA, <http://creativecommons.org/licenses/by-nc-sa/3.0/us>

MEDIA: Audio

LOCATION: United States of America

Overview

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On 2 March 2008, prominent and polemic American noir rock band Nine Inch Nails (NIN) (<http://nin.com>) departed from previous music industry management practices by releasing *Ghosts I-IV* (<http://ghosts.nin.com>) under a Creative Commons licence. Giving fans the ability to remix and redistribute the tracks from a multitude of different formats, *Ghosts I-IV* (also known as *Halo 26*) encapsulates the

free spirit of the age to rip, mix, and share, creating a community of ardent followers. The thirty-six track album is divided into four parts, with the first nine unnamed tracks offered for free download, and the entire album available for \$US5 as well as in a variety of pressings and packages at different prices. This move has been

widely regarded as a master stroke for the band: by selling an accompanying \$US300 ‘ultra-deluxe limited edition’ version of the album on vinyl, NIN netted \$1.6 million overnight. Expanding the album into the ‘visual world’ a week after release, front-man Trent Reznor announced the launch of the *Ghosts Film Festival* project on YouTube (www.youtube.com/group/ninghosts), calling for users’ film and audio submissions to ‘be as creative as you like.’ Reznor explains their philosophy of free release:

‘The end result is a wildly varied body of music that we’re able to present to the world in ways the confines of a major record label would never have allowed – from a 100% DRM-free, high-quality download, to the most luxurious physical package we’ve ever created.’

http://ghosts.nin.com/main/more_info

The artistic team behind the project included Trent Reznor, Atticus Ross, and Alan Moulder, with instrumental contributions from Alessandro Cortini, Adrian Belew, and Brian Viglione. Collaborating with Artist in Residence (A+R, www.ainr.com), Rob Sheridan moulded the album’s accompanying visual and physical aesthetic.

Image: “Trent Reznor, February 2008 (Press Photo)” by Nine Inch Nails Official, www.flickr.com/photos/nineinchnails/2348368204, CC BY-SA 2.0 Generic



Two months after the release of *Ghosts I-IV*, Nine Inch Nails (<http://nin.com>) licensed a second album, *The Slip* (<http://theslip.nin.com>) under Creative Commons. Pitched as 'one hundred percent free' by Reznor, *The Slip* (also known as *Halo 27*) has been proclaimed as a further challenge to the music industry, defining an alternative path for musicians interested in the self-promotion of works. Available for digital download in an array of formats – MP3, lossless FLAC, MP4 (M4A), and the impressive higher-than-CD quality 24-bit, 96kHz WAV files via torrents – the ten tracks are readily remixable via their multi-track audio source files available on the Nine Inch Nails Remix site (<http://remix.nin.com>). The release also includes a PDF with artwork and credits.

Pre-empting the album release, the single *Discipline* was distributed freely via the official NIN site in April 2008, and a second, *Echoplex*, was released for free from iLike (www.ilike.com). To cater for the substantial fan base interested in acquiring sought-after merchandise, NIN released the album on vinyl and CD under a variable pricing model over the American summer period. The site states '*The Slip* will remain free for download indefinitely' (<http://theslip.nin.com/physical>).

Licence Usage

NIN actively encourages its fan base to engage with its music, through redistribution, remixing (<http://remix.nin.com>) and user-generated film festivals (www.youtube.com/group/ninghosts). As with *Ghosts I-IV*, *The Slip* is licensed under a Creative Commons Attribution-Noncommercial-ShareAlike 3.0 United States licence. NIN's intention with this release is clear, as per the site (<http://dl.nin.com/theslip/signup>):

'we encourage you to remix it share it with your friends, post it on your blog,

play it on your podcast, give it to strangers, etc.'

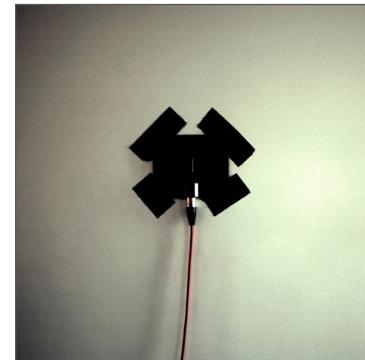
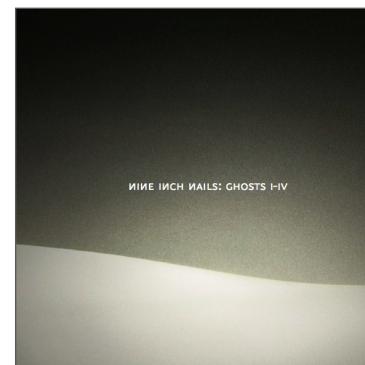
In contrast to services which prevent re-distribution of tracks, all files are 100% DRM-free.

Motivations

Utilising Creative Commons has been a successful strategy for NIN: the manoeuvre has accrued substantial profit and prominence in the worldwide press. As widely reported on 4 March 2008 (www.techdirt.com/articles/20080304/162842435.shtml), the \$300 ultra deluxe edition of *Ghosts I-IV*, limited to 2500 copies, sold out in a matter of days. With fans still keen to seek 'personalisation, authenticity, embodiment' in the hard copy, Kevin Kelly notes that considerable incentives remain surrounding items released for 'free' (www.kk.org/thetechnium/archives/2008/01/better_than_free.php). In relation to the release of the deluxe editions and associated products, Mike Linksvayer observes:

'If an artist typically makes \$1.60 on a \$15.99 CD sale, profit from sales of the limited edition already matches profit from a CD selling hundreds of thousands of copies.'

<http://gondwanaland.com/blog/2008/03/04/nin-ghosts>



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*Like the digital release of *The Slip*, the downloadable package for *Ghosts I-IV* included the music files (in a number of formats) accompanied by a PDF of album artwork. These are four of the images included in that document.*

Images: CC BY-NC-SA 3.0 US, <http://ghosts.nin.com>

BUILDING AN AUSTRALASIAN COMMONS

The first 9 tracks of Ghosts (titled "1 Ghosts I" through "9 Ghosts I") are available as a free download from the Nine Inch Nails website.

All 36 tracks on the album were released under a Creative Commons Attribution-Noncommercial-Share Alike 3.0 United States licence, meaning people who had purchased the full album were free to distribute the album under the terms of the CC licence.

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Celebrating their North American tour with a free EP sampler *Lights In the Sky* (<http://dl.nin.com/lightsinthesky/signup>) Trent Reznor adds:

'If you like what you hear, be sure to show up early to the show (and please remember to support them by purchasing their music, if so inclined).'

<http://ninblogs.wordpress.com/2008/06/05/new-band-new-tour-sampler>

Evident throughout entries such as *Wired Magazine's Listening Post* (<http://blog.wired.com/music/2008/05/nine-inch-nails.html>) announcing the release on 5 May 2008, reactions from the fans continue to be strongly positive:

'Reznor is the man!!!! I swear I am going to buy his next (for sale) studio album just b/c he is so f#%ng cool'

Glenn

'And it's another epic victory for Reznor. Three albums in practically a year, and all of them absolutely stellar. The man knows music, plain and simple. I'll be picking up a vinyl copy come July.'

McTool

In response to these statements of fan fealty, 'the constant skeptic' notes:

Notification of the CC licence on Ghosts I-IV

This album is licensed under a Creative Commons Attribution-Noncommercial Share Alike license.
More information: www.creativecommons.org



halo twenty six

©2008 NIN
www.nin.com

'@glenn that is exactly what Reznor is hoping he will do, convince his fans that he is the man so that the next time something is for sale they will buy it up. It is called selling free, and it works every time, especially in the online arena. Still, it is a masterful move and shows that he knows how to manage his brand better than anyone else out there right now, besides maybe radiohead.'

Emphasising the importance of tour promotion and the smartness of this strategy in ensuring ongoing revenue streams, RandomCake responds:

'@the constant skeptic, Well, I'm not sure Trent really cares about every day record sales these days, these free downloads really help with tour sales, and tours are a lot more profitable than CD sales, then there are the limited edition items such as vinyl and numbered CDs which really help to rake it in (Ghosts had an 'Ultra Limited Edition Package' at \$300, and there were 2,500 of them so that's \$750,000 made there!) Then there are other options, so without selling huge quantities there is large profit, and by giving away large quantities he gains mass appeal! Win win all round!'

In the week following this release, NIN led Amazon.com's MP3 chart, with Radiohead coming in at number 5 (<http://blog.wired.com/music/2008/03/nine-inch-nai-1.html>). As *Wired*'s Eliot Van Buskirk muses: 'There's a lesson for the labels in there somewhere.'



New Ways of Doing Music Business

Pocketclock Records

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|---------------|---|
| DESCRIPTION: | Pocketclock Records are an independent music label based in Melbourne, Australia, focusing on experimental pop. |
| WEBSITE: | www.pocketclock.org |
| LICENCE USED: | Creative Commons BY-SA 2.1 Australia, http://creativecommons.org/licenses/by-sa/2.1/au |
| MEDIA: | Music |
| LOCATION: | Melbourne, Australia |

Overview

Pocketclock Music is a small, independent record label based in Melbourne, Australia. Established in 2003 to represent the 'sound of young Melbourne,' Pocketclock's focus is distinctly experimental pop. Each featured musician offers free downloads on the site under the Creative Commons Attribution-Share Alike 2.1 Australia licence, alongside the occasional promotional video. Pocketclock also provides artists with a mobile recording facility to 'convert your sound to golden impulses' (<http://pocketclock.org/studio.html>), and has supported several local mastering/editing and production projects.

Talkshow Boy (TSB, also known as Adrian K-Sahara) is a 22 year-old musician who hails from Melbourne. In his own words, 'He plays intense and complicated electronic new pop songs about love, being tuff, and how people act towards one another' (<http://pocketclock.org/artists.html>). In November 2007, TSB released a new record *TESTOSTERONE!* (<http://pocketclock.org/releases/cl007.html>). Over 19 tracks, TSB 'pushes the romantic, aesthetic and political agendas to the sounds of cute majorchordal

breakbeats, tiny melodic cut-ups and anemic blastbeats.'

Poland (www.myspace.com/lazyholland) plays primitive DSP pop music with 'loops as long as your arm' (<http://pocketclock.org/artists.html>). Informed by the folk and pop traditions, Poland takes her influences from outsider music, house, abstract jazz, video games, and storytelling, amongst other places. Poland's self-titled EP (<http://pocketclock.org/releases/cl005.html>) consists of four tracks, culminating in 'Random Pop,' which featured on Brothersister's (www.brothersisterrecords.org) international experimental pop compilation titled *A fifty gallon drum of savage customs fresh flesh and random pop* (www.brothersisterrecords.org/brothersisterrecords/comp.html). Also featuring on the Brothersister release with the title track 'Fifty gallon drum,' Pompey (www.myspace.com/pompeycasmilus) pitches himself as a 'young man making noisy, polyrhythmic pop and sounds, steeped in arch sentimentality and linked in ways to environmental sounds, girl groups, primitive music, studio - as-instrument, etc.'



Talkshow Boy aka Adrian K-Sahara

Image: Used with permission.



BUILDING AN AUSTRALASIAN COMMONS

Pocketclock currently represents three artists: Talkshow Boy (TBS) (www.pocketlock.org/talkshowboy), Poland (www.myspace.com/lazyholland) and Pompey (www.pocketclock.org/pompey). The label has had previous associations with Lakes, Oh! Belgium (www.myspace.com/ohbelgium) and Cine-milky/Sienmilki.

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Licence Usage

Pocketclock releases are available for download under the Creative Commons Attribution-ShareAlike 2.0 Generic licence. Site visitors are able to obtain individual MP3 tracks or a ZIP file of the entire record for free. Direct donations to the artists are encouraged through PayPal.

Choosing to offer Pocketclock releases under a ShareAlike licence, founder Rowan Mcnaught was inspired by the creation of a ‘sort of paper trail,’ as he explained in an email interview with Rachel Cobcroft from Creative Commons Australia in November 2007:

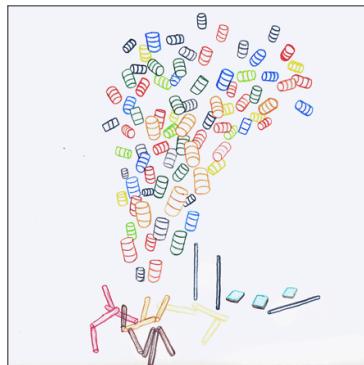
‘When I find music I like, I tend to track backwards into its progenitors to find more of it or work out what it is or what it means a bit more. I’d hope that asking anyone who used any of the music to attribute it would have a similar effect.’

Rowan reflects that whilst he is unsure of outside sampling of Pocketclock music, he is aware that the players on the label actually take bits and pieces from each other’s music to remix and reuse.

‘The ShareAlike component is really just because I think CC licenses are such a friendly alternative to the way things usually seem to go.



Images: Used with permission.



‘It’s a bit too big and weird, huge sample clearance fees, hazy infringement rules (what is it, three notes? Two seconds? I don’t understand). So it makes sense to keep up the license if someone uses it. I’m just quite grateful for the alternative.’

Motivations

Pocketclock founder Rowan Mcnaught first found Creative Commons when he became unhappy with pretending to be a traditional-style label.

‘It was thoroughly unrewarding trying to sell records just to be able to keep putting new ones out, and it seemed I’d be happier just sharing everything online: by not spending up I could just keep putting out music I liked and a few people could find it.’

Whilst he admits to not being very cluedy in relation to traditional legal code, Rowan reflects that he was really impressed with the Creative Commons licensing scheme:

‘We are inevitably for small fry, limited appeal type music, and of course the Internet caters for, and even nourishes, that. When I found Creative Commons, it reinforced that idea and allowed us to stop working in the traditional way: In some ways I think by licensing the music under CC, for me, serves more to say “It’s actually OK to give this to your friends than anything else; I’m not so worried about anyone misusing the music.”

The covers of three Pocketclock releases: (Top to bottom, left to right) Poland’s self-titled EP, Pompey’s Fifty Gallon Drum and Talkshow Boy - TESTOSTERONE! covers.



New Ways of Doing Music Business

Postmoderncore

DESCRIPTION: Postmoderncore is a netlabel concerned with releasing underground New Zealand music and other music of interest under local Creative Commons licences.

WEBSITE: <http://postmoderncore.com>

LICENCE USED: Creative Commons BY-NC 3.0 New Zealand, <http://creativecommons.org/licenses/by-nc/3.0/nz>, Creative Commons BY-NC-ND 3.0 New Zealand, <http://creativecommons.org/licenses/by-nc-nd/3.0/nz>

MEDIA: Music and cover art

LOCATION: New Zealand

Overview

Postmoderncore is Wellington-based netlabel that, in the words of founder Sam Stephens, 'cares about music, not commerce.' Established as a protest against the commoditisation of music and the idea that a musician needs to be motivated by profit, Postmoderncore believes in giving an audience to music that deserves it, and ensuring that the potential audience of a release is not limited by money or production constraints.

According to its web site (<http://postmoderncore.com/about.html>), Postmoderncore's philosophy has been greatly influenced by the Negativland (www.negativland.com) fan collective Snuggles (www.sensoryresearch.net/thoughtconduit/news?grid=7). Founding the label five years ago, Sam Stephens expresses his underlying beliefs:

'I came to the conclusion that copyright was a tool used by corporations to make profits, and control artists and their music. ...Postmoderncore is the flip side of my protest against copyright and the idea

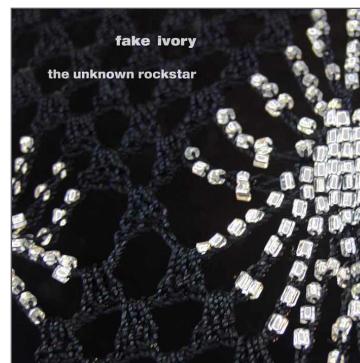
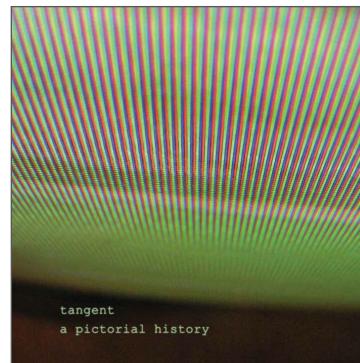
of music as a commodity. I decided that the best method for sharing the music and accompanying art with its audience was to offer free downloads over the Internet. I also wanted to reach a wide and international audience.'

Operating as a self-funded initiative, Postmoderncore sells CDs of the music available online, so that the label's artists and fans can have physical CDs if they wish to. This is not a money-making exercise, and is intended more for promotional purposes.

Licence Usage

Artists on Postmoderncore are offered the ability to license under the Creative Commons Attribution-

The covers of three Postmoderncore releases: (Top to bottom) Tangent's A Pictorial History and The Unknown Rockstar's Fake Ivory and Deep Earplug Music.



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Images: Covers of Tangent's A Pictorial History, CC BY-NC 3.0 NZ and The Unknown Rockstar's Fake Ivory and Deep Earplug Music, CC BY 2.5 Generic

*'Creative
Commons
licenses allow
your music
to spread
furthest.'*

Sam Stephens, Postmoderncore

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Postmoderncore hosts a number of websites for other independent arts projects in New Zealand including an online store called Dadashopping (<http://dadashopping.net>) which sells releases from the netlabel as well as a number of other independent musicians from around the country.

Noncommercial-No Derivatives 3.0 New Zealand or the Attribution-Noncommercial 3.0 New Zealand licence. Being happy with the licences so far, Postmoderncore will continue to release under Creative Commons.

The Creative Commons licences selected depend upon the wishes of the artists. According to founder Sam Stephens, some of the label's musicians are

happy to have derived works produced from their music, and some are not, so they end up using the according licence. Sam intentionally uses the New Zealand licenses to express Postmoderncore's ties to New Zealand, and to support the CC Aotearoa New Zealand (CCANZ) initiative.

After reading of the commercial use of CC-licensed images on billboards by Virgin Australia (such as www.asiancanadian.net/2007/10/photo-of-teenager-appears-on-australian.html), Sam explicitly chooses non-commercial licences, so that further use of Postmoderncore material can be vetted by the artist(s) involved. In Sam's understanding, 'This doesn't stop commercial use of the music; it simply requires explicit permission to be granted. I think it's good to maintain this level of control.'

Motivations

As founder of this netlabel, Sam Stephens first heard about Open Content Licensing through the open source software movement.

'When I learned about the Creative Commons bringing these principles to music and the arts, I was very excited as I already was releasing on the Internet, and thought these licenses had great potential, and expressed ideas I already had about creativity as a gift, rather than something to be owned and hoarded.'

According to Sam, Creative Commons licences provide the advantage of allowing for distribution of music by fans, removing centralised distribution and associated costs and annoyances: 'They express the freedom and sharing I want from creativity.'

As someone who is encouraging others to release under Creative Commons licences, Sam is careful to ensure that artists releasing on Postmoderncore understand the full implications of doing so. In particular, Sam emphasises that artists need to understand that they can never revoke the CC licence, and once they've released the album, it'll always be available for free, even if suddenly they get commercial interest.

'It means that my artists need to not be particularly profit-motivated, and/or that they need to have the confidence to know that if they get commercial interest, they can create a new work that is as strong as the one they just released. My feeling is that for an undiscovered artist who does dream of "making it" one day, the best thing they can look for in the meantime isn't profit, but exposure. Creative Commons licenses allow your music to spread furthest.'



Topology

DESCRIPTION: Topology is an internationally acclaimed Brisbane-based new music ensemble.

WEBSITE: www.topologymusic.com

LICENCE USED: Creative Commons BY-NC-SA 2.5 Australia, <http://creativecommons.org/licenses/by-nc-sa/2.5/au>

MEDIA: Music

LOCATION: Brisbane, Australia

Overview

Established in 1997, Brisbane's avant-garde music ensemble Topology has gained an international reputation as artists devoted to the experimental form. Self-described as 'nothing if not flexible,' Topology performs in a multitude of venues from art galleries through to opera houses, accompanying silent films and playing pop concerts in 10,000-seat stadia. Regularly recording for the Australian Broadcasting Corporation (ABC), these contemporary musicians collaborate with new music's leading lights, such as Terry Riley, John Adams, Phillip Glass, Michael Nyman, and Steve Reich, as well as popular musicians including Tyrone Noonan (from the award-winning band 'george') and Kate Miller-Heidke (widely

recognised as Australia's popera diva). Topology's performances include the opening concert of the Sydney Spring Festival, where they received the Best Ensemble Award in 1999, an experimental Fluxus festival at the Queensland Art Gallery, Neil Armfield's vision of *The Marriage of Figaro* at the Sydney Olympics Art Festival, and the Surabaya Arts Festival in 2007 (see www.topologymusic.com/index.php/category/concerts). Billed by Australian Music Online (www.amo.org.au) as 'neo-classic contemporary music explorers,'

Topology – (From Left to Right) Kylie Davidson, Bernard Hoey, Christa Powell, Robert Davidson, John Babbage



Image: "Topology with black background" by Chris Osborne. Used with permission.
www.flickr.com/photos/55195133@N00/1489109097

BUILDING AN AUSTRALASIAN COMMONS

Topology is Robert Davidson on double bass, Bernard Hoey on viola, Christa Powell on violin, Kylie Davidson on piano, and John Babbage on saxophone.

Compositions by Robert Davidson include *Convex and Concave*, a 'contrapuntal miniature' inspired by the drawings of M.C. Escher, the *Karak concerto*, a percussive piece

'I can't see that we can move forward in creative work with copyright staying as it is.'

Robert Davidson, *Topology*

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using bowed vibraphone, and *Big Decisions*, a documentary opera which contemplates the dismissal of Gough Whitlam in 1975. Saxophonist John Babbage was inspired to compose one of his many pieces *Chop Chop* whilst in Santiago, Chile, exploring the harmony and syncopation of Gerard Brophy and Olivier Messiaen (for program notes for these compositions see www.topologymusic.com/index.php/category/compositions).

Licence Usage

Topology has placed their album *Perpetual Motion Machine* on Jamendo (www.jamendo.com/en/album/4148) under the genre 'contemporary classical' and the Creative Commons BY-NC-SA 2.5 licence. Individual tracks (www.topologymusic.com/index.php/downloads) and excerpts (www.topologymusic.com/loudblog) are available on their site. The composers also distribute free sheet music (www.topologymusic.com/index.php/category/scores).

Motivations

Robert Davidson discussed his motivations to provide a selection of his scores and recordings to the public with Rachel Cobcroft in February 2008.

'The open framework suits Topology as the sales of albums is not as valuable to us as the promotion of our profile. There does seem to have been a causal link between using open approaches (to MP3s and sheet music PDFs on the web) and our profile being raised, though it's hard to be certain about this. In my own case, there has definitely been an increase in my revenue from international performances of my music as I have bypassed publishers and given away free scores.'

Inspired by contact with the members of Negativland (www.negativland.com) in San Francisco, and subsequently by reading the writings of Lawrence Lessig, there has been a philosophical attraction to free culture for Davidson also.

'I can't see that we can move forward in creative work with copyright staying as it is. I want to make music using all sorts of quotes and allusions, but find it prohibitive to be always needing to pay \$20-\$120 per second of footage (I signed a contract today to pay those amounts to use excepts). There have to be other ways.'



Yunyu

| | |
|---------------|---|
| DESCRIPTION: | Yunyu is a successful, unsigned singer/songwriter in Sydney, Australia, who uses Creative Commons licences for promotional purposes. |
| WEBSITE: | www.yunu.com.au |
| LICENCE USED: | Creative Commons BY-NC-SA 2.0, http://creativecommons.org/licenses/by-nc-sa/2.0 |
| MEDIA: | Audio |
| LOCATION: | Sydney, Australia |

Overview

Yunyu (www.yunu.com.au) is an understated, self-proclaimed member of the emerging (and in many cases emerged) generation of bedroom-based artists who may not, without the Internet, have ever seen the cold light of day. She is a classically-trained musician, though she admits to having been bored by the restrictions of that genre. Yunyu first saw success before ever having played a live gig (www.yunu.com.au/home/bio), via the new talent competition *Unearthed* (www.triplejuneearthed.com), operated by Triple J Radio (www.abc.net.au/triplej). Following her 'unearthing' Yunyu received radio airplay all over the globe, including some chart domination on Canadian college radio.

Yunyu uses the services of several online businesses to sell and share her music. For both physical and digital distribution, Yunyu's business model utilises a number of different music platforms. She has CDs and MP3s available for purchase from US independent distributor, CD Baby (www.cdbaby.com). CDs are also available from the Australian independent store Earshot Music (www.earshotmusic.com.au), while paid digital downloads are available from iTunes (www.itunes.com/store). Yunyu also offers fans the option of buying CDs directly from her.

As with a number of independent bands, Yunyu uses the services of a company called Usync (www.usync.net). The service provides a 'backstage pass' to paying fans, who can then get access to exclusive content in the 'backstage' area of the Usync website. The service essentially brings ticket sales, music sales, news announcements and other components of a music business model into the one location or interface.

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Yunyu

Popular online radio station Last.fm (www.last.fm), relying on automated peer-recommendation, also assists in the proliferation of Yunyu's music, together with social networking platforms like MySpace (www.myspace.com) and Facebook (www.facebook.com).



Images: stills from Yunyu's video clip to "Lenore's Song". Used with permission.

BUILDING AN AUSTRALASIAN COMMONS

Licence Usage

Yunyu uses a Creative Commons Attribution-Noncommercial-Share Alike 2.0 licence for promotional purposes. Two of her songs, *A Prayer* and *Lenore's Song*, are available under this licence as streaming music videos (www.yunu.com.au/home/music#videos). Whilst her site does not include any downloadable tracks, Yunyu specifies on her webpage that, though only two of her songs are actually officially under Creative Commons licences, she is happy for any of her work to be used in certain circumstances without payment but with attribution (www.yunu.com.au/home/creative-commons). She acknowledges social projects and amateur productions as acceptable forms of use, and adds that if someone has paid for a copy of her work, what they then do with the work (including file-sharing using services such as P2P) is up to them.

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Though unable to provide any accurate statistics on the effects Creative Commons licensing has had on her success, Yunyu cites the availability of *Lenore's Song* as having been a big help in increasing her profile. The song is licensed under Creative Commons, as discussed above, and its accompanying music video has seen over 85,000 hits on YouTube (www.youtube.com/watch?v=EzSstcvLmYM). James Milsom from Creative Commons Australia interviewed Yunyu on 20 April 2008, where she stated that:

'The ease that I have allowed the use of my music for podcasters, bloggers and the like could only have helped me make my living as a musician.'

Yunyu has been pleased with the benefits of Open Content Licensing generally, saying that, 'It allows podcasters/ indie movie makers/ poor film students/ poor artists etc. to use and share my music easily and without hassle.' This ease of (re)use has proven extremely beneficial for Yunyu, with her

work featuring in six different student films, including productions from as far as Belgium and The Netherlands, in addition to multiple placements in podcasts, such as that of the 'Coolshite Crew' (www.coolshite.net) and her lyrics being used to teach English to Japanese people. A fan-made video to her song *Dance so Slowly* is the icing on the cake (www.youtube.com/watch?v=jC-XkHfSIBc).

Motivations

Yunyu's experience using the Internet as a distribution and promotional platform makes her use of Creative Commons licences a logical step. While the benefits of Creative Commons licences are obvious from the above discussion, Yunyu cites difficulties with Creative Commons licensing as far as other artists or content producers understanding the licences:

'There is, when I speak to some creators, a certain misconception that Creative Commons equals public domain which is not true. So there is a general perception that they have lost some income due to putting their work under Creative Commons licenses but I beg to differ because I think I have benefited from the spread of my work through this channel.'

When interviewed in April 2008, Yunyu was in the middle of an international tour, and though in some way this sort of success can be attributed to Creative Commons licences, (as with all CC artists) she sees the real effects of CC as being difficult to determine. In advising others in the use of Open Content Licensing, she provides a couple of caveats: 'I think the deal is to choose very carefully what licences suit you because there are limitations to changes and Creative Commons is generally irrevocable.'



OpenVoice Free PBX

| | |
|---------------|--|
| DESCRIPTION: | OpenVoice Free is a free-for-download voice-prompting service specialising in supplying Australian voice prompts for the Asterisk open-source PBX telephone system and other compatible IVR systems. |
| WEBSITE: | www.openvoice.com.au/free |
| LICENCE USED: | Creative Commons BY-SA 2.1 Australia, http://creativecommons.org/licenses/by-sa/2.1/au |
| MEDIA: | Software, Audio |
| LOCATION: | Australia |

Overview

OpenVoice (www.openvoice.com.au) is a small business based in Australia, specialising in providing voice prompting services for the Asterisk Open Source PBX system (www.asterisk.org) and other compatible telephone voice-prompt systems. Such applications are commonly used by businesses and organisations to manage telephone switchboards and improve business communications. As part of its services offered for commercial sale, OpenVoice has created OpenVoice Free, a set of Australian voice prompts which are available free of charge under a Creative Commons Attribution-ShareAlike 2.0 Australia licence.

OpenVoice Free is a comprehensive set of voice files that businesses and organisations can download for use and distribute free of charge in both commercial and non-commercial environments. The voice files feature an Australian voiceover artist, providing an Australian and sometimes humorous touch to what are often American-voiced IVR systems. The package contains a complete set of Australian voicemail prompts, wake-up calls and prompts

for base Asterisk IVR functionality. This gives the user a functioning basic system containing the most common announcements. OpenVoice Free is not restricted to the Asterisk platform and can also be used for other IVR applications. For more demanding IVR systems and customised prompt packages, OpenVoice have a range of services available for purchase.

By using Creative Commons licences, OpenVoice have made a non-commercial contribution to the Asterisk community and has secured a method for legally distributing a demo of their services that promotes their more extensive selection of commercially-licensed media.

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Licence Usage

OpenVoice Free is licensed under a Creative Commons BY-SA 2.1 Australia licence. This permits commercial uses of the media, ensures OpenVoice is attributed and that any derivative works are licensed in the same way. Initially OpenVoice considered GFDL licensing for OpenVoice Free, but found that Creative Commons licences were a



BUILDING AN AUSTRALASIAN COMMONS

more user-friendly alternative due to their plain English deed and minimal accompanying licence documentation. Also, unlike GFDL, Creative Commons licences are not format specific. This accorded with OpenVoice's goal of making OpenVoice Free available with maximum ease and exposure.

'The licences are also simple to understand, and don't require a lawyer to decode.'

Ben Buxton, OpenVoice

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OpenVoice report that their CC-licensed media is downloaded at a rate of 50x that of the commercial versions on offer, and have found that customers who used OpenVoice Free were impressed enough with the service to go on to purchase OpenVoice's commercially available media.

Motivations

As a fan of free software and media licences, OpenVoice's Ben Buxton was impressed with the range of licences offered by Creative Commons. In an email interview with Emma Carroll from Creative Commons Australia in April 2008, Ben offered the following rationale for adopting CC:

'We use CC licences because they provide a range of licensing options that suit most copyright holders who would like to allow relatively free

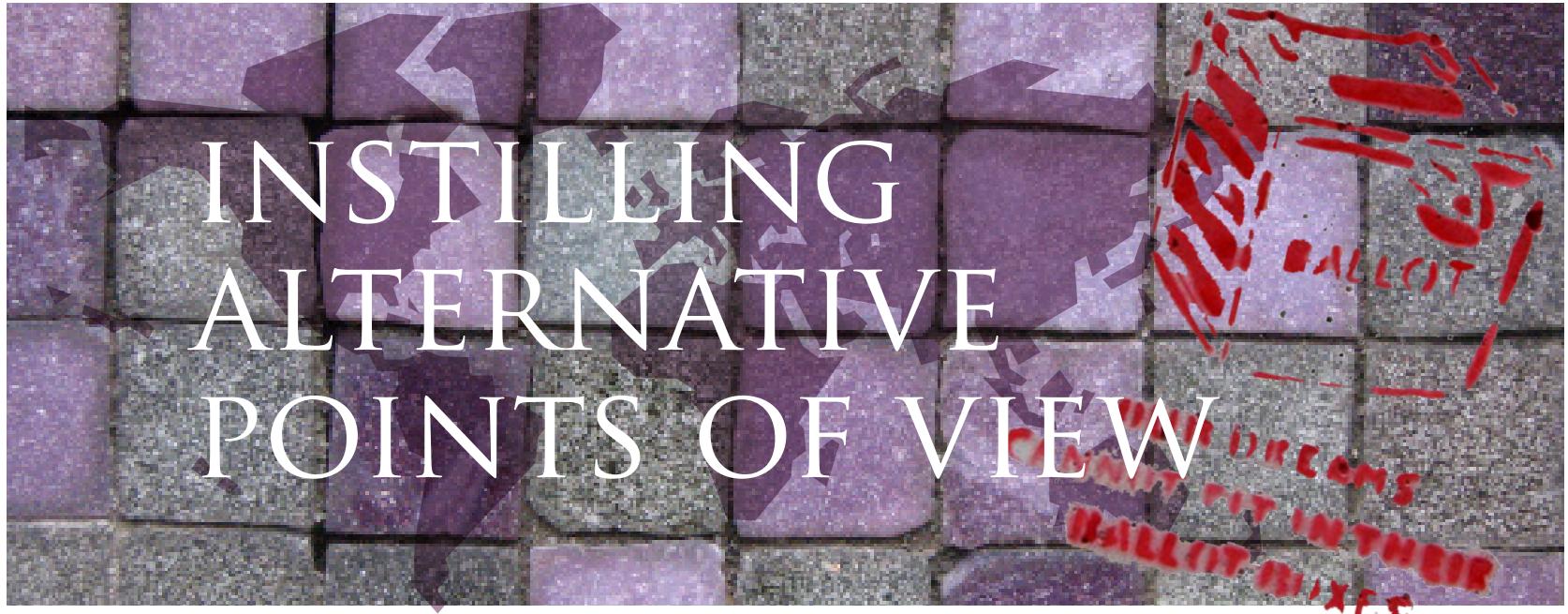
distribution of their media. The licences are also simple to understand, and don't require a lawyer to decode.'

OpenVoice chose the Creative Commons Attribution-ShareAlike licence because:

- 'The licence permits commercial use of the media. This is important as our media is intended for a primarily commercial application and we would like [to give] businesses the ability to use our free versions of the media.'
- Attribution is required, as part of the reason for offering the media is as a demo for our more extensive commercially licensed media. We'd like those who spread the media around to give a pointer back to us.'
- ShareAlike so that derivatives of the media retain the commercial use guideline, and the attribution back to us.'

OpenVoice Free is a good example of how a company can license their media with Creative Commons to generate business and commercial gain, while offering a free version for those without the budget for commercial applications. According to Ben's philosophy, 'We'd rather people access a free version than not at all, as it benefits them, and we are proud to offer an Australian option to a primarily American software package.'





INSTILLING ALTERNATIVE POINTS OF VIEW

Creative Commons & Democratic Change

'An open source model for participatory, bottom-up and emergent policy will force us to confront the issues of our time.'

Douglas Rushkoff
2003, *Open Source Democracy*, p 61

The open democracy tenets of equity, positive participation in decision-making, and allowance of alternative points of view lie at the heart of the Creative Commons endeavour. It comes as no surprise then, that an increasing number of social change organisations are embracing online technologies and Creative Commons as a valuable tool for spreading the word. Documented here are exemplary efforts to effect change both within and beyond the CC community internationally, and demonstrated in equal measure in the Australian public sphere.

These projects encourage individuals and organisations to embrace democratic processes in the digital realm as well as offline, 'shining light on places and people that other media often ignore,' per Global Voices Online (www.globalvoicesonline.org). Through the possibilities of republishing and dissemination facilitated by CC, the global voices which emerge across the international public sphere are amplified, creating communities which 'give a damn.' An exemplary project that demonstrates this is Architecture for Humanity, which constructs emergency housing in the wake of global disasters under the CC Developing Nations licence.

DEMOCRACY CASE STUDIES

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| <i>Association for Progressive Communications – Australia (apc.au)</i> | 47 |
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The following case studies underscore important initiatives to encourage awareness, realisation and protection of rights for all stakeholders. They reinforce the critical collection and dissemination of independent perspectives enabled by CC. As featured, international projects including EngageMedia (<http://engagimedia.org>), the New Internationalist collective (www.newint.org).



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Image: Democracy by Locace, CC BY-NC-ND 2.0 Generic, www.flickr.com/photos/locace/2664840730



extend democratic debate into the digital realm. Meanwhile, independent Brisbane radio station 4ZZZ and publisher Aduki Press (www.aduki.net.au), through their Convergent Community Newsroom and publication of *Stick This in Your Memory Hole* respectively, combine online dissemination with more traditional media to ensure they reach the widest possible audience. For these organisations, Creative Commons is an important tool

in the development of community consciousness, providing a legal framework for the free expression of ideas and sharing of ideals by individuals who may not otherwise find opportunities or have the ability to engage in the public domain. By encouraging the broad dissemination of alternative points of view, beyond the restrictions of 'all rights reserved' copyright, these groups are fostering the freedom of thought and speech for the ultimate betterment of all society.

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org), openDemocracy (oD) (www.opendemocracy.net) and International IDEA Publishing (www.idea.int/publications) embrace open access ideals to ensure that marginalised views find appropriate forums. In this way, as expressed by *New Internationalist*, they bring 'life to the people, the ideas and the action, in the fight for global justice.' By encouraging alternative, collaborative story-telling, these case studies challenge the enduring corporate dominance of mainstream media and help to overcome boundaries of geography, class, gender, spirituality and sexuality. Simultaneously, these organisations create an extensive series of freely available and reusable knowledge resources for their communities, encompassing expert networks, organisational assistance and policy determinations.

On the home front, prominent projects such as the Association for Progressive Communication Australia (apc.au) (<http://apc.org.au>), YouDecide 2007 (<http://youdecide.org>), and the Australian GreensBlog (<http://greensblog.org>) utilise CC to leverage the latest technologies to



Instilling Alternative Points of View

Association for Progressive Communications – Australia (apc.au)

DESCRIPTION: apc.au advocates for open content and flexible licensing models for the benefit of the community.

WEBSITE: <http://apc.org.au>, Wiki: <http://wiki.apc.org.au>

LICENCE USED: Creative Commons BY-NC-ND 2.5 Australia, <http://creativecommons.org/licenses/by-nc-nd/2.5/au>, Creative Commons BY-NC-SA 2.5 Australia, <http://creativecommons.org/licenses/by-nc-sa/2.5/au>

MEDIA: Online media

LOCATION: Australia

Overview

The Association for Progressive Communications – Australia (apc.au) is a digital media communications organisation established in 1997 on the ideals expressed in Internet Rights Charter (<http://rights.apc.org/charter.shtml>) of the Association for Progressive Communications (APC). The organisation is engaged in both the development of, and sustainable access to, community-owned information. Emphasising awareness, realisation, and protection of rights, the Charter commits to Internet access for all, access to knowledge, particularly with respect to shared learning and content creation using free and open-source software, and freedom of expression and association.

Within this framework, apc.au's core objectives are:

- 1 To promote and provide services for the development, application and strategic use of, and community education in respect to online and digital media technologies;

- 2 To develop and provide networking online media services, applications and content, including advisory, consulting and related services, production and research;
- 3 To assist the civil sector in the use of online media services and in the development and publication of network content, in areas of community interest including environment, social development, human rights and social justice; and
- 4 To support online media initiatives through the Australasian and Asia-Pacific areas and promote open and equitable access to online media technologies particularly for the non-government sector and disadvantaged groups and for the development of strategic working communities.

apc.au sits on the steering committees of Open Spectrum Australia (<http://openspectrum.org.au>), Home Lands (http://wiki.apc.org.au/index.php?title=Home_Lands) (remote



The GNU and CC are '...tools that provide a legal framework that would ensure ownership of cultural and intellectual property remains within the public domain and for the public good.'

Grant McHerron, Technical Director, apc.au

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The APC Internet Rights Charter identifies the ability to share information and to communicate freely using the Internet as vital to the realisation of human rights. As such, there needs to be Internet access for all and the use thereof must allow freedom of expression and association and access to knowledge to be effective. The charter also highlights issues such as privacy, surveillance, encryption and governance of the Internet as barriers to realising this objective.

communications program for refugee youth) and the Arts Law Consortium (providing access to ICT rights issues to cultural development and arts workers).

Since its establishment in 1990, apc.au's umbrella organisation, the Association for Progressive Communications (APC), has worked with the United Nations to help civil society organisations participate in global policy-making via the strategic use of information and communication technologies (ICTs) including the Internet. APC also examines issues surrounding privacy, surveillance, and encryption, and governance of the Internet.

apc.au sits alongside members in Argentina, Bulgaria, Colombia, the Democratic Republic of Congo, Italy, Mexico, the Philippines, South Africa, Spain, the UK and Uruguay. In addition to many members offering local portals to discuss ICT policies and rights in their respective regions, APC works to achieve social and environmental justice and sustainable development. APC members are often the first providers of Internet in their countries, and they continue to pioneer practical and relevant uses of ICTs, particularly in developing nations and with grassroots organisations. Governed by its constitutive members, APC sets its strategic policies every four years.

Licence Usage

Typically, apc.au's projects developed with partners, clients and associates utilise Creative Commons Attribution-Noncommercial-No Derivative Works licenses (<http://creativecommons.org/licenses/by-nc-nd/2.5/au>). Current projects developed by apc.au include Home Lands, VIDEO SLAM and Sarawak Gone.

Home Lands is designed to connect young refugees to their homelands and separated communities via online media and Creative Commons rights management in association with the Cultural Development Network, the Home Lands Reference Committee, and with support from the City of Melbourne.

VIDEO SLAM (www.openchannel.org.au/blogs/videoslam) is a rights and production management workshop that encourages cross-discipline collaboration in the use of flexible licences. This results in the production of new works that put Creative Commons licences into direct contact with screen practitioners. VIDEO SLAM explores whether these licences can be used to create new works from Share Alike content and whether there is enough material in the public domain to produce works that are both meaningful and watchable.

Sarawak Gone (wiki.apu.org.au/index.php?title=Sarwak_Gone) is a trial of the use of Creative Commons in an indigenous context. It is a community media project documenting meetings between six indigenous communities in remote and urban locations in Malaysia. All video shot, edited and distributed will remain the intellectual property of the communities that comprise the project. In addition to their projects, apc.au



CREATIVE COMMONS CASE STUDIES

has also released 10 years of essays, lectures, reports and articles dealing with information communication technologies for cultural development (ICT4CD) (<http://wiki.apc.org.au/index.php?title=Documents>), under a Creative Commons Attribution-Noncommercial-No Derivative Works Licence in support for Document Freedom Day 2008 (DFD) (www.documentfreedom.org). Managing Director Andrew Garton explains in the press release (http://wiki.apc.org.au/index.php?title=DFD08_Media_Release) the significance of this decision for documentation:

'The author may choose to reserve some or all rights through open licenses, providing consumers with immediate access to how content may be used, re-used and/or attributed without having to communicate with neither the author nor any 3rd party. Open licenses puts rights management directly into the hands or authors of any form and medium.'

apc.au is also working to establish an open business model that provides operational transparency, effectively applying the open and flexible concept to the company itself.

apc.au, with Rachel Cobcroft from Creative Commons Australia in May 2008, he expressed the following opinion:

'Open models for licensing, for research and education, the arts and cultural practice, science and business... for everything that we make and the resources we rely on, are an imperative towards the need to move from the dire outcomes of opportunistic development and the mechanisms currently in place to protect them.'

'These tools apply a sense of collective ownership that stimulates innovation and the transformation of unsustainable practices without the burden of patents. apc.au, through its various projects, from broadcast spectrum policy to public performance, from online media advisory to research in collective music making, we seek a more liberal, sustainable society that respects, protects and enhances both bio and cultural diversity and is nourished by it.'

