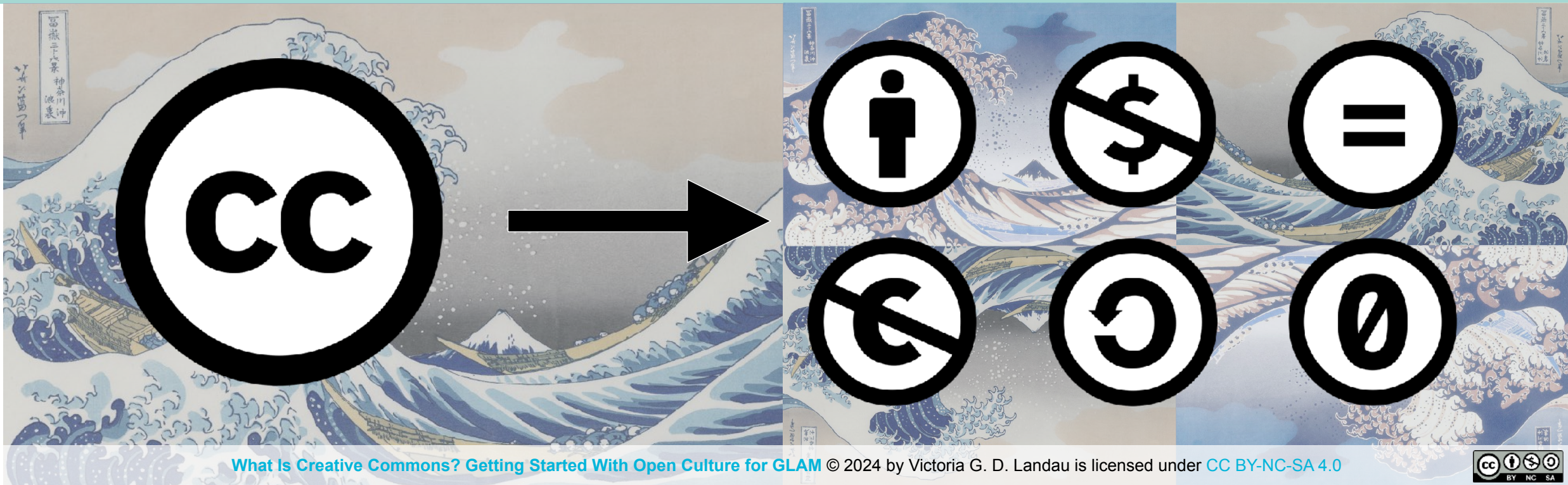


What Is Creative Commons?

Getting Started With Open Culture For GLAM

Victoria G. D. Landau MA | Digital Humanities Lab

Sunday, 4 February 2024



What Is Creative Commons?

Getting Started With Open Culture For GLAM

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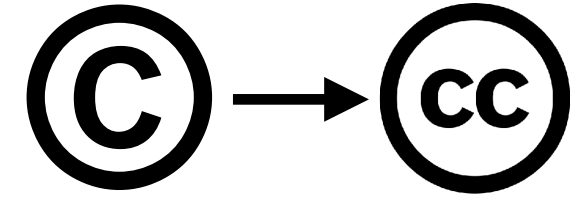
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Why the Creative Commons?

Copyright and You



All creative works are automatically copyrighted, meaning the way they are used is regulated by law. This makes the end of a copyright term particularly important, the moment when a work enters the public domain and can be used without permission for any purpose – usually related to the year of creation or the creator's death. Up until this point, the creator or copyright holder is granted all rights to the work: «all rights reserved».

- Where does Creative Commons (CC) come in? **CC Licenses offer creators a choice in the matter**
 - The internet has given us a platform for reproduction and sharing on an unprecedented scale, yet national legislation has not kept pace with this development, remaining restrictive and often nationally distinct.
 - With CC Licences, creators retain rights to their works, but are able to share them on their own terms:



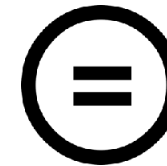
Attribution



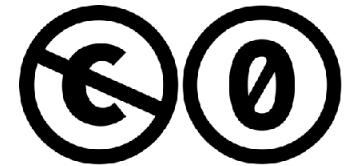
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Share Alike