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apc.au homepage, July 2008

The screenshot shows the apc.au homepage from July 2008. The header reads "apc.au – digital media production, research, advisory". The main content area has several sections: "Programs" (with logos for Toy Satellite media arts, Secession Records, and APC), "Welcome to apc.au" (with a brief history of apc.au Ltd), "Newsfeeds" (listing recent news items), "apc.au ICT Rights Monitor" (with links to IGF 2007, Threat to Sth Korea ICF rights, and IGF 2007), "c2o News" (with links to c2o decommissioning, APC Council Meeting, and Equitable Access), and "Secession Records" (with links to Secession wiki, Son of Science out in April, and Secession storage meltdown). A sidebar on the right allows users to enter their name and email for news updates. The footer includes a Creative Commons license notice ("Licensed under a Creative Commons Attribution-NonCommercial-NoDerivs Commons Deed. Reproduction of materials is encouraged provided acknowledgment is given.") and a "GREEN HOSTING" logo.

Motivations

'apc.au advocates for and employs open licenses such as GNU and Creative Commons as tools that provide a legal framework to ensure that ownership of cultural and intellectual property remains within the public domain and for the public good.'

In an email interview with Grant McHerron, Technical Director of



BUILDING AN AUSTRALASIAN COMMONS

Architecture For Humanity

DESCRIPTION: Architecture for Humanity is a California-based, non-profit organisation which promotes social design, encouraging architects and designers to seek architectural solutions to humanitarian crises.

WEBSITE: www.architectureforhumanity.org

LICENCE USED: Creative Commons Developing Nations 2.0,
<http://creativecommons.org/licenses/devnations/2.0>

MEDIA: Architecture, Design

LOCATION: Global

Overview

'One billion people live in abject poverty.

Four billion live in fragile but growing economies.

One in seven live in slum settlements.

By 2030 it will be one in three.

What is needed is not one solution but millions of solutions.'

www.architectureforhumanity.org/network

For Architecture for Humanity (AFH) these facts epitomise the global housing crisis. It is also the basis for their motto 'Design like you give a damn.' Founded from a single laptop computer in 1999 by Cameron Sinclair and Kate Stohr, AFH is a charitable organisation which promotes social design, seeking architectural solutions to humanitarian crises. Based in California, and with chapters around America and in Canada, the United Kingdom, Ireland, Italy, Mexico, Singapore, New Zealand and Australia, AFH responds to global events: present and past projects encompass the establishment

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Architecture for Humanity has local chapters in Sydney, Australia; Montreal, Canada; Dublin, Ireland; Genoa and Torino, Italy; Tampico, Mexico; Auckland, New Zealand; Singapore; United Kingdom; Atlanta, Ames, Anchorage, Austin, Blacksburg/Virginia Tech, Boston Bradenton, Chicago, Cleveland, Detroit, Hawaii, Houston, Indianapolis, Knoxville, Los Angeles, Minnesota, New York, Fargo, Ottawa, Philadelphia, Portland, Sacramento, Salt Lake City, San Diego, San Antonio, San Francisco, Seattle, St Louis, Tampa and Washington DC, United States.



Image: a Google Map representing chapters of Architecture for Humanity around the world.
www.architectureforhumanity.org/chapters



Instilling Alternative Points of View

of transitional housing for returning refugees in Kosovo, mobile health clinics in Sub-Saharan Africa, an HIV/AIDS outreach centre in South Africa, and rebuilding after Hurricane Katrina in the Biloxi Model Home Program (www.architectureforhumanity.org/programs/katrina/katrina.htm).

Co-founder Cameron Sinclair explained his philosophy for sustainable housing in his acceptance speech for the 2006 TED prize (www.ted.com/index.php/talks/view/id/54), stating his wish to 'create a global open-source network that will let architects and communities share and build designs to house the world.' A result of this 'one wish to change the world' was the establishment of the Open Architecture Network (OAN) (www.openarchitecturenetwork.org) in 2007, developed in conjunction with Creative Commons and Sun Microsystems. OAN aims to respond to the UN Millennium Development Goal of achieving 'improvement in the lives of 100 million slum dwellers for the year 2015.' The network involves not only professional architects; it incorporates community leaders, educators, healthcare workers, non-profit organisations and technologists, amongst others with relevant expertise. Reaching their audience through competitions, workshops, educational forums and exhibitions, OAN fosters public appreciation for the diverse ways that architecture and design can improve lives.

The contribution made by AFH has been further recognised in the granting of the 2005 Index Award to Improve Life (Community) and in 2006, the Innovation

These drawings are for a homeowner on the Mississippi Gulf Coast. She lost her home at 207 Elmer Street in hurricane Katrina in 2005 and was also later swindled out of thousands of dollars by a fraudulent contractor. The home was built by the East Biloxi Coordination Center with Four Square.

of the Year from the Observer's Ethical Awards and *Wired Magazine's* Rave Award for Architecture.

Licence Usage

AFH's projects are licensed under the Creative Commons Developing Nations licence (<http://creativecommons.org/licenses/devnations/2.0>). As profiled by Ethan Zuckerman in his blog discussing international development ([www.ethanzuckerman.com/blog/2004/09/17/creative-commons-developing-nations-license](http://ethanzuckerman.com/blog/2004/09/17/creative-commons-developing-nations-license)), this is 'a simple solution to a complex problem' surrounding commercial operations in 'high-income' nations versus non-commercial projects in developing nations. The licence allows the retention of full copyright in the developed world, whilst permitting individuals and organisations of the developing world to work within an attribution-only framework. This approach also benefits local designers, as they can develop a targeted solution for their region, and then go on to market to a broader audience across developed nations in the West.

In June 2006, Kathryn Frankel from Creative Commons asked Cameron Sinclair about how AFH uses CC licences (<http://creativecommons.org/weblog/entry/7026>):

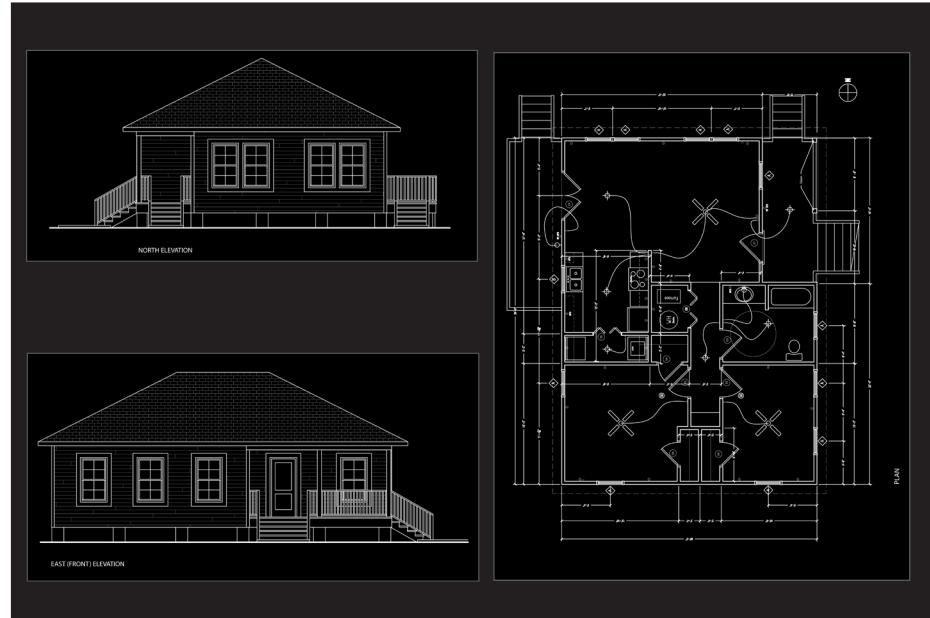


Image: D. Jason Pressgrove/Architecture for Humanity/Gulf Coast Community Design Studio. Used with Permission.



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'We use the Developing Nations licence for the designs of our buildings. Once the first prototype building is completed, we can essentially give away the designs to other communities in other developing nations.'

Licenses are granted in the designers' names. This actually came out of a project we did, the architect felt by doing the project, he would lose the design. So half of it is a reassurance, the other half is to give architects the confidence to actually do pro bono work and not feel that their creativity will be given away.'

The Creative Commons Developing Nations licence has subsequently been retired, given that it did not permit worldwide non-commercial verbatim sharing, and that there was an inadequate demand (<http://creativecommons.org/retiredlicenses>). The licence is still useable and legally enforceable, however Creative Commons will no longer be updating this licensing stream.

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Motivations

On the extent to which CC licences could benefit the architectural and humanitarian design community, Cameron Sinclair said:

'...CC licenses could act as a platform, like a legal standard, that designers could work from. At the moment, the industry is in a very gray area and nobody knows what belongs to who, who's really the designer, who's liable. CC licensing could clear that up.'

<http://creativecommons.org/weblog/entry/7026>

The AFH vision expresses the ideal for infrastructure to be designed and built locally:

'We believe that this can be achieved not by replicating a design that was successful in one situation in another, but by encouraging locally-inspired designs and by enabling these solutions to be shared and freely adapted by all.'

[www.architectureforhumanity.org/about](http://architectureforhumanity.org/about)

History of the CC Developing Nations Licence

On 13 September 2004 Creative Commons launched the Developing Nations licence. The operation of the licence is similar to an Attribution licence—it allows sharing and adaptation, even for commercial gain. The key difference between that licence and the Developing Nations licence is the inclusion of an additional restriction, limiting the use of licensed material to developing nations only. The licence defines 'developing nations' as 'any nation that is not classified as a "high-income economy" by the World Bank. On the World Bank website, they publish a list of high-income economies, www.worldbank.org/data/countryclass/classgroups.htm.

Creative Commons 'retired' this licence, as well as one other licence, on 4 June 2007. It was deemed to not have enough uptake to warrant maintaining it. At the time of retirement, Creative

Commons stated, 'We estimate just 0.01% of our existing licenses are Developing Nations licenses.' Another concern was raised:

'While the license frees creative work in the developing nations, it does not free work in any way elsewhere. This means these licenses do not meet the minimum standards of the Open Access Movement.'

On these grounds, it was decided to no longer endorse the Developing Nations licence. The Commons Deed for the Developing Nations licence states that the licence is retired and should not be used for new work. All works released under it before retirement remain protected by the licence. The full rationale is published on the Creative Commons blog at <http://creativecommons.org/weblog/entry/7520>.



EngageMedia

DESCRIPTION: EngageMedia is a video-sharing website focused on social justice and environment issues in Australia, South-East Asia and the Pacific.

WEBSITE: www.engagimedia.org

LICENCE USED: Default, blanket CC BY-NC-SA 3.0 Unported, <http://creativecommons.org/licenses/by-nc-sa/3.0/>, User-definable Creative Commons 3.0 Unported suite, GNU Free Documentation Licence, www.gnu.org/copyleft/fdl.html, or other licence

MEDIA: Video, text

LOCATION: Australia, South-East Asia, Pacific

Overview

EngageMedia is a ‘web 2.0’ video-sharing website for film on social justice and environmental issues in South-East Asia, Australia, and the Pacific. As a platform for the production and distribution of documentaries, artistic, and experimental video works, EngageMedia seeks to create a community of filmmakers, artists, and activists from around the region who inform viewers of local and global actions for social change. The site seeks to distribute films that are largely ignored by commercial and government media institutions and that cannot gain access to traditional distribution channels.

Emphasising open access and collaborative frameworks, the site supports the dissemination of independent perspectives to challenge the enduring corporate dominance of traditional media. It also exists to provide tools and training for marginalised communities, thereby establishing a mutually supportive network of peers working towards sustainable development.

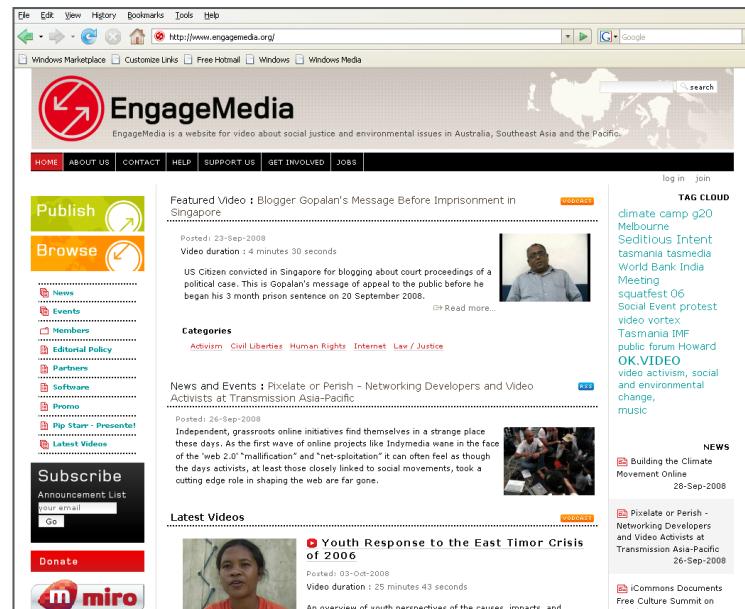
EngageMedia is contemplating the future implementation of a donations-

based micro-payment system, allowing members to contribute financially or on a voluntary basis to emergent projects. In the interim, material is indirectly exposed to revenue opportunities via festivals, competitions and broadcasts.

Based on peer-to-peer (P2P) technologies, the EngageMedia site offers a comprehensive *Guide to Digital Video Distribution* (www.engagimedia.org/guide-to-digital-video-distro). The ability of contributors’ to expose environmental destruction and human rights abuses through well-researched

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EngageMedia homepage, October 2008



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A clip on EngageMedia documents monks demonstrating against the Burmese Military Government, 29 September 2007

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submissions, the EngageMedia collective states simply, ‘We want to build media that questions how the world works.’

EngageMedia was launched at the Earthling National Environmental Activist Forum at the annual This Is Not Art (TINA) Festival in Newcastle, on 30th September 2006. The forum explored broad ideas about the way in which individuals can be more effective activists through the tools they use. EngageMedia’s offices are based in Melbourne, Australia, and their collective currently comprises five new media specialists.

Licence Usage

EngageMedia furthers its intention to create an alternative presentation and distribution point for independent film by establishing itself as a digital archive of independent video productions employing open content licences. The Editorial Policy of the site states:

‘We want visitors to this site to be able to freely copy and redistribute the works here as long as it is for non-profit purposes, unless you choose to let others use your work for commercial purposes also. Work should preferably be share-alike, which means “I share if you share”, allowing others to re-edit or use part

of your work in theirs, so long as they allow others to do the same with their work. Apart from the ethics of such a policy, we believe it is practically impossible to stop people reproducing your work once it is in digital form. This is also a positive, however, as people will help you distribute your work around the globe if they enjoy it.’

www.engagemedia.org/editorial-policy

The site applies a blanket default Creative Commons Attribution-Noncommercial-Share Alike 3.0 Unported Licence to all uploaded content. During uploading, the site requires users to decide if they will apply the default licence, select another licence among the most recent unported versions of the Creative Commons licences, or apply the GNU Free Documentation Licence. The workings of the CC licences are outlined in detail on the site (www.engagemedia.org/creative-commons), where distinctions are drawn between commercial and non-commercial uses, and options for derivative works. EngageMedia integrates a Creative Commons licence generator into the video upload process, thereby making the process of identifying a licence and applying it to the film very easy. The site also provides tools to enable videos to be embedded into other web pages, as well as an easily downloadable high-resolution version of each film.

To encourage further development and distribution of freely-available content, this video software is also available in an open-source format.

‘The EngageMedia website encourages users to download and share video, rather than simply streaming the video. We want people to be able to save the videos and re-distribute them. The need to open up other channels of distributing this kind of work is clear and



encouraging the sharing of work on the Internet by removing restrictive copyright will open up these channels.'

[http://creativecommons.org.au/
commoners/engagimedia](http://creativecommons.org.au/commoners/engagimedia)

Motivations

Based on the philosophies of open access and sharing, the EngageMedia site embraces Creative Commons as offering a practical framework for compliance with copyright laws in many nations. In an interview conducted by Creative Commons Australia project officer Elliott Bledsoe with Anna Helme from EngageMedia (<http://creativecommons.org.au/commoners/engagimedia>), the site's motivations to license under Creative Commons are clearly explained:

'For us we found that Creative Commons provides a very usable framework for filmmakers wishing to use open content licences. They can allow reproduction and distribution while preserving some rights that leaves open the potential to recoup funds through commercial distribution of their work.'

The growing popularity of Creative Commons licences has been a key incentive to their implementation on the site. Anna Helme believes that the commons have now reached a critical mass, increasing their utility. She says:

'CC has proved itself to be a very effective social tool as evidenced by its large and growing popularity. It's really important for open content licenses to have a critical mass of people using them and CC has achieved this very quickly. For me CC is both a practical

'...we're interested in collaborative storytelling, and in moving away from restrictive copyright laws that enforce rigid ideas of individual intellectual property.'

www.engagimedia.org/creative-commons

framework for us to deal with restrictive copyright, enabling us to provide the service we set out to provide, and in terms of its political approach it is an interesting and positive example of a legal framework built by lawyers but based on social movements and cultural realities. It also differs from other approaches to copyright management such as waiting for law reform or disregarding the law entirely and embracing video piracy as an ethic itself.'

When asked about filmmakers' motivations to upload their video on EngageMedia, Anna Helme opines:

'The message rather than the profit tends to be the primary motive in this kind of independent production, but filmmakers are often interested in attaining mainstream distribution to reach mainstream audiences, in recouping funds and in building a reputation to further their career in film in video production. Video activists are also often interested in having some control over the context in which their video is distributed. This means that producers are less likely to wish to release their work into the public domain. They would prefer to make choices about which rights they wish to reserve, which is where Creative Commons is especially useful.'



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Global Voices Online

DESCRIPTION: The Global Voices Online project presents writings from an international team of bloggers who monitor online conversations pertaining to their regions.

WEBSITE: www.globalvoicesonline.org

LICENCE USED: Creative Commons BY 2.5 Generic, <http://creativecommons.org/licenses/by/2.5/au>

MEDIA: Text, podcasts

LOCATION: Operation is global, divided into six regions: Middle East/North Africa; Sub-Saharan Africa; East Asia; South Asia; the Americas; Eastern Europe, Russia, Caucasus and Central Asia.

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Overview

Global Voices Online (GVO) is an award-winning non-profit project founded in 2004 by the Berkman Center for Internet and Society, Harvard Law School (<http://cyber.law.harvard.edu>). The project's goal has been to redress the inequities in media attention by leveraging the power of 'citizens' media'. This is achieved by aggregating online materials, such as wikis, weblogs, podcasts, tags, and online chats, thereby drawing attention to the

conversations—the 'global voices'—which have hitherto gone unheard. The project works to develop tools, to establish institutions, and to foster relationships in parts of the world where opinion is rarely sought.

'We believe in the power of direct connection. The bond between individuals from different worlds is personal, political and powerful. We believe conversation across boundaries is essential to a future that is free, fair, prosperous and sustainable - for all citizens of this planet.'

Global Voices Online Draft Manifesto, www.globalvoicesonline.org/wiki/article/Global_Voices_Draft_Manifesto

Launched by Berkman Fellows Rebecca MacKinnon and Ethan Zuckerman, the Global Voices project draws on an international team of bloggers who monitor online conversations pertaining to, and occurring in their regions. Operationally, the organisation works through six regional editors: from the Middle East and North Africa; Sub-Saharan Africa; South Asia; East Asia; the Americas; and Eastern Europe,



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Russia, Caucasus and Central Asia. Feeds are summarised and distilled on a daily basis, and key bloggers are interviewed to provide diverse and geographically dispersed perspectives.

Materials are translated into Bangla, Spanish, Farsi, French, Portuguese, Chinese (simplified and traditional), and will soon be available in German, Hindi, Japanese, Arabic, and Malagasy.

Seeking representative samples of Internet reportage, Global Voices approaches prominent regional members in the blogosphere as emerging leaders in their local communities to contribute to the site. In the words of founder Ethan Zuckerman, this is 'someone who is already a good blogger, already has a readership, already has an understanding of the communities they're dealing with.' Global Voices encourages direct contact with the contributors to the site, particularly from news organisations interested in the stories provided.

'This is a small planet in need of some big ideas. The more people there are in the conversation, the more likely we are to find them.'

www.worldchanging.com/archives/001769.html

Licence Usage

The Global Voices site is published under a Creative Commons Attribution 2.5 licence. The site's attribution policy (www.globalvoicesonline.org/about/global-voices-attribution-policy) outlines that whilst the site both authorises and encourages people to re-use its content, it is also important that contributors to

'We believe that sharing our content in this way is most consistent with our main goal: making the voices of bloggers around the world heard...'

Global Voices Online Draft Manifesto

the site receive appropriate credit. As such, Global Voices strongly encourage the use of their badge with a link back to the homepage.

Motivations

'We believe that sharing our content in this way is most consistent with our main goal: making the voices of bloggers around the world heard by as many people as possible.'

Global Voices Online Draft Manifesto

The philosophy underlying Global Voices' decision to use the Creative Commons Attribution 2.5 Generic licence for all materials has been to 'make it easy for... content to be republished on other websites, commercial and non-commercial, so long as those sites credit [Global Voices] as the original source.'

Contributors to Global Voices seek to 'respect, assist, teach, learn from, and listen to one another.' Whilst they 'continue to work and speak as individuals,' they also seek to 'identify and promote [their] shared interests and goals,' thus supporting the ideals of civil society (http://www.globalvoicesonline.org/wiki/article/Global_Voices_Draft_Manifesto).



Global Voices Online was the winner of the 2005 Deutsche Welle award for Best Journalistic Blog in English. It was also the recipient of the 2006 Knight-Batten Grand Prize for Innovations in Journalism.



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GreensBlog

DESCRIPTION: GreensBlog is the official online presence of the Australian Greens Senators.

WEBSITE: <http://greensblog.org>

LICENCE USED: Creative Commons BY-SA 2.5 Australia, <http://creativecommons.org/licenses/by-sa/2.5/au>

MEDIA: Images, Text

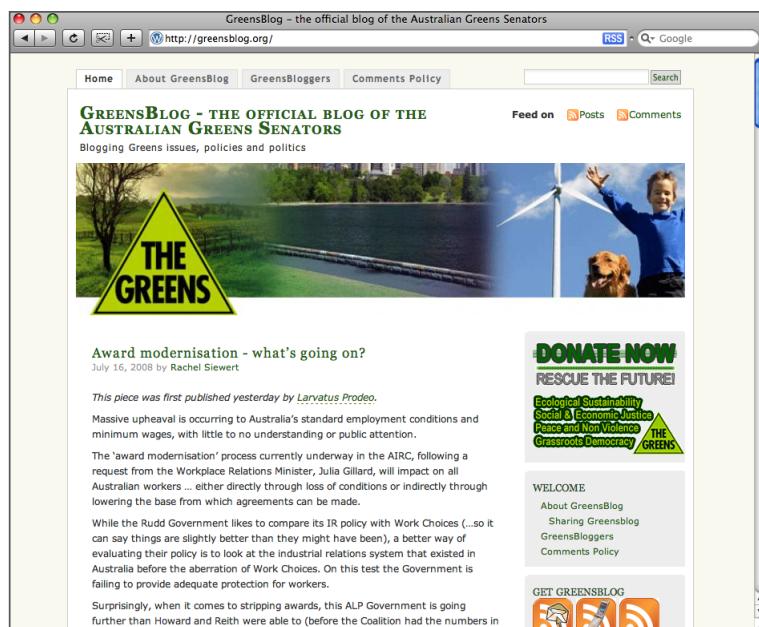
LOCATION: Australia

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Overview

The Australian Greens Blog, known as 'GreensBlog,' was established as the online presence of 'The Greens' for the 2007 Australian federal election. The blog presents the issues, politics and policies of the federal party, emphasising the possibilities for online grass-roots action. Intended to engage as many people as possible in a constructive discussion about Greens issues, the blog features writing by current Greens Senators (or 'Senabloggers'), including:

GreensBlog homepage, July 2008



- The leader of the Australian Greens, Senator Bob Brown, Greens Senator for Tasmania since 1996;
- Senator Christine Milne, Greens Senator for Tasmania since 2004;
- Senator Rachel Siewert, Greens Senator for Western Australia since 2004;
- Senator Scott Ludlam, Greens Senator for Western Australia since 2007; and
- Senator Sarah Hanson-Young, Greens Senator for South Australia since 2007.

Some Greens staffers also contribute, including Tim Norton and Chris Twomey from Senator Siewert's staff, Tim Hollo and Oliver Woldring from Senator Milne's staff, Adam Burling from Senator Brown's staff and Gemma Clark from Senator Hanson-Young's staff.

GreensBlog is a complementary strategy to the Green's YouTube video platform (www.youtube.com/australiangreens). Through these web 2.0 initiatives, the Australian Greens discussed their policies of ecological sustainability, social and economic justice, grass-roots democracy, and peace and non-violence. As expressed by Tim Hollo:



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'Our hope and intention is that, over time, [the GreensBlog] can become an effective space for open source democracy'

GreensBlog, <http://greensblog.org/about>

'As the mainstream media becomes more superficial, web 2.0 begins to offer greater opportunities for in depth discussion and analysis. We'd love to see GreensBlog become a vibrant hub for discussion of Greens-related issues, what's been going on in Parliament and our constituencies, and how the Greens might address issues of the day.'

<http://greensblog.org/2007/10/03/open-source-democracy>

Licence Usage

All content featured on the GreensBlog is, unless otherwise noted, licensed under a Creative Commons Attribution-Share Alike 2.5 Australia licence (<http://creativecommons.org/licenses/by-sa/2.5/au>). Underscoring participation in democratic processes, the blog actively encourages reuse and referencing of entries with appropriate attribution. Through its 'sharing' facility (<http://greensblog.org/about/sharing-greensblog>), GreensBlog enables its readership to publish the party's RSS feeds of latest headlines through widgets and 'blidgets' – a highly customisable widget intended to be in keeping with the theme of individuals' blogs.

Greens staffer Tim Norton notes in an email interview with Rachel Cobcroft from Creative Commons Australia in May 2008 that he first heard about CC from members of the Brisbane office, and has used the licences for other projects in the past. For the GreensBlog, Tim notes:

'We chose the Attribution-Share Alike license as we need people to recognise and attribute our work, whilst at the same time ensuring that the license is passed on. We cannot use a Noncommercial license, as occasionally our work will be reprinted in commercial publications.'

According to Tim, the site uses CC-licensed images used wherever possible, and plans to implement Creative Commons across all its web presence.

Motivations

Exhorting readers to link back to GreensBlog 'liberally and often,' the site seeks to become an effective space for open source democracy (<http://greensblog.org/2007/10/03/open-source-democracy>). As Tim Hollo observes in a guest column on 3 October 2008 at Larvatus Prodeo (<http://larvatusprodeo.net/2007/10/03/guest-post-by-tim-hollo-open-source-democracy>), the following inspired the establishment of the GreensBlog:

'Our ultimate, and most exciting aim is to go beyond discussion, way beyond message dissemination, and use the blog to develop something new: open source democracy. We want ideas – suggestions for parliamentary motions, for amendments to bills. We want to post policies in development so that the hivemind can help us develop them. If, as we believe is possible, we achieve balance of power in the Senate after this election, GreensBlog as envisaged could have a real impact on the choices Australia's Parliament makes in the coming years.'



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International IDEA Publishing

DESCRIPTION: International IDEA is an intergovernmental organisation seeking to strengthen democratic processes and institutions worldwide.

WEBSITE: www.idea.int/publications

LICENCE USED: Creative Commons BY-NC-SA 3.0 Unported,
<http://creativecommons.org/licenses/by-nc-sa/3.0>

MEDIA: Text

LOCATION: Global. Headquartered in Stockholm, Sweden, with offices in Asia, Africa, and Latin America.

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Overview

The International Institute for Democracy and Electoral Assistance (International IDEA) (<http://www.idea.int>) functions as an intergovernmental organisation to support sustainable democracy. Offering an extensive series of knowledge resources in the form of expert networks, policy proposals and organisational assistance with democratic reform, International IDEA seeks to strengthen global political processes. Based in Stockholm, Sweden, International IDEA has offices in Africa, Asia, and Latin America. Governed by a Council comprising Member States and assisted by a Board

of eminent officials, International IDEA has been granted observer status at the United Nations. International IDEA's areas of expertise lie specifically in constitution-building and electoral processes, assessing political parties, and providing support thorough examinations of democracy and gender.

As part of the knowledge resources it generates, each year International IDEA publishes a substantial range of new titles in the areas of democracy assessment, conflict management, electoral processes, political parties, constitutional-building processes and gender. IDEA's research seeks to promote accountability, efficiency and

Three publications from the extensive list of IDEA publications made available under Creative Commons Attribution-Noncommercial-Share Alike licenses: Strengthening Women's Political Participation in Indonesia, Democracy and Deep-Rooted Conflict: Options for Negotiators and Building Democracy in Jordan. IDEA has published a vast portfolio of reports in a number of languages under Creative Commons.



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transparency for democratic processes and institutions, and to inform the debate surrounding political participation and capacity building. These publications are on the IDEA site (www.idea.int/publications), where titles are able to be browsed by topic, region, and language, then downloaded to disk. Databases containing information on the workings of democracy are able to be accessed through the site and include Voter Turnout, the ACE Electoral Knowledge Network, the Reconciliation Resource Network, and Quotas for Women.

'IDEA's work strengthens the processes for citizens non-governmental organisations and governments to debate the essential elements of democracy.'

Licence Usage

In 2007, International IDEA allowed the application of the Creative Commons Attribution-NonCommercial-Share Alike 3.0 Unported licence (<http://creativecommons.org/licenses/by-nc-sa/3.0>) to selected titles within its publications. IDEA's CC-licensed works are listed at http://www.idea.int/publications/cc_publications.cfm, in alphabetical order. As of 20 December 2007, there are 104 International IDEA titles licensed under CC.

The IDEA's Publications portal, July 2008

The screenshot shows the International IDEA Publications website. At the top, there is a navigation bar with links for Home, Areas of expertise, Regions, Publications & resources (which is the active page), Newsroom, and About us. Below the navigation, there is a search bar and a 'Print' button. The main content area has a sidebar on the left titled 'Publications'. It says: 'As part of the knowledge resources that it generates and provides to support sustainable democracy worldwide, every year International IDEA publishes a comprehensive range of new titles.' It also mentions that publications can be found in printed and electronic formats, and provides instructions for ordering print copies or downloading electronic versions. A note about Creative Commons licensing is present. The main content area features a 'NEW RELEASES' section with several thumbnail images of publications like 'Assessing the Quality of Democracy: A Practical Guide' and 'Assessing the Quality of Democracy: An Overview of the International IDEA Framework'. To the right of this is a 'PUBLICATIONS DATABASE' section with a search interface for Topic, Region, Language, and Order. At the bottom of the sidebar, there is a note about publications available under a Creative Commons licence.

www.idea.int/themes/index.cfm

Guidelines on how to use the CC-licensed documents are available at http://www.idea.int/publications/how_to_use_ccl_titles.cfm.

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Motivations

International IDEA's move to license its publications under Creative Commons in 2007 was seen to ensure increased access to the organisation's research,

thereby promoting the aims of collaboration, reconciliation, and inclusive democracy. As with all CC licences, the copyright of the author is asserted in each instance, and sits alongside an indication of the uses for which no permission needs to be secured, provided that the licence's conditions are followed.



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New Internationalist

| | |
|---------------|--|
| DESCRIPTION: | <p><i>New Internationalist</i> exists to inform, educate and communicate its message and ideals in an accessible style through the New Internationalist magazine, books, Internet and other media. New Internationalist Publications seek to 'bring to life the people, the ideas and the action in the fight for global justice.'</p> |
| WEBSITE: | www.newint.org |
| LICENCE USED: | Creative Commons BY-NC-ND 2.5 Generic, http://creativecommons.org/licenses/by-nc-nd/2.5 |
| MEDIA: | Text |
| LOCATION: | Global, headquartered in Oxford, England with offices in Toronto, Canada; Adelaide, Australia; Christchurch, Aotearoa/New Zealand; and Tokyo, Japan. |

Overview

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New Internationalist (*NI*) is a monthly magazine which seeks to publish information relating to social justice and human rights, to address the imbalance of power between the first world and the 'majority world,' and to investigate under-reported ethical and ecological issues. Established in 1973 by New Internationalist Publications in Oxford, England, the magazine is directed by a workers' co-operative which runs as an independent trust according to strict ethical and environmental codes of

practice. *NI* also maintains editorial and sales offices in Adelaide, Christchurch, New York, and Toronto.

NI's subscriber base currently exceeds 75,000, which has enabled the not-for-profit co-operative to expand into the production of books, films, and other materials to support United Nations and related bodies concerned with community development and sustainability. Originally sponsored by Oxfam, the Cadbury and Rowntree Trusts, and Christian Aid, the co-operative has been self-sustaining since the early 1980s.

In 2007, *NI* won the Utne Independent Media Award for 'Best International Coverage' for the eighth time (www.utne.com/uipa.aspx), honouring 'independent efforts that provide bold, innovative,

New Internationalist use Creative Commons-licensed Flickr images to supplement some of their news and feature articles on www.newint.org. The image on the left was taken by Flickr user cjelli and reused by NI as a draw-in to a feature by Anna Chen about the arduous task of ironing which begs the question, 'What's wrong with crinkles, anyhow?'

Image: bookstore, clothed. by cielli. CC BY-NC-ND 2.0 Generic.
www.flickr.com/photos/glassware/120955789



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thought-provoking alternatives to mass media fare' (www.newint.org/about/the-co-operative). Other major accolades include the Independent Press Award for 'Best International Coverage,s' awarded for the seventh time, in addition to the highly-regarded readers' poll, awarded in 2000. NI has been recipient of the United Nations Association Media Peace Prize for its outstanding contribution to world peace and development, as well as the United Nations Development Programme Paul Hoffman Prize awarded for NI's outstanding contribution to world development. The magazine has also been widely endorsed by its readership, which includes John Pilger and Archbishop Desmond Tutu.

'New Internationalist is an ongoing education and a monthly reminder of our common humanity. A wonderful readable guide to the social and political forces that shape our world...With its hard-hitting coverage of world affairs, evocative first-person essays, sweeping exposes of such topics as land mines and the geopolitics of blue jeans, the New Internationalist offers a consistently unique and important perspective on global culture.'

The Editors of Utne Reader,
in presenting the 1998 award

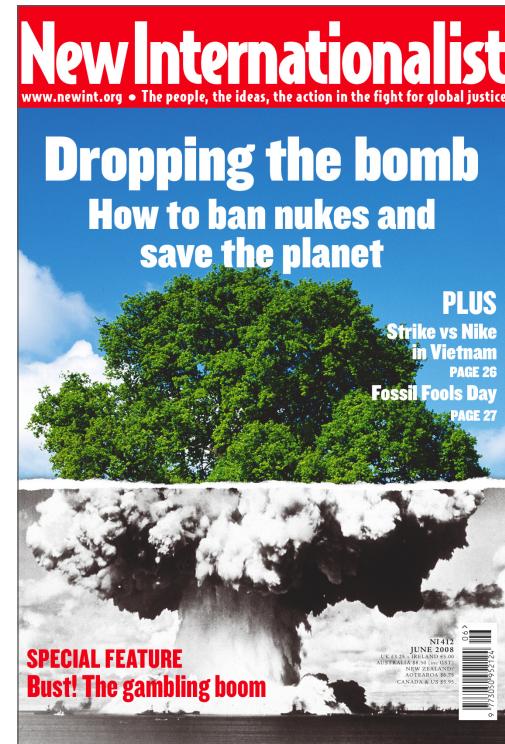
Licence Usage

NI blanket license the site under a Creative Commons BY-NC-ND 2.5 Generic Licence but explicitly exclude in the website's footer and all the images on the site. Copyright for images remains with the the photographer, illustrator or representative agency. They also state that content other than images that is not under the terms of the CC licence are noted separately. The magazine explains

this policy in detail in their copyright policies (www.newint.org/mis/copyright).

NI also uses Creative Commons licensed images from Flickr to supplement content published on the website. Each Flickr image is attributed by including a copyright logo and the photographer's Flickr username, which is linked to the specific image that NI has resued.

They also indicate that the image is available under a Creative Commons licence and link to the appropriate Commons Deed.



The cover of New Internationalist, Issue 412

Image: Front cover, New Internationalist, Issue 413, July 2008. Used with permission.

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Motivations

NI's mission statement (www.newint.org/about/the-co-operative) emphasises its campaign for social and environmental justice in the publication of previously unheard voices. In order to maintain its mission, NI values 'self-help, responsibility, democracy, equality, equity and solidarity.' The release of materials under Creative Commons licences conforms to New Internationalist's ethos of openness and democratic participation: as stated, NI exists to 'inform, education and communicate its message and ideals in an accessible style through the New Internationalist magazine, books, Internet and other media.'



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openDemocracy (oD)

DESCRIPTION: openDemocracy is an independent online magazine offering global perspectives on current issues, fostering democratic debate.

WEBSITE: www.opendemocracy.net

LICENCE USED: Some articles released under a Creative Commons BY-NC-ND 2.0 UK (England & Wales), <http://creativecommons.org/licenses/by-nc-nd/2.0/uk>, images hosted on Flickr under a Creative Commons BY-SA 2.0 Generic, <http://creativecommons.org/licenses/by-sa/2.0>

MEDIA: Text, Images

LOCATION: Global, headquartered in London with offices in New York

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Overview

openDemocracy (oD) offers an independent voice on global news and current affairs via a leading online magazine. Promoting 'free thinking for the world,' the site exists to 'publish clarifying debates to help stimulate your mind, challenge your perceptions and then invite and encourage you to take part' in a range of prominent issues surrounding human rights and democracy (www.britishcouncil.org/zerocarboncity-debate.htm). oD

openDemocracy homepage, July 2008



bridges geographical boundaries, as well as those of class, gender and sexuality, ensuring that marginalised views and voices have presence. Since its establishment in 2001, oD has hosted contributions by citizens of both the North and South, together with leading thinkers and prominent public figures such as Kofi Annan, Salman Rushdie, Richard Stallman and Siva Vaidhyanathan. Published by openDemocracy Limited, part of the openDemocracy Foundation for the Advancement of Global Education, oD is headquartered in London, UK, and maintains an office in New York.

Licence Usage

On 14 June, 2005, openDemocracy announced a partnership with Creative Commons to 'bring works by the world's leading scholars and writers into the global commons' (<http://creativecommons.org/press-releases/entry/5476>). They commitment to release the work of 150 oD authors under a Creative Commons licence, making openDemocracy the first major online publisher to adopt the CC framework on a large scale. In October 2005, Creative Commons' Senior



Instilling Alternative Points of View

Counsel Mia Garlick discussed the implications of this decision with oD's co-managing editor, Solana Larsen, on the Creative Commons blog (<http://creativecommons.org/weblog/entry/7034>), who declares that oD's commitment is 'to getting ideas out in circulation.' Meeting with 'genuine enthusiasm' by its contributing authors, oD's agreement with Creative Commons has allowed the public to republish most of the articles on the openDemocracy.net site for non-commercial ends.

'Practically, the use of [Creative Commons] licences grant participating openDemocracy authors... more control over how their works will echo through the world of digital text. They will encourage free republication and dissemination of their articles in non-commercial media across the globe.'

Siva Vaidyanathan, www.opendemocracy.net/media-copyrightlaw/creativecommons_2596.jsp

Articles published as part of this initiative are released under a Creative Commons Attribution-NonCommercial-NoDerivatives licence. They explain this relationship in detail on the website (http://www.opendemocracy.net/creative_commons), where they provide recommended attribution text and HTML code. openDemocracy also strongly encourages the use of its badge where content is republished.

Images published on the website are available on Flickr (<http://flickr.com/photos/opendemocracy>) under a Creative Commons BY-SA 2.0 Generic licence.

Motivations

Describing oD's trajectory from closed to open, Solana Larsen celebrates the decision to make the magazine's archive

'Democracy, like culture itself, must be a collaborative project.'

Siva Vaidyanathan, www.opendemocracy.net/media-copyright/creativecommons_2596.jsp

accessible to all, confident that people will 'read republished articles and be drawn to the source by curiosity.'

'Editorially, openDemocracy has paid a great deal of attention to the legal struggles that led to the development of the Creative Commons, and interviewed both Richard Stallman and Eric Raymond when Napster was still a big story. Intellectually, it was a piece of cake to see that the Creative Commons offers a constructive and democratic solution to a really huge problem. Practically, it was harder to walk boldly into unknown territory.'

Solana Larsen in interview with Mia Garlick,
<http://creativecommons.org/weblog/entry/7034>

Welcoming the collaboration between Creative Commons and openDemocracy in 2005, Siva Vaidyanathan sees the move as 'making a profound statement about the importance of openness and the dangers of a culture of excessive ownership.'

'The fact that openDemocracy's articles get picked up and re-posted on other sites, or made available out of context through Google News, not only gets them to more people, it directs some of those readers back to the site... The link back to openDemocracy, through attribution and through a literal hyperlink, is a kind of advertising, a kind of invitation, a kind of enticement.'

<http://www.sivacyracy.net/archives/004344.html>



BUILDING AN AUSTRALASIAN COMMONS

YouDecide2007

| | |
|---------------|--|
| DESCRIPTION: | YouDecide2007 is a citizen journalism initiative established by SBS, <i>On Line Opinion</i> , the Brisbane Institute, and the Creative Industries Faculty at the Queensland University of Technology to cover the 2007 Australian Federal election in a bottom-up, 'hyperlocal' fashion. |
| WEBSITE: | www.youdecide2007.org |
| LICENCE USED: | Creative Commons BY-NC-ND 2.5 Australia, http://creativecommons.org/licenses/by-nc-nd/2.5/au |
| MEDIA: | Image, Text, Video |
| LOCATION: | Australia |

Overview

YouDecide2007 is a citizen journalism project initiated to cover the 2007 Australian Federal Election in an alternative, bottom-up and 'hyperlocal' fashion. Funded as an Australian Research Council (ARC) (www.arc.gov.au) Linkage Project, YouDecide2007 is a partnership between SBS (www.sbs.com.au), On Line Opinion (www.onlineopinion.com.au), the Brisbane Institute (www.brisinst.org.au) and Creative Industries (www.creativeindustries.qut.edu.au) at the Queensland University of Technology (QUT). In the lead up to the Australian Federal Election on 24 November 2007, the site sought submissions from interested citizens on issues of relevance to their electorates, from Broome to Bennelong, across a range of formats – whether audio, video, or textual. Citizens submitted news items and opinion pieces, which were profiled on the main page as premium content (www.youdecide2007.org/content/view/20/28) or discussed in a 'sandpit' section according to their merit, and engaged in robust discussions on the 'raw' (www.youdecide2007.org/content/view/69/84) inside pages. Editorial control in differentiating content provided certainty for project partners, and allowed a gradation of experience on the site for its readership.

YouDecide2007 demonstrates how citizen journalism can complement political coverage of mainstream media outlets, creating synergies between professional 'expert' content, as provided by the project partners, and user-generated content created on the site. The YouDecide2007 project is distinctly 'hyperlocal,' emphasising 'on-the-ground' news reporting from individual electorates, and therefore illustrating the interesting interplay between local and national issues in key seats. It builds on experience from On Line Opinion in the reporting of public affairs and community management, and research expertise from QUT in the qualitative and quantitative analysis of social media and public sphere initiatives.

Licence Usage

User-generated content submitted to the YouDecide2007 site is dual licensed. Articles, images, and videos are made available to the public under



Instilling Alternative Points of View

Images: (Left to Right, Top to Bottom) Derivatives of *Howard in Bennelong* by Anne Finnane, *Bartlett Launches Indigenous Policy 1* by Murray Henman and *Culture jamming in Moreton* by Rachel Cobcroft. Derivatives made with permission. Originals all CC BY-NC-ND 2.5 Australia, available at www.youdecide2007.org



CREATIVE COMMONS CASE STUDIES

This photograph of former Prime Minister John Howard in the path of a looming balloon bearing a slogan of change in the New South Wales electorate of Bennelong is an example of user-generated content published on YouDecide2007. Below are two other user-generated images; one of Former Senator Andrew Bartlett announcing the Australian Democrats' Indigenous Policy and one documenting DIY election advertising in the Queensland electorate of Moreton.

the Creative Commons Attribution-Noncommercial-No Derivative Works 2.5 Australia licence. In addition, users grant the project partners – QUT, SBS and On Line Opinion – a non-exclusive, perpetual, world-wide licence to reuse the content for any purposes associated with the project, on the condition that appropriate attribution to the author remains (see www.youdecide2007.org/content/view/29/43). The availability of premium content for reuse by project partners was a key aspect of the ARC linkage grant.

Motivations

The YouDecide 2007 project was commenced to provide a democratic forum for alternative reporting on Australian public affairs. By analysing the dynamics of the site, the project has sought to suggest models of best practice for citizen journalists and managers of citizen journalism sites. A primary aim of the project has been to understand changes in the public sphere brought about by user-generated content, and which interventions into the mainstream political process are possible. It also engages with the current interest in the role of the Internet and user-generated content in the mainstream political process.

Barry Saunders, a QUT Creative Industries researcher with the YouDecide2007 project, commented on the site's use of Creative Commons in an interview conducted in March with Rachel Cobcroft from Creative Commons Australia:

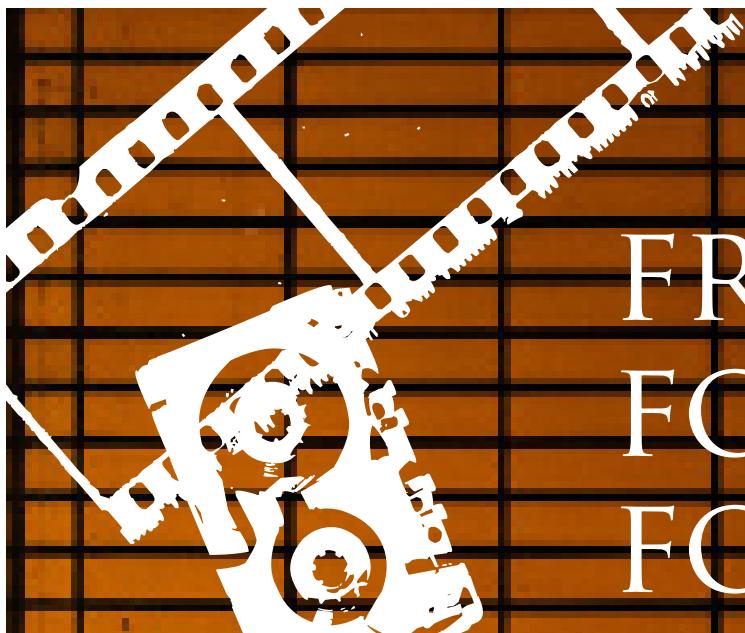


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'YouDecide2007 utilised CC licensing to allow portability of content. We thought it important that our contributors be allowed to reuse their own content as they saw fit, and that the stories spread as widely as possible. YouDecide2007 was more about getting perspectives heard than making money, and the CC licence fit our needs more than a traditional copyright licence.'



In addition, the YouDecide2007 team also sought out partnerships with regional bloggers who wanted to share their content on the site. Although permissions from the bloggers were obtained, Creative Commons licensing allowed this content to be republished with appropriate attribution.



FREEING FOOTAGE FOR ALL



Creative Commons & Moving Images

'The "some rights reserved" approach to content management synonymous to the Creative Commons licensing suite offers new content to utilise on less complicated terms; it offers new ways of thinking about, managing, and capitalising on original creative content.'

Elliott Bledsoe, The 'You Can't Touch This' Effect, p 1

Noting the difficult terrain to be traversed by creators in the digital age, *New York Times* journalist Nancy Ramsey positions the current tension between the creator and copyright law:

'Today, anyone armed with a video camera and movie-editing software can make a documentary. But can everyone afford to make it legally?'

www.nytimes.com/2005/10/16/movies/16rams.html

This tension has been manifest for filmmakers including Jonathan Caouette of *Tarnation* fame, who originally shot his documentary for approximately \$US218, but, was forced to pay copyright clearance costs close to \$US230,000 when the film's distribution was subsequently approved.

Similar scenarios unfold in *Untold Stories: Creative Consequences of the Rights Clearance Culture for Documentary Filmmakers* (www.centerforsocialmedia.org/rock/backgrounddocs/printable_rightsreport.pdf), a Creative Commons-

MOVING IMAGES CASE STUDIES

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licensed report by Patricia Aufderheide and Peter Jaszi of the Center for Social Media at the American University. The multiple barriers to rights clearances processes for documentary filmmakers are recounted with the caveat that there is a clear chilling effect to creativity.



BUILDING AN AUSTRALASIAN COMMONS

As Elliott Bledsoe from Creative Commons Australia observes,

'There is a distinct need for a rights management system that is flexible enough to allow for quick and easy access to useable materials but which is legally sound to appease the wider sectors' copyright concerns. Creative Commons is one such licensing model.'

In this environment beset by long, costly and complicated clearances, Creative Commons presents a clear alternative in providing up-front permissions. As Robert Greenwald, director of *Outfoxed*, opines:

'In making Outfoxed and Uncovered, I learned how cumbersome and expensive it can be to license footage from news organisations. Creative Commons licences allow me as a filmmaker to know immediately how I can use a piece of content in my films.'

Robert Greenwald in Haughey, M (2004)

The operation of Creative Commons licences has been illustrated in the Mayer & Bettle animations created by Brisbane-based studio Black brow. With the first film describing the distribution and use of creative works 'free and not illegally,' the sequel outlines the rights and responsibilities inherent in the creation of artistic works, including collaborative efforts. Released as an educational initiative for the 2008 Queensland University of Technology Smart Train journey around the State, the film is ready for remix, being licensed under the Creative Commons Attribution 2.5 Australia licence.

Australian filmmakers seeking access to Creative Commons-licensed stock are able to avail high-quality digital materials from the Australian Creative Resource Online (ACRO) database, which offers a range of repurposable Creative Commons and AEShareNet Free for Education-licensed footage, photographs and audio. Director of the New Zealand and United States documentary *Following Alexis West* Brian Boyko adheres to a similar philosophy of reuse, offering over 20 hours of digitised raw footage under

Big Buck Bunny is the second film from the Blender Institute (www.blender.org), known for making films using free software. It was released online on 30 May 2008. By June it had had more than half a million views on Vimeo and YouTube and more than 400 000 downloads.

The film is available under a Creative Commons Attribution 3.0 Unported licence and comes in a variety of formats, quality levels and download points. The film score is also available for download as MP3 or Ogg files and is licensed under a Creative Commons Attribution-Noncommercial-No Derivative Works 3.0 Unported licence.

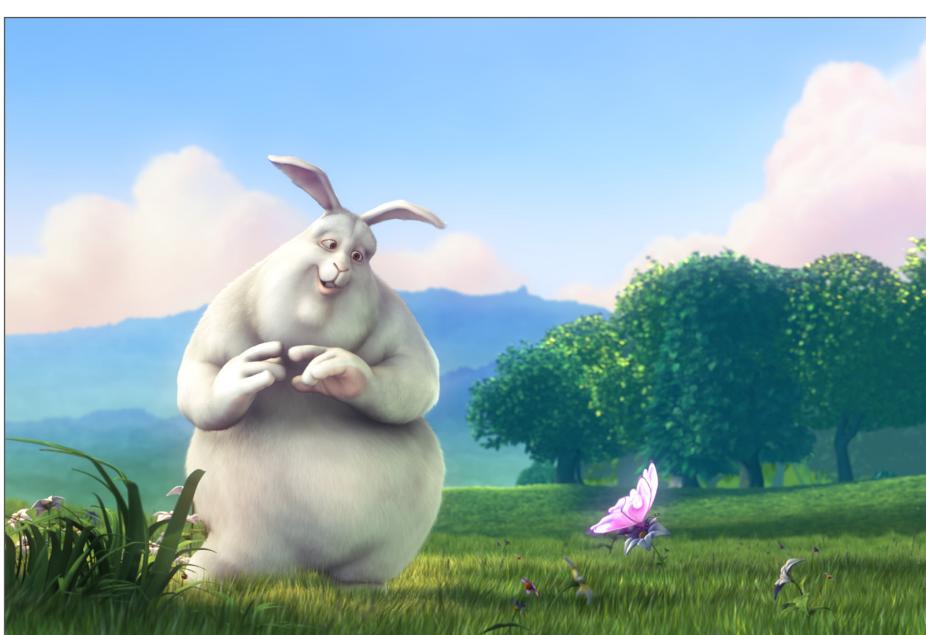


Image: A still from *Big Buck Bunny* by Blender Institute. Film is CC BY 3.0 Unported. <http://peach.blender.org/wp-content/uploads/bbb-splash.png>



Freeing Footage For All

the Creative Commons Attribution-NonCommercial-Share Alike 3.0 licence to the New Zealand film archive, the South Seas Film School, and the University of Texas School of Communication Radio-Television-Film program for educational purposes, as well as providing an online release for further historical and other non-commercial projects.

'Open innovation models recognise that one person's trash is another person's treasure. There is an inbuilt asymmetry between the owners or custodians of information, and potential users in terms of the uses of information and the value of those uses.'

Terry Cutler, 2007, *Innovation and open access to public sector information*, p 7

Brisbane-based animator Chris Denaro regularly re-uses Creative Commons-licensed images obtained from Flickr. His works re-examine the processes involved in commercial prototyping, with the integration of Creative Commons images critically bringing spontaneity and serendipity to his works.

Expressing the endless interactivity enabled by multimedia, Melbourne's Digital Fringe festival aims to foster avant-garde tech-cultural interactions and to embrace the ideological concept of open source and shared culture, knowledge and expertise. Also hosted at Melbourne's video lounge Horse Bazaar, VIDEO SLAM is a hands-on sound and video event employing Creative Commons materials for hybrid arts practitioners. Presented by Open Channel in association with Film Victoria, 3RRR, apc.au, Arts Access, and the Creative Commons Clinic as part of Arts Law Week, VIDEO SLAM unites Australian filmmakers, producers,

artists and lawyers to create a sound and video work exploring appropriation, remixing and the use of public space in electronic arts.

Internationally, user creativity is harnessed by the distributed film process of *A Swarm of Angels*. Initiated by British director Matt Hanson as a collaborative endeavour to pursue the production of a science fiction film, ASOA emphasises a 'ROE'—Return on Entertainment—for its investors, thanks to the possibility to download the movie freely and to re-use or remix part or whole of the project's output. Hanson believed it important for the production crew to receive 'proper salaries' indexed from market rates based on their involvement with the feature.

Embracing revenue-sharing business models, video-sharing platforms exemplified by Revver distribute advertising income to contributors. Japan's Sony eyeVio service seeks to emphasise the benefit for commercial enterprises by scrutinising the copyrights of each uploaded video, thereby assuring the legitimacy of uploaded content and minimising an organisation's exposure to risk: unlike a service such as YouTube which adopts a 'wait and see' approach, eyeVio takes proactive measures to ensure its position as a high-quality video platform.



Australian Creative Resources Online (ACRO)

| | |
|---------------|--|
| DESCRIPTION: | Australian Creative Resources Online (ACRO) is an open resource repository of reusable digital multimedia materials. |
| WEBSITE: | www.acro.edu.au |
| LICENCE USED: | Creative Commons and AEShareNet Free for Education, http://www.aesharenet.com.au/FfE2 |
| MEDIA: | Audio, Images, Video |
| LOCATION: | Australia |

Overview

The Australian Creative Resource Online (ACRO) is an open resource repository archiving and storing digital and digitised multimedia materials—video clips, digitally drawn images, photographs, and audio segments—in editable formats intended for reuse. Emphasising an open framework, ACRO aims to create a distribution network of high-quality, low-cost materials which are either in the public domain or employ open content licences. By offering streamlined access to content, ACRO seeks to engage grass-roots creative producers and community media organisations, facilitating innovation and creative production without fear of litigation or lengthy rights-clearance processes. As materials are reused, it is hoped that creators and producers re-contribute their content to the archive.

'In short, by providing producers, broadcasters, students, teachers, researchers and the community with access to a range of production, research, and educational resources around an open

resource repository, ACRO will stimulate long-term creative and cultural capital for creative industries.'

Rooney & Graham, 2004

ACRO commenced as an Australian Research Council (ARC)-funded infrastructure project in 2002, which was further supported by the University of Queensland in 2003.

The founding objectives of ACRO have been:

- To develop and provide a robust and rapid infrastructure for national research and international collaboration across Australia's creative industries;
- To stimulate Australia's broadband content industry, nationally and internationally;
- To provide a rich public resource for creative industries research and content production;
- To develop a resource for productive international research collaborations;



- To develop innovative classification systems and associated database applications for new forms of archive materials;
- To develop new Intellectual Property initiatives and models; and
- To develop innovative technologies and techniques for the development, production, management, and delivery of Australia's cultural products.

www.tomw.net.au/2002/acra.html

A prominent output from ACRO has been the *Hot Buttered* collection (www.acro.edu.au/public/control.jsp?term=hot+buttered&action=search), offering a selection of Australian surfing videos and soundtracks. The spirit of reuse is at the heart of the *Hot Buttered* brand: the surfboard company takes its name from *Hot Buttered Soul*, Isaac Hayes' second studio album from 1969, which itself begins with a cover of the Burt Bacharach and Hal David classic tune *Walk on By*. The ACRO project digitised Hot Buttered's entire audiovisual catalogue which they agreed to make available under Creative Commons licences. Full bandwidth digital copies were created as an essential step of the digitisation. *Hot Buttered*'s founder Terry Fitzgerald took the opportunity to repackage the digitised collection and release it as an anthology: *Hot Buttered Soul* (www.hotbuttered.com.au/soul/hb_soul.php), maintaining that 'surfing is art' (www.hotbuttered.com.au/history.php). The film chronicles the evolution of the single-fin surfboard over three-and-a-half decades, describing the 'free surfing dream.'

Licence Use

'ACRO seeks to create a legally safe framework for individuals and organisations to work with multi media resources in an open source environment.'

Rooney & Graham, 2004

Materials archived on ACRO are either believed to be in the public domain or have been cleared by the copyright owners for use under Creative Commons and AEShareNet Free for Education licences. The default licence used by ACRO is the Creative Commons Attribution-NonCommercial 2.0 licence, allowing the remix and reuse of works for non-commercial purposes. Commercial use must be negotiated with the rights holders.

For producers, their ability to access the archive to place resources in it is governed primarily by their willingness to place their materials under Creative Commons licence arrangements.

ACRO also permits use of AEShareNet licences (www.aesharenet.com.au), an Australian-based licensing framework

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Statistics

ACRO's usage reports show that on the 18 March 2008 the average data transferred per day was approximately 38MB. Below are some key metrics:

| | |
|---|---------------------|
| <i>Successful requests</i> | 11 974 (6112) |
| <i>Average successful requests/day</i> | 1027 (873) |
| <i>Successful page requests</i> | 6002 (2666) |
| <i>Average successful page requests/day</i> | 514 (380) |
| <i>Failed requests</i> | 1203 (679) |
| <i>Redirected requests</i> | 56 (2) |
| <i>Distinct files requested</i> | 5360 (3664) |
| <i>Distinct hosts served:</i> | 1344 (966) |
| <i>Data transferred</i> | 440.07MB (235.83MB) |
| <i>Average data transferred/day</i> | 37.75MB (33.69MB) |

Source: www.acro.edu.au/reports/report.html



'The values of openness, novelty, and innovation are more likely to translate into economic value in new media than the values of predictability, highly regulated production, and closed IP regimes on which "mass" media models are based.'

David Rooney and Phil Graham, ACRO Co-Directors

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that has been providing standard open content licences since 1998. The most popular of the AESharenet licences is the Free for Education licence (www.aesharenet.com.au/FfE2), which permits material to be freely used and copied for educational purposes.

Motivations

According to a 2004 research paper presented by ACRO Co-Directors David Rooney and Phil Graham, 'Creative Content and Sustainable Community Media Organisations: Australian Creative Resources Online' (www.acro.edu.au/acropubs.html), published in *Australian Studies in Journalism* (www.uq.edu.au/journ-comm/index.html?page=5755&pid=5755&ntemplate=578), the main assumption underlying the establishment of the database has been that

'The values of openness, novelty, and innovation are more likely to translate into economic value in new media than the values of predictability, highly regulated production, and closed IP regimes on which "mass" media models are based.'

The ACRO archives and associated online tools are based on an 'open resource' philosophy. The central organising logic of ACRO is that open access to high-quality content and content development tools will bring public and private benefits in the forms of increased cultural activity; increased levels of engagement in cultural production; increased intercultural awareness; and increased economic activity related to cultural production, distribution, and exchange.

'By providing a unique and diverse set of resources, and by encouraging derivative and open usage of those resources for the production of new creative works, ACRO will help lay the foundations for new digital rights management systems and alternative business practices suited to broadband environments.'

Underpinning the archive is the ability to reuse and recycle 'waste' materials – the leftovers from traditional cultural production processes such as 'cutting-room floor' footage. The Creative Commons licensing framework facilitates the distribution and reapplication of this content for groups in the community, being valuable to film, television, and radio producers, musicians, historians, advertisers, documentary producers, the IT industries, and 'anybody wishing to study, understand, or capitalise upon Australia's creative potential' (www.tomw.net.au/2002/acra.html).



A Swarm of Angels

DESCRIPTION: *A Swarm of Angels* is a groundbreaking project to create a £1 million film and give it away to over 1 million people using the Internet and a global community of members.

WEBSITE: <http://aswarmofangels.com>

LICENCE USED: Creative Commons BY-NC-SA 2.5 Generic, <http://creativecommons.org/licenses/by-nc-sa/2.5>

MEDIA: Video, Images, Text, Music, Multimedia

LOCATION: United Kingdom

Overview

A Swarm of Angels (ASOA) began in January 2006 as the initiative of Matt Hanson, a 36 year-old visionary director based in Brighton, UK. Hanson's idea was to gather people from around the world with the desire to take part in a movie-making process. Participation was intended to be 'creativity/passion/curiosity'-oriented, as opposed to being focused on profit and ownership. Distribution of the final film was agreed to be 'free' (in the open culture sense) because, in the words of Hanson:

'you can't control media these days. You need to go with it, rather than fight it. We're part of the remix generation, with the DIY digital tools to make our own digital media, whether that's film, music, or whatever.'

<http://aswarmofangels.com/fund/faq>

This means that the product is able to be used, not just consumed, and users can watch or remix it. 'If you look at the Greek epics,' says Hanson, 'the storytellers that were recounting their tales always put their own spin on it.'

As analysed by Oxford Internet Institute researcher Irene Cassarino, the ASOA business model was designed to be 'a valid new alternative, maybe more enlightened' than the Hollywood entertainment world. Hanson objected to the possibility that ASOA would become a massively distributed investment opportunity. Instead, he aimed to attract a host of 'angels,' keen to give a reasonable amount of their money to sustain an altogether groundbreaking movie-making project in return for having an opportunity to become involved in the creative process.

ASOA is unique in following a crowd-funded subscription model. The minimum subscription fee to participate in the experience movie was set at £25. Contributors gained exclusive rights

Promotional poster for *A Swarm of Angels*



Image: By mattbrighton. CC BY-NC-ND 2.0 Generic, www.flickr.com/photos/mattbrighton/7248914462



BUILDING AN AUSTRALASIAN COMMONS

to participate in the decision-making process through a web-based polling system, an online discussion forum and a wiki platform. Hanson adheres to the ‘one head one vote’ governance rule for this, uniquely participatory environment: ‘After all, plenty of films have tried the “many producers/investors route,” but none have tapped into the wisdom of crowds.’

Hanson was the first subscriber to ASOA on 16 January 2006; the second angel joined on 13 of March 2007. By the 7 July 2007, 1000 members had been reached – the second milestone for the project (<http://aswarmofangels.com/fund/mission-milestones>).

The first development phases have now been running for approximately two years. The main outcomes are two draft scripts (*The Unfold* and *The Ravages*), the trailer and poster for the project, and a poster for *The Unfold*, while other outputs are still in the pipeline.

The angels are the initial and primary source of funding, but Hanson does not rule out additional funds from media companies and distributors who might want to broadcast or use film assets for their own commercial endeavours.

Director Matt Hanson, founder of A Swarm of Angels



Image: Matt Hanson portrait by mattbrighton, CC BY 2.0 Unported, www.flickr.com/photos/mattmanson/137540848

Likewise, support may come from other opportunities which don’t conflict with ASOA general principles, such as sponsorship and equipment partnership.

It is intended that production crew receive ‘proper salaries’ based on their involvement, and ‘market rates’ for a £1 million feature. Matt Hanson also draws a salary from the project, having decided a few months after the project was launched to concentrate on ASOA and cancel other work such as upcoming book projects, consultancy and other productions. Hanson regularly engages in promotional events around the world like in his recent appearance as a keynote speaker at the prestigious Berlin Film Festival (www.berlinale.de/en). Nobody else in the community, regardless of the commitment, is directly paid.

Licence Usage

After a consultation process with the angels, it was decided that ASOA will release its end-products to the public under a Creative Commons Attribution-Noncommercial-ShareAlike 2.5 licence. The Share Alike element ensures that the material is available for reuse by other filmmakers, while the Noncommercial option enables the Swarm to generate revenue by offering a separate remunerated licence to commercially exploit the created movie, e.g. by screening it in a movie theatre or showing it on TV. This ensures word-of-mouth promotion is unrestricted, whilst providing a guarantee that no commercial entity can appropriate the benefits of the project without remunerating the creative community.



Freeing Footage For All

Most contributors to ASOA publish their creations on their own websites or on a website provided by Hanson for the streaming of big files and publish the link in the ASOA forum. When contributing media content to

ASOA the contributing member has to agree to a 'Media Release Statement' in which they grant a non-exclusive license (subject to attribution) for their contribution 'to be used as part of the A Swarm of Angels project.' Without such an open licence, it would become almost impossible to track rights related to the different contributions.

Motivations

The ASOA slogan is 'Remixing Cinema': the project aims to empower not only creators actively engaged with the ASOA community, but to every creator within or beyond the bounds of the 'Swarm' in the present and in the future by releasing a movie which actively invites remixing. In order to govern and protect this vision, a particular set of Creative Commons licences has been chosen. CC is an integral part of the identity of the project. When surveyed via questionnaire, 70% of ASOA's top contributors agreed or strongly agreed that 'Creative Commons Licenses enable creativity.'

Nevertheless, the Creative Commons' Noncommercial licensing option has been controversial. While Matt Hanson did not want corporations to gain from ASOA without contributing remuneration, several angels objected that the generation of income (even for future productions) should not be part of the model, because it was potentially

'I believe building a feature film from the ground up to be ready for remixing easy to view, ready to share and perfect for download is the way to go'

Matt Hanson, <http://aswarmofangels.com/fund/faq>

dangerous: they argued that money should always come upfront from angels and should be directly related to a specific project 'so that interested people could fund artistic people to generate interesting work and all of our lives can be enriched by the result' (JoeK).

The core unresolved questions ASOA is facing are:

- Which aspects of the production and financial model should differ from the traditional cinema 1.0 system?
- How to position ASOA with respect to other open business frameworks (eg those used in software production);
- Whether to allow any additional money from commercial exploitation of the original project to be injected into future projects.

For a deeper analysis of organisational and legal issues involved, please see Irene Cassarino and Wolf Richter's paper 'Swarm Creativity - The Legal and Organizational Challenger of Open Content Film Production' (www.dime-eu.org/wp14/conferences/creative-industries) by which was presented at the *Dynamics of Institutions and Markets in Europe (DIME)* conference on the Creative Industries and Intellectual Property on 22 May 2008 in London.



BUILDING AN AUSTRALASIAN COMMONS

Black brow

| | |
|---------------|---|
| DESCRIPTION: | Black brow is a filmmaking duo based in Brisbane, Australia whose productions include the Creative Commons Australia animations that feature Mayer and Bettle. |
| WEBSITE: | www.blackbrow.com |
| LICENCE USED: | Black brow's films: Creative Commons BY-NC-SA 2.5 Australia, http://creativecommons.org/licenses/by-nc-nd/2.5/au , Mayer & Bettle: CC BY-SA 2.1 Australia, http://creativecommons.org/licenses/by-sa/2.1/au , Mayer & Bettle 2: CC BY 2.5 Australia, http://creativecommons.org/licenses/by/2.5/au |
| MEDIA: | Moving Images |
| LOCATION: | Brisbane, Australia |

Overview

Black brow is a Brisbane-based collaborative filmmaking organisation established by Pete Foley and Chris Perren, specialists in video and audio production. Operating under the brand 'Black brow makes films,' Pete and Chris have completed four animations which are featured on their site. Their most recent, *3xSuper Robot Heartbreak* (www.blackbrow.com/movies/3xSRH.mov), features the 'FT Work 9000,' 'Ignoramaton' and 'Me!me!me!bot' robots who wreak havoc in a town. Three brave kids stand up to the mechanical threat, showing them the impact of their destruction, which ultimately helps the robots to amend their ways.

Bettle gets an education on how to use Creative Commons

Image: Still from Mayer and Bettle, CC BY-SA 2.5 Australia, <http://creativecommons.org.au/mayerandbettle>



In 2005, Black brow was commissioned by Elliott Bledsoe from Creative Commons Australia to create a short animation explaining how CC licences operate. Actor Dash Kruck, voice of Mayer, and Elliott developed the script which was bought to life on screen by Pete and Chris.

The film was commissioned to be part of the Queensland University of Technology's Smart Train (www.train.qut.edu.au) which departed from Brisbane on 15 May 2005 on a five-week journey around 24 regional and rural centres in Queensland including Mt Isa, Bundaberg, Rockhampton, Maryborough and Mitchell. The result of two months of collaboration was *Mayer and Bettle* ([wwwcreativecommons.org.au/animation_train](http://creativecommons.org.au/animation_train)), a wonderfully engaging explanation of how to download music 'for free and not illegally.' Screened at numerous CC events worldwide, including the inaugural CCau ccSalon (<http://creativecommons.org.au/ccsalon>) in November 2006 and CC's fifth birthday party celebrations in Berlin in December 2007, the film has been translated into French, German and Hebrew thanks to the CC licence permitting derivative works.



Freeing Footage For All

CREATIVE COMMONS CASE STUDIES

Since its online debut on 13 May 2005, the film has been downloaded more than 5,000 times via the Creative Commons Australia website. During the inaugural international Creative Commons fundraising drive (<http://support.creativecommons.org.au>) Creative Commons Australia donated the film to the cause by uploading it to Revver (www.revver.com/video/94724/cc-mayer-and-bettle-animation) where it has been viewed almost 6,000 times. All revenue generated through Revver is contributed to the international Creative Commons initiative. The film is also available for viewing online at EngageMedia (www.engagimedia.org/Members/elliottb/videos/ccaumedium.mov/view) and YouTube (www.youtube.com).

Given the global success of the first film, when the QUT Smart Train initiative started up again in early 2008, and the possibility of a sequel arose, Elliott returned to Pete and Chris to commission *Mayer and Bettle 2* (<http://creativecommons.org.au/mayerandbettle2>), this time as a co-production by Black brow and Brisbane-boutique film production company InVision Media (www.invisionmedia.com.au). Elliott and Dash developed the initial script which was further refined by Jessica Coates and Rachel Cobcroft from Creative Commons Australia. The film engaged the same voice actors—Dash Kruck as the voice of Mayer and Mem Rynne as the voice of Bettle—to play the infamous characters, and Leisa Pratt to do the voice of the newest character, Flick, Bettle's 'fan and collaborator.'

Here is what Mayer had to say during production of the new film:

"Much has changed since we shot the first film," Mayer said, "Which is why Bettle and I are getting back in front of the camera." Tightening of the licences, expanded metadata,

a dedicated education division and exploration into complimentary licensing options are just some of the key developments.'

<http://ccelliott.blogspot.com/2007/12/mayer-bettle-sequel.html>

According to prominent Australian blogger and new media academic at the University of Western Australia, Tama Leaver, 'It's another fine effort from CCau, making CC licenses understandable and accessible to a general (non-lawyerish) audience!' (www.tamaleaver.net/2008/04/20/mayer-and-bettle-are-back).

Like the original film, *Mayer and Bettle 2* is hosted on Revver (<http://revver.com/video/854735/mayer-and-bettle-2>) as part of the Creative Commons fundraising campaign (<http://support.creativecommons.org/videos>). It is also available online at EngageMedia (www.engagimedia.org/Members/elliottb/videos/ccaumayerbettle.mov/view) and YouTube (www.youtube.com/watch?v=YevlezOe4hk).

Licence Usage

The *Mayer and Bettle* animation was released under the CC Attribution-ShareAlike 2.1 Australia licence. Its script (<http://creativecommons.org.au/materials/ccaumaterials/script.doc>) (Microsoft

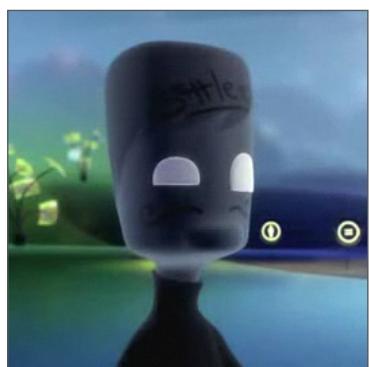


Images: Stills from 3x Super Robot Heartbreak. CC BY-NC-ND 2.5 Australia, <http://www.blackbrow.com/movies/3xSRH.mov>



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Images: Stills from Mayer and Bettle 2, CC BY 2.5 Australia, <http://creativecommons.org.au/mayerandbettle2>



In *Mayer and Bettle 2*, the kooky duo returns, but this time take a different approach, discussing the utility of Creative Commons for creators. They also explore the latest initiatives from Creative Commons and the licences as a tool for collaboration.

Word format) and source files (http://creativecommons.org.au/materials/CC-AU_ANIM_SRC.zip) (100MB, Moho and AIFF format) are also available for reuse and modification.

The sequel, *Mayer and Bettle 2* is licensed under the Creative Commons Attribution 2.5 Australia licence. The full video can be downloaded in high-resolution Flash format ready for redistribution and remix from the Creative Commons Australia website (<http://creativecommons.org.au/mayerandbettle2>).

At the end of the film's credit roll, the Attribution Licence Badge is displayed, accompanied by the following notice:

'This animation film, the associated script, musical score and all other associated copyright is licensed under a Creative Commons Attribution 2.5 Australia licence. You are free to copy, communicate and adapt this work, so long as you attribute Creative Commons Australia. Where using individual elements, please attribute the relevant creators as well. For more details on terms of this licence, see <http://creativecommons.org/licenses/by/2.5/au/>.

'Creative Commons is like having 100,000 free publicity officers.'

Peter Foley, Animator, Black brow

The script (<http://creativecommons.org.au/materials/ccaau-mab2-script.doc>) (Microsoft Word format) and source files (http://creativecommons.org.au/materials/CC-AU_ANIM_2_SRC.zip) are available on the Creative Commons Australia website.

Black brow host a number of other films on their website, all of which, with the exclusion of two films, *Water* and *Waste*, which were commissioned and are owned by the Logan City Council, are available under the site's blanket licence, Creative Commons Attribution-Noncommercial-No Derivative Works 2.5 Australia licence. Pete's blog, *Pete uses biro* (<http://iusebiro.blogspot.com>), features a series of his illustrations and animations. It is licensed under CC Attribution-Noncommercial-No Derivative Works 2.5 Generic licence.

Motivations

Black brow has gained international attention, as well as several job offers, from their involvement with Creative Commons. 'Creative Commons helped us reach markets we never considered were possible to reach for us at this early stage in our careers,' observes Chris Perren (www.anat.org.au/pages/forumspubs/FilterArchive/Filter61_WEB.pdf). Pete Foley adds, 'Creative Commons is like having 100,000 free publicity officers. You get heaps of people watching your film because no one is scared of being arrested because of it.'



Chris Denaro

DESCRIPTION: Chris Denaro is an Australian animator who examines industrial processes of prototyping, incorporating Creative Commons materials into his animations to bring spontaneity and serendipity to his works.

WEBSITE: www.chrisdenaro.com

LICENCE USED: Creative Commons BY-SA 2.0, <http://creativecommons.org/licenses/by-sa/2.0>

MEDIA: Moving Images

LOCATION: Brisbane, Australia

Overview

Chris Denaro is a Brisbane-based animator who creates multimedia artworks and installations incorporating and taking inspiration from Creative Commons-licensed material. In August – September 2007, Chris was the artist-in-residence at *The Vernacular Terrain* (www.artmuseum.qut.edu.au/exhibit/news-event.jsp?news-event-id=11583), an exhibition exploring environmental, political and cultural place through installations of interactive media, initiated by the International Digital Arts Project (iDAP) (<http://www.idaprojects.org>). Here, Chris developed a new work every 72 hours, reusing images found through Flickr's Creative Commons advanced search (<http://flickr.com/search/advanced>) in a spontaneous and reflexive process, creating new objects from found images, particularly of curvilinear consumer goods, termed 'Blobjects' by Bruce Sterling (www.boingboing.net/images/blobjects.htm). The reconstituted shapes, reminiscent of Japanese Chindogu 'a bizarre collection of gadgets and gizmos that... almost serve a useful purpose' (<http://website.lineone.net/~sobriety>),

were reconfigured in Photoshop and mobilised through loops within Flash, whereupon they were projected onto the exhibition space floor. The exposure the pieces gained was significant: iDAP's audience literally walked through the work to enter the exhibition.

'The creative process incorporated the act of acquiring Creative Commons content from Flickr as a type of spontaneous and reflexive direction for the work to take.'

Chris Denaro

Chris recently completed a Master of Arts (Research) at the Creative Industries Faculty (www.creativeindustries.qut.edu.au), Queensland University of Technology in which he

A still from Prototype24 by Chris Denaro

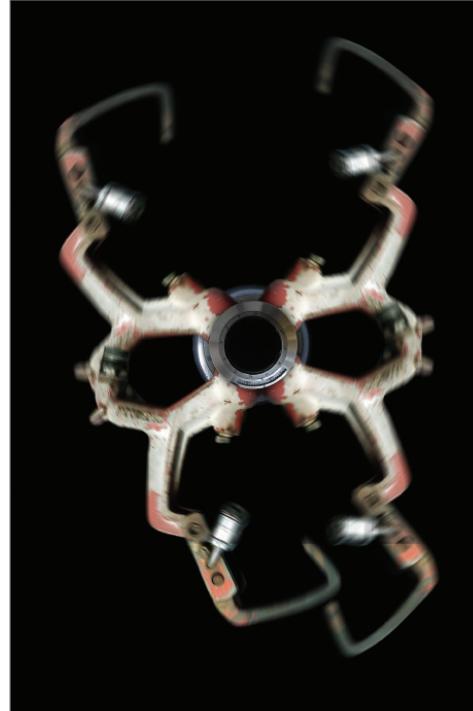
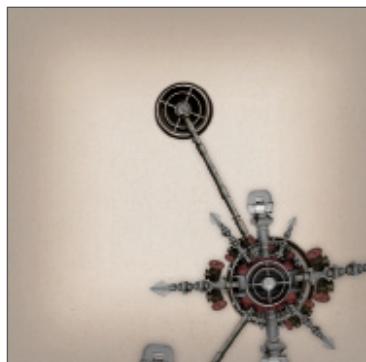
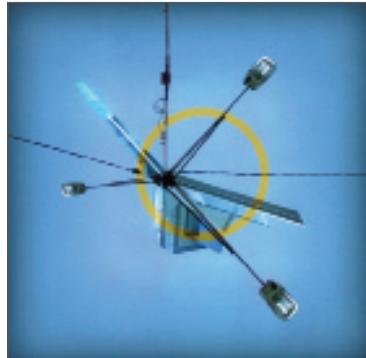


Image: Still from Prototype 24 by Chris Denaro, CC BY-NC-SA 2.0 Generic, <http://chrisdenaro.com/movies/prototype24.mov>



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Images: (Top to Bottom) Stills from animations *Prototypes*, Prototype17, Prototype16 and Prototype11 by Chris Denaro. CC BY-NC-SA 2.0 Generic.



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described the creation of these process-driven animations, contrasting traditional industrial design methodologies. His exegesis ‘traces a path through the production of an animated work, and discusses the evolution of an individual production workflow that reconfigures the industrial animation process of prototyping.’

During this time Chris developed *KIB105: Animation and Motion Graphics*, a QUT Creative Industries unit delivered to 100 undergraduates and nine postgraduates which required students to make 1 - 2 minute animations for their final assessment. Source material used by the students had to be available under a Creative Commons licence. Equally, students’ final work had to also be licensed under CC. In reflecting on the running of the unit, Chris observed that a better outcome would have been to present students’ final assessment online under the students’ chosen licence, giving the material a life beyond the classroom.

Chris is currently artist-in-residence at Metro Arts (www.metroarts.com.au) in Brisbane’s CBD. He has previously been artist-in-residence at Brisbane Grammar School, where

over three weeks he directed the art classes for Year 10 students, requiring them to create their own interpretations of Blobjects and consumer items using the process he had previously demonstrated and described.

Licence Usage

Through his practice-led research, Chris developed a ‘reflexive process that included mise en place, Creative Commons and environmental influences as ingredients.’ Chris explains in his exegesis:

‘The source materials I gather are licensed under Creative Commons, which is a new type of copyright contract, designed for sharing and modifying creative content. The author of a work can allow others the right to create derivative works based on their content. Rather than “all rights reserved,” the Creative Commons mantra is “some rights reserved”.’

Using Flickr’s Creative Commons material (www.flickr.comcreativecommons), discovered through the advanced search mechanism, allowed Chris to source the images he required for his innovative, spontaneous prototyping processes. Chris was careful to select images which were licensed to allow derivative works, given his practice of disassembly and reassembly of objects.

Motivations

Creative Commons licensing enabled Chris to incorporate spontaneity into his animation workflow, utilising the

These stills are from Dialogues with the Prototype, a series of looped animation films by Chris Denaro. Each short uses elements from Creative Commons licensed Flickr images reassembled to present new perspectives on the original subject matter.



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advanced Flickr CC filtering tool to gather source materials and take inspiration from the images thereby discovered. Additionally, Chris followed Flickr's folksonomy (www.flickr.com/photos/tags), generating ideas through clicking on related tags:

'There were untagged images, and mis-tagged, and probably the most important for me was the links to further tags. I would search for pipes and plumbing, and find some images to use as source, but then the author could have other more obscure tags to use as a further search, or else they had other images which were related. Out of interest, say, pipes and plumbing, mixed with car yards, mixed with holidays in Spain at the waterfront. All of these images had photos of pipes which I could use, but there was no way of finding a connection between these unless by chance and long hard searching and browsing.'

After spending many sessions online browsing materials and downloading images, whereupon he would take his ideas as a group to be incorporated into the creative process, Chris observed in relation to Creative Commons:

'This adds spontaneity and serendipity to the work, as the source material is unpretentious, fresh and unpredictable.'

Proclaiming the importance of re-examining the creative process through conscious, structured reflection and analysis, Chris quotes John Howkins, author of *The Creative Economy*:

'The process of starting from chaos, with an array of Creative Commons images as my ingredients, and allowing the form to emerge, excited and challenging me.'

Chris Denaro

'The individuals who succeed in the creative economy speak a different language. They value novelty above repetition. They are more often intuitive than rational, more subjective than objective. They regard mistakes as a useful learning process, necessary for success.'

Howkins in Macken 2007, p 97

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Digital Fringe (Melbourne Fringe Festival)

DESCRIPTION: Part of the Melbourne Fringe Festival, Digital Fringe is dedicated to showcasing the use of digital screen-based technology in the arts.

WEBSITE: <http://digitalfringe.com.au>

LICENCE USED: Copyright, PD and Various Creative Commons 2.5 Australia and 3.0 Unported licences

MEDIA: Interactive Media, Animation, Audio, Video, Images, Text

LOCATION: Australia

Overview

Broadcast across the city of Melbourne using screens, projections and the web, Digital Fringe (DF) showcases digital art and ‘interactive media shenanigans from a gaggle of local media artists’ (<http://digitalfringe.com.au/?q=node/17>) and international artists as part of the annual Melbourne Fringe Festival (www.melbournefringe.com.au).

The festival aims to foster avant-garde tech-cultural interactions and embraces the ideological concept of open source and shared culture, knowledge and expertise.

Managed by digital arts bar Horse Bazaar (renowned for its

unique immersive video projection environment), DF exhibits its works during the festival in three ways: the General Stream, Interact, and the Mobile Projection Unit (MPU).

The general stream is a continual playlist of digital art projected across screens and surfaces in galleries, public spaces (such as the Federation Square plaza screen), entertainment and hospitality venues, cyberspace and city iHubs. The Interact exhibit utilises mobile phones and Internet technologies to create an interactive creative platform for digital artists. As part of the general call for submissions, artists can present interactive digital art projects for inclusion in an ‘amorphous mobile phone interactive piece’ (<http://digitalfringe.com.au/?q=node/23>). Interact links data sent from mobile phones directly into artworks displayed through participating screens across Melbourne and the DF website.

The Mobile Protection Unit (MPU) is a van travelling through the streets on the evenings

‘The flexibility and accessibility that Creative Commons provides really opens the options for artists about how they want their creations to continue their cultural life’

Simeon Moran, Digital Fringe Co-producer



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of the festival. Guest artist programmers interact with the architectural nuances of the city by projecting their playlist onto nearby buildings. GPS positioning and projections from the van are monitored in real time alongside video hook-ups with the programmers. Internet users can also use text via SMS to interact with the MPU.

Licence Usage

Artists uploading content to the DF website can select from the full range of licences - from traditional 'all rights reserved' to a public domain dedication. However, in order to maximise the interactive and remix elements of the festival while retaining their copyright, participants are encouraged to select a 'some rights reserved' Creative Commons licence. As an extra condition the artist must agree to their works being screened during the festival and for the promotion of Digital Fringe; however, copyright in each work remains with the artist in entirety.

At present the uptake of Creative Commons licences by artists on the DF website demonstrates an enthusiasm for the licences matched by the Digital Fringe organisers.

"We think CC is great – there seems to have been a really good uptake from artists submitting works to DF so it obviously is attractive to artists as well"

Simeon Moran, Digital Fringe co-producer

It is estimated that around 75% of works have been published under Creative Commons (with 10% selecting all rights



Part of multi-disciplinary design team ENESS immersive project Arctic Sanctuary in QV Square, Melbourne

reserved copyright and 15% no rights reserved public domain). The positive response has encouraged the DF team to develop future exhibitions to include remix activities, and take advantage of the creative potential facilitated by the CC licences.

Motivations

When it came to licensing this project, the DF team believed Creative Commons licences were the most appropriate and flexible option, considering the ethos behind DF and its innovative use of digital technology and art. From an ideological standpoint, they were keen to push the concept of open source and shared culture, knowledge and expertise, but also understood the need for culture creators to reserve some of their rights in certain situations. For this reason artists were encouraged to license their works with any form of CC licensing that suited their particular needs. Creative Commons licences could then both facilitate the exhibition and help keep DF content open for alternate creative uses.

Image Still from Arctic Sanctuary by ENESS, CC BY-NC 3.0 Unported, <http://digitalfringe.com.au/?q=node/255>



Following Alexis West

DESCRIPTION: *Following Alexis West* is a documentary film which examines the effect of New Zealand's switch to a proportional representation system has had on its politics and culture since 1996.