No Derivatives Permitted

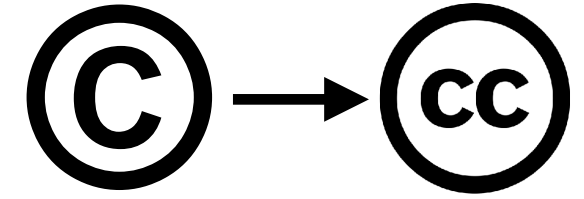


Public Dedication

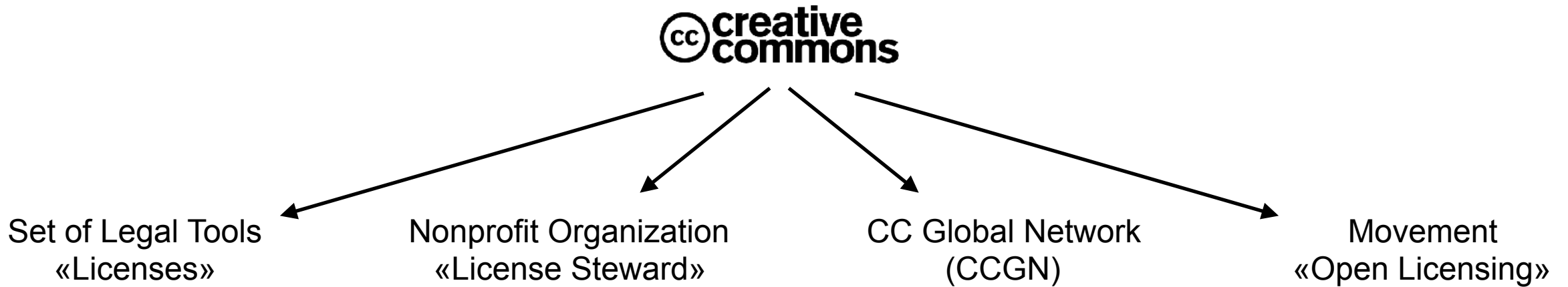


Why the Creative Commons?

Copyright and You



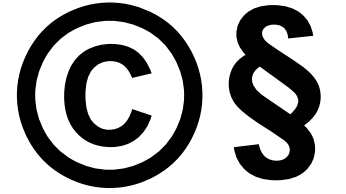
As an NPO (founded 2001), Creative Commons is the «license steward» for the set of legal tools it makes available to the public, consistent with copyright law. These licenses customize the default «all rights reserved» copyright statement in favor of the Commons, the idea that the community should be able to access and use creative works. Therefore, CC plays an important role in the global movement in favor of open licensing, as well as related endeavors in the realms of open innovation, open data and open science.



⇒ Creative Commons Licenses have enjoyed broad acceptance and have been adopted globally, becoming the worldwide standard for open licensing.

Situating the Creative Commons in Copyright History

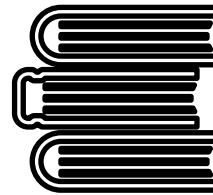
From the CTEA & Eldred v Ashcroft to the Commons



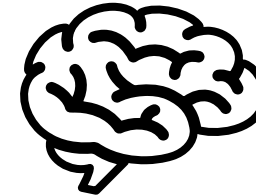
In the United States of America, federal copyright acts go all the way back to the year 1790. This first one would subsequently be followed by acts in the years 1831, 1909 and 1976, each extending copyright terms by a specified amount of years. Finally, in the year 1998, the «Copyright Term Extension Act» (CTEA) would extend the copyright duration defined in 1976 (50 years after the creator's death) by an additional 20 years – works would now be denied entry into the public domain even longer: a prospective *and* retroactive extension.



+ 70



+ 95



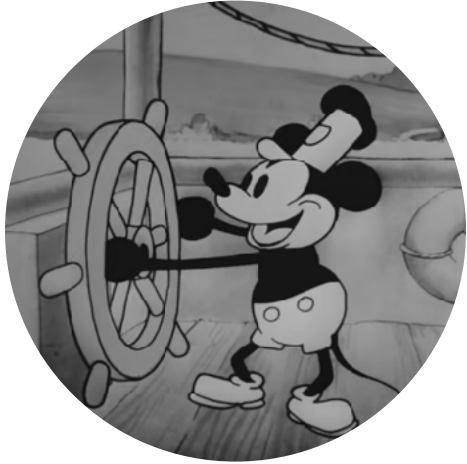
+ 120

Corporate ownership of a work further affected its copyright term beyond this definition, to 95 years after its publication or 120 years after its creation. In every case, it would be whichever of the terms ends first.

→ Changes in international handling of copyright affected the outcome of the CTEA: the 1993 Copyright Duration Directive of the European Union had implemented a policy of creator's death + 70 years, and the USA did not wish for its creative works to be granted a shorter copyright term than European works.