WEBSITE: www.blogphilo.com/main/?page_id=9

LICENCE USED: Creative Commons BY-NC-SA 3.0
<http://creativecommons.org/licenses/by-nc-sa/3.0>

MEDIA: Film, Moving Images

LOCATION: New Zealand, United States of America

Overview

The documentary film *Following Alexis West* chronicles the effects that New Zealand's switch to a proportional representation voting system has had on its culture and politics since 1996. Mirroring the journey taken by French political theorist and lawyer Alexis de Tocqueville to America to examine the workings of democracy in the early nineteenth century, which culminated in the writing of *De la démocratie en Amérique* (*Democracy in America*), the film's producer Brian Boyko travels to New Zealand from the United States to document the country's political and cultural achievements. The documentary examines the way in which New Zealand's reconfigured voting structure may serve to prevent 'gerrymandering, negative campaigning, civic disengagement, and undue influence of powerful lobbies, as well as taking a look at problems with democracy in New Zealand that [are believed not to exist] in America, like restrictions on satire and film classification' (www.blogphilo.com/main/?page_id=9). Interviews

are conducted with prominent New Zealand politicians, political scientists, media figures, bloggers, and 'just plain old folks in the pub,' with a view to gaining insights into the success of the proportional representation voting structure, and ultimately what the relationship is between NZ's parliamentary system and its people. On the eve of the 2008 US Presidential elections, Boyko seeks to derive

Promotional poster for *Following Alexis West*



Image Used with permission by mattbrighton. CC BY-NC-ND 2.0 Generic, www.flickr.com/photos/mattnanson/248914462

invaluable lessons for his homeland, asking ‘Where in the world do you find Democracy?’ Specifically, Boyko is seeking answers to whether the proportional representation system provides a fair compromise between conflicting interest groups, and whether governments formed in New Zealand are stable and able to govern effectively. To date, 28 hours of footage have been shot in Auckland and Wellington, New Zealand, and are in the process of being digitised and uploaded. Secondary shooting in Austin, Texas, is to follow, with post-production to be complete by March 2008. This will allow the documentary to be submitted to North American and European film festivals from April 2008.

Licence Usage

Following Alexis West is being produced independently, and will seek distributors for the film’s commercial release. The documentary project involves the production of three separate end-formats: a 90-minute feature, released to American and European film festivals; a 56-minute New Zealand-only separate edit ‘By Popular Demand’; and over 20 hours of raw footage. According to Boyko, the digitised raw footage will most likely be released under the Creative Commons Attribution-NonCommercial-Share Alike 3.0 licence, whereby it will be offered to the New Zealand film archive, the South Seas Film School, and the University of Texas School of Communication Radio-Television-Film program for educational purposes, as well as released online for further historical and other non-commercial projects. In addition, Boyko hopes to utilise the new CC+ licence for commercial use for non-share-alike projects.

Motivations

Following Alexis West producer Brian Boyko says that he accepts Creative Commons as a normal, ordinary part of the day-to-day functioning of the web. Inspired by the release of Cory Doctorow’s writing under Creative Commons, and the Flickr licence integration, Boyko believes his work should be open to anyone who is willing to use it fairly.

‘If a kid wants to remix Sir Geoffrey Palmer into a rap battle with Eminem, best of luck to him. Creative Commons is great because I don’t have to say up front who -can- use the material. Anyone can use the material with the guidelines provided; if you want to step outside the guidelines, well, it’s possible, but we need to talk about that.’

Email interview with Brian Boyko by Rachel Cobcroft, 28 December 2007

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On the issue of the implementation of Creative Commons licences, Boyko believes that their structure is simple and straightforward. If problems arise, he believes, it is due to education:

‘People often labour under the delusion that everything is “all rights reserved” or anyone can take it and use it, and that there’s no middle ground.’

Importantly, Boyko believes that Creative Commons greatly increases the utility of a creator’s works:

‘There’s a chance Following Alexis West might rot in my attic, unloved and unsold. But even if the main work is a failure (and it’s my first movie, so it might well be!) if there is a derivative utility to which my work can be used, I want people to be able to do so.’



BUILDING AN AUSTRALASIAN COMMONS

Revver

DESCRIPTION: Revver self-describes as being ‘a powerful platform and suite of tools for serving and sharing media’ whilst forming a community of video lovers and artists who share in the site’s profits through its advertising structure.

WEBSITE: www.revver.com

LICENCE USED: Creative Commons BY-NC-ND 2.5 Generic,
<http://creativecommons.org/licenses/by-nc-nd/2.5>

MEDIA: Video

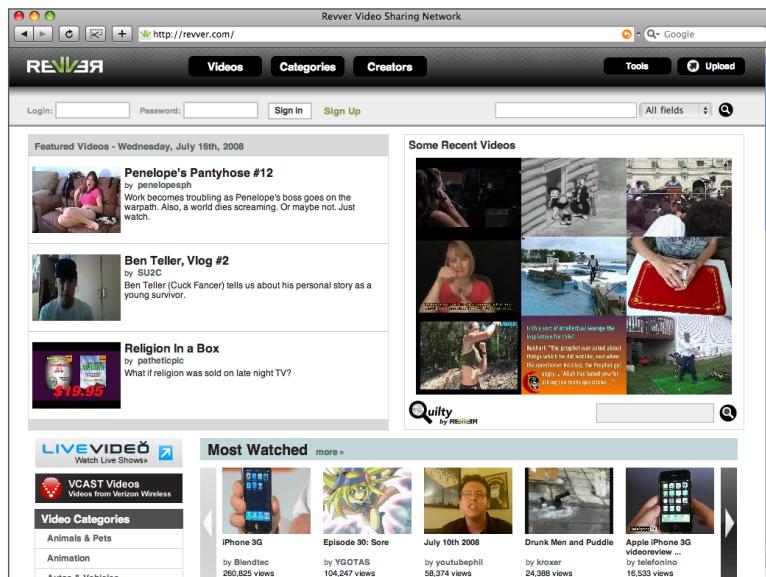
LOCATION: Global

Overview

Revver is a video-sharing platform deploying an innovative business model with hyperdistribution as its core. Differentiating itself from competitor YouTube by offering per-view revenue, the platform takes advantage of peer-to-peer distribution mechanisms for sharing its hosted videos. When a user uploads a video to Revver, customised software inserts a brief, unobtrusive advertisement at the end of the video stream. At this point, the ‘Revverised’ video can be downloaded

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Revver homepage, July 2008



and distributed via any method—website, email, P2P—without losing the advertisement. Revver software reports back to the main website every time the embedded ad is clicked irrespective of location, prompting the advertiser to be charged a micropayment. The platform shares the associated revenue with the owner of the video on a 50/50 basis. Revver’s users are able to track their video’s performance, monitoring how many times the video has been viewed, and the amount of revenue accruing. Sharers are able to earn 20% of ad revenue for forwarding the videos. Revver is therefore founded on the ‘free and unlimited sharing of content online in an environment where the creator is rewarded for his/her work.’

Licence Usage

*‘Copyright is complicated stuff.
Our position on it is pretty
simple.’*

www.revver.com/go/copyright

Revver’s business model is particularly noteworthy as it aims to take the wide-spread sharing of copyright material that occurs online and turn



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it into an asset, rather than a reason for litigation. The site uses Creative Commons BY-NC-ND licences to permit users to distribute their content (with embedded advertising) verbatim for non-commercial purposes. The only additional requirement is that the creator of the video is attributed alongside Revver as host. This revenue-raising strategy not only permits widespread distribution; it relies on it—the more people who see the video, the more money both the site and the creator earn. Adherence to copyright law is an important issue for Revver. All uploaded videos are reviewed by a human before being made available online. Reviewers look for copyright violations, fraudulent tagging, and any inappropriate content which would violate the site's member agreement (www.revver.com/go/tou), such as content deemed obscene or hateful. If the site's reviewers detect possible copyright violations, the uploader is emailed, and asked to document their ownership of the item in question, be it the video footage, background music or other content. Revver's copyright statement (www.revver.com/go/copyright) declares:

'At Revver, we staunchly support copyright laws. Our mission and business is firmly rooted in the idea that artists deserve to control and be rewarded from their intellectual property. We also believe strongly in the protections provided by the doctrine of Fair Use, which is part of US copyright law, and to comparable protections provided under the copyright laws in other jurisdictions. While it is impossible to draw a hard and fast line between what is Fair Use and what is not, we understand that we are living in a remix culture and we support an open media environment that allows creators to lawfully build on the work of earlier creators.'

Motivations

Recognised as an early adopter of next-generation business models, Revver is underpinned by the belief that 'a free and open, democratized media environment is good for everyone. Our goal is to empower video makers and sharers to do what they do best' (www.revver.com/go/faq).

Support for the balance in copyright law, and alternative options including Creative Commons is further evidenced in Revver's support for open-source communities. Revver acknowledges that they have built their products with a number of open-source software projects including Python, Twisted, mySQL, PostgreSQL, Xen, Java, PHP, Apache, Lighttpd, and Django (www.revver.com/go/faq/#api1).

In return, Revver has made the 'ActiveRevver' and 'Sparkline' pieces of software available for usage, modification, and distribution under the MIT licence. Developed by the Massachusetts Institute of Technology, the MIT licence is a permissive licence which means that the software can be used as a basis for further development without any real restrictions. (This goes further than CC BY because the licence does not require explicit attribution.) Revver's Developer Centre (<http://developer.revver.com>) provides access to the Application Programming Interface (API), involving software developers in the enhancement of the platform.

Given the sharing and fundraising capabilities offered by Revver, Creative Commons used the platform during its initial fall fundraising campaign in 2006 (<http://creativecommons.org/weblog/entry/6125>) with the video *Wanna Work Together* (<http://support.creativecommons.org/videos#wwt>). Subsequently they have uploaded a number of films on Revver, including both *Mayer and Bettie* films.



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Sony eyeVio

DESCRIPTION: Sony's eyeVio is an Internet and mobile service in Japan that provides a high-quality video-sharing platform for people to share videos with family and friends.

WEBSITE: <http://eyevio.jp>

LICENCE USED: Various Creative Commons licences

MEDIA: Video

LOCATION: Japan

Overview

Sony eyeVio is an Internet and mobile service in Japan that offers high-quality videos for friends and families to upload and share. Described by Sony CEO Sir Howard Stringer as a primary element in the company's 'quiet software revolution' (www.dtg.org.uk/news/news.php?id=2402), eyeVio

strategically complements existing Sony Group assets and businesses. Launched on 29 April 2007 as a Japanese-language video-sharing platform, the eyeVio site makes use of DHTML, AJAX, and a selection of web 2.0 techniques, with content divided into

recommended videos and channels. A key feature of eyeVio is the ability to connect directly with Sony hardware devices, such as mobile phones, the PSP and Sony video Walkmen.

Highlighting interoperability, users are able to upload files in a wide variety of formats, and are able to specify who can view their content, and how long a video will remain available on the service.

Unlike most video-sharing sites such as YouTube, which relies on a policy of 'wait-and-see,' eyeVio's staff monitor and review every upload to the site and delete any material they consider to be in breach of copyright laws. This is a significant selling point for businesses in assuring the legitimacy of the content, thereby minimising their exposure to risk.



Images: (Top to Bottom) Stills from Episode 2 of the short film series おじいちゃんのエフエフ, <http://eyevio.jp/movie/f20188>

Licence Usage

The eyeVio licence selector gives the uploader the ability to choose between all six of the Creative Commons licences, as well as standard all rights reserved copyright. eyeVio's approach to let users directly apply the six Creative



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Commons licences to their videos makes transferring videos between multiple devices a worry-free experience.

The site's software also uses the licence choice to determine the appropriate functionality for each video, so that only those videos under a Creative Commons licence can be downloaded. This avoids the legal uncertainty that surrounds so much of the downloadable material available online, and ensures that both creators and downloaders are clear on how the material may be used.

flexible copyright options to manage the distribution of their content to take better advantage of new business models based on the building of reputation and audience through recommendations and word-of-mouth.

Motivations

Integrating Creative Commons into eyeVio has helped solve the copyright management issue faced by many user-generated content services. Creative Commons provides eyeVio with a tool to give media consumers the freedom to take content across devices while maintaining the rights for media producers to keep control of their creations. As Sir Howard Stringer puts it: 'It's an opportunity to transmit user-generated video anywhere you want to, anytime to anybody, in a protected environment' (<http://www.dtg.org.uk/news/news.php?id=2402>). This gives eyeVio an advantage over other similar sites, which only allow limited functionality (such as embedding in blogs) or 'lock' downloads to particular devices.

This enables eyeVio to embrace the web 2.0 values of portability and flexibility. This increases the appeal of the site to, for example, advertisers, who wish to ensure that their content is viewed by the maximum number people. It also increases the utility of the site for video creators, who can use its



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VIDEO SLAM: 5 Smiles

DESCRIPTION: VIDEO SLAM was an experiment in time-limited, collaborative, open-licensing film production.

WEBSITE: <http://openchannel.org.au/blogs/videoslam>

LICENCE USED: Final film: Creative Commons BY-NC-SA 2.5 Australia, <http://creativecommons.org/licenses/by-nc-sa/2.5/au>; incorporated elements: BY, BY-NC and BY-NC-SA material

MEDIA: Video

LOCATION: Melbourne, Australia

Overview

Inspired by Open Channel's *Free Screen Culture* forum at Arts Law Week Victoria 2006 (<http://creativecommons.org/weblog/entry/5897>) and the international iSummit 2006 (<http://icommons.org/isummit06>) held in Rio de Janeiro, VIDEO SLAM was a key event during Arts Law Week Victoria 2007 which attempted to discover, first-hand, how

practical Creative Commons really is for creative collaboration. Through observing filmmakers engaged in sampling works within a production, the team could see how CC licences could be 'utilised within a cross-arts production environment. Not one, but many samples with a particular

emphasis on the moving image' (www.pdf.anat.org.au/Filters/Filter65_This_is_not_Open_Source.pdf).

Held over a period of 48 hours from 10am Sunday May 13 to 8pm Monday May 14, 2007 at digital arts bar Horse Bazaar (www.horsebazaar.com.au) in Melbourne, the inaugural VIDEO SLAM incorporated the artistic efforts of 22 filmmakers, writers, programmers, sound artists and videographers. Working in five groups, the creators 'slammed out' a 10-minute digital short largely from content under Creative Commons found online. Rights management was not the only restriction; however, the teams also had to respond to the themes of tolerance, inclusion, diversity, freedom, and access. The result of this effort was a film titled *5 Smiles* (www.engagimedia.org/Members/openchannel/videos/oc_5smiles_transcoded.avi/view), which incorporated over 110 Creative Commons-licensed works including photographs, video footage, sound effects and music tracks.

With observations of the event blogged live by VIDEO SLAM producer Andrew



tolerance
inclusion
diversity
freedom
access

Image: A still from 5 Smiles, CC-BY-NC-SA 2.5 Australia, www.engagimedia.org/Members/openchannel/videos/oc_5smiles_transcoded.avi/view



Garton, in the journal entry 'Slam goes on...' (<http://openchannel.org.au/blogs/videoslam/?p=23>) on Monday 14 May 2007 he writes:

'It's incredible how we managed to find just about everything we needed, right down to obscure cables and adaptors, tripods, extra cameras and mice, computers and torches... we borrowed, shared... shared! Everyone was so totally cool, supportive, encouraging, calm and inventive!'

Licence Usage

'Because some CC material has restrictions on how it can be licensed once it has been remixed, the licence chosen for the final product would determine what content can be used in the film. Reliable sources of CC material had to be located, to make sure their material was compatible with this licence.'

Elliott Bledsoe and Jessica Coates,
Filter 65: This is not Open Source

On advice from Elliott Bledsoe and Jessica Coates of the Creative Commons Clinic, it was decided that the VIDEO SLAM production would be released under CC's most popular licence, the Attribution-Noncommercial-ShareAlike 2.5 Australia licence. This meant that video slammers were able to use any material released under CC Attribution, Attribution-Noncommercial and Attribution-Noncommercial-Share Alike licences. Although this excluded material from some popular sites, it would give the filmmakers access to the largest possible pool of contents. The film also incorporated material shot by the filmmakers in and around Melbourne for the event.

Motivations

Andrew Garton, who was interested in the useability of open content material, initiated the VIDEO SLAM event to test Creative Commons practical application. Importantly, he envisaged a new work which would be shared according to the same licences from which the content was sourced, thus giving back to the community from which the material came and creating a vibrant cultural domain for Australian artists. Importantly, the artists needed to understand the licensing system:

'Despite, or perhaps because of, the steep learning curve the VIDEO SLAM proved to be an extremely valuable experience for all involved. All the filmmakers involved went away with a much better understanding of their licensing and content options in the digital age.'

Elliott Bledsoe and Jessica Coates,
Filter 65: This is not Open Source

As observed by Andrew Garton in the wrap-up to the event (<http://openchannel.org.au/blogs/videoslam/?cat=7>):

'This project would not have been possible had it not been for the participation of the Creative Commons Clinic team who teamed up with OPEN CHANNEL and worked with us and our team of artists to ensure all content was accurately attributed.'



BUILDING AN AUSTRALASIAN COMMONS

VIDEO SLAM 02: *Appropriate Original*

DESCRIPTION: VIDEO SLAM 02: *Appropriate Original* was an experiment in time-limited, collaborative, open-licensing film production in response to the first VIDEO SLAM event.

WEBSITE: www.openchannel.org.au/artslaw

LICENCE USED: Final CC Films: Creative Commons BY-NC-SA 2.5 Australia, <http://creativecommons.org/licenses/by-nc-sa/2.5/au>; incorporated elements: BY, BY-NC and BY-NC-SA

MEDIA: Video, Audio

LOCATION: Australia

Overview

Following the success of VIDEO SLAM's 2007 debut, OPEN CHANNEL presented the second collaborative film project as part of Arts Law Week Victoria 2008: VIDEO SLAM 02: *Appropriate Original* (http://wiki.apc.org.au/index.php?title=VIDEO_SLAM). Spanning two days of workshops and culminating in a screening, forums and live remix event, VIDEO SLAM brought together filmmakers and lawyers to create a sound and video work exploring appropriation, remixing and the use of public space in electronic arts. The project draws purely from Creative Commons-licensed content, where participants

are guided through the processes of designing and creating a short film over a 48-hour workshop held at Horse Bazaar, Melbourne's digital arts bar. The results were screened at the VIDEO SLAM Forum, where they were also re-appropriated into the VIDEO SLAM live remix event. There a panel of hybrid arts practitioners including filmmakers, lawyers, audio-visual artists, producers and curators combined to generate two-and-a-half hours of digital sound and video remixing madness. Following this a panel of new media practitioners assembled to discuss appropriated hybrid artworks and the legal frameworks they reside in.

With the production process informed by Elliott Bledsoe from Creative Commons Australia and the outcome judged by Shaun Miller from Marshalls and Dent, key concepts addressed at VIDEO SLAM 02 *Appropriate Original* include:

- Appropriation in the arts and how it contributes to the work of an artist;
- Appropriation and culture in the digital age;
- Legal frameworks protecting artists and the works they consume;



Still shots from Team 1's John So Arbitrary (included copyright breaches)

Image: A still from John So Arbitrary, www.engage-media.org/Members/openchannel/videos/VS02_TEAM-01.ogv/view



Freeing Footage For All

CREATIVE COMMONS CASE STUDIES



The stills above are from Team 3's film *My Bro*. The stills to the right are from *The John S(h)o(w)* by Team 4. Both of these teams were limited to using only original content they created as part of the project and compatible Creative Commons-licensed material..

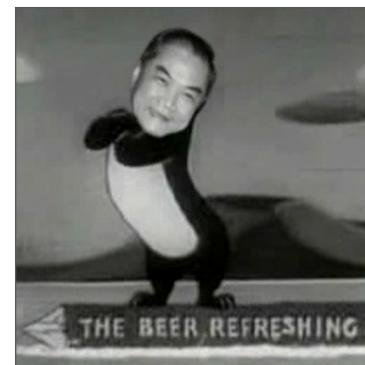


Image: A still from *My Bro*, www.engagimedia.org/Members/openchannel/videos/VS02_TEAM-03.ogg/view and *The John S(h)o(w)*, www.engagimedia.org/Members/openchannel/videos/VS02_TEAM-04.ogg/view. Both CC BY-NC-SA 2.5 Australia

- Creative Commons licences and other tools and delivery platforms assisting artists to remix and reappropriate cultural content (such as ccMixter, Freesound and EngageMedia).

Operating as both a rights management and production workshop, VIDEO SLAM poses the question of whether artists can make films using legitimate samples, and whether there is enough content out there that's appropriately licensed to assist creators in this endeavour. VIDEO SLAM's Remix Forum, held on 22 May 2008, examined both legitimate and illegitimate uses of appropriation in the arts, inviting video artist Emile Zile (www.emilezile.com) to talk about the dynamics of disregarding copyright, and Shiralee Saul (www.a-website.org/memory) who spoke on curatorial responsibilities of traditional vs new media.

Sixteen participants located in four VIDEO SLAM teams produced two-minute videos over a 20-hour period using both legitimate content (two teams) or 'whatever they liked from wherever they liked' (two teams). The subject matter of the film was Melbourne Lord Mayor, John So. Teams 1 and 2 created the free-reign videos *john so arbitrary* (www.engagimedia.org/Members/openchannel/videos/VS02_TEAM-01.ogg/view) and *So Hard* (www.engagimedia.org/Members/openchannel/videos/VS02_TEAM-02.ogg/view). Teams 3 and 4 worked on *My Bro* (www.engagimedia.org/Members/openchannel/videos/VS02_TEAM-03_Final.ogg/view) and *The John S(h)o(w)* (www.engagimedia.org/Members/openchannel/videos/VS02_TEAM-04.ogg/view), ensuring their videos were entirely compliant with copyright law which entailed logging every sound, photo and video they used in a Google spreadsheet. Each sample was then individually checked to ensure there were no copyright breaches and that the correct Creative Commons licensing was applied. Strong acclaim for both teams was felt by throughout the 80-member audience, with Andrew Garton concluding:

'As an Arts Law Week Project, I believe it was another outstanding success with a fair complement of lessons learnt and tangible outcomes.'

These deliverables are documented within Andrew Garton's report on the event for OPEN CHANNEL, available on the VIDEO SLAM 02 wiki (http://wiki.apc.org.au/index.php?title=VIDEO_SLAM_02).



BUILDING AN AUSTRALASIAN COMMONS

Licence Usage

Content sourced for VIDEO SLAM 02 was licensed under any of the following Creative Commons licences: BY, BY-NC or BY-NC-SA. All materials created for VIDEO SLAM 02, including briefing papers and the OPEN CHANNEL report prepared by Andrew Garton are licensed under a Creative Commons Attribution-Noncommercial-Share Alike 2.5 Australia licence, as encouraged by OPEN CHANNEL. All photos taken during the event by Andrew Garton (www.flickr.com/photos/andrew-garton/sets/72157605168747340) are hosted on Flickr under the Creative Commons Attribution-Noncommercial-Share Alike 2.0 Generic licence.

Motivations

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As a production initiative solely devoted to Creative Commons licences, VIDEO SLAM is one of Australia's most innovative open source creative collaboration events.

Andrew Garton discusses the genesis of the VIDEO SLAM project in the blog dedicated to the initiative:

'The idea for VIDEO SLAM grew from the 2006 forum we held at Arts Law Week, Free



Screen Culture. We discussed the pros and cons of flexible licensing within the context of filmmaking, in particular the increasingly popular Creative Commons suite of licenses.'

<http://openchannel.org.au/blogs/videoslam/?p=5#more-5>

Andrew observes that despite the concerns raised by Australia's collection societies in relation to CC licences, interest in them has not declined in the least:

'As such, it was considered that during the next Arts Law Week we would, rather than talk, we would "make something"! And we would do so with content (video, sound / music, photos and text) available under "some rights reserved" provisions of flexible licenses such as Creative Commons for re-use.'



Still shots from Team 2's So Hard (including copyright breaches)

Image: A still from So Hard, www.engagmedia.org/Members/openchannel/videos/VS02_TEAM-02.ogv/view



Freeing Footage For All



EXHIBITION OPEN!

Creative Commons & Visual Arts

In both traditional and digital spaces, the visual arts benefit from the exposure that Creative Commons provides. From major international platforms such as deviantART and Flickr, to individual Australian artists working from small studios such as West Australian graphic designer and illustrator Ali J, the case studies profiled in this section demonstrate a desire to showcase works across a range of media and formats.

This desire springs from a range of motivations. For the Australian site 60Sox, CC is a strategic element in its arsenal of tools designed to develop pathways from graduate to professional for Australia's emerging artists. Artabase, which aims to provide a social networking and exhibition space for artists, galleries and art lovers, similarly endorses CC as an appropriate option for its users. For New Zealand's UpStage platform, CC is fundamental to its operation as an open-source space for live artistic interaction as 'cyberperformance.' Underlying all these projects is a core focus on the creation of communities of practice, providing resources and exhibition spaces as a way of building networks among individuals.

Auspiciously, even bastions of the traditional gallery sector, such as the National Library of Australia (NLA), have come to recognise the value of CC as they seek to expand the boundaries of their institutions to embrace new technologies and communities. Through its Picture Australia *Click n Flick* project, the NLA is

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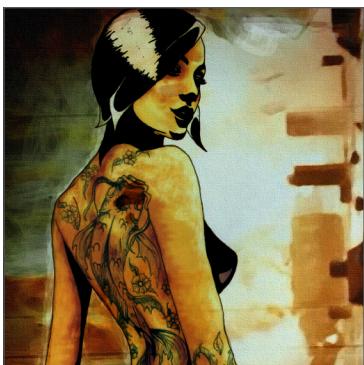
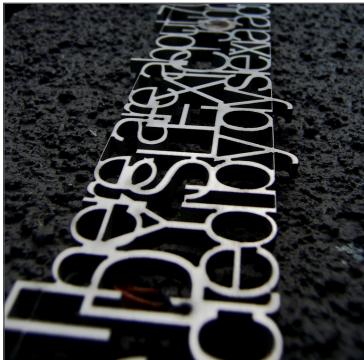
partnering with the photo-sharing site Flickr to explore the potential of Web 2.0 strategies such as crowd-sourcing via folksonomies to develop the national collection.

Given its prominent support for CC licensing, Flickr has emerged as a primary community in which to produce and from which to source artistic endeavour. Brisbane-based animator Merri Randell uses the platform to source images



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Images: (Top to Bottom) xDilecis, by jordesign, http://60sox.org.au/contents/jordesign/1663; Illustrated Girl - digital paint by jaspardo, http://60sox.org.au/contents/jaspardo/1566; Sorry by ivan, http://60sox.org.au/contents/ivan/787; and Gene Modification by Bernard Winter, http://60sox.org.au/contents/bernardwinter/679. All CC BY-NC-SA 2.5 Aus.



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for her artworks, using CC images which allow derivatives. As assembled for the inaugural ccSalon in Australia, held at the QUT Creative Industries Precinct in Brisbane in November 2006, local Flickr photographers have become ardent advocates of the commons.

To quote MonkeyC, a contributor to the event:

'The Creative Commons license is a perfect example of the sort of copyright changes the modern world needs to come to grips with in the digital age, information should be free to all.'

John Harvey, 'monkeyc.net'
www.flickr.com/photos/monkeyc

This image on Artbase depicts one part of Heliotropia, a 14-part solar-powered installation by American artist Sarah Nicole Phillips.



A sample of works from the 60Sox website: xDilecis, a photograph by jordesign, Illustrated girl - digital paint by jaspardo, Sorry by ivan and a still shot from Gene Modification, an animation film by Bernard Winter.

Ultimately, the need to maintain an open and vibrant space in which to express artistic endeavour is widely called for. Creative Commons is perceived as the vital element in keeping this conversation flowing.



Image: Heliotropia Detail by Sarah Nicole Phillips (<http://sarahnicolephillips.com>), CC BY-NC-ND 3.0 Generic, <http://artbase.net/artist/252-sarah-nicole-phillips>



Exhibition Open!

Ali J Art & Illustration

DESCRIPTION: Ali J is an Australian artist and illustrator whose stunning portraits of modern female figures are housed in private and public collections worldwide.

WEBSITE: www.alijart.com

LICENCE USED: Website: Creative Commons BY-ND 2.5 Australia, <http://creativecommons.org/licenses/by-nc/2.5/au>, Flickr: Creative Commons BY-NC-ND 2.0 Generic, <http://creativecommons.org/licenses/by-nc-nd/2.0>, deviantART: Creative Commons BY-NC-ND 3.0 Generic, <http://creativecommons.org/licenses/by-nc-nd/3.0>

MEDIA: Design, Visual Art

LOCATION: Perth, Australia

Overview

Ali J (aka Alicia Rosam) is an Australian artist and illustrator based in Perth, Western Australia. Her portraits are held in public and private collections worldwide. Ali J frequently works with mixed media on canvas, incorporating patterned paper, pages of text and date stamps from vintage books, as well as items such as translucent buttons. She also creates Matryoshka dolls, designs earrings, sews brooches, makes magnets and selects stationery such as greeting cards to feature her designs. Celebrities, fashion and shopping often inspire her work.

Ali J graduated from college in 2002 with a Diploma of Fine Art and a Certificate in Interior Decoration where she specialised in realistic charcoal drawings with a strong conceptual outlook. She works in a space surrounded by the artworks of Catherine Campbell, LaMaga, Erin Paisley Stueber, Bec Winnel, and Alexandra Lening amongst others, also taking inspiration from images from The Black Apple and postcards from *Frankie* magazine.

'I like to surround myself with characters and creatures that continually open up more paths to [my imagination].'

www.aussiepatches.typepad.com/aussiepatches/2008/03/inspirations-ev.html

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Rather creatively, she believes that her Matryoshka dolls share stories with each other as they come to life at the end of her brush.

The Blue-est Sea (right) is a fashion illustration created by Ali J as part of an exhibition. It is a combination of pencil and water colours on paper. Izabella Awaits (below) was a commissioned work which accompanied an interview with Ali J in the first issue of the online zine LoveGeek, www.lovegeek.net



Images: (Left to Right) LoveGeek Submission, www.flickr.com/photos/aussiepatches/1302534690, The Blue-est Sea, www.flickr.com/photos/aussiepatches/1840512974. Both CC BY-NC-ND 2.0 Generic.

BUILDING AN AUSTRALASIAN COMMONS



Image: moyoy CC BY-NC-ND 2.0 Generic
www.flickr.com/photos/aussiepatches/863409590

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Her works are sold in the Etsy online store (www.aussiepatches.etsy.com), where they have been recognised as 'A Thing of Beauty' (www.thing-of-beauty.com/100-great-artists-etsy-you-might-want-to-visit), being voted in the top 100 artists on the site.

Ali J's earrings have also been listed with Leeloo at the Shop Til You Drop E-boutique (www.shoptilyoudrop.com.au/eboutique_products.htm?brand=132&pid=2955).

Ali J's exhibition schedule is now tightly packed, with the most recent event being the Perth College Art Exhibition from 4 to 6 April 2008 where she has explored a maritime theme. Over the last two years Ali J has exhibited in a number of shows, including group exhibitions in Perth, Sydney,

Melbourne and New York and a solo exhibition in Perth.

Ali J's artwork and illustrations reside in private collections spanning 23 countries including Ireland, Italy, Poland, Portugal, Mexico, Spain, Brazil and Wales, as well as the United Kingdom and the United States. The public collections housing Ali J's work are the City of Joondalup Art Collection, and the Town of Vincent Library.

Her image *Babydoll Letters* (www.flickr.com/photos/aussiepatches/1154044695) was featured in the April 2008 Australian edition of *Marie Claire* magazine. In the same month, her work was featured in *Xpress Magazine* (www.xpressmag.com.au) in Perth.

Ali provides advice on the marketing of products, noting that anyone can sell a product; however, generating a repeat sale takes nous, emphasising that it is best to under promise and over deliver (www.aussiepatches.typepad.com/aussiepatches/2008/03/marketing-your.html).

Statistics

The following are a sample of observations Ali J gathered at the Unwrapped Designer Market on Mends St in South Perth on 16 March 2008. (Full statistics are available on her blog, www.aussiepatches.typepad.com/aussiepatches/2008/03/unwrapped-lowdo.html):

- Her average sale was \$25-\$30 and included on average 3 items;
- Her sale range went from \$2.50 to \$107.50;
- Her lowest priced product was \$2.50 and the highest was \$550 for an original painting;

'Creative Commons gives me the *added assurance* that I will be credited for my images, and it allows them to be displayed and used instead of just sitting in a file.'

Ali J in email interview



Exhibition Open!

Image: A derivative work of *Rough Seas*, CC BY-NC-ND 2.0 Generic. www.flickr.com/photos/aussiepatches/551100365. Derivative made with permission.



These works by Ali J represent the diversity of her creative practice and use of media. Rough Seas (above) is pen and ink on paper, whereas Growing Wild (top, right) is acrylic on canvas and Kinship (bottom, right) is painted directly onto a canvas of collaged paper.

- The average customer was female aged between 8 - 45;
- 20% of the traffic were repeat customers; and
- Of the 30 products Ali J offers, most of which have between 6 - 15 design variations, 6 products proved to be her most popular items.

On 4 March 2008, Ali J employed the free web tracking software called StatCounter (www.statcounter.com) for her blog, which revealed that visitors came from 18 countries, as well as 105 from unspecified countries which she conjectures may be the moon!

Licence Usage

Ali J licenses her collections on Flickr (www.flickr.com/photos/aussiepatches) under a Creative Commons Attribution-NonCommercial-NoDerivatives 2.0 Generic licence. These include illustrations, art, exhibition work, and content featured in print publications. Her collections hosted on deviantART (www.aussiepatches.deviantart.com), which currently number 79 'deviations', are licensed under a Creative Commons Attribution-NonCommercial-NoDerivatives 3.0 Unported licence. Both platforms allow downloads. Ali J adds a subtle watermark 'aussiepatches' to her deviantART stock.

CREATIVE COMMONS CASE STUDIES



Images: (Top to Bottom) A derivative work of *Growing Wild*, CC BY-NC-ND 2.0 Generic. www.flickr.com/photos/aussiepatches/2345037852, made with permission, and *Kinship*, www.flickr.com/photos/aussiepatches/2309266897. Both CC BY-NC-ND 2.0 Generic.

Motivations

Ali J explains that she first heard about Creative Commons through the photo-sharing site Flickr. Initially, she says in an email interview in December 2007 with Rachel Cobcroft from Creative Commons Australia, she didn't really understand it too much; however,



'It looked like a good way to help protect my images and get credit for when people display my images on their site. I found out about CC in more detail on deviantART when I was a little more concerned about plagiarism because it is quite high on that site. I read up a little more about CC and decided to display the disclaimer on my blog as a preventative measure and a way to protect my creations. Creative Commons gives me the added assurance that I will be credited for my images, and it allows them to be displayed and used instead of just sitting in a file.'

Ali J, in email interview, December 2007

*In early 2008, Ali J was commissioned by Portuguese band Mesa (www.mesa.pt), who are signed to Sony/BMG, to develop the entire artwork for their album *Para Todo O Mal* (below). The two main band members were transformed into Ali's characters, with the female's signature crazy hair moving through out the entire design.*



BUILDING AN AUSTRALASIAN COMMONS

Artabase

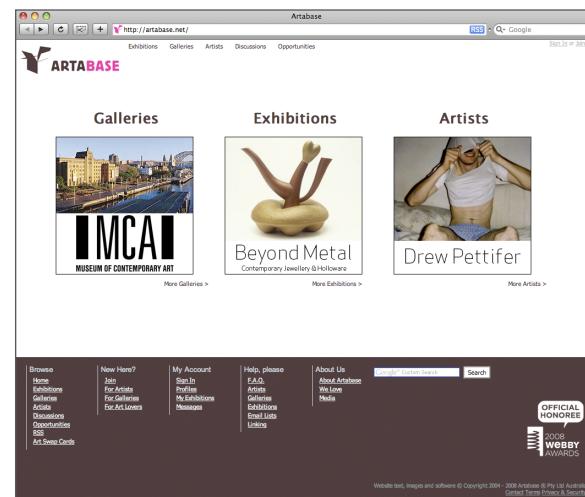
DESCRIPTION: Artabase is a beta social networking site for artists, galleries and art lovers, creating a 'one stop shop' for news of exhibitions and events.

WEBSITE: <http://artabase.net>

LICENCE USED: Some images under Creative Commons 3.0 Unported suite

MEDIA: Images

LOCATION: Australia



Artabase homepage, July 2008

installation experts amongst others. The Artabase site is also able to be filtered by region and browsed by alphabetical listing.

Statistics

In January 2008 Artabase had:

- 2993 unique visitors
- 972 registered users
- 350 email list subscribers
- 269 exhibition listings
- 255 artist profiles
- 121 gallery profiles

Other web traffic details are available via Alexa, an online web traffic monitoring site (www.alexa.com/data/details/traffic_details/artabase.net).

Licence Usage

Artabase announced its decision to allow images to be licensed under Creative Commons in October 2007 (<http://creativecommons.org/weblog/entry/7761>). According to



Despite being in beta stage, Artabase received an honoree mention in the Arts category in the 2008 Webby Awards, the 'Oscars for the Internet.' It sat alongside nominations such as The Tate Online and a Pulitzer Foundation For The Arts exhibition website.

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Rebecca Cannon, Director of the site, approximately 12% of the images uploaded to Artabase to date have a Creative Commons-licensed image. Creative Commons Attribution- ShareAlike is the most common licence chosen. The site explains the reasoning behind its allowance of CC:

'We... assist art fans and reviewers by offering Creative Commons licensing options on images which are uploaded to our website. This provides visitors to our website with an instant indication of the re-use rights available on any images they are interested in, thus making it easier to display an image on another website, or in a research article, or even in the new artistic, appropriative works, or even for commercial purposes, without first confirming permission from the artist – where the artist has indicated that those re-use rights are freely available.'

http://artabase.net/public/about_loving_not Quite_art

Reflecting on the application of Creative Commons licences on the site, Rebecca Cannon comments in an email interview with Rachel Cobcroft from Creative Commons Australia:

'Philosophically I'm all for any copyright holder having the freedom to use Creative Commons licences, but as a business owner I do worry that we might be putting ourselves at risk as image hosts if our users chose Creative Commons without fully understanding the legal ramifications, as has happened on other websites.'

In addition, Artabase is a 'big-time supporter' (<http://artabase.net/public/love>) of open source software. It employs Ruby on Rails for site development. At this stage, there is no Ruby on Rails Creative Commons API, so they are setting about developing their own, and intend to release it back to the world when ready.

Motivations

Before commencing Artabase, Rebecca Cannon was involved in DIY creative productions, making video and hardcopy print zines amongst other projects.

'Like many postmodern artworks much of the material was appropriative too, so we needed to free up the re-use rights of our own work to respect the greater gene pool of creative materials we were sampling. Creative Commons was a direct result of activities like this that we could all use and relate to.'

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In Paul J. Kalemba's Artabase profile, he declares his belief that supported and unrestricted artistic practice is integral to, and inseparable from, any healthy human society. He believes an artist not only has the right to practice, but a responsibility to themselves and humanity at large to give shape and meaning to both through their artistic practices.



Image: By Paul J. Kalemba, CC BY-NC-ND Unported 3.0, <http://artabase.net/artist/378-paul-j-kalemba>

BUILDING AN AUSTRALASIAN COMMONS

ccSalon Australia Flickr Pool

DESCRIPTION: The inaugural ccSalon Australia Flickr exhibition was established to showcase the work of local photographers licensing their material under Creative Commons.

WEBSITE: www.flickr.com/groups/ccsalon

LICENCE USED: Creative Commons 2.0 Generic suite

MEDIA: Images

LOCATION: Australia

*'The future of creativity
of every sort relies
upon sharing'*

Tama Leaver, www.flickr.com/photos/tamaleaver

Centre of Excellence for Creative Industries and Innovation (www.cci.edu.au) and Creative Commons Australia (<http://creativecommons.org.au>). This event brought together representatives of the Australian government, education, libraries and creative industries sectors (including film, music, publishing, and multimedia), to discuss issues and strategies relating to the implementation of Creative Commons in Australia. These representatives were encouraged to see 'what's happening out there' by attending the ccSalon following the discussions.

As a public exhibition of how artists are using Creative Commons licences and materials in this region, the ccSalon included a live audio-visual mashup of music and Flickr images by Andrew Garton (www.toysatellite.org) and music by Collapsicon (www.collapsicon.net)



Images: (Top to Bottom) The Kiss by Shek Graham CC BY 2.0 and Generic; (Bottom) www.flickr.com/photos/tamaleaver



The ccSalon acted as the finale to the CCau Industry Forum, hosted by the ARC



Exhibition Open!

CREATIVE COMMONS CASE STUDIES

and the hybrid music ensemble Collusion (www.collusion.com.au). It also included an exhibition of photographs selected and curated by Creative Industries PhD researcher Rachel Cobcroft from the images in the ccSalon Flickr group pool.

Licence Usage

'I use a Creative Commons licence for most of my photos on Flickr since I wanted to use other people's for a particular project. I found the number of All Rights Reserved photos to be astounding, and also, quite disappointing. So I changed all of my licensing to by-nc-sa. The sa rather than nd because I was stymied so often, in my search for photos, when I wanted to crop and couldn't.'

wiccked, www.flickr.com/photos/wiccked

All photos uploaded to the Creative Commons Australia ccSalon Flickr pool were required to be licensed under the Creative Commons scheme, showing support for open licensing as well as facilitating the printing of the images for the event. Contributors were invited to tag their photographs with 'CCSalonremix' if they wished to have them incorporated into the live multimedia performance coordinated by Andrew Garton, allowing the images projected onto the venue's walls in concert with the music. Flickr's lack of local licences was noted, with the only option being the adoption of 2.0 generic licences.



Image: home by luke roberts, CC BY-NC-SA 2.0 Generic, www.flickr.com/photos/lukeroberts/289358010

Motivations

'The future of creativity of every sort relies upon sharing. In our era of extreme copyright, Creative Commons licensing lets artists, students and citizens across the globe allow others to view, share and remix in a manner consistent with the cutting edge of creativity and innovation, not the hampered by the lumbering monstrosity that overzealous "all rights reserved" copyright law has become.'

tamaleaver, www.flickr.com/photos/tamaleaver

A primary aspect of this event was the request that the Flickr photographers provide a brief description



Image: (Top to Bottom) Photographs on the wall by wiccked , CC BY-NC-SA 2.0 Generic, www.flickr.com/photos/wiccked/309754635 and Go fly a kite! by Lalalian, CC BY-ND 2.0 Generic, www.flickr.com/photos/lalalian/251146537



BUILDING AN AUSTRALASIAN COMMONS

of why they chose to license under Creative Commons. This request, endorsed by the QUT Research Ethics Committee, resulted in the following expressions of the importance of free culture, of ongoing creativity and reciprocity.

'Default Copyright is stifling our culture. I see Creative Commons Licensing as a means of engaging actively in a copyright debate, of exploring alternatives and encouraging creativity, cultural exchange and growth.'

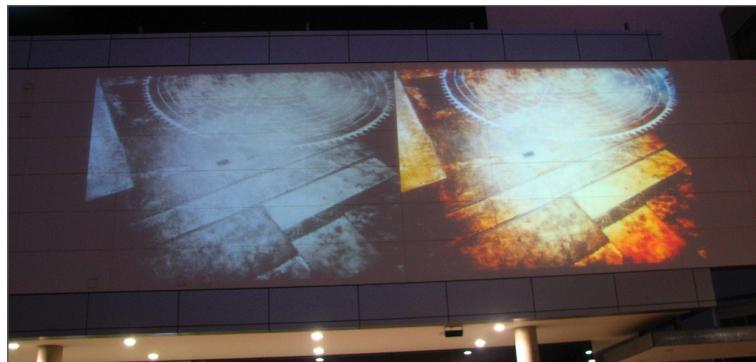
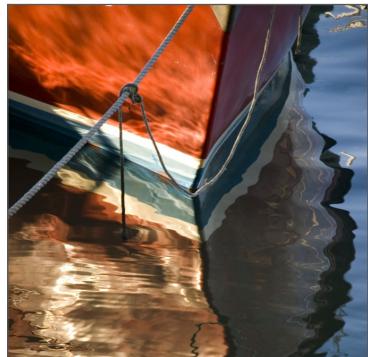
Bettina, www.flickr.com/photos/sublimedesign

'I love the way the net encourages respectful sharing between like-minded people. Creative Commons gives me the confidence to share in the knowledge that I will be recognised for my work.'

woowoowoo, www.flickr.com/photos/leprecon

'I've always liked the idea of Open Source Software, and Creative Commons for photographers seems to

Rachel Cobcroft selected photographs from the 245 photos deposited in the ccSalon Flickr group to be part of the 'Australian CC Photographers on Flickr' exhibition at the inaugural Australian ccSalon.'



Images: (Top to Bottom) bow/reflections by woooowoo, www.flickr.com/photos/leprecon/169497361 and slideshow by wickekd, http://flickr.com/photos/wickekd/309786057. All CC BY-NC-SA 2.0 Generic

complement that ideal, making it easy to share with the masses but without surrendering the rights for that creativity.'

yinyang, www.flickr.com/photos/albertyinyang

'If we adopt the American model which treats intellectual property the same as physical property, we will be left without a public domain. That has serious implications for society, because all new knowledge (creativity, composition, problem-solving) comes from what went before. Culture (in every sense of the word) depends on a lively commons and I am proud to be part of it.'

shanrosen, www.flickr.com/photos/pamrosengren

Professional photographers such as John Harvey (monkeyc.net) also lend vociferous support through their statements:

'The Creative Commons license is a perfect example of the sort of copyright changes the modern world needs to come to grips with in the digital age, information should be free to all.'

monkeyc.net, www.flickr.com/photos/monkeyc

Doug Steley (d70dug) another commercial photographer, references ability to sustain a business at the same time as sharing amongst friends:

'Creative Commons allows me to display and share my photos while still allowing me to sell them on stock libraries.'

d70dug, www.flickr.com/photos/76729200@N00



Exhibition Open!

CREATIVE COMMONS CASE STUDIES

Having the ability to share with others, and to be recognised for doing so, was stated as critical to members of this group:

'I use the Creative Commons licence on my photographs as I want my photographs to be seen and enjoyed by others. I get enormous pleasure seeing my photos on other people's blogs, and the attribution licence means that I get credit for my photos. My photos are my way of expressing myself in the world and sharing with others.'

Shek Graham, www.flickr.com/photos/shekgraham

As was revealed in the OpenBusiness.cc report, reciprocity plays a critical role in the licensing of images under Creative Commons. A UK respondent (an illustrator) indicated:

'I license all of my photography on Flickr under CC. I don't see why anyone would want to remix or use them for anything but I frequently use other people's images for ideas and I would feel a bit rude if I didn't share mine in turn.'

UK Artists - Their Approaches to Copyright and Creative Commons, p 12, www.openbusiness.cc/wp-content/uploads/2006/11/ACEReport.pdf

In the ccSalon pool, there was a similar sentiment expressed by several participants, expressing a desire to give back what had been acquired:

'As my experiments in photomanipulation have increased I have found access to others' images very useful. Consequently, it is only fair that I put some

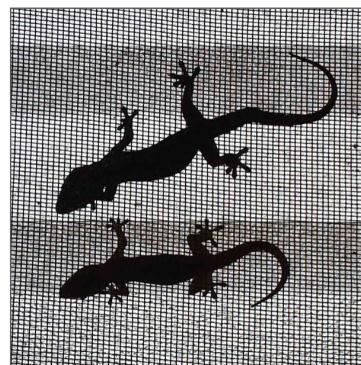
source material back into the community for others to use in their own experiments.'

Misteriddles, www.flickr.com/photos/misteriddles

'I tend to license most of my photos with a Creative Commons licence and have benefited directly from this when a group of photo restorers used a couple of my older photos as exercises. They then published the finished items under a CC licence, so I could then use the restored images. I also like to see people use my images, whether in blogs, to illustrate articles in wikis, or in graphical designs.'

RaeA, www.flickr.com/photos/raeallen

Rachel reports that feedback from the night was incredibly positive, with the photographers being thrilled to have their work profiled and recognised by peers. The Flickr photographic community continues to support the Creative Commons initiative in Australia by participating in the Creative Commons Australia group (<http://flickr.com/groups/ccaustralia>), in addition to the NLA Picture Australia groups.



Images (Left to Right) Jail Buddies by Pam Rosengren, CC BY-NC 2.0 Generic, www.flickr.com/photos/pamrosengren/126816634. and Untitled by Garton, CC BY-NC-SA 2.0 Generic, www.flickr.com/photos/andrew-garton/78484330.



BUILDING AN AUSTRALASIAN COMMONS

deviantART

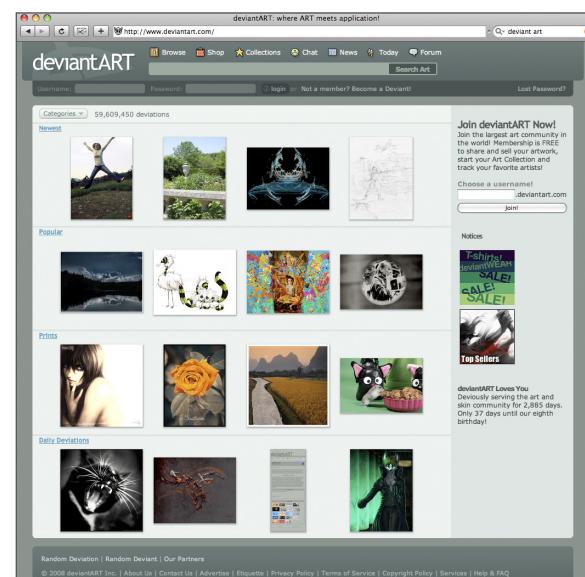
DESCRIPTION: deviantART is an online community dedicated to showcasing art as prints, videos and literature.

WEBSITE: www.deviantart.com

LICENCE USED: Creative Commons 3.0 Unported Suite

MEDIA: Images, Text, Videos

LOCATION: Global



deviantART homepage, July 2008

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Overview

deviantART (abbreviated to 'dA') markets itself as the 'world's largest, most vibrant and relevant online community focused specifically on ART' (<http://about.deviantart.com/advertising>). Founded on 7 August, 2000 in California, dA today boasts a catalogue of over 36 million artworks called 'deviations,' from over 4.5 million registered users, known as 'deviants.' The site features a wide variety of creative expressions including animations, photographs, web skins, films, and literature, which are categorised within the customisable dA gallery according to a comprehensive structure. Members are able to form communities of interest through 'dAmn,' the deviantART Messaging Network, a real-time chat system which is divided into channels in addition to #devart, the official channel, and #help, the dA assistance channel.

The site is based on a subscription model of \$US24.95 per year for a premium 'Prints' account. By subscribing, the user will earn 50% of the revenue gained from printing canvases, calendars, mouse pads, postcards, t-shirts, and magnets, for example, above a pre-set 'base cost,' such as \$0.32 for a 4 x 6 inch print. Free

membership allows a deviant to accrue 10% of revenue gained from the sale of their artwork in the dA Shop, which was originally dA 'Prints'.

dA allows advertising through its adCast service (<http://my.deviantart.com/services/#adcast>), with non-profit and community-related products receiving a discounted rate in view of the site's commitment to helping artists raise their profile and share their content. Payment is per click, with 1,250 clicks currently costing \$US50. Partners include art groups, zines, and promoters of skins and themes.

Website development has occurred in versions, with upgrades being released more or less on an annual basis. A recent addition to version 5 in December 2007 allowed users to categorise their gallery art into folders.

Licence Usage

'The best way to avoid infringing on the rights of another creative person is to use your skill, talent and imagination to create your own completely original work.'

<http://about.deviantart.com/policy/copyright>



Exhibition Open!

deviantART launched a new, streamlined uploading system incorporating a Creative Commons licence generator on 14 November 2006. As with all generators, deviants are able to select the licence they wish to apply through deciding on whether to allow commercial use or modifications. The site specifies 'none' as the default. By opting for a CC licence, the linked CC logo and licence description appear under the user's deviation.

The site includes its copyright policy relating to submissions and reuse (<http://about.deviantart.com/policy/copyright>). This policy emphasises that respect for an individual's original artwork should be maintained, creating a 'beneficial and positive atmosphere for all dA visitors and members.' When made aware of copyright violations, by the owner of the material or through anonymous reporting, deviantART administrators will delete the infringing material immediately under s512 of the United States *Digital Millennium Copyright Act* 1998. Parties believing that their works have been removed in error have recourse to the filing of a counter notice through a help address.

In this way, the dA administrators attempt to balance two primary and often conflicting goals: firstly, to allow site members to express themselves within reason with as few restrictions as possible while nurturing an environment of creativity, learning, and talent; and secondly, to protect the members of the community, to the best of their abilities, from infringement of copyright, discrimination, harassment, and prejudice (<http://about.deviantart.com/policy/etiquette>).

Downloads of deviants' tutorials and stock photos are also available. An example is *redheadstock's tutorial (<http://redheadstock.deviantart.com/art/>)

Tutorial-Brushes-and-Colors-45664578) on the use of brushes and colours in Photoshop, licensed under Creative Commons Attribution-NoDerivatives 3.0.

Motivations

Faced with wide-spread appropriation of original artworks published on deviantART, the dA community celebrated the introduction of Creative Commons licences as a measure of protection that goes some way to preventing the practice, or at least making others aware of the users' rights. This option was seen as preferable to 'spoiling' artwork through the use of watermarking technologies.

Announcing the Creative Commons submission process, deviantART beta tester 'SeverinaSnape' further explained the rationale behind the introduction of the licences (<http://news.deviantart.com/article/23957>):

"Ripping" is as common as Anime here at deviantART. As if deviants didn't have enough to contend with from other, quite often naïve deviants who don't realise that they are not free to just take one's work [to] use it as they wish; we now have to deal with international websites dedicated

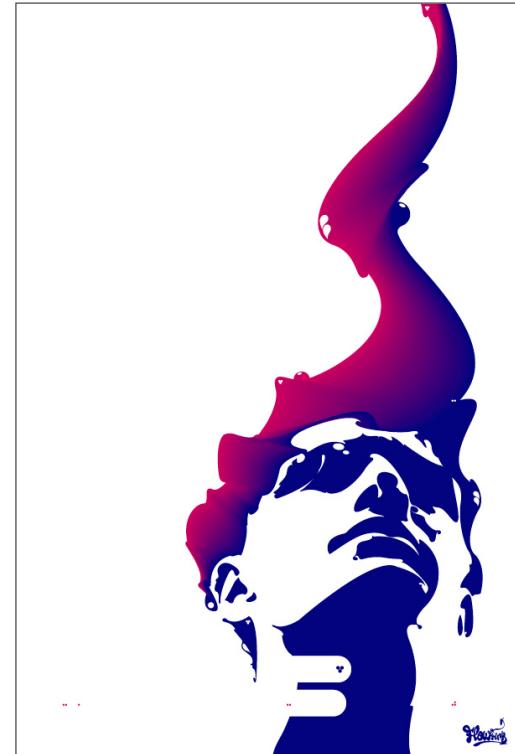


Image: fusion by *TFDC, CC BY-NC-ND 3.0 Unported, <http://TFDC.deviantart.com/art/fusion-90172576>



BUILDING AN AUSTRALASIAN COMMONS

Image: billnskllr by ploc, CC BY-NC-ND 3.0 Unported,



to the art of taking, displaying and using our works without our knowledge or permission.

Well – dA has a significant new feature which we should all become very familiar with. It is much needed ammunition in the battle against digital theft or “borrowing”.

Incorporated into the submissions process is the ability to license your work through the use of a Creative Commons License. Creative Commons helps you publish your work online while letting others know exactly what they can and can't do with your work.'

Reactions to the introduction have been positive:

'This is very useful, and I'm sure MANY people will enjoy this. Thanks for doing this.'

layzbutt on 23 November 2006

Pre-empting the site's introduction of the Creative Commons licence generator,

~qoucher proposes the licences as a way to prevent work being stolen in December 2005:

[F]rom what I understand, a company called Creative Commons offers free tools for having a copyright license on your work. I hear quite a bit about work being stolen and DA having all sorts of problems and what-not, so maybe this just might help.'

<http://forum.deviantart.com/devart/general/552884>

The Ubuntu development community, working on the world's third most popular desktop operating system, is currently offering a competition for the deviantART community to redesign the look and feel of the Ubuntu 8.10 distribution, to be released in October 2008. They have called upon artists, illustrators and photographers to design original wallpapers that match Ubuntu's colour palette. These wallpapers must be:

- 1 beautiful;
- 2 original artworks, submitted by their authors;
- 3 use Ubuntu's existing palette;
- 4 CC licensed; and
- 5 be suitable for children and different cultures.

'Ubuntu 8.10's theme revamp should engage with the large community of Creative Commons artists at DeviantArt.'

<https://blueprints.launchpad.net/ubuntu/+spec/deviantart-theme-competition>



Exhibition Open!

merri randell

DESCRIPTION: merri randell is an Australian relational, post-production artist, animator and designer. Her current doctoral research and creative work focuses on creating deliberately disturbing animations or ‘impressions’ which critically analyse the narratives which have contributed to the construction of her identity.

WEBSITE: www.merrirandell.com

LICENCE USED: Creative Commons BY-NC-SA 2.0 Generic,
<http://creativecommons.org/licenses/by-nc-sa/2.0>

MEDIA: Images, Animations, Videos

LOCATION: Brisbane, Australia

Overview

merri randell is a Brisbane-based post-production artist who creates multimedia artworks and installations incorporating and taking inspiration from Creative Commons-licensed material.

She is currently undertaking a doctorate at the Queensland College of Art, Griffith University (www.griffith.edu.au/qca), which focuses on the construction of an online space which reuses images found through Flickr’s Creative Commons advanced search (www.flickr.com/search/advanced). merri creates new narratives from found images which, as Nicolas Bourriaud describes is the key practice of a postproduction artist.

‘Postproduction artists invent new uses for works, including audio or visual forms of the past, within their own constructions. But they also reedit historical or ideological narratives, inserting the elements that compose them into alternative scenarios.’

Nicolas Bourriaud in Schneider, C (editor), Herman, J (translator) (2002) *Postproduction: culture as screenplay: how art reprograms the world*, New York: Lukas & Sternberg, p 39

merri’s alternative narratives are evoked by the arrangement and movement of images in her animations. The works challenge the audience’s fascination and repulsion to ugliness, an experience known as abjection. These narratives are disturbing and depict abject moments in the artist’s personal experience. By re-creating and re-presenting these narratives, embedded within short looping, open-ended animations, merri challenges the narratives which have contributed to the construction of her identity.

merri is using this process as a method to engage with the persona—almost confessional, collaborative, inclusive and anti-hierarchical—culture of the web. By doing this she aims to provoke open-ended dialogue with her audience, hopefully stimulating them to be contributors or, as she refers to them, co-participants. Co-participation is a relational

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aesthetics term which describes an equal, anti-hierarchical relationship with people (Flickr community) who contribute to and experience merri's work.

In today's remix culture, audiences are no longer passive receivers and through a critical dialogue with these co-participants, merri believes we can all participate in helping construct a more inclusive culture. Through a critical dialogue with these co-participants, merri believes we can all participate in the construction of culture.

merri has worked nationally and internationally for almost 20 years as a creative in online, print, film, TV and radio at both a community and professional level. Her current practice responds directly to her work as a TV producer and as a screenwriter in linear storytelling. For years she has felt uncomfortable about the non-interactive and hierarchical process of linear storytelling which privileges information and audiences.

Her current works are also co-contrived by co-participants because she sources her images from people who have licensed their images under Creative Commons. By remixing and re-presenting these interactive narratives to audiences of co-participants, the co-participants bear witness and the narratives become part of the social body of the web and become inspiration for further debate about the boundaries between fascination and repulsion. Through this process merri hopes to achieve her goal and contribute to a social horizon which becomes broader, more accepting, empathetic and inclusive.

'The struggle to understand and empathise with what is at first considered ugly can result in an

expansion of the psychological and relational horizon that defines one's life. In this way, ugliness succumbs to beauty.'

George Hagman (2005) *Aesthetic Experience: Beauty, Creativity, and the Search for the Ideal*, Amsterdam: Rodopi, p122

Licence Usage

merri is using a collaborative, practice-led approach in her research and creative work – a process which includes using images from her childhood and taking inspiration from images licensed under Creative Commons.

She uses Creative Commons material on Flickr (www.flickr.comcreativecommons), but is careful to only select images which are licensed to allow derivative works, as her practice is based around a reinterpretation of these images as cultural signs.

Motivations

Creative Commons licensing enables merri to work collaboratively with others who deliberately wish to share their images by assigning a ShareAlike Creative Commons licence to their contributions. Through this collaborative process in the creation of her work merri believes she contributes to the construction of culture and inspires others to do the same, as Bourriaud notes.

'Artistic activity is a game, whose forms, patterns and functions develop and evolve according to periods and social contexts; it is not an immutable essence.'

Nicolas Bourriaud in Pleasance, Woods & Copeland (translators) (2002) *Relational Aesthetics* France: Les presses du reel, p11



Exhibition Open!

Monkeyc – John Harvey

DESCRIPTION: Monkeyc.net is the moniker of John Harvey, a Brisbane-based former photojournalist who licenses his Flickr photo stream under Creative Commons.

WEBSITE: Website: www.monkeyc.net, Flickr: www.flickr.com/people/monkeyc

LICENCE USED: Creative Commons BY-NC-SA 2.0,
<http://creativecommons.org/licenses/by-nc-sa/2.0>

MEDIA: Images

LOCATION: Brisbane, Australia

Overview

John Harvey, aka monkeyc.net (www.flickr.com/photos/monkeyc), is a former photojournalist who now uses Flickr to display his photography. John is an active member of the Flickr community, having first uploaded a photo on 26 September 2004 and currently sporting a collection of close to 1,000 images, and encourages others to engage likewise. Several of John's photographs have been featured on Flickr's 'Explore' page (www.flickr.com/explore), as an indication of their popularity in the photo-sharing community. John is a member of over 180 groups within Flickr, ranging from 'Australian Images' (www.flickr.com/groups/australia) to 'Mundo Uno' (www.flickr.com/groups/mundouno_).

John describes himself, in his Flickr profile page (www.flickr.com/people/monkeyc) as follows:

'Monkeyc is a former photojournalist who fled the bright lights and dingy darkrooms for

fame, fortune and a living wage back in the mists of time, now a sometime amateur photographer who dreams of the days when he understood esoteric concepts such as depth of field and aperture as an escape from a life spent dealing with the problems of suffering users and staff in the world of corporate Information Technology.'

The website 'monkeyc.net: a.life.in.motion' is John's blog (www.monkeyc.net), and also contains a gallery of pictures. The blog is not Creative Commons licensed.

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Image: corkscrewed by monkeyc.net, CC BY-NC-SA 2.0 Generic, www.flickr.com/photos/monkeyc/1239230060

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'The Creative Commons license is a perfect example of the sort of copyright changes the modern world needs to come to grips with in the digital age, information should be free to all.'

John Harvey, photographer

Licence Usage

Monkeyc.net's Flickr images are licensed under the Creative Commons Attribution-Noncommercial-Share Alike 2.0 Generic licence. His collection currently stands at 971 photos, divided into 44 sets. John's Flickr statistics can be found here (<http://bighugelabs.com/flickr/dna.php?username=monkeyc.net>), care of the Big Huge Labs 'DNA' application (<http://bighugelabs.com/flickr>).

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Bjorn Bednarek of Creative Commons Australia observes in *Unlocking the Potential Through Creative Commons* (<http://creativecommons.org.au/unlockingthepotential>) that as a former professional photojournalist, John's choice to license all of his works under Creative Commons is encouraging:

'By putting trust in the licences, and actively advocating them within the Flickr community, John is helping to legitimise and

popularise Creative Commons. Whilst interested in selling his works commercially, he uses Creative Commons to share his work non-commercially.'

Motivations

John entered several of his pictures into a photo pool for the first Australian ccSalon (<http://creativecommons.org.au/ccsalon>) held in Brisbane on 29 November 2006. In doing so, John described why he had embraced Creative Commons for his photos:

'The decision to license my work as creative commons was an easy and almost automatic one – my work is for personal enjoyment and I want others to be able to enjoy my work and to incorporate it into their visions. Today I find photography is a personal pleasure, I no longer have to make a living from my camera – it's just my vision of the world – a unique vision to me but with CC it's also something you can take and turn into something from your world – the scope is infinite and it sets the images free in so many ways – The creative commons license is a perfect example of the sort of copyright changes the modern world needs to come to grips with in the digital age, information should be free to all.'

Images: (Top to Bottom, Left to Right) abstractions in steel, www.flickr.com/photos/monkeyc/166358317.controlling
visions, www.flickr.com/photos/monkeyc/218965399. Both CC BY-NC-SA 2.0 Generic



Exhibition Open!

Picture Australia Click n Flick

DESCRIPTION: Click n Flick is a National Library of Australia initiative to open Picture Australia to photographic contributions from the general public.

WEBSITE: www.pictureaustralia.gov.au/contribute/participants/Flickr.html

LICENCE USED: Creative Commons 2.0 Generic Suite

MEDIA: Images

LOCATION: Australia

Overview

Click n Flick is a National Library of Australia (NLA) initiative to open their online pictorial gateway, Picture Australia (www.pictureaustralia.gov.au), to contributions from the Australian public. Launched in January 2006 in collaboration with photo-sharing site Flickr, Click n Flick enables individuals to contribute their own images to three dedicated Flickr image pools: 'Picture Australia: Ourtown' (www.flickr.com/groups/pa_ourtown), 'Picture Australia: People, Places and Events' (www.flickr.com/groups/PictureAustralia_ppe), and the recently launched 'Re-Picture Australia' (www.flickr.com/groups/re-pictureaustralia), dedicated to the reinterpretation of historic Australian images in the public domain.

'At Picture Australia, we've approached the challenges of the digital age with a big vision – believing it should be possible to search a comprehensive pictorial record of Australian history and endeavour from one place. More than that, though, the vision is to invite all Australians to place their own

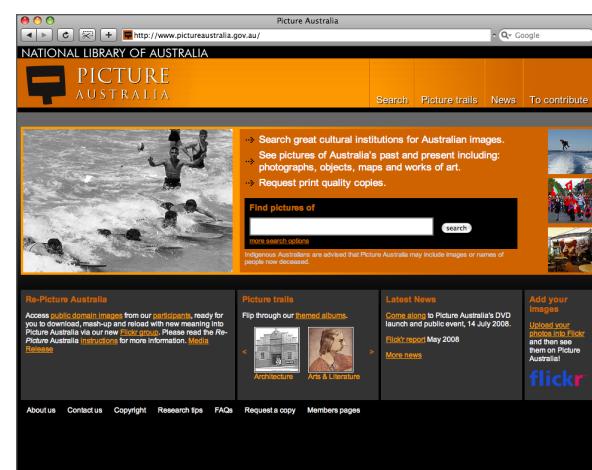
image collections there too, so we all play a part in telling the full story.'

Fiona Hooton, National Library of Australia, www.nla.gov.au/nla/staffpaper/2006documents/Big-Vision.pdf

Picture Australia was launched in 2000, and aims to be the definitive pictorial website for and about Australians and Australia, providing one simple search for many collections. It began with a few thousand images from seven organisations, and has since grown to include over 1.1 million images from the collections of 45 organisations and now individuals via Flickr. Participating organisations include a range of local, state and federal government organisations and both large and small institutions from

across the Australian cultural sector (ie galleries, museums, and libraries).

Picture Australia homepage, July 2008



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'Using one simple search facility, Picture Australia provides access to many collections that offer an insight into the artistic, social, cultural, historical, environmental and political life of Australia.'

Fiona Hooton, National Library of Australia,
[www.nla.gov.au/nla/staffpaper/2006documents/
Big-Vision.pdf](http://www.nla.gov.au/nla/staffpaper/2006documents/Big-Vision.pdf)

The Click n Flick project arose from a survey which found that people wanted more contemporary images to be available on the Picture Australia service. Flickr was suggested as an easy way to let the public upload and provide metadata for their images, which the library could then harvest. This approach also ties in well with the NLA's Strategic Directions, which includes the objectives to 'ensure that Australians have access to vibrant and relevant information services' and to 'ensure our relevance in a rapidly changing world, participate in new online communities and enhance our visibility.' While the NLA does mediate the collection, to guarantee the appropriateness of the photographs, they rarely need to censor the material.

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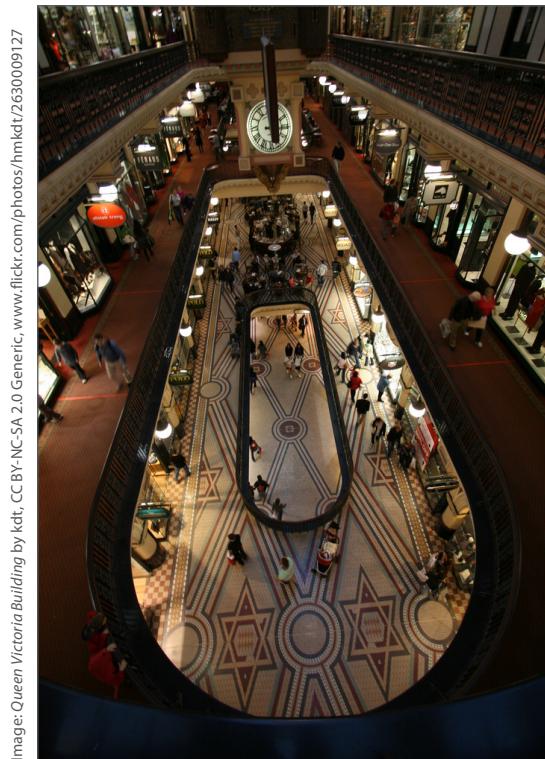


Image: Queen Victoria Building by kdt, CC BY-NC-SA 2.0 Generic, www.flickr.com/photos/hmkdt/263009127

Licence Usage

As part of this project, Picture Australia encourages people to make their material available in the archive under the Creative Commons licences. The current Flickr group sites contain the following

statement regarding Creative Commons licensing:

'While this is not a condition for contributing to this group, we suggest you consider licensing your images with a Creative Commons like "Attribution-NonCommercial". Picture Australia selects Creative Common licensed images when producing audio visual displays for National events and festivals e.g.: National Folk Festival or the upcoming 2008 National Photography Festival. Because of the amount of work involved in rights clearing, it is not feasible to use "all rights reserved" images for audio visual display purposes. You can find further details about the 6 Creative Commons licenses on the Flickr Creative Commons page.'

After positive experiences with voluntary Creative Commons licensing with the original Picture Australia groups, 'Australia Day' and 'People, Places and Events,' when the NLA launched the new 'Ourtown' group in January 2007, they decided to experiment with making Creative Commons licensing compulsory. However, in August 2007 the NLA reversed this decision, reverting to optional licensing for its remaining Flickr groups ('People, Places and Events' and 'Ourtown'). This change was made at the prompting of several members of the photography community, and was intended to ensure that photographers could retain maximum control over how they chose to license their work.

The most recent Flickr group, 'Re-Picture Australia,' emphasises users' ability to creatively reuse, reinterpret and 're-picture' Australia's national collections (www.nla.gov.au/pub/gateways/issues/90/story05.html). Making a series of public domain images available for download from December



Exhibition Open!

2007 as donated by a selection of Picture Australia's participants (www.pictureaustralia.org/contribute/participants/index.html), the group encourages artists to mashup these high-resolution photographs, thereby 'bringing fresh significance to the historical collection material available in Picture Australia.' The new works are uploaded to the Re-Picture Australia group with appropriate descriptions and tags indicating their origins. Whilst Creative Commons licences are not compulsory, they are encouraged. In particular, CC works will be able to be incorporated into events within Picture Australia's 2008 Vivid National Photography Festival (www.nla.gov.au/vivid), which will include the production of a DVD of CC images interspersed with a series of short interviews with Picture Australia researchers, Flickr group members and collection curators, to be launched as part of a multimedia display at NLA on 14 July 2008.

Motivations

As the above Flickr group statement shows, the NLA adopts Creative Commons licensing in part because of the practical benefits it provides, by ensuring that the library has the rights it needs to harvest, maintain and promote the collection, while still allowing the individual to retain control over how their image is made available. In an interview published in the program of the iCommons iSummit 2006, Fiona Hooton, manager of PictureAustralia, indicated that the Creative Commons licences were first suggested by PictureAustralia's web manager for this reason.

However, the NLA also has philosophical motivations for promoting Creative Commons. As Ms Hooton puts it, Creative Commons licensing 'encourages content contributors to think in terms of a librarian keeping



in mind the public benefit of providing maximum access to content as part of Australia's national collection'.

Ms Hooton has also indicated that the NLA's decision to use Creative Commons licensing was in part motivated by the benefits open content licensing provides for the users of Picture Australia. Because of the prohibitive cost of obtaining copyright clearances for such a large pool of material, most of the photographs available through Picture Australia are listed as 'all rights reserved'. Although a number of the participating institutions have general policies permitting 'private and domestic' use of their images, many pictures in the collection require permission to be sought from the owner institution for reproduction. By requiring creators who upload their own photographs through Flickr to open license their material from the outset, the NLA is hoping to 'develop a pool of Creative Commons licenced [sic] images which can be generally used without needing to seek additional permission.'



Images: (Top to Bottom, Left to Right) William Jolly Bridge by greenplasticdave, CC BY-NC-ND 3.0 Unported, www.flickr.com/photos/32491696@N00/384438789 and hot 'n dry by Leonard John Matthews, CC BY-NC-SA 2.0 Generic, www.flickr.com/photos/myphoto/535754014



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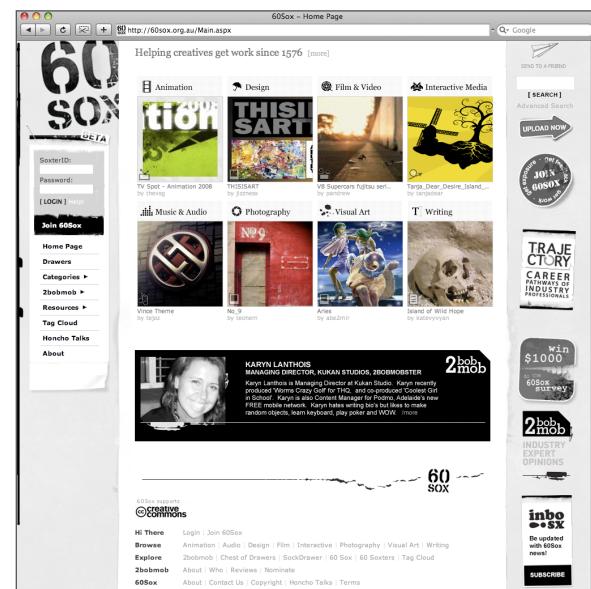
60Sox

DESCRIPTION: 60Sox is a multimedia portfolio and networking site providing a central focal point for emergent creativity in Australia and New Zealand.

WEBSITE: [www.60sox.org.au](http://60sox.org.au)

LICENCE USED: Creative Commons 2.5 Australia suite

MEDIA: Animation, Design, Film & Video, Interactive Media, Music & Audio, Photography, Visual Art, Writing



60Sox homepage, July 2008

Overview

60Sox is an online network aimed at connecting emergent creative practitioners and industry professionals in Australia and New Zealand. By providing a home to showcase their digital wares, 60Sox gives creators the opportunity to generate exposure, make industry contacts, and receive feedback and critical appraisal from peers and industry experts, with an aim to improve their chances at getting paid for their work or collaborating with people possessing complementary skill sets.

The network is divided into eight creative categories: Animation, Design, Film & Video, Interactive Media, Music & Audio, Photography, Visual Art and Writing. 60Sox uses a combination of website curation and member ratings to sort the

original creative content, with highly-rated and selected items obtaining heightened exposure on the main display pages of the website. It is also user moderated, with a 'dodgy' button where members can flag any item that they consider might have inappropriate or infringing content.

What sets 60Sox apart from the crowd is the '2bobmob,' a forum of high-profile and successful industry professionals who provide constructive feedback and advice to 60Sox members. These professionals comment on six items from each category per month, and are able to provide their own ratings to boost material to the front page.

Conceived in Brisbane, Australia, by senior researcher and experienced industry producer Justin Brow, the

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60Sox's forum of industry experts (the '2bobmob') includes author John Birmingham, DJ Kid Kenobi, musician Gotye, designer Gary Emery, games CEO Robert Murray, Nickelodeon's Mick Elliot and Simon Cahill of Sony/BMG.

Statistics

Default licences chosen by 60Sox members:

| | |
|--|---------------|
| Attribution | 41 |
| Attribution-Share Alike | not available |
| Attribution-Noncommercial | not available |
| Attribution-No Derivatives | 1 |
| Attribution-Noncommercial-Share Alike | 197 |
| Attribution-Noncommercial-No Derivatives | 12 |
| All Rights Reserved | 110 |

Licences chosen for individual works:

| | |
|--------------------------------------|---------------|
| Attribution | 21 |
| Attribution-Share Alike | 1 |
| Attribution-Noncommercial | not available |
| Attribution-NoDerivs | 3 |
| Attribution-NonCommercial-ShareAlike | 401 |
| Attribution-NonCommercial-NoDerivs | 14 |
| All Rights Reserved | 343 |



Exhibition Open!

60Sox project launched in August 2007. It is a collaboration of the Institute for Creative Industries and Innovation (iCi) at the Queensland University of Technology (QUT), the Australian Research Council (ARC), the Queensland and South Australian Governments, the Australian Interactive Media Industry Association (AIMIA), the Southbank Institute of Technology and the Billy Blue School of Graphic Arts.

Licence Usage

'60Sox is very proud to be flying the CC banner.'

Justin Brow, Producer/Curator, 60Sox

As an important part of its ethos of sharing as a vital part of promotion and creativity, 60Sox encourages creators to upload their materials under a Creative Commons licence using its flexible, and easy-to-follow upload system. This best-practice system uses the CC Attribution–NonCommercial–ShareAlike 2.5 Australia licence as its default for uploads, but gives users the option to change this default to another CC licence, or all rights reserved if they wish. By doing so, 60Sox actively promotes the exchange of artistic works in the digital domain and encourages creative interaction (e.g. through remixing), but at the same time retains creators' freedom to choose a licensing model to meet their own preferences.

The user interface clearly displays and explains the default licence, which creators can choose to bypass to the main CC licence generator. Members can set a default licence for all of their works, and are reminded of this licence and given the option to change it each time they upload. Further, they can choose a different licence for individual items and change the licence on a work at any time.

As the statistics table shows, the majority of members of 60Sox have embraced the CC option, which is hugely encouraging.

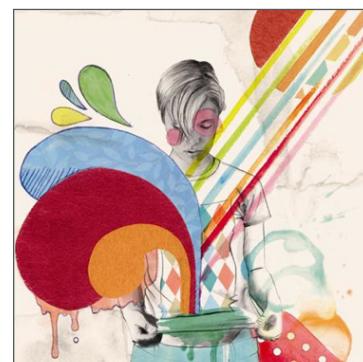
Motivations

60Sox's producer, Justin Brow, says about using the Creative Commons licences:

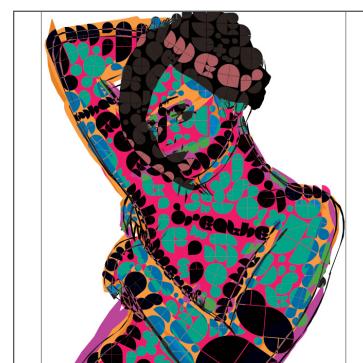
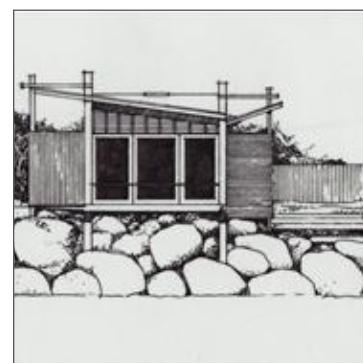
'CC allows creators of original creative digital material to determine how they are prepared for their work to be used. This creates a very encouraging platform for the sharing of creativity and development of innovation. I liken this "passing-on" of creativity to cultural development in a digital world.'

Justin was initially inspired to adopt the CC licences after meeting Lawrence Lessig in Brisbane in 2005. Lessig conveyed his point with a punch: if everything gets locked down in copyright laws, it really only serves the gatekeepers of content rather than the general populace. Justin felt that if the 60Sox site could encourage innovation in Australia and New Zealand, it would put the nations in a better position to improve international competitiveness in the digital content industries.

Presenting original material showing broad creative skills, this not-for-profit network places Australian and New Zealand's young creators in a prime position to collaborate and critique work which is innovative and inspired, and moreover, to be richly rewarded for their talent.



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Images: (Top to Bottom) Screenshot of Tanja_Dear_Desire_Island_Portfolio by tanjadear, <http://60sox.org.au/contents/tanjadear/137>; t-shirt by midnightsnack, <http://60sox.org.au/contents/midnightsnack/1928>; beach pavillion elevation by woodimp, <http://60sox.org.au/contents/woodimp/1645> and woman by xodesign, <http://60sox.org.au/contents/xodesign/2183> All CC BY-NC-SA 2.5 Aus.

60Sox hosts a diverse set of creative works.

BUILDING AN AUSTRALASIAN COMMONS

Upstage

| | |
|---------------|--|
| DESCRIPTION: | UpStage is a web-based venue for live online performance |
| WEBSITE: | www.upstage.org.nz |
| LICENCE USED: | Creative Commons BY-NC-SA 2.5, http://creativecommons.org/licenses/by-nc-sa/2.5 and GNU General Public Licence (GPL), http://www.gnu.org/copyleft/gpl.html |
| MEDIA: | Text, Images, Video, Audio, Text2speech |
| LOCATION: | New Zealand, with global application |

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Overview

UpStage is a purpose-built web-based application for live online artistic performance ‘cyberformance’. Distributed players manipulate pre-loaded media (images, text, audio, live web streams, etc) in real time to present performances to an online audience who can interact with the work via a text chat.

UpStage is a server-side application; players and audience need only a web browser (with the Flash player plug-in) and an Internet connection. This makes it very easy for audiences – there is no need to download, install or learn new software as everything is delivered to the web browser. The server application is freely available for anyone who wishes to create their own UpStage, and the project operates a server which is used by a number of artists who do not have their own.

The vision for UpStage was developed by the globally-distributed cyberformance troupe Avatar Body Collision, whose members began creating live performances using free chat software in 2000. Funding for the first version of UpStage came from the Smash Palace Collaboration Fund in 2003 (a joint venture between Creative New Zealand and the NZ Ministry for Research, Science and Technology). A

second grant from the NZ Government’s Digital Strategy Fund in 2006 enabled the development of UpStage V2 which was launched in June 2007. Partners in the development of UpStage include MediaLab, CityLink and the Auckland University of Technology, and the project has been fortunate to have the ongoing services of lead developer Douglas Bagnall, who is also a digital artist. UpStage is live performance software made by artists, for artists.

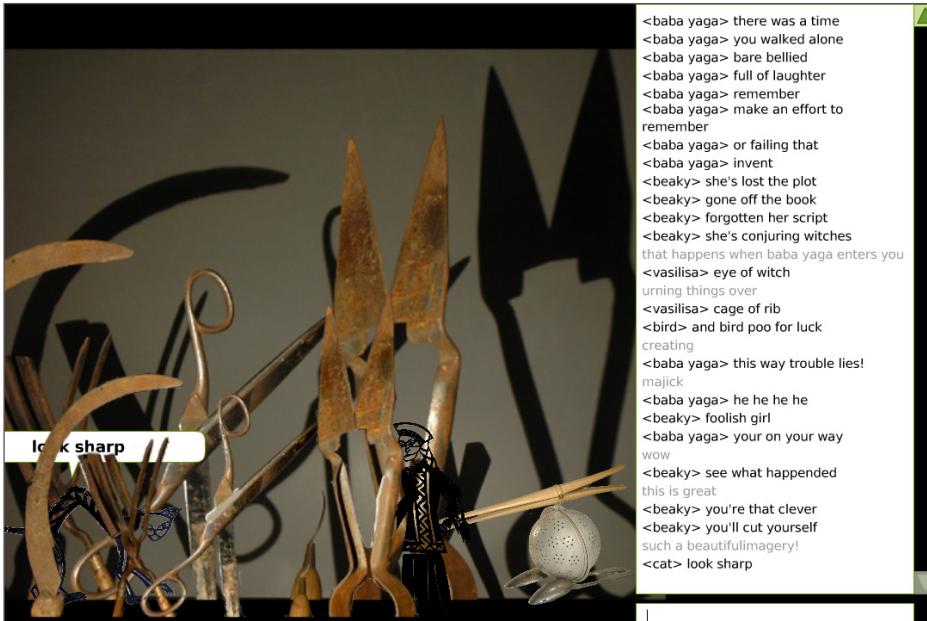
Currently UpStage is unfunded, and ongoing development is being undertaken on a voluntary basis Bagnall and a team of software development students from AUT. During 2008, the UpStage development team will implement new features and in August will hold the 080808 UpStage Festival – the second festival of performances in UpStage (the first being 070707, in conjunction with the launch of UpStage V2).

Licence Usage

The UpStage server application is licensed under Creative Commons Attribution-NonCommercial-ShareAlike 2.5 licence and GNU General Public Licence. Those creating work in UpStage are also encouraged to adopt



Exhibition Open!



CREATIVE COMMONS CASE STUDIES

Creative Commons licences for their content. All media uploaded to the open UpStage server (which is used by numerous artists) are available to anyone with a log-in to that server; therefore, the UpStage development team asks participants to be open to sharing media at the same time as respecting others' work.

To date, no problems have been experienced with the use of UpStage with respect to these licences.

Motivations

One of the motivations for creating UpStage was the impending obsolescence of The Palace graphical chat application (www.thepalace.com). The Palace was developed by Communities.com from 1995 to 2000, at which point the company ceased its development. As it was not open source, the future looked grim as The Palace became increasingly incompatible with newer versions of operating systems. In creating UpStage, the development team was determined to make software that could be developed by a community, that would grow in the directions the user community wanted and needed, and that would not become obsolete as long as there was someone who wanted to continue its development. They also knew that funding and resources were limited; therefore open source seemed the most likely route for sustainability of the project.

Helen Varley Jamieson, UpStage's Project Manager and 'creative catalyst,' explains:

'For these reasons, and because we believe in open source as a fair and equitable philosophy, we chose the Creative Commons Attribution-NonCommercial-ShareAlike 2.5 License; we also adopted the GNU General Public Licence (GPL) to ensure that all released improved versions of UpStage continue to be free software. Our lead programmer was able to advise the project team on which licences were appropriate for UpStage.'

General

While UpStage itself is open source and most of the other software tools it requires are also open source, it is not quite an end-to-end open source solution: users must have the Flash player plug-in for their browser, which is a proprietary application. The UpStage development team has investigated the feasibility of using Gnash as an open source alternative to Flash, but it was thought that at this stage it would compromise UpStage's functionality to such an extent that it is not viable. It is hoped that in the future, UpStage will be able to be open source end-to-end.





ARCHIVES ALIVE!

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0.€ 370.5

Creative Commons, Cultural & Governmental Institutions

'Why is open access to public sector information important for innovation? ... because knowledge and information flows underpin creativity and innovation. It is especially important in a small country economy like Australia because of the relative scope and scale of public sector information.'

Terry Cutler, 2007, *Innovation and open access to public sector information*, p 9

'Open access to government copyright material is increasingly being recognised on an international scale as important not only as an element of open democracy, but as a key driver of social, cultural and economic development'

Fitzgerald, 2006, www.oaklaw.qut.edu.au/files/LawReport/OAK_Law_Report_v1.pdf

With the emergence of digital technologies that enable dissemination of government material at low cost, copyright law is now the last significant barrier to truly open government. Where large amounts of publicly-funded creative, educational and scientific materials are owned by government institutions, there exists an enormous opportunity to unlock this material for re-use in the name of innovation and education.

For Australian government entities, the task is now to identify best-practice models that maximise the benefits to Australia from the

GOVERNMENT & INSTITUTIONAL CASE STUDIES

| | |
|---|-----|
| <i>ABC Pool</i> | 125 |
| <i>Brisbane Media Map (BMM)</i> | 127 |
| <i>Dictionary of Sydney</i> | 129 |
| <i>Government Information Licensing Framework (GILF), Queensland Government</i> | 132 |
| <i>Powerhouse Museum, Sydney</i> | 135 |

release of publicly-funded materials – benefits to its economy, its industry, and its citizenry. The Queensland's Government Information Licensing Framework (GILF) project is investigating the many affordances of Open Content Licensing as a means to support economic activity in the private sector whilst achieving concurrent social, cultural, educational and environmental aims. GILF advocates that open access should be the default



BUILDING AN AUSTRALASIAN COMMONS

setting for government information. In this they are supported by many of Australia's leading thinkers, including Dr Terry Cutler in his 2007 *Innovation and open access to public sector information* address.

For cultural institutions, whose organising principle has always been the provision of public access to creative materials, Creative Commons presents the opportunity to engage with the public consciousness on a new level. In Australia there is increasing recognition of the importance of opening these cultural archives for both contribution and comment. For projects such as the Powerhouse Museum's *Photo of the Day* blog, the National Library of Australia's Picture Australia *Click n Flick* endeavour (see CC Visual Arts) and ABC Pool, CC offers an opportunity for these traditional cultural organisations to not only to source material collaboratively from the Australian public, but also to enable the Australian people to interact with their creative properties, encouraging them to 'download, mash-up and reload with new meaning' (www.flickr.com/groups/re-pictureaustralia).

Meanwhile, new community-consultative projects such as Dictionary of Sydney (DoS) and the Brisbane Media Map (BMM) are building public resources founded from their outset on principles of open access and reuse, ensuring they return benefit to the Australian community from which they source their information. In doing so, they reap rewards for both their collections and the public they serve.



CREATIVE COMMONS CASE STUDIES

ABC Pool

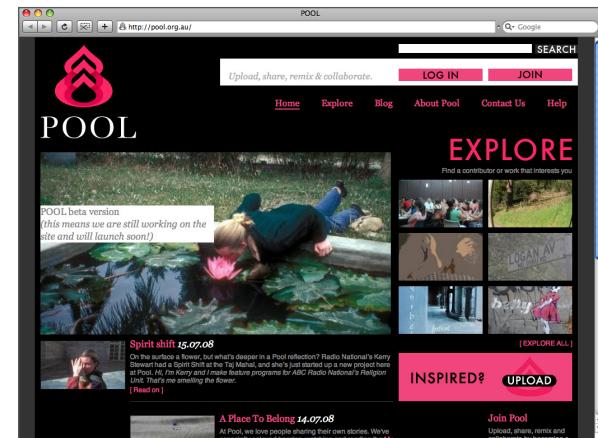
DESCRIPTION: Pool is an online experimental collaborative media publishing platform operated by the Australian Broadcasting Corporation (ABC).

WEBSITE: www.pool.org.au

LICENCE USED: Creative Commons BY-NC, <http://creativecommons.org/licenses/by-nc/3.0> and BY-NS-SA 3.0 Unported, <http://creativecommons.org/licenses/by-nc-sa/3.0>

MEDIA: Various – includes Video, Audio, Text, Picture, Design and Interactive Media.

LOCATION: Australia



ABC Pool homepage, July 2008

Overview

Pool is an experimental collaborative online media platform under development by the Australian Broadcasting Corporation (ABC), in association with various Australian tertiary institutions and members of the digital media community. The initiative began in 2007 under the administration of ABC Radio National (RN). It has been developed with the assistance of University of Technology, Sydney (UTS), Royal Melbourne Institute of Technology (RMIT) and University of Wollongong, and received feedback from various digital media workers and artists acting as beta testers. The project aims to foster local, regional and university partnerships with the ABC and promote Australia's burgeoning creative digital industries.

The Pool website has been designed to operate as an online community to facilitate the sharing of a variety of media, in a manner primarily connecting the creative content community with the ABC. Contributors can publish, download, remix and share media in such forms as:

- Film and video
- Music and audio
- Visual art and photography
- Animation
- Design
- Interactive media
- Website design; and
- Text.

The site also contains a forum where ideas can be shared and relationships forged. Artists can use Pool as a place to connect and collaborate on common creative projects, as well as build community interest in the digital industries.

Having recently concluded its initial trial, the project is still in the research and development stages. Pool was re-launched in April 2008 and continues to progress as its userbase expands. While Pool's content was accessible by the public during the trial, content contributions were by invitation only. When fully launched the official site will extend contribution rights to the Australian public.

Importantly, because Pool is part of the ABC it is subject to ABC editorial policies and guidelines. This means that although contributors are encouraged to voice

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The next stage of Pool will involve two new additions to the site. They will expand on the existing licensing options to include the full suite of standard Creative Commons licences.

Pool will also begin clearing and releasing content from the ABC's archives, creating a space to remix and repurpose bits from the ABC and from other users.



BUILDING AN AUSTRALASIAN COMMONS

their views, this must occur in a manner where all members of the community are treated respectfully. To this end, the site must publish content based upon four fundamentals: honesty, fairness, independence and respect (*ABC Editorial Policies*, www.abc.net.au/corp/pubs/edpolis.htm).

In December 2007, Pool was commissioned for a further six-month development cycle. At present the Pool team continue to call for comments and suggestions relating to the operation and direction of the project. Meanwhile the experiment continues to shape the future of public media.

When contributors were offered the choice of allowing derivatives of their content during the trial, most chose non-derivative licences. It is assumed contributors are wary of allowing their work to be altered or remixed, as most wish to guard their artistic integrity. In moving towards promoting greater collaboration and creative interactions, the Pool team intend to embed an education process into the licensing system to better equip users to determine which licence is best for them. As the site technology develops, the inclusion of in-built licence selection features should further assist contributors in determining which licence is most suitable to their needs.

Licence Usage

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The Pool trial has adopted two Creative Commons licences under which contributors can choose to publish their content. Currently the default licence for content uploaded to the site is subject to a Creative Commons Attribution-NonCommercial-NoDerivative 2.5 Australian licence. Contributors may also use the Attribution-NonCommercial 2.5 licence. When launched, the official Pool site will increase the choice of licences to include the full CC suite.

Motivations

Pool aims to widen the scope of creator and consumer experience, create new audiences, uncover opportunities and encourage innovative and enriching teaching and learning processes. Creative Commons licences offer a clear path towards facilitating these goals. Media co-creation and sharing has been a founding concept for the project, leading the Pool team to choose Creative Commons as the licensing system that could best enable such interaction, while allowing contributors to retain creative control over their works.

As the ABC moves towards liberalising their traditional copyright policies and strengthening their underpinning ethos as a publicly funded non-commercial organisation, Creative Commons has assisted the Pool team in presenting alternative public licensing solutions to the broadcasting organisation.



Image Still from a music video clip *Spoof Fairytale* by Harriet Macdonald, CC BY-NC-ND 3.0 Unported, http://pool.org.au/image/harriet_macdonald/spoof_fairytale



Archives Alive!

Brisbane Media Map

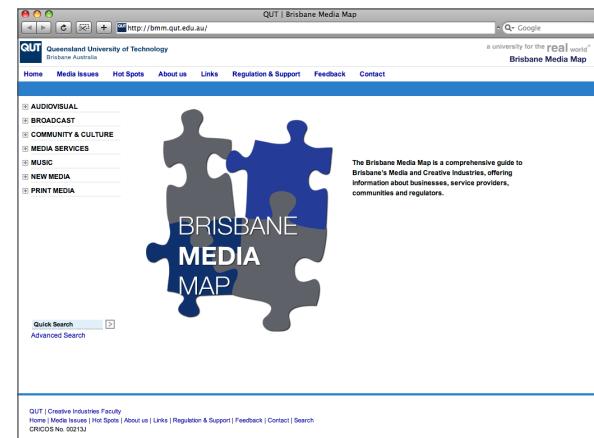
DESCRIPTION: The Brisbane Media Map (BMM) is an online database of Media and Creative Industry organisations servicing or based in Brisbane, Australia.

WEBSITE: <http://bmm.qut.edu.au>

LICENCE USED: Creative Commons Attribution-NonCommercial-No Derivatives 2.1
<http://creativecommons.org/licenses/by-nc-nd/2.1/au>

MEDIA: Text, Images

LOCATION: Australia



Brisbane Media Map homepage, July 2008

Overview

The Brisbane Media Map (BMM) is a comprehensive online database and guide to the businesses, service-providers, communities, organisations and regulators that make up and/or service Brisbane's media and creative industries sectors.

Clusters in the database include:

- Audiovisual;
- Broadcast;
- Community and culture;
- Music;
- Print media;
- Media services; and
- New media.

In a bid to address the general lack of economic value attributed to local Creative Industries, the project aims to draw attention to the depth of contribution generated by the various creative and media sectors in Brisbane. The BMM achieves this by mapping industry activity locations (using Google Maps), paired with organisation synopses and contact information. The result

empirically identifies industry hot-spots and documents the extent to which the creative industries permeate the Brisbane demographic. The inclusion of commentary and essays on topical issues affecting the industry provides a framework to the 500+ industry organisations profiled.

Initiated in 2000 and hosted by the Creative Industries Faculty at the Queensland University of Technology (www.creativeindustries.qut.edu.au), BMM is maintained by the faculty's final-year undergraduate and post-graduate Media and Communication students (www.creativeindustries.qut.edu.au/courses/study-options/media-comm/index.jsp). Operating with a focus on learning further enables the project to provide student contributors with the opportunity to engage vocationally with their local Media and Creative Industry communities.

The database acts a valuable source of information for anyone with an interest in the Brisbane media and creative sectors including students, emerging or established industry professionals and potential investors.

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BUILDING AN AUSTRALASIAN COMMONS

Licence Usage

With the exception of those marked with the © (copyright – all rights reserved) logo, all text and photographic content on the BMM website is licensed under Creative Commons Attribution-NonCommercial-No Derivatives 2.1 Australia licence. The technology (database and code) through which the Brisbane Media Map operates is also licensed under the same CC-BY-NC-ND 2.1 model. This means that the information and images on the BMM site can be readily shared and distributed, to facilitate the dissemination of information that the project encourages.

The site has now over 6,000 visitors per month, from a total of 122 countries. This demonstrates the extent to which the site can promote local industry on an international scale. Importantly, Creative Commons licences facilitate this in allowing BMM users to share and distribute information from the database, while ensuring author attribution and non-commercial requirements. The licences protect the authors' integrity while ensuring the information is viewed by as many people as possible.

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The Brisbane Media Map organises media and creative industries businesses, service providers, communities, organisations and regulators into clusters for navigation by category. Each cluster has a number of subcategories which return results when clicked on, including the entry's name, locale and grouping.

If you click on an entry you are taken to that entry's listing which includes a summary, contact details, and recruitment and historical information. It also plots the entry on an embedded Google map.

Alternatively, you can plot all the entries within a cluster of a category. This map plots all the entries in the music cluster, zoomed in to the Brisbane CBD and surrounding inner-city suburbs.

Licensing BMM under Creative Commons was a result of student initiative and checking the licences for compliance and alignment with CC frameworks and developments remains one of the core tasks associated with student maintenance of the site.

Motivations

The Brisbane Media Map team recognises that new approaches to copyright management must be considered in order to exploit the enormous potential for knowledge distribution offered by the Internet. Creative Commons licences complement the BMM's role in supporting Brisbane's expanding media and creative communities.

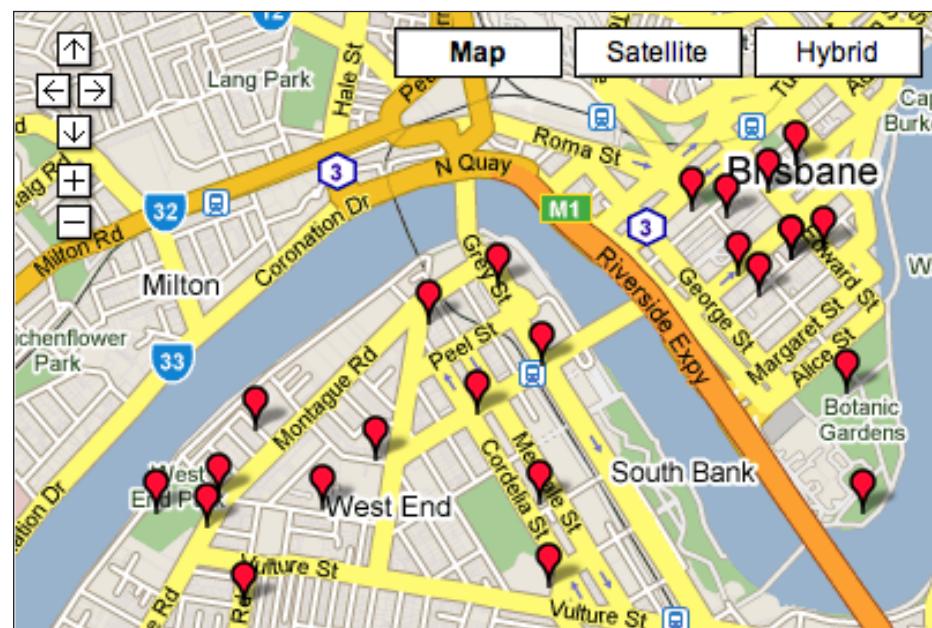


Image: A Google Map representing the entries in the music cluster for the Brisbane CBD and surrounding suburbs on the Brisbane Media Map



Archives Alive!

Dictionary of Sydney

DESCRIPTION: The Dictionary of Sydney (DoS) is a project to establish a digital encyclopaedia of the history of Sydney, Australia.

WEBSITE: www.dictionaryofsydney.org

LICENCE USED: Creative Commons Attribution-Noncommercial 2.5 Australia
<http://creativecommons.org/licenses/by-nc/2.5/au>

MEDIA: Audio, Video, Images, Text, Spatial

LOCATION: Sydney Basin plus Blue Mountains, Australia

Overview

'If it happened in Sydney, then it belongs in the Dictionary. Through richly interconnected text, multimedia and maps, the Dictionary will tell the story of Sydney's history and make it available through a wide range of digital possibilities.'

www.dictionaryofsydney.org

The goal of the Dictionary of Sydney (DoS) project is to build a self-sustaining repository of historical information on Sydney, Australia, assembled from newly commissioned entries as well as underlying multimedia and spatial information. There is no one name to cover the Dictionary's ambit, according to its information package: it is concurrently a dictionary, encyclopaedia, atlas, guidebook, and gazetteer. It represents Sydney 'then' and Sydney 'now,' from convict settlement to global metropolis, embracing the city in its natural and built forms, its botany and geology, with a canvas stretching from Pittwater to Port Hacking and out to the Blue Mountains.

The Dictionary's vision is to allow its content to grow over the coming years, bringing to life the characters, political players, writers, dreamers, sports people, and even criminals who have made the city what it is today. The project will record urban myths, discussing major themes and debates in Sydney's history.

'The Dictionary of Sydney, "born digital" to take advantage of the latest developments in information engineering and technology, will be an interconnected web of text, maps and multimedia, accessible on your computer anywhere in the world or through your mobile device as you move through the city it describes. The Dictionary will interest, educate, entertain and inspire.'

http://epress.lib.uts.edu.au/ojs/index.php/sydney_journal/announcement/view/10

Contributions to the Dictionary are sought from academics, writers, and members of the general public, through community

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BUILDING AN AUSTRALASIAN COMMONS

Image/Sydney Opera House..by Sir Mervs, CC BY 2.0 Generic, www.flickr.com/photos/sir_mervs/2624488638/



groups such as historical societies and local libraries. Drawing together a range of entries, the Dictionary of Sydney will include:

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- Short targeted pieces of information;
- A vast range of topics suitable for quick reference;
- Longer contributions involving new scholarship;
- Oral histories, photographs, maps and artistic representations; and
- Audio recordings and moving images.

Specialists will employ cutting-edge technology to store and present the information, defining best practice for digital archiving. According to DoS Project Manager, Stewart Wallace, the Dictionary will preferably be managed by an ontology (or at least a sophisticated taxonomy) which will provide organisation, context and navigation for the site's users and contributors. Material in the Dictionary's repository will be presented initially as a website; future plans exist for it to be

exposed in other ways – mobile, web service, print-on-demand, and so on – whether as part of this project or by other parties given access to the repository.

The project is run under the auspices of the not-for-profit Dictionary of Sydney Trust. DoS is supported financially and in-kind through the City of Sydney, and by a number of Sydney-based cultural institutions. In 2005 the project was awarded an Australian Research Council (ARC) grant through the cooperative efforts of the University of Sydney, together with the City of Sydney, University of Technology Sydney, the State Library and State Records, New South Wales.

Licence Usage

The Dictionary of Sydney's *Copyright and IP Policy* (www.dictionaryofsydney.org/www/html/149-copyright--ip.asp?intSiteID=1) specifies three key points:

- 'Authors keep copyright in their work.'
- Authors are responsible for ensuring that they do not submit material for which copyright clearance has not been obtained.
- The Dictionary reserves the right to reformat material to take advantage of the possibilities of digital presentation. We will not, of course, do anything to alter the substantive meaning of an author's words and authors will always be acknowledged.'



Archives Alive!

Whilst the Dictionary's project team has no experience with open content licensing to date, they envisage use of the Creative Commons Attribution-Noncommercial 2.5 Australia licence (<http://creativecommons.org/licenses/by-nc/2.5/au/>) for Dictionary-commissioned text. Rights on multimedia materials will vary depending on the source.

Motivations

The Dictionary of Sydney project has considered the adoption of open content licensing to enable broad reuse of material hosted in the Dictionary. DoS Project Manager Stewart Wallace has expressed this philosophy in an email interview with Rachel Cobcroft from Creative Commons Australia:

'We are seeking an open but manageable regime which will encourage the widest possible deployment of the material in the Dictionary, at times through third-parties, while maintaining sufficient protection for contributors through appropriate attribution. We are not in a position to support a very complex rights system.'

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'The Dictionary of Sydney, "born digital" to take advantage of the latest developments in information engineering and technology, will be an interconnected web of text, maps and multimedia.'

http://epress.lib.uts.edu.au/ojs/index.php/sydney_journal/announcement/view/10



Government Information Licensing Framework (GILF), Queensland Government

| | |
|---------------|--|
| DESCRIPTION: | The Queensland Government Information Licensing Framework (GILF) seeks to create and implement a new standardised Creative Commons-based information licensing arrangement for all Queensland Government information, providing on-demand access to accurate, consistent and authoritative public sector information (PSI) to support a range of Government initiatives. |
| WEBSITE: | www.qsic.qld.gov.au |
| LICENCE USED: | Creative Commons Attribution-ShareAlike 2.5 Licence http://creativecommons.org/licenses/by-nc-sa/2.5/au/ |
| MEDIA: | Text |
| LOCATION: | Queensland, Australia |

Overview

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The Queensland Government Information Licensing Framework (GILF) (http://www.qsic.qld.gov.au/QSIC/QSIC.nsf/C_PByUNID/6C31063F945CD93B4A257096000CBA1A) was established in 2006 by the Queensland Spatial Information Council (QSIC) (<http://www.qsic.qld.gov.au/qsic/QSIC.nsf/navigators/Inside%20QSIC>) to review international trends in the transaction of public sector information (PSI), and to formulate best practice for the business environment. GILF seeks to create and implement a new standardised information licensing arrangement for all Queensland Government information, providing on-demand access to accurate, consistent and authoritative public sector information (PSI) to support a range of Government initiatives.

After consultation with State, Federal, and local government agencies together with the private sector, GILF has recommended that State Government agencies move to an information licensing framework based on Creative Commons for information that carries no concerns relating to privacy, confidentiality or

other legal or policy constraints. In the project's *Stage 2 Report* produced in 2006, titled (<http://www.qsic.qld.gov.au/QSIC/QSIC.nsf/CPByUNID/FDC06236FADB6814A25727B0013C7EE>) *Government Information and Open Content Licensing: An Access and Use Strategy* ([http://www.qsic.qld.gov.au/QSIC/QSIC.nsf/0/F82522D9F23F6F1C4A2572EA007D57A6/\\$FILE/Stage%20%20Final%20Report%20-%20PDF%20Format.pdf?openelement](http://www.qsic.qld.gov.au/QSIC/QSIC.nsf/0/F82522D9F23F6F1C4A2572EA007D57A6/$FILE/Stage%20%20Final%20Report%20-%20PDF%20Format.pdf?openelement)), GILF concluded that a significant majority (e.g. 85%) of PSI to be suitable for use with Creative Commons licences.

The *Stage 2 Report* sets out:

- Open Content Licensing and Information Management principles being developed nationally and internationally;
- A gap analysis undertaken between various existing non-standard licences in use and the Creative Commons licences;
- The review undertaken of the Digital Rights Management (DRM) component of the GILF to electronic tag licensed data;



- A roadmap to implement the framework in pilot agencies. A preliminary draft toolkit is included to assist with pilot agency implementation including addressing policy, technology and legal issues.

In a subsequent conference report for the Australian National Summit on Open Access to Public Sector Information (www.qsic.qld.gov.au/QSIC/QSIC.nsf/CPByUNID/9BC99135C76C3C04A2572EA0023AD60), held in Brisbane on 13 July 2007, GILF observed on page 24 that:

'A broad consensus emerged in favour of the benefits to be derived from government implementing an open access policy, subject to proper protection of private and other restricted information, and the use of Creative Commons (CC) open content licences for the majority of PSI which is unaffected by privacy or other restricting factors. Conceptually, open access to PSI leads to the realisation of the information's full social, cultural, environmental, civil society, and commercial potential.'

The full scope of the GILF project covers policy, technology and law (eg licensing). The project is ongoing, and trials are currently underway relating to OCL, together with collaborations with Federal Government agencies also considering the potential application of CC licences to a significant proportion of their data and information. Stage 3 of the project specifically aims to test CC licences in multi-agency and whole-of-Government arrangements. GILF also has international connections with the UK and EU.

Licence Usage

'Open access (OA), including the use of open content licences (eg CC) is a global

movement increasingly gaining momentum and the GILF project is internationally acknowledged as making an important and innovative contribution in the content of government information (PSI) including geospatial (mapping) information.'

Neale Hooper, Principal Counsel, Office of Economic and Statistical Research, Queensland Treasury

In its *Stage 2 Report*, GILF endorses the application of the Creative Commons licensing suite to its pilot projects proposed for Stage 3. To date, the Creative Commons Attribution-ShareAlike 2.5 Australia licence has been applied to both reports relating to the GILF project. Notification of the CC licence has been applied as part of the PDF format of both files.

The CC BY-SA 2.5 licence was selected as OESR wanted State copyright to be acknowledged but wanted others to be able to benefit from and build upon its findings and work. The ShareAlike provision was considered to facilitate that outcome.

Application of CC to data products and services will occur as part of the trial within OER.

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Motivations

GILF operates as a project of the Office of Economic and Statistical Research (OESR) (www.oesr.qld.gov.au), being the Office of the Queensland State Government Statistician within the Queensland Treasury (www.treasury.qld.gov.au). In order to perform the statutory functions of the State Government Statistician, OESR must be able to secure efficient and effective access to, as well as the rights to reuse, PSI located across all State Government departments and agencies, in addition to other relevant information external to the Queensland



'Social, cultural, educational and environmental benefits will also be realised with the greater access to and re-use of public sector information facilitated under the GILF project which includes use of CC licences for the significant majority of public sector information.'

Neale Hooper, Principal Counsel, OER

Government. With this objective in mind, OESR, as part of GILF, has assessed the applicability of the Creative Commons licensing scheme for PSI, concurrently ensuring that proper protections are in place to protect individuals' privacy, and to respect the confidentiality of information, whether commercial-in-confidence or owing to statutory constraints or other restrictive considerations.

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Creative Commons licences facilitate open access to and re-use of PSI whilst ensuring attribution of State copyright ownership of information, protection of the IP of the State, and the significant limitation of any potential legal liability for the State in making such information available on line. The value or potential of PSI lies in its maximum reuse and CC licences facilitate such reuse.

Neale Hooper observes that owing to Creative Commons' status as an international movement, and its recognition as a standard for flexible copyright licensing, the government can gain significant leverage from adopting CC.

'Creative Commons is an international movement and maximum reuse of government information is facilitated by adopting an already developed internationally accepted licensing system. No point in needlessly re-inventing the wheel.'

Creative Commons was first introduced to the OESR when officers attended a seminar at the Queensland University

of Technology in 2004 which included a satellite link presentation by Professor Lawrence Lessig who discussed the scheme. Whilst CC was developed initially for creative/artistic works protected by copyright, the officers considered there may well be potential to apply the same licences to government information databases and products which are also protected by copyright under Australian copyright law.

'Government holds major repositories of public sector information. Greater access to and reuse will facilitate better decision making generally by the public sector, the private sector, including the business community. Increased access and rights of re-use provided under the GILF project if implemented will also assist in promoting economic activity in the private sector. Social, culture, educational and environmental benefits will also be realised with the greater access to and re-use of public sector information facilitated under the GILF project which includes use of CC licences for the significant majority of public sector information. More limiting licences will need to be used where restrictive issues such as privacy, statutory constraints and other confidentiality obligations are present.'

Neale Hooper



Powerhouse Museum, Sydney

| | |
|---------------|---|
| DESCRIPTION: | Sydney's Powerhouse Museum (PHM) offers an iconic collection of Australian cultural artefacts whose images are captured in PHM's <i>Photo of the Day</i> , plus a suite of educational materials under the banner of <i>Play</i> . |
| WEBSITE: | <i>Play</i> materials: http://play.powerhousemuseum.com , <i>Photo of the Day</i> images: http://www.powerhousemuseum.com/imageservices and Flickr Commons images: www.flickr.com/commons |
| LICENCE USED: | <i>Play</i> materials: Creative Commons BY-NC-SA 2.5 Generic, http://creativecommons.org/licenses/by-nc-sa/2.5 , <i>Photo of the Day</i> images: Creative Commons BY-NC-ND Works 2.0, http://creativecommons.org/licenses/by-nc-nd/2.0 or full copyright and Flickr Commons images: 'No known copyright restrictions', http://www.flickr.com/commons/usage |
| MEDIA: | Educational Materials, Images. |
| LOCATION: | Sydney, Australia. |

Overview

The Powerhouse Museum, Sydney (PHM) is one of Australia's premier cultural institutions, housing collections which express the nation's innovation and creativity in the fields of science, technology, and the arts. With 22 permanent exhibitions, as well as 250 interactive displays, over 388,000 historically-significant objects are curated by museum staff across an area of 20,000 square metres, the equivalent of three international competition soccer fields. PHM was opened to the public on 10 March 1988, with the vision that 'celebrates human creativity and innovation in ways that engage, inform and inspire diverse audiences' (www.powerhousemuseum.com/about/aboutMuseum.asp).

PHM's history and exhibitions are captured in the Museum's *Photo of the Day* (www.powerhousemuseum.com/imageservices), a blog which features photographs pertaining

to its vast collection. Shot by PHM's professional photographers for a variety of purposes – documenting PHM's public events, programs and exhibitions, to behind-the-scenes operations – the images form a rich archive of life in New South Wales and beyond, as well as detailing aspects and activities of the PHM hitherto unseen. A selection of these photographs is hosted on Flickr (www.flickr.com/photos/16870059@N04).

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Circular Quay taken somewhere between 1884-1917



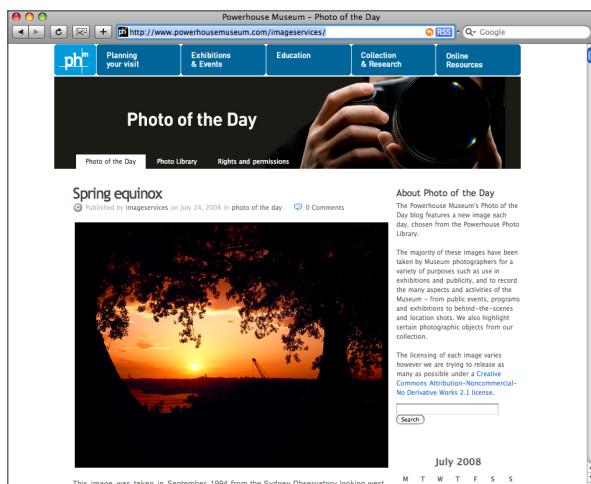
Image: Bird's eye view of Circular Quay, part of the Tyrrell Photographic Collection, Powerhouse Museum, Sydney. No known copyright restrictions. www.flickr.com/photos/powerhouse_museum/2667030434

BUILDING AN AUSTRALASIAN COMMONS

On 7 April 2008, PHM announced (www.powerhousemuseum.com/imageservices/?m=20080408) its collaboration with Flickr to create 'The Commons' (<http://www.flickr.com/commons>), becoming the first museum in the world to release publicly-held historical photographs for access on the photo-sharing platform. PHM selected its Tyrrell Photographic Collection (www.powerhousemuseum.com/tyrrell) for display, an extensive series of glass plate negatives taken by photographers Charles Kerry (1857-1928) and Henry King (1855-1923), showing Sydney life in the late 19th and early 20th century.

The initial Flickr collection (www.flickr.com/photos/powerhouse_museum) consisted of 200 black and white Tyrrell images, which are now available for public tagging and comment. PHM's curators continue to upload 50 new images every week (www.powerhousemuseum.com/dmsblog/index.php/2008/04/16/50-new-images-on-the-commons-on-flickr) from the collection's 7903 images, and, where possible, add geotags to create an interactive map documenting the position of the photographic content (www.flickr.com/photos/powerhouse_museum/2376052141/map/?view=users).

New South Wales Minister for the Arts Frank Sartor said in response to the announcement:



PHM's Photo of the Day blog, June 2008

'The Powerhouse Museum initiative shows that the NSW Government is a leader in increasing public access to Australian cultural collections. These evocative images of historic Sydney and early Australian life will greatly appeal to people from around the world, as well as Australians.'

Play at Powerhouse (<http://play.powerhousemuseum.com>) is PHM's education program for children. It provides a resource designed for children aged up to 10 years, and involves parents and carers. *Play* includes information about visiting the PHM with children, and offers activities and games around the topics of science and design to engage children at home. These can be downloaded and completed independently, but are clearly designed to enhance a visit to the Museum. The project is overseen by the Web Service Unit at the PHM, headed by Sebastian Chan.

Statistics

PHM's website received over 7.6 million unique hits in the 2006-7 financial year. This was in addition to seeing in excess of 621,000 visitors on site, and 426,000 through the travelling exhibitions. The Museum hosts over 385,000 objects in the fields of science, technology, industry, history, decorative arts, music, transport and space exploration. Icons and artefacts are displayed over 11 kilometres of gallery space as well as online.

According to Sebastian Chan's blog posting on *fresh + new(er)* (www.powerhousemuseum.com/dmsblog/index.php/2008/04/09/24-hours-later-powerhouse-on-the-commons-on-flickr), the reaction to PHM's Flickr Commons initiative has been remarkable. In the day



following PHM's public announcement, the Tyrrell collection received 'plenty of views (4777), and stacks of tags (175) - in such a short time.' In the first week of the Tyrrell Collection being hosted on Flickr (www.powerhousemuseum.com/dmsblog/index.php/2008/04/16/50-new-images-on-the-commons-on-flickr) PHM received nearly 20,000 views and 'an enormous amount of tagging and 'favouriting' activity combined with many congratulatory messages and support for the Museum's release of these images into the Commons.'

Licence Usage

The rights and permissions pertaining to PHM's content are clarified online (www.powerhousemuseum.com/imageservices/?page_id=157), which specifies that materials housed at the Museum fall into three categories: full copyright, 'no known copyright,' and 'Creative Commons Attribution-Non-Commercial-NoDerivatives.'

In relation to the application of the Creative Commons BY-NC-ND licence, the site explains:

'This licence is used on some parts of our website. Examples are our own photography in the Photo of the Day blog and also for children's activities on our Play at Powerhouse website. This license means that you can republish this material for any non-commercial purpose as long as you give attribution back to the Powerhouse Museum as the creator and that you do not modify the work in any way. A more detailed explanation of the license is available from Creative Commons.'

In April 2007, *Play*'s downloadable materials were licensed using the Creative Commons Attribution-NonCommercial-

ShareAlike 2.5 Licence. According to PHM's web master Sebastian Chan, the intention in licensing under Creative Commons was to allow school children and teachers to use these resources in a multitude of ways whilst balancing PHM's internal needs.

In late November 2007, selected images from *Photo of the Day* were similarly licensed. The Museum's photographers were involved to a large part in the discussions about licensing for this project, with all agreeing to the use of CC. Having Creative Commons licensing on certain images was felt potentially to encourage interest and sales of the All Rights Reserved photos, and to enable the collection to be seen and used to a greater degree.

In relation to images displayed on Flickr Commons, the 'no known copyright' category indicates that the Museum is unaware of any current Copyright restrictions on this work: 'This can be because the term of Copyright for this work may have expired or that Copyright does not apply to this type of work.'

'It's great to see our images displayed, acknowledged, accessed and appreciated by so many passionate enthusiasts...'

Geoff Friend, Powerhouse Museum
Photography Manager

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Motivations

Creative Commons Australia has been excited to follow the progress of PHM's initiatives, and has spoken to the respective members of PHM's development and curatorial teams over this period. Sebastian Chan, head of PHM's Web Service Unit, expressed the following opinion about Creative Commons licensing on 17 March 2008:



BUILDING AN AUSTRALASIAN COMMONS

Image: Underwater at Enfield by Jean-François Lanzarone CC BY-NC-ND 2.0 Generic www.flickr.com/photos/powerhouse_museum_p/photography/274009339



Swimming at Enfield pool in Sydney. Photographed for the exhibition Modern Times: the untold story of modernism in Australia.

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'Creative Commons provided the perfect licensing for the craft activities on our children's website – <http://play.powerhousemuseum.com>. We wanted to ensure that children, parents and teachers could download, duplicate and reuse all the craft activities on the site whilst protecting the Museum's authorship. Creative Commons also provides a means for us to encourage the use of these in schools without teachers needing to be fearful of paying CAL fees for their use.'

Paula Bray, Manager of the Powerhouse's Image Services, agreed with this sentiment:

'It is great to be able to use the Creative Commons licensing tool so our audience can clearly see what the conditions of use are for Powerhouse Museum Photo of the Day images. This informative licensing model will hopefully educate people on the often complicated conditions surrounding copyright. We are

using this licensing tool for our blog Photo of the Day to support non-commercial use of our images.'

In addition, Paula directed us towards Geoff Friend, PHM's Photography Manager, who supports the move towards Creative Commons licences:

'Creative Commons offers a flexible addition to the standard copyright symbol we've been using for many years and the great thing is it allows photographers and other creators to choose different licensing options. It's great to see our images displayed, acknowledged, accessed and appreciated by so many passionate enthusiasts that we can engage with on our favourite subject, and hopefully so others can learn from our images.'



Archives Alive!

REMIX MY LIT



Creative Commons & Written Word

In defining ‘web 2.0,’ Tim O'Reilly espouses the remixing of multiple sources of information, including the personal, to create rich user experiences (<http://radar.oreilly.com/archives/2005/10/web-20-compact-definition.html>).

Nowhere is user participation in the creation of meaning more lauded than in the blogosphere. Bloggers are recognised to be among the first groups truly to embrace the CC scheme, and remain some of its strongest proponents. As exemplars in this field, Human Resources consultant Michael Specht and Malaysian free culture advocate Aizat Faiz build their writings around the desire to foster open source and free content. This advocacy is driven by the desire to cultivate new voices and alternative viewpoints, challenging the enduring corporate dominance of mainstream media, as aided by CC. As blogger Robin Good puts it:

'Web 2.0 is turbo-charging our capacity to re-establish this vibrant, participatory, people-driven, creative culture. But we nevertheless face greater threats than ever to our cultural liberties, as corporations in league with legislators dream up new ways to monetize and fasten down the media being created online.'

www.masternewmedia.org/news/2006/12/14/remixbased_readwrite_culture_vs_the.htm

WRITTEN WORD CASE STUDIES

| | |
|---|-----|
| <i>Aduki Press – Stick This In Your Memory Hole</i> | 141 |
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| <i>Australian Network for Art and Technology (ANAT) – Filter Magazine</i> | 145 |
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Nevertheless, as shown in these case studies, the use of CC licensing on blogs is not always uncontroversial. Prominent Australian economist John Quiggin sparked a debate on the value of CC licences to blogging, when he introduced the licensing on his eponymous blog [johnquiggin.com](http://johnquiggin.com/index.php/archives/2005/07/01/creative-commons-license) (<http://johnquiggin.com/index.php/archives/2005/07/01/creative-commons-license>).



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Similarly, Australian education consultant and web 2.0 exponent Mike Seyfang prompted a debate on Attribution only versus Noncommercial licensing (<http://msefang.edublogs.org/2008/05/07/why-i-license-ccby>).

The proliferation of CC licences through the blogosphere has led to its adoption by increasing numbers of new media organisations. The Australian Network for Art and Technology (ANAT), Australia's peak industry body for artists working across science and technology, commenced licensing their triannual publication *Filter* under CC BY-NC-SA 2.5 Australia licence with Issue 65: *This is not open source*. Melbourne publisher A New Leaf Media, which aims to provide an opportunity for young and emerging writers to publish work in a professional capacity, has embraced CC for its Melbourne International Film Festival publication, *The Pundit*, as a way of increasing its reach and engaging with audiences. Through blogs such as *The Age* newspaper's *Chew on This*

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'We have now a "Read-Write" internet – a world in which content is bought, but not simply to be consumed'

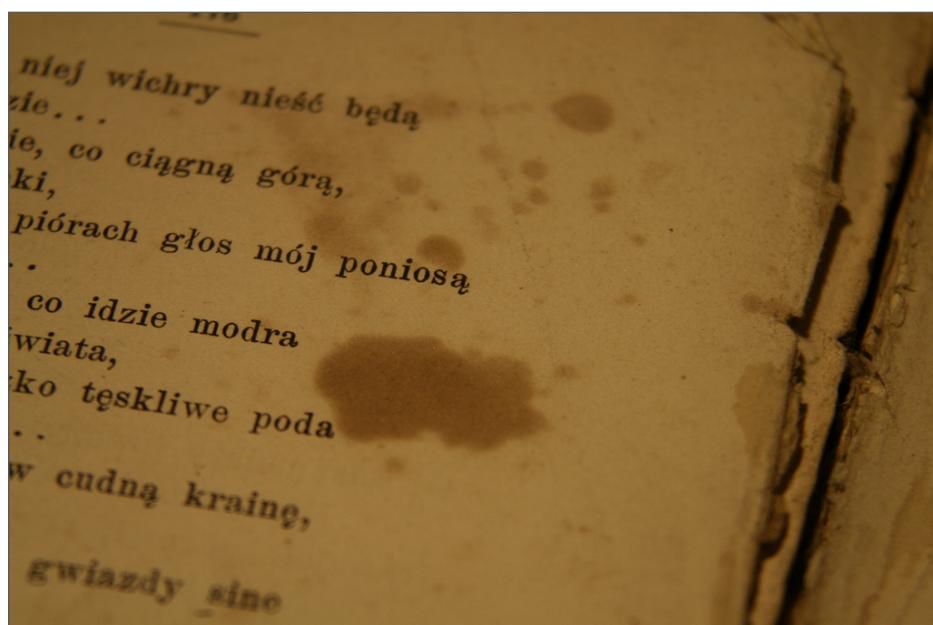
Lawrence Lessig

Creatives face a closed Net, <http://www.ft.com/cms/s/2/d55dfe52-77d2-11da-9670-0000779e2340.html>

and *Tonic*, which regularly reproduce CC-licensed photographs from Flickr, even mainstream media are exploring the value the CC licensing system adds to online reporting in the digital age. Perhaps most notably, in the lead up to the Australian Federal election in November 2008, Melbourne boutique publisher Aduki Press released Tristan Clark's *Stick This in Your Memory Hole*, recognised as the first Australian book licensed by a publisher under Creative Commons. Comprising thirty-seven essay-style chapters which take the reader on a satirical journey through the political, environmental, social and cultural issues of contemporary Australia, the book presents a challenge to mainstream thinking, in addition to the traditional 'all rights reserved' copyright model.

Even so, the full potential for open licensing text is only now being realised. Recognising the importance of establishing an interactive web 2.0 presence for writers online, the *Remix My Lit* project (www.remixmylit.com) encapsulates the potential for CC writing, seeking to engage with Australian artists to develop interactive and cross-platform narratives for the 21st century.

Image: text by fantomdesigns, CC BY 2.0 Generic, www.flickr.com/photos/fantomdesigns/2124600894



Remix My Lit

Aduki Press – *Stick This in Your Memory Hole*

DESCRIPTION: *Stick This in Your Memory Hole*, comprising thirty-seven essay-style chapters, is the first Australian book licensed by a publisher under CC.

WEBSITE: www.aduki.net.au/content/view/16/29

LICENCE USED: Creative Commons Attribution-NonCommercial 2.5 Australia Licence
<http://creativecommons.org/licenses/by-nc/2.5/au>

MEDIA: Text

LOCATION: Melbourne, Australia

Overview

Launched by Melbourne-based boutique publisher Aduki Independent Press on 1 November 2007, *Stick This in Your Memory Hole* is the work of first-time author Tristan Clark. Significantly, the book sets a benchmark in being Aduki's first publication to be released under a Creative Commons licence, and moreover is believed to be the first title in Australia to be distributed by a publisher in this manner (<http://creativecommons.org.au/node/132>).

Stick This in Your Memory hole presents a biting critique of Australian politics and society, wielding wit and humour to evoke issues and encourage serious debate by audiences not necessarily engaged with Australia's political arena. Appropriately,

the publication's release coincided with Australia's 2007 Federal election campaign. Clark's commentary characterises the growing dissent against government and mainstream thinking, tackling a range of issues including politics, economics, media, consumerism, resources, logging and transportation. The title is a reference to George Orwell's 1984, with the 'memory hole' being a disposal shoot through which documents deemed to be in conflict with 'official truths' were sent.

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'I don't believe that licensing the book under CC has negatively impacted on sales of the book. On the contrary, I think that having the entire text online for readers to preview has actually helped to sell more books.'

Emily Clark, Publisher, Aduki Independent Press



BUILDING AN AUSTRALASIAN COMMONS

As the book's blurb states:

'Intended to elicit both laughter and indignation Stick This in Your Memory Hole is an unprecedented attack on an atrophied political system, corporate lechery and the ideological sycophants that comprise and support it.'

Aduki Independent Press specialises in non-fiction books, essays and magazines with a particular interest in community, environment, migration, politics, social justice, food and travel. As a commercial publishing venture, Aduki receives no outside funding. Wishing to conduct a 'fair and reputable business,' Aduki's philosophy (<http://www.aduki.net.au/philosophy.html>) is expressed as follows:

- Produce quality written works.
- Seek to represent varied and distinctive authors and material.
- Fostering of Australian talent and support within publishing industry.
- Offer contracts that are fair and balanced between the signing parties.
- Fair payment for author work and general services.
- Conduct business in a sustainable way, avoiding unnecessary use of energy, paper and materials.
- Only print books and magazines on 100 per cent recycled paper.
- Use the most energy efficient print processes available.
- Strive to maintain a 'no pulping' policy.
- Promote values of fairness, diversity, individuality and free speech.

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The cover of *Tristan Clark's Stick This in Your Memory Hole*, published by Aduki Independent Press

Licence Usage

Stick This in Your Memory Hole has been published both in print and digital form (online) under a Creative Commons Attribution–Noncommercial 2.5 Australia licence. Both versions carry appropriate licensing information. The online version has been downloaded over 1000 times since its release in November 2007. As of April 2008 the print version had sold over 500 copies. The publishers report that using the CC-BY-NC licence has been an overwhelmingly positive experience.

'I don't believe that licensing the book under CC has negatively impacted on sales of the book. On the contrary, I think that having the entire text online for readers to preview has actually helped to sell more books'

Emily Clark, Publisher,
Aduki Independent Press



Remix My Lit

Aduki reports that it intends to release Tristan's second book under the same Creative Commons licence in 2009.

Motivations

'We really like the idea of giving people easy access and the right to use the work without seeking our permission as the book has an important message that needs to be shared.'

Emily Clark, Aduki Independent Press,
<http://creativecommons.org/weblog/entry/7714>

Aduki's manager Emily Clark was exposed to the idea of Creative Commons at the 2007 Melbourne Writers Festival (www.mwf.com.au/2007/content/print.asp), where she heard successful science fiction writer Cory Doctorow (<http://craphound.com>) speak about his positive experience with the licences, together with Creative Commons Australia Project Manager Jessica Coates. This discussion was later broadcast on *The Law Report* on ABC Radio National on 20 November 2007 (www.abc.net.au/rn/lawreport/stories/2007/2095456.htm). Impressed with the enthusiasm of the presenters, Emily reveals that she discovered an excellent publishing option: licensing under Creative Commons was the perfect way to reconcile Aduki's commercial requirements with the author's moral and philosophical objections to copyright. In an email interview with Emma Carroll from Creative Commons Australia, Emily offered the opinion that:

'The content of the book, I feel, is really important and needs to be shared. The author and I did not want to limit access

to the book to those who could afford a print copy. We also hoped the work would be shared and referenced and wanted the audience to know that they were able to do that without contacting us.'

Aduki's publication met with considerable excitement from the team at Creative Commons Australia, who expressed their support for its open distribution as follows:

'Breaking out from the pack and taking the plunge into open content licensing isn't an easy decision for a small publisher to make, and Aduki deserves to be congratulated. But, as they say in their press release, with its strong message in support of free speech "Stick this in your memory hole is the perfect book to begin with."

<http://creativecommons.org.au/node/132>

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BUILDING AN AUSTRALASIAN COMMONS

The Age Blogs

DESCRIPTION: Melbourne's *The Age* newspaper blogs *The Tonic* and *Chew On This* regularly use Creative Commons-licensed Flickr photographer.

WEBSITE: *The Tonic*: <http://blogs.theage.com.au/lifestyle/thetonic> and *Chew On This*: <http://blogs.theage.com.au/lifestyle/chewonthis>

LICENCE USED: Various Creative Commons 2.0 licences

MEDIA: Images

LOCATION: Australia

Overview

Melbourne's *The Age* (www.theage.com.au) newspaper offers readers a number of blogs (www.theage.com.au/blogcentral) on modern life, from share-house hints to cinema reviews through to travel advice. Readers are encouraged to post comments and questions in response to the journalistic entries, which are often humorous but helpful reflections. In participating in these fora, readers are bound by the usual Terms and Conditions (www.theage.com.au/articles/2006/07/27/1153816297484.html).

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In particular, two Age blogs, Terry Robson's *The Tonic* and Paula Goodyer's *Chew on This*, feature Creative Commons-licensed Flickr photo-

graphs to illustrate their entries regarding health and lifestyle. A blog discussing dietary tips and tricks, *Chew on This* is presented by Walkley-award winning health writer Paula Goodyer to overcome the confusion on 'what's healthy to eat?' *The Tonic* is a blog by Terry Robson driven by 'a desire to spread the word that health is more than the absence of disease.'

Licence Usage

Both Age blogs use Creative Commons-licensed images from Flickr for illustrative purposes. For example, in the 1 February 2007 blog entry in *The Tonic* (http://blogs.theage.com.au/lifestyle/thetonic/archives/2007/02/sexy_sprays.html), the photograph *Kiss* by Flickr user 'SomeRiot' (http://flickr.com/photos/riot_192144697) licensed under a BY-ND 2.0 licence, while *Salade Nicoise* by Flickr user 'Vidiot' (<http://flickr.com/photos/vidiot/44726750>), also under a CC BY-ND licences, was used in the post http://blogs.theage.com.au/lifestyle/chewonthis/archives/2006/12/does_your_salad.html.

The Age Chew on This blog, June 2008



Remix My Lit

Australian Network for Art and Technology (ANAT) – *Filter Magazine*

DESCRIPTION: *Filter* magazine is the triannual publication of the Australian Network for Art and Technology (ANAT), Australia's peak industry body for artists working across science and technology.

WEBSITE: www.anat.org.au/print_and_blogs/filter

LICENCE USED: Creative Commons BY-NC-SA 2.5 Australia, <http://creativecommons.org/licenses/by-nc-sa/2.5/au>

MEDIA: Images, Text

LOCATION: Australia

Overview

The Australian Network for Art and Technology (ANAT) is a non-profit organisation based in Adelaide, South Australia. Incorporated in 1988, ANAT is Australia's peak advocacy body for artists working with science and technology, promoting emerging and experimental media, and audio and art-science practices across mobile and portable platforms both locally and globally. The organisation fosters collaboration, innovation and enterprise, presenting new opportunities for its members to engage with their audiences and industry, and to sustain their cutting-edge creativity.

ANAT publishes *Filter* magazine (www.anat.org.au/pages/forumspubs/forumspubs.html) three times a year as an essential guide to art and technology projects and current trends in new media creativity. Each issue contains feature articles, reviews, listings of professional development activities, in addition to members' profiles. It is provided free to ANAT members and is distributed to selected arts agencies across Australia. *Filter*'s current Managing Editor Amanda Matulick.

ANAT is funded by the Australian Government through OZCO, the Australia Council (www.ozco.gov.au), by the South Australian Government through Arts SA (www.arts.sa.gov.au), and is further assisted through the Visual Arts and Craft Strategy, an initiative of the Australian, State and Territory Governments.

ANAT organises residencies, master classes and summer schools, and provides financial support to its members through the Professional Development Travel Fund.

'We believe artwork is created to be shared not owned.'

Amanda Matulick, Managing Editor, Filter

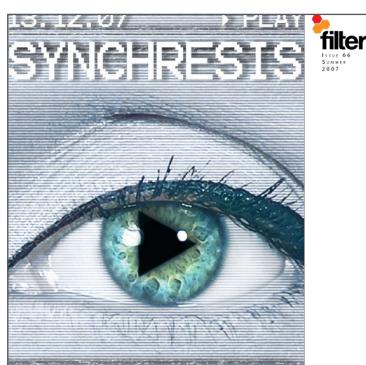
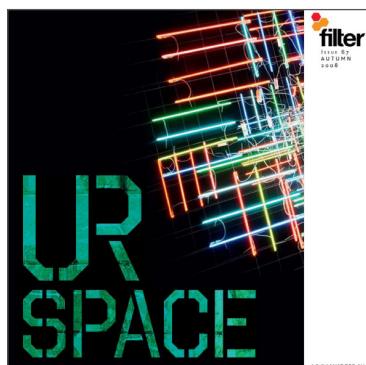
Licence Usage

Some issues of *Filter* magazine have been licensed under a Creative Commons Attribution-NonCommercial Share Alike licence. Issue 61 (www.anat.org.au/print_and_blogs/11), covering the

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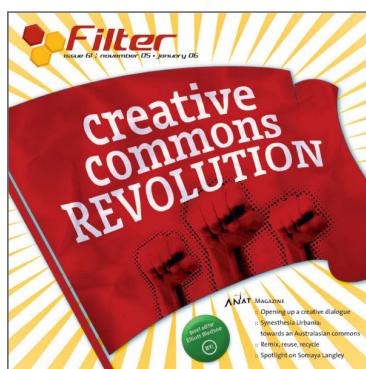
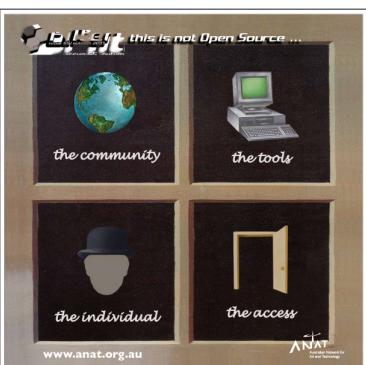


BUILDING AN AUSTRALASIAN COMMONS



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Images: (Top to Bottom) The covers of Filter issue 66 CC BY-NC-SA 2.5 Aus, issue 66 CC BY-NC-SA 2.1 Aus, issue 65 CC BY-NC-SA 3.0 Unported, and issue 61 CC BY-NC-SA 2.1 Aus.



ANAT first released Filter under a CC licence with Issue 61: Creative Commons Revolution. They later released Issue 65: This Is Not Open Source under an Attribution-Noncommercial- Share Alike licence on trial, which they have subsequently adopted.

period from November 2005 – January 2006, was dedicated to an examination of the ‘Creative Commons Revolution,’ and was guest-edited by Elliott Bledsoe from ccAustralia. The issue featured articles by Andrew Garton on the creation of an Australasian commons, Mia Garlick on opening up creative dialogue, and Nic Suzor, with ‘Remix, Reuse, Recycle.’ Elliott writes in his editorial,

‘Creative Commons is about choice. It has turned the blanket ban tradition of copyright on its head. It takes the concept of “all rights reserved” and splices it into manageable parts in order to create a “some rights reserved” system.’

Filter began using a Creative Commons licence on a permanent basis during the publication of *Issue 65: This is not open source* (www.anat.org.au/print_and_blogs/7), themed around free culture, information sharing and interaction between networks. The publication discussed the intrinsic elements of the growth of the cultural movement of sharing.

The thematic basis for Issue 65 emerged from the 2007 ANAT still/open labs (www.anat.org.au/stillopen/blog), a series of workshops that were held in Melbourne, Brisbane and Perth as part of the organisation’s emerging technology labs program. Facilitators Alessandro Ludovico, Andy Nicholson, Beatriz da Costa, and Elliott Bledsoe from CCau discussed with audiences the practice and theory of open source culture and its application through networked art, software development, print and online publishing and in the scientific arena. After many discussions with Elliott on the topic of open source and free culture, ANAT staff made a move to use Creative Commons licences as widely as they could.

Motivations

ANAT’s initiatives emphasise connection and collaboration, enrichment and inspiration, and research and development across art, culture, science and technology. When asked by Rachel Cobcroft from CC Australia about ANAT’s motivations to employ Creative Commons licensing for *Filter*, Managing Editor Amanda Matulick responded:

‘We believe artwork is created to be shared not owned and hence we aim to use a licence we felt would offer options for future and further use of work, whilst ensuring correct acknowledgments are made to the creator. We hope that by using a licence that is protective yet encouraging, we may increase the functionality of the work, generate future use and dialogue around the works.’



Remix My Lit

Amanda notes further that open source culture raises many opinions and questions including: How open is open source culture? Is it user friendly or financially beneficial? How might artists make use of this cultural movement?

Andrew Lowenthal writes in his article *Free Beer*, featured in Issue 65:

'The one-to-many model is being usurped by the many-to-many, the masses are being replaced by the network, command by collaboration.'

It is in a collaborative framework that ANAT continues to operate, hoping that the discussion about open source and free culture continues well into the future.



BUILDING AN AUSTRALASIAN COMMONS

On Line Opinion

DESCRIPTION: *On Line Opinion* is a not-for-profit e-journal that aims to provide a forum for public social and political debate about current Australian issues.

WEBSITE: www.onlineopinion.com.au

LICENCE USED: Creative Commons Attribution-Noncommercial-No Derivative Works 2.0 Generic
<http://creativecommons.org/licenses/by-nc-nd/2.0>

MEDIA: Text, Images

LOCATION: Brisbane, Australia

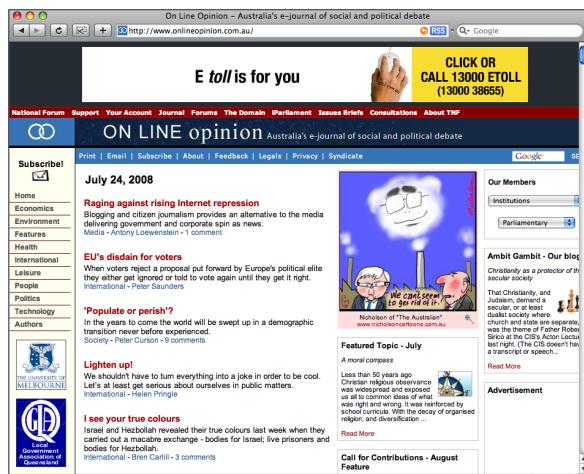
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Overview

On Line Opinion is an e-journal that has been online since April 1999. Its stated aim is to 'provide a forum for public social and political debate about current Australian issues' (www.onlineopinion.com.au/display.asp?page=about) and seeks to achieve this goal by publishing articles from a wide range of contributors. The current Prime Minister Kevin Rudd and his predecessors, John Howard and Paul Keating, are among those who have featured in the pages of *On Line Opinion* (www.onlineopinion.com.au/author.asp). The journal is not

limited to only political debate; articles are published on economics, sport, technology and the environment.

On Line Opinion home page, June 2008



On Line Opinion is based in Brisbane and was founded by Graham Young, who, as the journal's Chief Editor and publisher runs the day-to-day operation of the site full-time with Editor Susan Prior. Owned by the Australian public company National Forum Ltd (<http://portal.nationalforum.com.au>), the journal operates on a not-for-profit basis, meaning that contributors are not paid for their articles. Graham Young observes in an email interview with Steven Gething from Creative Commons Australia in March 2008, that 'Advertising and sponsorship revenues are providing enough to pay for other salaries and infrastructure.'

Licence Usage

On Line Opinion applies the Creative Commons Attribution-Noncommercial-No Derivative Works 2.0 Generic licence to submitted articles, but not to the remainder of the website which reserves all copyright.

Graham Young offers his experience with the site's choice of Creative Commons licence to date:



Remix My Lit

'We're happy with the way the licence works. The major benefit to us is that there is a common copyright agreement available for those wanting to republish. This should mean that it is easier for not-for-profits and private individuals to deal with material.'

Motivations

Having first heard about Creative Commons licences from the Australian research team at the Queensland University of Technology, Graham Young explains what motivated his choice of licence:

'It gave us an easy way of signalling to non-commercial users that they could re-use the material, as long as they acknowledged us. We hoped that this would encourage others to use our material and build awareness of the site. We also hoped that it would cut down on the amount of work involved in explaining and negotiating with potential republishers.'

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'As a not-for-profit we are happy for work to be disseminated widely. We don't pay authors for their material directly, but one of the benefits that they get is publicity. The more we can provide the better rewarded they are.'

Graham Young, Chief Editor, On Line Opinion



A New Leaf Media – *The Pundit*

DESCRIPTION: *The Pundit* was a Creative Commons-licensed publication of reviews, news, and interviews distributed as a free magazine as part of the Melbourne International Film Festival in 2006.

WEBSITE: www.anewleaf.com.au/the-pundit/the-pundit-miff-06

LICENCE USED: Attribution-Noncommercial-No Derivative Works 2.5 Australia
<http://creativecommons.org/licenses/by-nc-nd/2.5/au/>

MEDIA: Text

LOCATION: Melbourne, Australia

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Overview

The Pundit was a free publication released as part of Melbourne International Film Festival (MIFF) 2006 (www.melbournefilmfestival.com.au) by A New Leaf Media (www.anewleaf.com.au), an independent Australian publisher and ‘word pedlar’ (www.anewleaf.com.au/about). Edited by Tim Norton, Lefa Singleton, Jane Watkins, and Paul D’Agostino, *The Pundit* included reviews, news and interviews contributed by an extensive and enthusiastic writing team sourced from local student media outlets, such as SYN FM (<http://syn.org.au>), *Is Not Magazine* ([www.isnotmagazine.org](http://isnotmagazine.org)), Express Media (www.expressmedia.org.au), Vibewire.net (www.vibewire.net), *The Big Issue* (www.bigissue.org.au), Arts Hub ([www.artshub.com.au/au/default.asp](http://artshub.com.au/au/default.asp)) and other youth media. The publication was designed to not only be insightful, entertaining and informative, but to be an opportunity for young and emerging writers to publish work in a professional capacity.

The Pundit’s MIFF edition was released as 56-page, A4 portrait format with a print run of 10,000 copies and distributed around Melbourne outside the five main MIFF cinemas in addition to official venues. It was also available in PDF format from the website, with the articles and reviews available individually in HTML.

The publication was produced with the support of The Foundation for Young Australians (www.youngaustralians.org), Crumpler Bags Australia (www.crumpler.com.au), RMIT Union Arts (<http://union.rmit.edu.au>), the Melbourne International Film Festival (www.melbournefilmfestival.com.au), and the Melbourne City Mission Slingshot (www.slingshot.org.au/slingshot/index.php).

Based in North Fitzroy, A New Leaf Media operates as a niche media company which strives to create alternative independent media produced by emerging media-makers. It focuses on publishing review magazines for a variety of Melbourne’s arts and cultural festivals. In the future, *The Pundit* will



be released to coincide with various Australian arts and cultural festivals offering comprehensive guides, spreading their words from Altona to Alphington.

Licence Usage

A New Leaf Media decided to license both the print magazine and the PDF digital version of *The Pundit* under a Creative Commons licence that allows content published in the magazine to be republished, so long as the articles are not changed and the republication is for non-commercial purposes: i.e. under the Creative Commons Attribution-Noncommercial-No Derivative Works 2.5 Australia licence. This licensing facilitated the republishing of much of the magazine's content on blogs during the festival, giving the writers far more exposure than A New Leaf Media on their own could provide.

'Licensing The Pundit under Creative Commons enables us to utilise... work without needing to take all creative rights away from the individual author.'

Tim Norton, Editor, A New Leaf Media

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Motivations

Tim Norton from A New Leaf Media spoke at the 2006 Creative Commons Australia Industry Forum (<http://creativecommons.org.au/ccforum>), in the session for Creative Industries. Tim's own blog, 'Stop the world Mummy, I want to get off...' (<http://monkeyjedi.blogspot.com>) is also licensed under Creative Commons.



John Quiggin's Blog

DESCRIPTION: John Quiggin is an Australian economist and academic who writes a blog dealing with local and global issues from a social-democratic perspective.

WEBSITE: <http://johnquiggin.com>

LICENCE USED: Creative Commons BY-NC-SA 2.1 Australia <http://creativecommons.org/licenses/by-nc-sa/2.1/au>

MEDIA: Text

LOCATION: Australia

Overview

The Age Media Blog (<http://blogs.theage.com.au/mediablog>) acknowledges Professor John Quiggin as 'One of the elder statesmen of the Oz blogosphere.' His eponymous blog, *John Quiggin*, hosts material on a range of topics, spanning academia, economics, politics, and Australian culture. A contributor to the collective blog *Crooked Timber* (<http://crookedtimber.org>) and commentator for the *Australian Financial Review*, John Quiggin is an Australian Research Council Federation Fellow at the

School of Economics at the University of Queensland in St. Lucia, Australia. Commenced in June 2002, John Quiggin's blog has since attracted considerable attention, and none more so than his option to license his posts under Creative Commons.

Licence Usage

On 1 July 2005, John Quiggin announced that his blog was to be licensed under the Creative Commons Attribution-NonCommercial-Share Alike 2.1 Australia terms. This Quiggin believed to be the 'default rule' for bloggers, expressing their standard expectations:

'Anyone can use as much as they like for a non-commercial purpose, as long as they allow others to do the same with the derivative work, and acknowledge my original authorship, either by name or with a link back to the original post.'

<http://johnquiggin.com/index.php/archives/2005/07/01/creative-commons-license>

John Quiggin



Image: 'John Quiggin' by Rachel Cobcroft CC BY-NC-SA 2.0.



Remix My Lit

This declaration gave rise to what copyright academic and commentator Kim Weatherall, of *Weatherall's Law* (<http://weatherall.blogspot.com>), termed the 'Great Blog Licensing Debate' (http://weatherall.blogspot.com/2005_07_01_weatherall_archive.html#112038088651934888), also noted as the 'Australian Blog Licensing Frenzy' on Rusty's *Bleeding Edge* page (<http://ozlabs.org/~rusty/index.cgi/IP/2005-07-05.html>). The issue for Weatherall was one of whether there should be ShareAlike terms, and additionally for Rusty as to whether Non-Commercial terms were appropriate. Weatherall took the ShareAlike provision to task:

'I'm not sure I want to dictate to people what they want to do with their stuff, even if their stuff incorporates some of my stuff.'

http://weatherall.blogspot.com/2005_07_01_weatherall_archive.html#112019921242554242

Thinking of utility, Rusty agrees with this sentiment: by not stipulating that other users behave in the same way as the creator, the usefulness of the work is maximised, rather than locking up downstream uses.

Considering non-commercial terms, Rusty says that to lament others' success is pointless, where their gains don't deprive the creator of any benefit:

'When your neighbour wins the lottery, do you complain it's unfair? After all, you might have won the lottery if they didn't! Or do you congratulate them and ask to borrow the Ferrari on weekends? If the latter, and you're not making money on your blog, I'd suggest dropping non-commercial from your CC license, and wishing those who try to make money all the luck in the world...'

<http://ozlabs.org/~rusty/index.cgi/IP/2005-07-05.html>

He also reflects on the position of freely-distributed software before Linux changed to the GPL.

Interestingly, a party to this debate, David Starkoff, relicensed his blog *Inchoate* (www.dbs.id.au/blog) in July 2005, opting for the Creative Commons Attribution-Noncommercial-No Derivative Works licence (<http://ozlabs.org/~rusty/index.cgi/IP/2005-07-05.html>).

'I'm not sure I want to dictate to people what they want to do with their stuff, even if their stuff incorporates some of my stuff.'

Kimberlee Weatherall

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Motivations

Positioning himself in contrast to John Dvorak's confusion surrounding the Creative Commons initiative (www.pcmag.com/article2/0,1895,1838244,00.asp), John Quiggin writes a glowing appraisal of the ideas expressed in these open content licences. In particular, he defends his choice of the non-commercial, attribution, share-alike version of the Creative Commons licence, which allows anyone to reproduce the work from the blog, with attribution and for non-commercial purposes, as long as they share it under the same conditions. Quiggin states that he has selected this licence, 'not because it's necessarily the best option in all, or even most cases, but because it's the best default rule' (<http://johnquiggin.com/index.php/archives/2005/07/20/the-creative-commons-as-a-default-rule>):



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'Anyone who wants to use material from the blog in this way can do so without asking me. And share-alike is a good feature for a default option, because it means that re-use is similarly free under the same conditions. But if Hollywood wants to use bits of the blog in the forthcoming hit movie Crooked Timber of Humanity, they are not confined to the CC license. They're free to fly me to LA, and make a stupendously generous offer for the commercial rights. Similarly, if someone wanted to use the posts without attribution for some good reason, they could always approach me and ask for permission. More generally, if someone wants to do things differently they can propose a contract with me.'

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The default is positioned historically: whereas once it was the public domain, since it was necessary to make a specific claim for copyright, it is now 'all rights reserved' copyright. Introducing Creative Commons seeks to restore a balance between these points.

John Quiggin's blog, June 2008

The screenshot shows the homepage of John Quiggin's blog. The header reads "JOHN QUIGGIN" and "COMMENTARY ON AUSTRALIAN & WORLD EVENTS FROM A SOCIAL-DEMOCRATIC PERSPECTIVE". Below the header, there are two main article summaries:

- SHOULD COMPANIES PURSUE SOCIAL GOALS?** by [John Quiggin](#) | July 24, 2008. A small blurb about the debate on Creative Capitalism.
- MORE GOOD NEWS (I HOPE)** by [John Quiggin](#) | July 22, 2008. A blurb about the peace deal in Zimbabwe.

Below the articles, there are several sidebar sections:

- PAGES**: Discussion policy - please read before commenting
- RECENT COMMENTS**: A list of recent comments from users like [Kianochist](#), [BILB](#), [lhr](#), [derrida](#), and [Andrew Reynolds](#).
- RECENT POSTS**: A list of recent posts including "Should companies pursue social goals?", "More good news (I hope)", "Great news!", "Monday Message Board", and "How green is the green paper".
- SEARCH THIS SITE**: A search bar with a Google Search button.
- TESTIMONIALS**: A section with a testimonial from [John Quiggin](#).



Remix My Lit

Michael Specht's blog

DESCRIPTION: Michael Specht provides a blog exploring technology, management and Human Resources issues from both an Australian and international perspective.

WEBSITE: www.specht.com.au/michael

LICENCE USED: Creative Commons Attribution-Noncommercial-Share Alike 2.5 Australia Licence
<http://creativecommons.org/licenses/by-nc-sa/2.5/au>

MEDIA: Text

LOCATION: Australia

Overview

Michael Specht is a Senior Project Manager for Nortel's Shared Services Solutions in Asia. His eponymous blog provides readers with insight gained from over 15 years' experience in operations and applications roles in the Human Resources (HR) industry both in Australia and overseas. Established on 23 June 2004, the blog deals with technology and management issues, particularly for the enterprise, and occasionally expresses 'other random thoughts.' Michael is an advocate of social software such as Twitter (<http://twitter.com/mspecht>), which he updates on an hourly basis.

Michael has also discussed projects employing Creative Commons on his blog, such as Microsoft's Simple Sharing Extensions (SSE), which allows asynchronous replication of items among two or more parties via RSS feeds. See his post titled 'Sharing Content in a Web 2.0 World' (www.specht.com.au/michael/2005/11/28/sharing-content-in-a-web-20-world).

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Motivations

Inspired by the works of Cory Doctorow and Lawrence Lessig, Michael Specht commented in a 2008 email interview with Rachel Cobcroft from ccAustralia that he opted to license his blog under Creative Commons from its start in 2004:

'I chose the licence partly due to my understanding of the limitations of copyright law, ie allowing people to syndicate content & reference was technically not allowed. I also wanted to allow others to freely reuse, reference and share my writings without the boundaries of [all rights reserved] copyright law.'

Michael has been contacted by several commercial organisations for reuse of his work.

Licence Usage

Initially licensing his blog under Creative Commons Attribution-Share Alike 2.0, Michael recently learned about the more recent suite of 2.5 Australian licences, and changed his site to be under the Creative Commons Attribution-Noncommercial-Share Alike 2.5 Australia Licence.



BUILDING AN AUSTRALASIAN COMMONS

Mike Seyfang

DESCRIPTION: Mike Seyfang is an Australian education consultant, ICT strategist, amateur musician and father of teenage children who emphasises the importance of instilling read/write culture through his blog *Learning with the Fang*.

WEBSITE: <http://mseyfang.edublogs.org>

LICENCE USED: Blog: CC Attribution 2.5 Australia, <http://creativecommons.org/licenses/by/2.5/au>
Flickr photos: CC Attribution 2.0 Generic, <http://creativecommons.org/licenses/by/2.0>

MEDIA: Text, Images

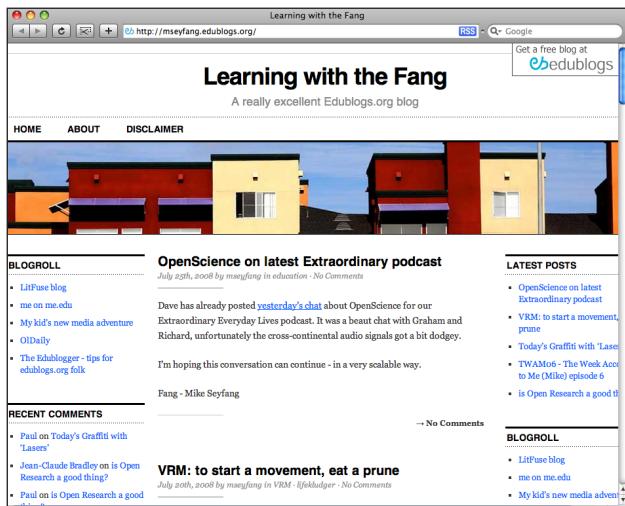
LOCATION: Adelaide, Australia

Overview

Mike Seyfang is an Australian education consultant and advocate of open systems, emphasising opportunities for innovation and creative thinking enabled by Creative Commons Attribution licences. Drawing on over 25 years of ICT experience, the last nine spent with Microsoft, Mike has been strongly influenced by Lawrence Lessig's lectures on Read/Write Culture (http://public.resource.org/lessig_lecture.html). So impressed was Mike by Lessig's talk of 'free culture' that he made a mashup *Downes vs. Lessig* as a demo to the net2blazers group, incorporating

podcasts, Flickr images, and web 2.0 artefacts with the aim of showing 'how remixing many elements is both powerful'

Mike Seyfang's blog, June 2008



and tricky to license appropriately' (hosted on blip.tv: <http://fang.blip.tv/file/105776>).

Mike's edublog *Learning with the Fang* regularly engages with issues of content distribution and re-use. The most recent post 'Soccer with Stephen's CONTENT Cat' (<http://mseyfang.edublogs.org/2008/06/04/soccer-with-stephens-content-cat>) on 4 June 2008 deals with the question of the most effective license scheme for ensuring open access to free content, with Stephen Downes arguing for CC BY-NC-SA and Mike advocating CC BY as 'more open.'

Objecting to the removal of NC conditions, Stephen comments:

'My objection to commercial use is that it is a business model supported by denying access to resources. If a resource must be purchased before it may be used, then it is not free in either sense. A person does not have the freedom to use, modify, etc., something he or she must buy.'

<http://halfanhour.blogspot.com/2008/05/another-kick-at-free-content-cat.html>



In conversation with Leigh Blackall from Otago Polytechnic, it has been suggested that the NC term be migrated to a 'NRC: No Restrictions through Commercialisation' to clarify educators' concerns with enclosure.

Calling upon Clay Shirky's acknowledgment of the need for certain prominent projects to avoid commercially-driven harm, Mike characterises these as belonging to the 'short head' of the power curve distribution. In response, Mike positions himself within the 'long tail' of this curve:

'It is something I enjoy because I can have real conversations with like minded people. This is the power (or jewel) of the long tail - I am frequently amazed by the rich and surprising connections that develop when I put my stuff "out there".'

<http://bomega.com/2007/01/29/serendipity-and-a-farmers-daughter/>

This builds on a post from 7 May 2008 in which Mike discussed why he licenses under CC Attribution. In response to Richard McManus's reuse of Mike's image (www.flickr.com/photos/mikeblogs/305430788) 'ReadWriteCulture-FangMix1' on *ReadWrite Blog* (www.readwriteweb.com/archives/nevermind_the_recession_web_will_change_the_world.php), Mike observes: 'This is why only work that is freely licensed will continue to be relevant in future culture.'

As parent to teenage children who will most likely make their living from creating digital content, Mike is 'keen to influence law reforms that will help

them along the way.' Mike's children are responsible for the *Wholesale Meat Media Blog* (<http://mediablog.wholesalemeatenterprises.com>).

'I decide to "give away" most of my rights to my digital content in the hope that someone will find it useful and re-use it to tell their story.'

Mike Seyfang, <http://mseyfang.edublogs.org/2008/05/07/whi-i-license-ccby>

'My hope is that this work will help promote positive conversation about effective use of Creative Commons licensing. It contains material from my kids who I hope will grow up in a society that values and rewards their creative efforts.'

Blip.tv mashup: 'CreativeCommonsDRM-ReadWriteCulture-DownesVsLessig'

<http://blip.tv/file/105754>

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Licence Usage

As discussed above, Mike is a strong supporter of the Creative Commons Attribution licence, making his blog posts available under the Creative Commons Attribution 2.5 Australia licence (www.processofinnovation.com/mikeseyfang). His Flickr photographs are licensed under CC BY 2.0. Mike notes derivative uses of his images here:

- <http://fang.blip.tv/file/633462> - a presentation that helped me create an excellent job



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- <http://fang.blip.tv/file/105776>
- a mashup of Lessig and Downes that they have both seen
- www.flickr.com/photos/mikeblogs/323586161 - my entry in a creative commons competition
- www.flickr.com/photos/cambodia4kidsorg/306021623/in/pool-ccswag-contest06 - an entry by the winner of that creative commons competition

which means reuse must be non commercial and licensed in exactly the same way) it is unlikely that anyone would have found it, let alone re-used it.'

<http://mseyfang.edublogs.org/2008/05/07/why-i-license-ccby>

Motivations

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Adopting the Creative Commons Attribution licence as the representation of 'free culture,' Mike discusses his decision at several points across his blog. Most recently, he expresses the following opinion:

'What I do crave is recognition (not fame). The most profound recognition I have experienced is when someone mashes up or remixes my work... The biggest risk to me is that nobody will ever find my remixable digital work - or if they do that they might not have confidence to use it (ie that they might feel they need to ask permission first).'

<http://mseyfang.edublogs.org/2008/06/04/soccer-with-stephens-content-cat>

In commenting on the reuse of his work even for commercial purposes, Mike observes:

'Either way I gain more than I lose by having my work remixed into a new context. Had I licensed my work in a more restrictive way (say cc:by-nc-sa



Remix My Lit

Remix My Lit

DESCRIPTION: Remix My Lit: Literature is a project designed to explore the potential for remixing text-based works, creating a word-based culture that is truly Read&Write

WEBSITE: www.remixmylit.com

LICENCE USED: Creative Commons BY-NC-SA 2.5 Australia
<http://creativecommons.org/licenses/by-nc-sa/2.5/au>

MEDIA: Text

LOCATION: Australia

Overview

Most creative disciplines have grappled with the concept of remix. For media such as film and music, entire communities of appropriation (legal or otherwise) have emerged. Artists whose creative practice is contingent on the adaptation of and addition to existing creative products populate this space. But other creative disciplines have not yet embraced this creative technique.

Read/Write has always been a dichotomy in literature; with the author on one side of the production process, toiling away in solitude to produce the manuscript which is read by many, in solitude. But is there a more collaborative space for literature? Can your pages be Read&Write?

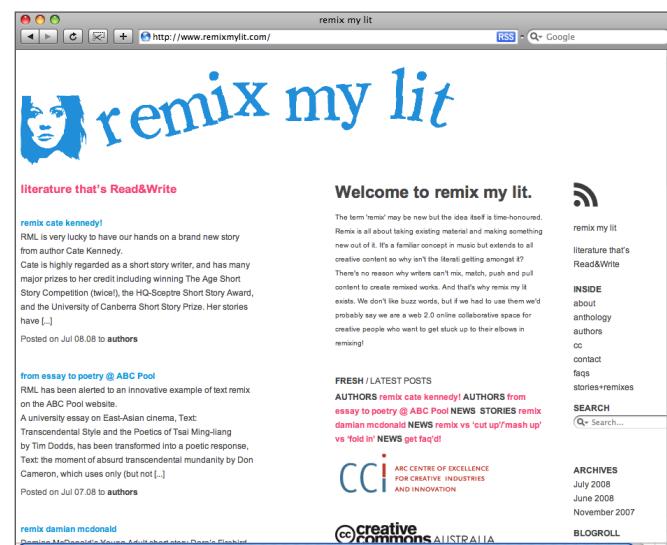
Remix My Lit is a Brisbane-based, international remixable literature project. The project aims to apply the lessons learned from music and film remixing to literature. Remix My Lit is designed to explore where remix fits into literature. It will provide a space within the discipline to encourage and foster a community and culture of remix. It will spin out a number of projects, each of which will endeavour to embed legal appropriation

of works into aspects of the publishing environment. Remix My Lit is a research project as an exercise in creative practice.

The first project of Remix My Lit is a printed anthology of remixed and remixable short stories. A group of established authors from around Australia will contribute a short story to be published under a Creative Commons Attribution-Noncommercial-Share Alike licence. These stories will be hosted on the website where emerging writers can create their own remixes of them and post them back up on the

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Remix My Lit homepage, June 2008



'Why isn't the literati getting amongst it? There's no reason why writers can't mix, match, push and pull content to create remixed works. And that's why Remix My Lit exists.'

<http://remixmylit.com.au>

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website. From this body of new works, the best remixed stories will appear in the anthology alongside the original stories. The anthology will be distributed online and in a hardcopy print run.

Because all the works and the anthology will be available under a Creative Commons licence that permits remixing, these works will seed the beginnings of a remixable body of literature.

The remixable anthology project was initially funded by *Story of the Future* (www.australiacouncil.gov.au/the_arts/projects/about_story_of_the_future) – an initiative supported by the Australia Council for the Arts (www.australiacouncil.gov.au) in partnership with the Australian Film Television and Radio School (www.aftrs.edu.au). This funding was matched by the Australian Research Council Centre of Excellence for Creative Industries and Innovation (CCi) (www.cci.edu.au) at Queensland University of Technology (www.qut.edu.au).

On the Remix My Lit site, rework Emily Maguire's flash fiction character portrait "Cherished," get between a girl's love for her guitar and her girl with Damian McDonald's new two-part short, "Dara's Firebird Lovesong," or mix up "Renovator's Heaven" by Cate Kennedy. Cate calls it "a sort of speculative, open-ended, little bit supernatural little bit horror short story."

The Remix My Lit logo is a derivative work of a CC Attribution 2.0 Flickr image 'Street Art' by Kim Laughton, aka 'olivepixel' (www.flickr.com/photos/olivepixel/154385478).

Motivations

The decision to rely on a non-commercial remix licence for the first project reflects some early observations of the publishing industry's reaction to remix as a concept. Firstly, that the authors involved in the project were willing to experiment with new ideas but only where the reuse of that material was for non-commercial purposes. Equally, the Share Alike requirement reflects the need, at least during the seeding stage, to require ongoing remixability to ensure the concept is properly propagated into a creative discipline that as yet has not widely acknowledged and adopted remix practices.

'We don't like buzz words, but if we had to use them we'd probably say we are a web 2.0 online collaborative space for creative people who want to get stuck up to their elbows in remixing!'

<http://www.remixmylit.com>

Licence Usage

Remix My Lit currently uses a Creative Commons Attribution-Noncommercial-Share Alike 2.5 Australia licence. Long-term the project is considering allowing other Creative Commons licences.



Remix My Lit

Strange Symphonies Blog

DESCRIPTION: The *Strange Symphonies* blog presents the writing of Aizat Faiz, a Malaysian free culture advocate working with FLOSS, free content, and open standards.

WEBSITE: <http://blog.aizatto.com>

LICENCE USED: Creative Commons Attribution 3.0 Unported
<http://creativecommons.org/licenses/by/3.0>

MEDIA: Text, Images, Software

LOCATION: Malaysia

Overview

Aizat Faiz is a self-proclaimed free culture advocate working with FLOSS, free content, and the development of open standards in Malaysia. An undergraduate student enroled in a Bachelors Degree in Computer Science at the Malaysian campus of Monash University, Aizat chronicles the effects which free culture and FLOSS has had on his education and employment. Aizat, aka 'aizatto', 'zatto' or the 'Malaysian Free and Open Source Software junkie,' maintains an interest in developing open standards, XHTML/HTML and the Open Document Format, in addition to programming using PHP and Ruby on Rails. He is a member of MyOSS, the Free and Open Source Software Society of Malaysia (<http://foss.org.my>), the Malaysia National Computer Confederation Open Document Format Special Interest Group, was rapporteur at the 7th AsiaOSS Symposium, and has had some involvement in the Malaysia-United States Free Trade Agreement. After spending a year studying at the Asia Pacific Institute of Information Technology (APIIT) in Kuala Lumpur, Aizat enroled at Monash

University where he entered the eGenting Programming Competition in 2006 (www.genting.com.my/rnd/2006/default.htm), and won.

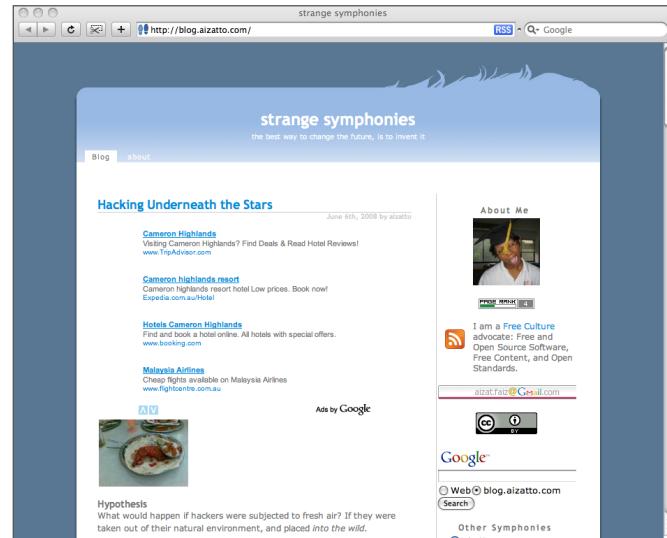
'As can be seen, the freedom to let me just take code online, read it, study it, remix it, hack it, has been extremely beneficial to me in terms of my education.'

<http://blog.aizatto.com/2007/05/23/why-i-support-free-culture>

Given his strong skills in software development, Aizat has been employed by the United Nations Development

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Strange Symphonies blog, June 2008



'It's like making everyone a kid with scissors and glue, and letting them make their own collages from what is already out there.'

Aizat Fiaz, <http://blog.aizatto.com/about/commons>

Program International Open Source Network to work on the DocBook and WikiBook conversions.

Licence Usage

As a free culture advocate and programmer, Aizat lists numerous resources for FLOSS development on his blog, with posts at <http://blog.aizatto.com/category/free-and-open-source-software> outlining the latest in programming as well as Asia-based events pertaining to open source initiatives. Many meetings consider FLOSS licensing and support plus provide broader overviews of software and services in business contexts.

The majority of content on the *Strange Symphonies* blog is licensed under the Creative Commons Attribution 3.0 unported licence. The site uses graphics from the Tango Desktop Project (http://tango.freedesktop.org/Tango/Desktop_Project), which seeks to develop a consistent graphical user interface experience for free and open source software. Several of Aizat's presentations on FLOSS released under the Creative Commons Attribution 2.5 Generic licence are listed at <http://blog.aizatto.com/resume>, and encompass introductions to GNU/Linux, the LAMP platform, Ruby on Rails, and privacy/anonymity with Tor. Specific *Strange Symphonies* blog entries on Creative

Commons are found at <http://blog.aizatto.com/category/free-culture/creative-commons>, which discuss advantages and disadvantages of licence information and various events held at Creative Commons Malaysia, such as

the photography workshop organised by Lensa Malaysia in 2007 (<http://blog.aizatto.com/2007/04/28/creative-commons-malaysia-photography-workshop-co-organized-by-lensa-malaysia>).

'This is not just about the software. Even leading institutions such as MIT are releasing their coursework under a Creative Commons license.'

<http://blog.aizatto.com/2007/05/23/why-i-support-free-culture>

Motivations

Throughout his blog, Aizat celebrates the fact that free culture has given him the ability to 'remix, to hack, to build upon, to enhance, to study, to learn off existing works.' Taking the definition of 'Free Cultural Works' from <http://freedomdefined.org/Definition>, he emphasises these four key points:

- 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; and

- the freedom to make changes and improvements, and to distribute derivative works.

All of these, Aizat maintains, are beneficial to a person to let them learn on their own and experiment, as he has done throughout his studies and career, programming in C, OpenGL, SDL, Python and Ruby. Discussing his attachment to the philosophy of free culture and open source software at <http://blog.aizatto.com/2007/05/23/why-i-support-free-culture>, Aizat provides a variety of answers to the question, 'Why do you support open source technology?' The one-line answer he provides is: 'Because I have benefited from Free Culture, and I know that others can benefit as well.' In addition, his philanthropic answer is 'Because it's the right thing to do.' Giving the background to his more detailed answer concerning free cultural works, Aizat discusses his education, community involvement, employment, and other gains, such as becoming familiar with legal concepts surrounding copyright, patents, DRM, and contract law.

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'Want to bridge the digital divide? Want to help build local capacity? Want to build the local economy? I believe that Free Culture is the solution. May not be the end all solution, but it will help to play a large part.'

<http://blog.aizatto.com/2007/05/23/why-i-support-free-culture>





BEYOND THE CLASSROOM

Creative Commons, Education & Research

The message underpinning Creative Commons is fundamentally concerned with education – for creators, how best to manage their bundle of copyrights both online and offline; for users, how best to reuse and remix these materials in an appropriately permissioned environment, giving rise to a thriving learning experience.

In recognition of this, in 2007 CC launched an international educational division, ccLearn (<http://learn.creativecommons.org>), which seeks to support the *Cape Town Open Education Declaration* (www.capetowndeclaration.org), to accelerate efforts to promote open resources, technology and teaching pedagogical practices.

In Australia and the region, CC is increasingly being implemented by educational organisations wishing to establish legal frameworks for collaboration both within and beyond the classroom. Following the lead of international initiatives such as Massachusetts Institute of Technology (MIT) OpenCourseWare (<http://ocw.mit.edu>) and Rice Connexions (<http://cnx.org>), the University of Southern Queensland (USQ) is the inaugural Australian participant in the OpenCourseWare Consortium, offering sample courses from each of the University's five faculties, together with materials from its Tertiary Preparation Program (www.usq.edu.au/itsu/learnsupp/tpp/default.htm) under CC Noncommercial-Share Alike 2.5 Australia licence. Across the Tasman, New Zealand's Otago Polytechnic has gone one step further, promoting the CC Attribution licence as the default licence for all of its open access courses.

EDUCATION & RESEARCH CASE STUDIES

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The Queensland University of Technology (QUT), home of ccAustralia, is leading the investigation and dissemination of CC in Australia. From the *Creative Commons Clinic* (ccClinic), which aims to foster opportunities for the creative community to take advantage of the potential afforded by digital technologies, to *KCB101: Communication in the*



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New Economy undergraduate course, which employs CC to allow students to develop skills for collaboration and ethical reuse of content, QUT is increasingly incorporating the lessons of CC into its undergraduate and postgraduate teaching. QUT's Faculty of Law has taken the open access message beyond the classroom, creating and distributing two *Mayer & Bettle* animations (see 'filmmakers'), designed to introduce the concepts of CC to primary school children across rural and remote Queensland. A further Queensland tertiary institution, Griffith University's Conservatorium of Music utilises CC as a fundamental part of its IMERSD – Intermedia, Music Education & Research Design – programme, which points to productive engagement between the university and industry partners. Professor Paul Draper, IMERSD Project Director, advocates an appropriate framework for Australia's education and research institutions,

ultimately emphasising the importance of access to key works with which to teach and from which to compose.

Educators working outside the tertiary sphere are equally exploring the potential of CC as an enabler of informal learning. For younger children, the Powerhouse Museum, Sydney offers its science and design *Play materials*

as a CC-licensed take-home resource designed to include parents and carers in the instruction of up-to-ten-year-olds. In a similar vein, the Community Library aims to provide CC-licensed and other open materials in a 'take-home' form to those who do not have ready access to internet resources, reducing the barriers to accessing knowledge created by age, wealth and others divide. The Ipswich-based edgeX project, which seeks to investigate the potential of Web 2.0 to serve communities on a hyperlocal level, uses CC as a means of both managing its own copyright and educating teenagers on their copyright rights and responsibilities in the online environment. At the same time, CC empowers students and teachers alike to give their work and materials a life beyond the classroom.

Australian researchers are also prominent amongst their peers in releasing their world-leading investigative insights under CC licences. By publishing their research with the open access Public Library of Science (PLoS) journals, Australian scientists investigating topics as diverse as the genome of the Tasmanian tiger (Pask, Behringer, & Renfree, 2008), and the development of a simple blood test for African sleeping sickness (Njiru, Mikosza, Armstrong, Enyaru, Ndung'u, et al., 2008), are making their findings accessible to the world on a whole new level.



Image: Cathedral of Learning by Kitay, CC BY 2.0 Generic, www.flickr.com/photos/kitfish/481213752



Beyond the Classroom

Creative Commons Clinic

| | |
|---------------|--|
| DESCRIPTION: | The Creative Commons Clinic (ccClinic) at Queensland University of Technology in Brisbane is the primary centre for research into Creative Commons in Australia |
| WEBSITE: | ccClinic: www.cci.edu.au/ccc and Creative Commons Australia: http://creativecommons.org.au |
| LICENCE USED: | CC 2.1 and 2.5 Australia Suites |
| MEDIA: | Educational |
| LOCATION: | Brisbane, Australia |

Overview

Based at the Queensland University of Technology (QUT) Faculty of Law in Brisbane, and funded by the ARC Centre of Excellence for Creative Industries and Innovation (www.cci.edu.au), the ccClinic is the primary centre for Creative Commons research in Australia. Working closely with Creative Commons Australia (ccAustralia) it aims to evaluate and promote the implementation of Creative Commons in Australia and to foster opportunities for the creative community to take advantage of the potential afforded by digital technologies.

The ccClinic is led by Professor Brian Fitzgerald (Professor of Intellectual Property and Innovation, QUT Faculty of Law) who also serves as the joint project lead of Creative Commons Australia with Professor Tom Cochrane, QUT's Deputy Vice Chancellor, Technology, Information and Learning Support.

The ccClinic operates across two main research streams:

- 1 An education and research program which serves as an information resource centre for students, teachers, individuals

and organisations in Australia seeking to engage with the Creative Commons; and

- 2 A more traditional research stream, which focuses on documenting and evaluating the progress of Creative Commons and other open content licensing models in Australia and internationally.

The project also undertakes industry and government advocacy and training and participates in the ongoing international review of the CC scheme and licences (www.cci.edu.au/CCR).

Major outputs by the ccClinic research team since its commencement in 2006 include developing and running a clinic-structured undergraduate unit based at QUT, which provides the opportunity for undergraduate students to interact with industry experts and to undertake in-depth research on a topic relating to OCL and the Creative Commons. Particular emphasis is placed on the practical implementation of the CC model, with students encouraged to conduct interviews and surveys with real-world participants in the movement.



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Three key publications produced by the Creative Commons Clinic and ccAustralia in 2007:

Open Content Licensing: Cultivating the Creative Commons, Unlocking the Potential Through Creative Commons and Legal Aspects of Web 2.0 Activities.



The ccClinic has also published a book of essays titled *Open Content Licensing: Cultivating the Creative Commons* (<http://creativecommons.org.au/ocl>). The volume provides a snapshot of the thoughts of over 30 Australian and international experts – including Professor Lawrence Lessig, futurist Richard Neville and the Honorable Justice Ronald Sackville – on topics surrounding the international Creative Commons initiative, to the landmark *Eldred v Ashcroft*. It is published through Sydney University Press and released online under a Creative Commons Attribution-Noncommercial-No Derivative Works 2.5 Australia Licence.

In August 2007 the ccClinic published *Unlocking the Potential through Creative Commons: an industry engagement and action agenda* (<http://creativecommons.org.au/unlockingthepotential>). This report evaluates and responds to outcomes of an industry engagement forum hosted by the Clinic in November 2006, and presents a strategy for continued research into Creative Commons in Australia. The report documents the understanding of and attitudes towards copyright, open content licensing and Creative Commons expressed by over 50 representatives of the Australian government, education and the creative industries. It is available under a Creative Commons Attribution 2.5 Australia licence.

More recently, the ccClinic produced the report *Legal Aspects of Web 2.0 Activities: Management of Legal Risk Associated with Use of YouTube, MySpace and Second Life* ([www.ip.qut.edu.au/files/Queensland%20Government%20Report%20-%20reformat.pdf](http://ip.qut.edu.au/files/Queensland%20Government%20Report%20-%20reformat.pdf)) as a consultancy for the Queensland Government's Smart Services Initiative. It identifies the practical legal risks associated with activities conducted in online participatory spaces.



edgeX

| | |
|---------------|--|
| DESCRIPTION: | The edgeX project provides a site for Ipswich residents to upload creative content, building a community around collaboration via comments made on users' work, competitions, and the development of new skills, knowledge and attributes appropriate for the digital age. |
| WEBSITE: | http://edgex.org.au |
| LICENCE USED: | Option to choose from CC licences and full copyright |
| MEDIA: | Multimedia |
| LOCATION: | Ipswich, Australia |

Overview

The Emergent Digital Grassroots eXpo (edgeX) project is a research and application initiative which aims to map grassroots and amateur content creation, focusing on community engagement with new media and strengthening local identity. Centred around Ipswich, Queensland (pop. 150,000), the site explores whether participants' sense of local, geographic community can be enhanced through the use of Internet technologies expressing local themes.

Coordinated by the Institute for Creative Industries and Innovation (www.ici.qut.edu.au) at the Queensland University of Technology (www.creativeindustries.qut.edu.au), edgeX is a partnership project with the University of Queensland (www.business.uq.edu.au) and the Ipswich City Council (www.ipswich.qld.gov.au). Launched in 2006, the project is funded for a three-year period through the Australian Research Council (ARC). The first stage of edgeX has involved the creation of a website which allows the uploading of multimedia content, combining the functionality of a YouTube-style video site, a Flickr-like photo site, and blogs and podcasts. The site provides functionality for

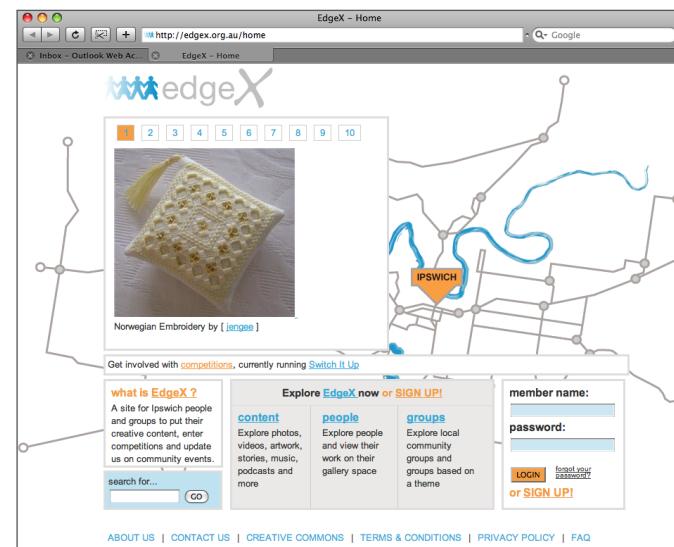
commenting, rating, and tagging, allows the development of specific user groups which evolve their own self-moderation structures, and contains a competition and exhibition space as a central feature. Competitions are seen as an optimum way to generate both interest and content for the edgeX site whilst building further community connections.

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Licence Usage

Offering Creative Commons licences alongside standard copyright and Public

edgeX homepage, June 2008



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Image: untitled by danedgedx, CC BY-NC-SA 2.5 Aus, <http://edgex.org.au/content/view/321/danedgedx>



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Domain dedications, edgeX encourages users to modify and mash up each other's content where permissions allow. A notable feature of edgeX's multimedia content sharing system is its emphasis on interaction not only through text, but also via content uploaded to the site. By offering Creative Commons licences for original contributions, the site aims to create a 'continuous stream of content evolving over time in the hands of a varied community of participants' (<http://snurb.info/files/talks2007/Playing%20on%20the%20Edge.pdf>).

edgeX's Creative Commons framework is explained on the site's Copyright page (<http://edgex.org.au/main.aspx?page=Creative%20Commons>).

Motivations

Creative Commons provides a crucial basis for the intended content development, reuse, and remixing activities in which edgeX users are invited to participate. In utilising CC frameworks, edgeX also aims to play an important educative role, alerting users to the impact of applicable

Intellectual Property laws on their own work and on the work of others as they encounter it. It highlights the fact that even for users who have no intention to commercialise their work, protecting their rights as authors remains important, while it is possible for them at the same time to enable others to share in and build on their creative work. It is hoped that the transparent, reliable, and accountable rights environment which Creative Commons licences establish will help generate strong communities of

content creators, who can collaborate with one another without fear of seeing their intellectual property exploited by third parties without consent.



Beyond the Classroom

IMERSD e-Learning Projects, Griffith University

DESCRIPTION: The IMERSD project employs new media technologies for e-research content design, production and publication within the music industry, emphasising the importance of access to key works with which to teach and from which to compose.

WEBSITE: www.griffith.edu.au/imersd and www29.griffith.edu.au/radioimersd

LICENCE USED: Creative Commons BY-NC-ND 2.5 Australia, <http://creativecommons.org/licenses/by-nc-nd/2.5/au>

MEDIA: Music

LOCATION: Brisbane, Australia

Overview

The IMERSD (Intermedia, Music Education & Research Design) Project was established at Griffith University's Conservatorium of Music (www.griffith.edu.au/music) in 2004. Offering facilities which span teaching, research and commercial environments surrounding multimedia and music production, IMERSD emphasises productive engagement between the university and industry partners. The project employs new media technologies for e-research content design, production and publication across three areas, as reflected in its name.

Intermedia involves three programs:

- 1 Collaborations with the Griffith Film School (GFS) (www.griffith.edu.au/faculty/qca/griffith_film_school) in the production of film, animation and music video projects with QCGU composers, performers and sound producers.
- 2 Supervision of Workplace Integrated Learning (WIL) opportunities in key areas including Radio/TV broadcast, film, recording and multimedia industries.

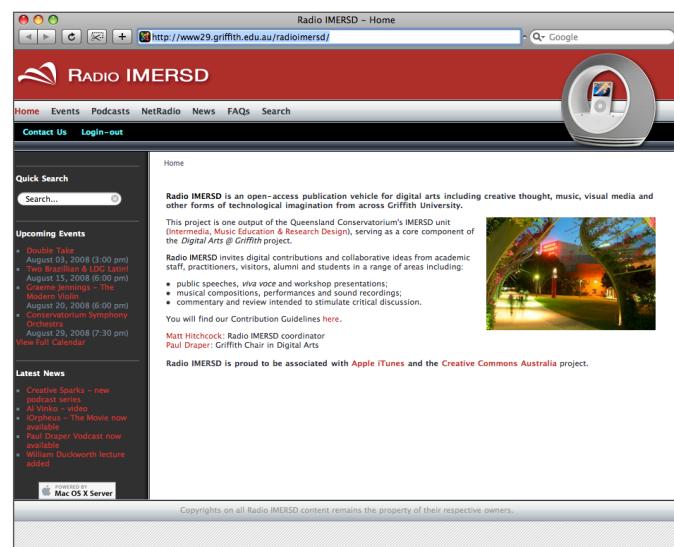
- 3 Engagement with Internet technologies and interactive media streaming formats for the development and promotion of e-Research and e-Learning.

The second area is Music Education which also encompasses three programs:

- 1 QCGU and Griffith Enterprise (www.griffith.edu.au/commercialisation) partnering in the production of music CDs and DVDs, development of Intellectual Property and music law considerations.

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Radio IMERSD home page, June 2008



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- 2 Working with record labels, independent artists and the Queensland music industry body Q Music (www.qmusic.com.au) to develop recording industry and support QCGU graduate and alumni career development.
- 3 Establishing and growing WIL links with external industry through the Music Technology Industry Affiliates Program (MTIAP).

The third area within IMERSD is Research Design. It also has three programs:

- 1 Partnering with the Queensland Conservatorium Research Centre (QCRC) (www.griffith.edu.au/music/queensland-conservatorium-research-centre) in the design and production of traditional and non-traditional research outputs.
- 2 Engaging with interdisciplinary projects in collaboration with Griffith research centres.
- 3 Promoting exemplars of activity, research growth and music-making in support of high quality Research Higher Degree (RHD) completions;

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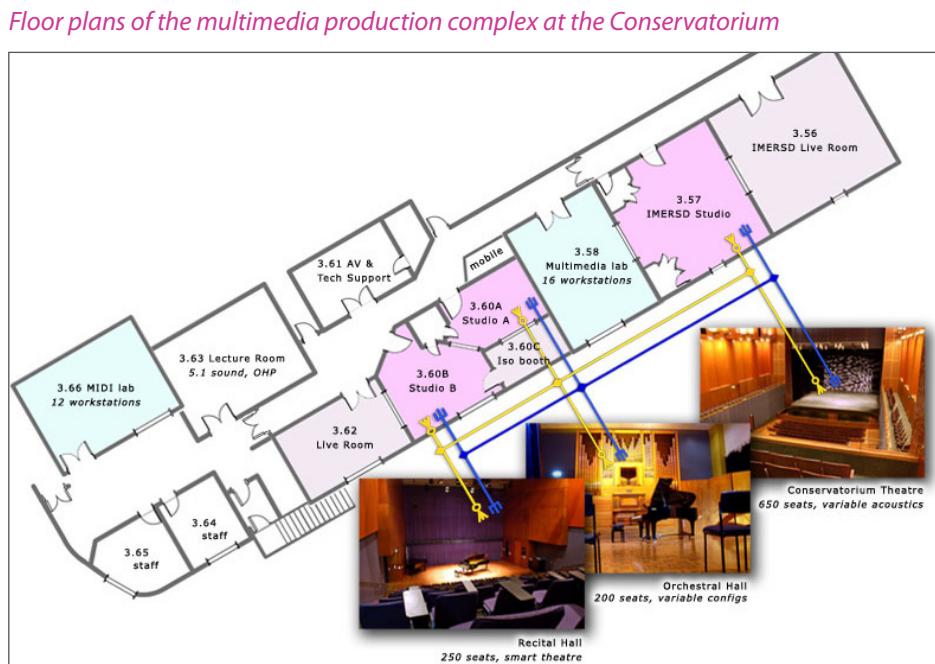
to provide enhanced research training in honours and undergraduate programs.

IMERSD emphasises immersion and engagement across diverse art forms. It offers recording studios, a multimedia post-production suite, and an audio research laboratory. Music technology practitioners and researchers are therefore provided with specialised multimedia production tools and state-of-the-art audiovisual monitoring and reproduction systems and surrounds. IMERSD is designed to offer significant stand-alone projects or collaborative undertakings with industry professionals.

Radio IMERSD broadcasts the project's digital art outputs in an open access, multimedia format. These include Griffith University's public speeches and workshop presentations, musical compositions, performances and sound recordings, and commentary and review to prompt discussion. Radio IMERSD is a key output from the Digital Arts @ Griffith project.

Examining the role of public, cultural and educational institutions with respect to the implementation of broadband technologies is critical. Seeking to support the growth of the creative industries, the IMERSD programme contributes to the creative economy through the provision of:

- enhanced infrastructure;
- content production and commercialisation;
- up-skilling for current employees and businesses;
- community engagement and participation;
- production of skilled and creative employees and small businesses;
- research, research design and contribution to practice-led research.



Licence Usage

IMERSD and its associated music technology curricula aim to highlight aspects of teamwork, workflow, data management, Intellectual Property and other such contextual but oft-forgotten aspects of excellence in professional practice. For this reason, the project requires that all works on the IMERSD Stream be licensed under the Creative Commons Attribution-NonCommercial-NoDerivatives 2.5 Australia licence. Contributions to the project must be original works that have neither been previously published nor submitted to another publisher prior to submission. IMERSD invites digital music and sound contributions from academic staff, professional practitioners, visitors, alumni and students of Griffith University.

The IMERSD Contribution Guidelines (www29.griffith.edu.au/radioimersd/content/view/74/83) provide advice as to the adoption of the site's Creative Commons licence.

Whilst the current CC-licence adopted does not allow derivatives, it does allow for the posting of the creator's material on a personal server or website, or an institutional server, when a hyperlink is given to the material on the Radio IMERSD site.

Motivations

According to IMERSD project director and Head of Music Technology Professor Paul Draper, Creative Commons begins as a way to unpack Intellectual Property issues to better inform professional artistic decision making. Being exposed to the range of CC licensing helps students to understand the different kinds of licensing models and the different kinds of value-adding that might benefit their careers and personal endeavours.

As discussed in an email interview with Rachel Cobcroft from Creative Commons Australia, Professor Draper indicates that the primary motivation for IMERSD is to engage with original student and staff creative works, to disseminate these and engage with new public audiences in a parallel partnership with Apple iTunes (www.apple.com/itunes).

In this way, Creative Commons:

- Provides a streamlined and easy-to-understand pathway into basic principles of the rights of creators;
- Opens discussion and projects to ideas surrounding 'remix,' creativity, history and 'standing on the shoulders of giants'; and
- Helps establish wider concepts of matters relating to 'corruption' in some aspects of media practices, and allows students to then value their own rights and to think more deeply about how they wish to further engage in commercialisation and the entertainment business upon graduation.

Professor Draper argues that, at the very least, Australia needs appropriate music licensing dedicated to the purposes of teaching and research. This framework needs to be made available to the entire education sector. Many institutions regularly record seminar teaching and research works: key classical pieces from history, important jazz standards, new works, new interpretations. These need to be peer-reviewed, archived and disseminated as an important resource with which to teach, research and provide adequate resources for young musicians – especially in terms of cultural and historical context.



BUILDING AN AUSTRALASIAN COMMONS

KCB101: Communication in the New Economy

DESCRIPTION: *KCB101: Communication in the New Economy* is a unit offered by the Creative Industries Faculty at the Queensland University of Technology which uses Creative Commons to enable students to build an innovation commons, emphasising collaboration and ethical reuse of content as skills appropriate for media and communication professionals interacting in the new economy.

WEBSITE: <http://creativetown.ci.qut.edu.au>

LICENCE USED: Creative Commons BY-NC-ND 2.5 Australia, <http://creativecommons.org/licenses/by-nc-nd/2.5/au>

MEDIA: Educational: Text

LOCATION: Australia

Overview

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KCB101: Communication in the New Economy is an undergraduate unit offered by the Creative Industries Faculty at the Queensland University of Technology which encourages students to explore the possibilities opened up by content reuse and collaborative frameworks. The unit introduces students to contemporary theories of the new economy, examining salient issues and trends in media and communication disciplines, industries, and professional practice. It considers the emergent challenges of Intellectual Property, access and equity, and ethical professional conduct. Approximately 250 students take this unit each year.

Media and communication professions (including advertising, public relations, journalism, marketing communication, interaction design and media research) are situated as vital creative inputs into the wider creative economy. Class

activities are designed to promote students' literacy, advocacy, and oral and written communication skills in a collaborative environment appropriate for the new, creative economy. Through an iterative and interactive assessment process, students create an 'innovation commons,' and submit written proposals for a creative industries project to be funded by the business or local council of the hypothetical Queensland town of 'Ipskay'.

'Media audiences are no longer merely active producers of meaning. They are now demonstrably interactive.'

KCB101 unit outline

The innovative element of KCB101 emerges through the structure of its assessment requirements. Students work in small groups of three to five, to prepare a project proposal which 'will help to extend the cultural, social and economic benefits of creative industries



in Ipkay' (KBC101 Unit Outline). Proposals may be for arts or public culture initiatives, for creative industries research and professional development programs, for establishing social or professional networks, or for 'soft' or 'hard' infrastructure or services which enhance the creative industries in the region. With student consent, these proposals are then released back to the class under a Creative Commons licence for use in the final assessment. The web page this which students access proposals from is called the *KCB101 Innovation Commons*.

As their final piece of assessment, students choose a project proposal from the *KCB101 Innovation Commons* (other than their own) to evaluate. They write a short analytical essay and make recommendations to the Ipkay funding bodies on whether the proposal should be supported. This assessment is undertaken individually. Students are once again invited to return these essays to the commons so that they can see which proposals have captured their peers' attention, and the range of student-identified strengths and weaknesses of proposals.

Even though open access to the student work maintained on the *KCB101 Innovation Commons* is restricted by the limits of the Blackboard system (that is, only QUT staff and students can gain access), this application of Creative Commons licensing provides open access to student work in ways that have previously been extremely difficult to achieve. Two additional major advantages arise from open access being provided to the assessment documents. The first is that peer-based transparency of student work encourages a design orientation to critique insofar as student effort is directed at identifying and contributing to improving good ideas. Second, it allows an archive of students' previous written project proposals and analytical essays to be maintained on the unit's Blackboard site, allowing students to build on the past whilst retaining the attribution of others' work.

Licence Usage

Students' work in KCB101 is made available to current and future class members under a Creative Commons Attribution-Noncommercial-No Derivatives 2.5 Australia licence. Written proposals are licensed under CC to ensure that students are acknowledged for their submissions and to enable the archiving of active documents. Students are informed that they are allowed to cite previous project proposals in their own work (as per normal academic referencing requirements) but cannot copy and/or paste from any works published on the site. This referencing and review process facilitates the creation of an innovation commons in the classroom.

Motivations

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A primary objective of KCB101 is to provide an applied, practice-led understanding of the importance of free culture and open education in achieving rapid cycles of innovation. By asking students to engage in the review of previous intellectual endeavour in the form of past assignments, the unit demonstrates that creativity always builds on the past and that cultural assets should be made available to the community. In their application for funding, students are especially encouraged to submit pilot projects and feasibility studies which use the granted funds as leverage for further developments, which therefore also encourage the combination of incentive funding with other sources. In this way, the open, iterative process is underscored. This exercise also provides students with an opportunity to apply the ethics and norms of co-creative innovation in processes of interpersonal, organisational and mediated communication.



BUILDING AN AUSTRALASIAN COMMONS

Otago Polytechnic

DESCRIPTION: Otago Polytechnic is a tertiary education provider in Dunedin, New Zealand, which offers a range of open access training courses.

WEBSITE: www.otagopolytechnic.ac.nz or www.tekotago.ac.nz

LICENCE USED: Creative Commons Attribution 3.0 New Zealand, <http://creativecommons.org/licenses/by/3.0/nz>

MEDIA: Educational resources: Images, Video, Text

LOCATION: New Zealand

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Overview

Otago Polytechnic is a publicly-subsidised vocational education and training organisation located in Dunedin on the South Island of New Zealand. It provides a range of vocational courses, offering certificates, diplomas, degrees and postgraduate studies in Travel and Tourism, through Automotive Engineering to Midwifery.

Taking an open view of teaching, learning and research, Otago Polytechnic reconsidered their stance on access to educational resources, then

Otago Polytechnic homepage, July 2008



governed by traditional views of ownership and Intellectual Property. Key stakeholders were consulted in the review, which occurred over the past two years, providing feedback that the institution needed to be more open to support creative thinking and the application of theory to practice. This culminated in the announcement in March 2008 that Otago Polytechnic was releasing their training materials under open access terms on Wikieducator.

Licence Usage

As stated in its current Intellectual Property Policy, (www.otagopolytechnic.ac.nz/index.php?id=281): 'Otago Polytechnic wishes to foster research and development that advances knowledge and scholarship; and to support projects where that leads to marketable products or services.'

The Polytechnic:

- Has a preference for the open sharing of information, knowledge and resources;
- Recognises that intellectual property (IP) is owned by the creator, unless there are



Beyond the Classroom

- specific agreements to the ownership of IP by others; and
- Wishes to foster the empowerment of individuals in their endeavours in a protective and/or promotional framework for individual creators associated with Otago Polytechnic.'

Otago Polytechnic now offers its open access courses under the Creative Commons Attribution licence, with the application 'Creative Commons Attribution (Author name) for Otago Polytechnic.'

Individual lecturers own their intellectual property. Encouragement and support is given by the institution to use CC BY for copyright statements. Where the Polytechnic is used to publish or promote work, a CC BY licence is applied wherever possible. Exceptions are made for works where third-party content is not or cannot be cleared. Other restrictions (if any) are time-based and explained.

Motivations

Encouraging open content licenses at Otago Polytechnic by way of its Intellectual Property Policy has assured employees and contractors that they are free to use and develop open content, and that they are free to participate in Open Educational Resource (OER) development initiatives. Many staff have now developed independent skills in publishing and managing their own content, as well as locating and reusing third-party open content, and

'The recognition of Creative Commons with attribution as our default position has been widely accepted and feedback has been that it has been instrumental in building Otago Polytechnic's reputation as an educational provider.'

Dr Robin Day, Deputy Chief Executive, Otago Polytechnic
<http://sarah-stewart.blogspot.com/2008/03/open-access-education-at-otago.html>

collaborating in content development. The proliferation of open content and associated practices has helped to promote the Polytech as well as the expertise and services of the individuals in its employ. A more independent and participatory culture within the organisation is beginning to develop.

Free and Open Source Software first inspired thinking about free and open source educational content. The success of Wikimedia Foundation projects proved the idea viable. Support from many individuals and initiatives such as Wikieducator has made it possible.

Otago Polytechnic decided to adopt the Creative Commons Attribution licence so as to ensure a maximum amount of freedom and flexibility to itself and to people and organisations sampling its content. Restrictions like ShareAlike and Noncommercial were not an option as they would have compromised or complicated this position.



BUILDING AN AUSTRALASIAN COMMONS

PLoS: African Sleeping Sickness Test

DESCRIPTION: Murdoch University scientists led by Zablon Njiru and Andrew Thompson have developed a simple blood test for African sleeping sickness (human African trypanosomiasis or 'HAT') which they've published in *PLoS Neglected Tropical Diseases* under a Creative Commons Attribution licence, making their findings accessible to the world.

WEBSITE: www.plosntds.org/article/info%3Adoi%2F10.1371%2Fjournal.pntd.0000147

LICENCE USED: Creative Commons Attribution 2.5 Generic licence
<http://creativecommons.org/licenses/by/2.5>

MEDIA: Scientific data; Text

LOCATION: Australia

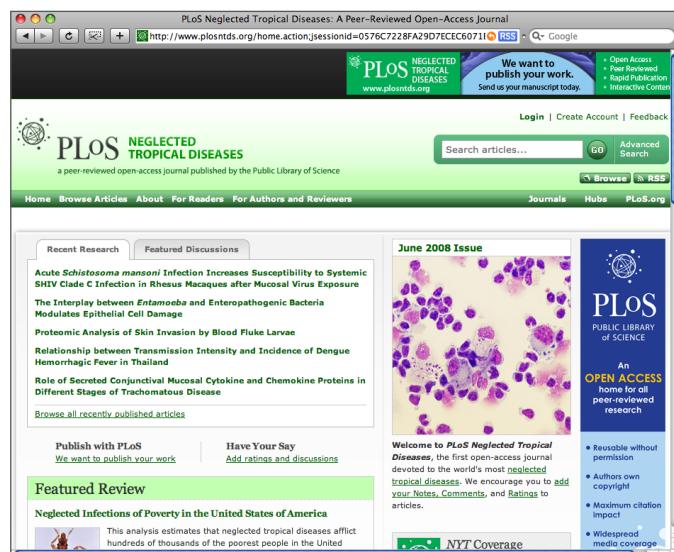
Overview

In March 2008, a team of Australian researchers led by Zablon Njiru and Andrew Thompson announced the development of an elegantly simple, low-tech and low-cost blood test for identifying African sleeping sickness (human African trypanosomiasis, or 'HAT'). Observing the presence of infection via a colour change in reactive liquid from orange to green, the scientists have provided a way to test for this deadly disease in an

endemic rural area using limited equipment. What differentiated their discovery, apart from its ease-of-use and efficiency, is the fact that the findings were licensed under Creative Commons (<http://creativecommons.org/weblog/entry/8112>), allowing the world costless access to their research.

In their article titled '*Loop-Mediated Isothermal Amplification (LAMP) Method for Rapid Detection of Trypanosoma brucei rhodesiense*', the Murdoch University team – comprising Zablon Njiru, Andrew Mikosza, Tanya Armstrong, John Enyaru, Joseph Ndung'u, and Andrew Thompson – published their findings relating to a rapid and robust diagnostic test for HAT. Significantly, they chose to publish in *PLoS Neglected Tropical Diseases* (www.plosntds.org/home.action), an open-access journal devoted to the pathology, epidemiology, treatment, control, and prevention of neglected tropical diseases (NTDs), such as elephantiasis, leprosy, schistosomiasis, river blindness, and African sleeping sickness, as well as public policy relevant to this group of diseases. This

PLoS Neglected Tropical Diseases journal homepage, July 2008



Public Library of Science (*PLoS*) (www.plos.org) journal seeks to promote the efforts of scientists, health practitioners, and public-health experts from endemic countries, highlighting the global public health importance of NTDs whilst advocating the plight of the poor who suffer from these infectious diseases.

Licence Usage

Articles published in *PLoS Neglected Tropical Diseases* are made available under Creative Commons Attribution 2.5 Generic licence, which the Public Library of Science designates as 'CCAL'. Under CCAL, authors retain ownership of the copyright of their article, whilst allowing anyone to download, reuse, reprint, modify, distribute, and/or copy articles published in the PLoS journal, so long as the original authors and source are cited. No permissions are required from the authors or publishers to use the work in these terms. In this way, *PLoS Neglected Tropical Diseases* provides a forum for the NTDs community of scientific investigators, health practitioners, control experts, and advocates to publish their findings in an open-access format.

Michael Eisen, co-founder of the Public Library of Science, explained the rationale behind adopting CCAL:

'We chose the attribution license because it ensures the optimal accessibility and usability while preserving the one thing that scientists value the most: attribution for their work.'

<http://creativecommons.org/weblog/entry/7038>

'Scientific works don't have an isolated meaning; they exist only in reference to the broader scientific community, and the whole reason you publish them is so that other people will read and use them.'

Michael Eisen, Co-Founder, Public Library of Science, <http://creativecommons.org/weblog/entry/7038>

To finance this framework, PLoS journals employ a business model in which expenses (for peer review, journal production, online hosting and archiving) are recovered in part by charging a publication fee to the authors and research sponsors for each article they publish. For *PLoS Neglected Tropical Diseases* the publication fee is currently \$US2100. Authors affiliated with an institutional member are eligible for a discount. Moreover, authors who do not have sufficient funds to cover publication fees are offered complete or partial waivers. Inability to pay does not influence the decision to publish a paper (www.plos.org/about/faq.html#pubquest).

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Motivations

Discussing the Murdoch University (<http://www.murdoch.edu.au>) researchers' decision to license their findings under Creative Commons, Margaret Ruwoldt from the University of Melbourne observed:

'In the Murdoch case, the "public good" factor is a clear winner in the debate over whether to provide open access to a university's



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research output: people in poor and developing countries need low-cost medical and health care, particularly for endemic diseases that don't occur as widely in developed countries (trypanosomiasis is one; malaria is another).

<http://blogs.unimelb.edu.au/informationfutures/2008/03/creative-commons-licence-for-murdoch-university-innovation>

Glenn Otis Brown, the then Executive Director of Creative Commons, interviewed *Public Library of Science* co-founder Michael Eisen about the library's use of Creative Commons in 2005 (<http://creativecommons.org/weblog/entry/7038>). As a biologist at the Lawrence Berkeley National Lab and UC Berkeley, Eisen espoused open access (OA) to scientific research:

'Open access will... enable scientists to begin transforming scientific literature into something far more useful than the electronic equivalent of millions of individual articles in rows of journals on library shelves. The ability to search, in an instant, an entire scientific library for particular terms or concepts, for methods, data, and images – and instantly retrieve the results – is only the beginning.'

<http://creativecommons.org/weblog/entry/7038>

Eisen reflected on the early success of PLoS, noting that 30,000 people signed an open letter supporting the open-access organisation, and that acceptance of OA was steadily

increasing. Asked why PLoS decided to employ Creative Commons licensing, he responded:

'Creative Commons and PLoS share the common goal of strengthening the science commons, and we want to take advantage of all the work Creative Commons and the growing number of Creative Commons license users are doing to create, defend, and internationalize licenses that define the commons.'

<http://creativecommons.org/weblog/entry/7038>



The Community Library

DESCRIPTION: The Community Library is a not-for-profit organisation based in Australia with a charter to provide distributed library services with Creative Commons material to support meaningful learning for offline and online users.

WEBSITE: https://glsn.com/?view=community_library

LICENCE USED: Various Creative Commons licences with special conditions as necessary

MEDIA: Images, Text

LOCATION: Australia

Overview

The Community Library is actively involved in the creation, deployment, and management of digital collections to remote Australian communities in support of meaningful and life-long learning. 'Remote' is defined by the project in terms of geography, culture, language, and access to telecommunications. The Community Library responds to the fact that many of the current models surrounding open content are not flexible enough to meet the demands of supporting meaningful learning in remote situations. This is particularly so when focus is placed on the considerable body of potential learners who do not have the telecommunications infrastructure to support reliable online access.

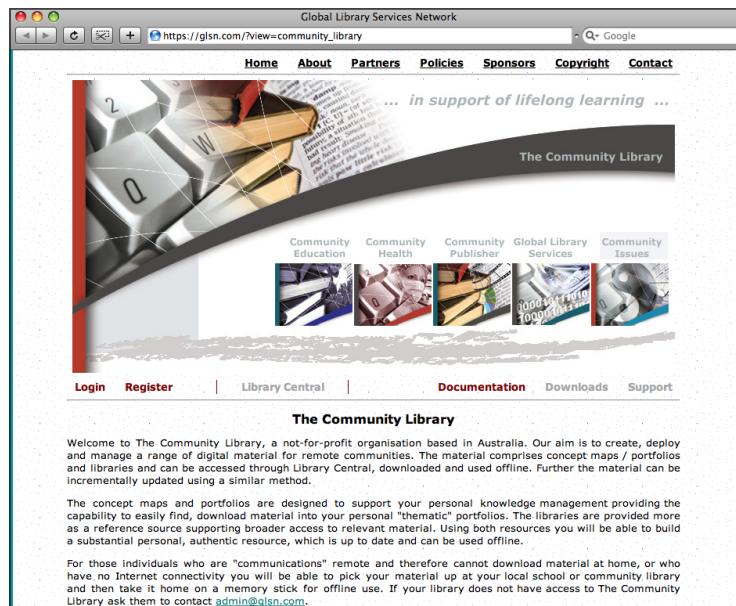
Cameron Esslemont, Director of the Community Library, acknowledges that there is no one-size-fits-all solution for the effective packaging and distribution of information to remote communities. A complex mix of issues related to content, connectivity, cost, culture, and copyright has to be considered, and the most appropriate option found for each community.

The Community Library employs a technology platform supplied by Global

Library Services Network (GLSN) (<https://glsn.com>) using open and managed source components that can be deployed at no charge to the individual's desktop. This is referred to as a Personal Learning Centre (PLC) and offers a range of functionality including support for offline and online learning with:

- An effective search engine to find items within the individual's knowledge base;
- The capability to manage citations ensuring learners actively manage context;

The Community Library homepage, June 2008



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- Support for multilingual thesaurus for learners who speak several languages;
- Support for copyright management ensuring:
 - Integration of concept mapping as a means of managing and navigating knowledge domains; and
 - Thematic portfolios as the overarching envelope with which learners can group learning assets.

In the pursuit of meaningful learning, the Community Library has chosen to use concept maps in support of its learner-centric model. These are used initially as a means of navigating the libraries, and are also offered under a range of copyright models, with embedded links to relevant thematic portfolios.

The Community Library supports the hosting of all media. All library material is catalogued to extended Dublin Core and packaged into libraries or collections for deployment to Electronic Resource Centres (ERCs).

The project is based in Australia, but intends a global deployment. The Community Library seeks to engage suitable partner communities across different subject areas for content preparation, establishing knowledge service providers in each country to assist with local deployment and support.

Licence Usage

The Community Library manages the transfer of copyright materials to the individual's desktop, seeking to coordinate the mix of Creative Commons and non-Creative Commons material integrated within its libraries. Learning materials are made available through The Community Publisher, with information catalogued at the page level, with each page carrying a unique Digital Object Identifier (DOI).

The Community Library generally adopts a Creative Commons Attribution-Noncommercial-NoDerivatives licence. When a user electronically extracts individual pages these are combined into a Personal Thematic Portfolio, which itself can be shared under a Creative Commons Attribution-Noncommercial-ShareAlike licence. The project intends to upgrade to support Creative Commons with special conditions as appropriate to context, actively promoting the managed translation of its material for local consumption.

Motivations

The Community Library selected the Creative Commons model as its supports the project's desire for extended deployment, in that material cached at an Electronic Resource Centre (ERC) can be reconstituted, repackaged and redeployed to more remote communities through in-country ERCs.

The project's core belief is that it is not enough for a publisher to merely supply Creative Commons material on their website; they need also to think how individuals may want to use that material and whether it ultimately supports meaningful learning. Finally, the project adheres to the belief that 'the last mile will always be manual': as most learning takes place offline, and many learners do not have suitable access to a computer, the information provided must be prepared in a manner that allows dynamic repackaging.

This is in line with the Community Library's broader project to be started in 2008 – *Textbooks Without Borders* – allowing for the preparation of educational material and its deployment to Electronic Resource Centres within each country, where individuals can review, select and prepare their own booklets/textbooks for electronic use or for local printing and broader distribution.

University of Southern Queensland OpenCourseWare

DESCRIPTION: The University of Southern Queensland OpenCourseWare (USQ OCW) provides access to free and open educational resources across several disciplines for students and teachers worldwide.

WEBSITE: <http://ocw.usq.edu.au>

LICENCE USED: Creative Commons Attribution-Noncommercial-ShareAlike 2.5 Australia
<http://creativecommons.org/licenses/by-nc-sa/2.5/au>

MEDIA: Text

LOCATION: Australia

Overview

The University of Southern Queensland's OpenCourseWare (USQ OCW) provides access to free and open educational resources (OER) for students, academics, and interested readers worldwide. USQ OCW contains sample courses from each of the University's five faculties, together with courses from its Tertiary Preparation Program (www.usq.edu.au/ltsu/learnsupp/tpp). Currently, the courses offered openly under Creative Commons licensing by USQ OCW range from *CSC2402: Object Oriented Programming in C++* to *TOU1003: Introduction to Tourism*.

USQ is the only Australian member of the OpenCourseWare Consortium (www.ocwconsortium.org), an international collaboration of in excess of 100 Higher Education institutions and associated organisations 'creating a broad and deep body of open educational content using a shared model' (www.ocwconsortium.org/index.php?option=com_content&task=view&id=15&Itemid=29).

As defined by the Consortium, OpenCourseWare is a 'free and open digital publication of high quality educational materials, organized as courses.' Institutions participating

in OCW Consortium activities must be committed to publishing at least 10 courses in their name in a format that meets this definition.

The University of Southern Queensland (www.usq.edu.au) is a multi-campus institution, with the main campus located in Toowoomba (150km west of Brisbane), a further campus at Harvey Bay (300km north of Brisbane), and one at Springfield (30km south of Brisbane). As such, USQ is classified as a regional university. Its current enrolment sits at approximately 26,000 students (equivalent to 12,100 EFT). Three quarters of the student body learns through distance mode. Whilst providing access to a selection of its materials, USQ notes that it does not grant credits or degrees, and does not provide access to faculty members through the OpenCourseWare programme.

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Licence Usage

The USQ OpenCourseWare project employs the Creative Commons Attribution-Noncommercial-Share Alike 2.5 Australia licence. The licence is applied to ten courses made available as part of USQ's membership of the OpenCourseWare Consortium, able to be downloaded on the site.



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University of Southern Queensland's directory of OpenCourseWare home page, June 2008

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Statistics

According to Professor Bill Lovegrove, statistics show that for the period from October 2007 to March 2008, there were over 26,000 visitors to the USQ OCW site. The most popular course was *Object Oriented Programming in C++* (<http://ocw.usq.edu.au/course/view.php?id=13>), with significant numbers of visitors going to *Creating Interactive Multimedia* (<http://ocw.usq.edu.au/course/view.php?id=15>) and *General Science* (<http://ocw.usq.edu.au/course/view.php?id=10>).

To date, there are no statistics on the reuse or distribution of the courses with appropriate acknowledgment or on whether visitors to the courses have enrolled as students at USQ as a result of access to courses on the OCW site.

Motivations

The University of Southern Queensland sees its membership of the OpenCourseWare Consortium as putting into practice their stated Mission: to 'develop, enrich and serve [their]

regional and global communities' (<http://ocw.usq.edu.au/mod/resource/view.php?id=113>).

USQ Vice-Chancellor Professor Bill Lovegrove first heard about Creative Commons through colleagues, professional contacts and a general knowledge of developments in the open educational resources (OER) sector. In an email interview with Steve Gething from Creative Commons Australia in April 2008, Professor Lovegrove wrote:

'Licensing under OCL allowed us to make available to anyone who might be interested in the parts of our courses for which USQ owns the intellectual property. The Attribution Non-Commercial Share Alike licence is used by most academic institutions which make resources available via a Creative Commons licence as our ownership is acknowledged and our resources are made accessible to anyone anywhere.'



Beyond the Classroom

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