→ Fun Fact: The «Copyright Term Extension Act» was named in memory of Sonny Bono of «Sonny & Cher».

«Steamboat Willie»: The 1998 Copyright Term Extension Act (CTEA)



1928



1998



2024

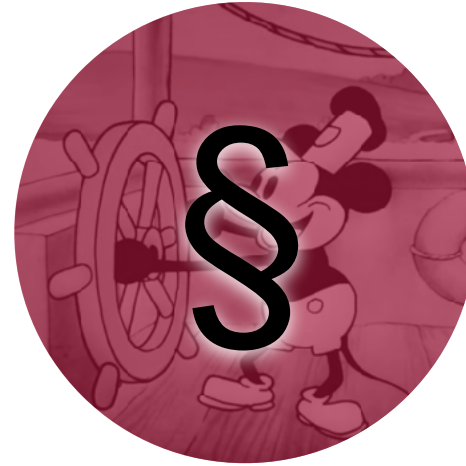
Sonny Bono Copyright Term Extension Act (CTEA)
«Mickey Mouse Protection Act»

Some also called the CTEA the «Mickey Mouse Protection Act», referring to the fact that the copyright extension had specifically «saved» the likeness of Disney's Mickey Mouse (deriving from the 1928 animated short film «Steamboat Willie») from entering the public domain.

→ Fun Fact: As of 01.01.2024, «Steamboat Willie»'s Mickey Mouse has now entered the public domain.

«Steamboat Willie»: The 1998 Copyright Term Extension Act (CTEA)

Stanford Law Professor Lawrence Lessig considered the 1998 Act «unconstitutional», a purposeful delaying of works that should be entering the public domain. In 2002, he represented web publisher Eric Eldred before the Supreme Court regarding a complaint against constitutionality of the CTEA. In the end, the CTEA was upheld, citing *i.a.* increased life expectancy and Congress' right to determine copyright length.



1998

Sonny Bono Copyright Term Extension Act (CTEA)



2003

Eldred v. Ashcroft

→ This development prompted Lawrence Lessig to found **Creative Commons** as an NPO in 2001, originally housed within Stanford Law School. With copyright terms (and their extensions) not going away any time soon, Creative Commons Licenses enable creators to share their works in manners most suitable to their requirements.

Open Licenses – Open Culture?

CC for Cultural Heritage Institutions (CHIs)



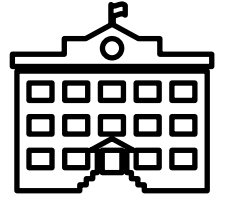
Creative Commons and cultural institutions share many of the same priorities and values regarding the dissemination of knowledge: accessibility, usability and preservation. Digitization increases access to heritage collections, but this endeavor cannot always be sustained by housing institutions. Solid knowledge of copyright law and licenses can help lessen the burden on overwhelmed GLAMs caring for creative works.

Utilizing Creative Commons Licenses is beneficial to GLAM institutions:

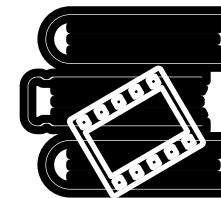
- Increased recognizability of collection, part of a community and network
→ mutual support and goodwill between connected GLAMs
- Higher online visibility and integration into transdisciplinary interfaces
→ making works available on *e.g.*, Wikimedia Commons, Flickr
- Return on digitization investment = access generates new research & remixes
→ increased user and community engagement, both local and academic



Galleries



Libraries



Archives



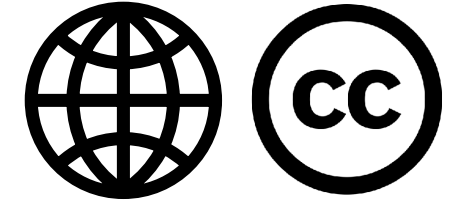
Museums

⇒ Initiatives like OpenGLAM, GLAM-Wiki & Europeana are supportive

Cultural Heritage Institutions

Get Involved: Creative Commons Today

Stats & Partners – the CC Global Network



Now a widely established, benchmark standard for open initiatives, Creative Commons is a meeting point for individuals engaged in open culture, open education and more. Since 2021, CC's new strategy has further focused its efforts, firmly rooting its next stage in promoting best practices in sharing, and not just increased sharing. The CC community is continuously growing and contributing to the Commons every day.

- **Stats and Figures:** 1.4 Billion CC Licensed Works are available online (as of 2017)
 - 2006 = 140 Million works | Today, 15 major platforms account for 630+ Million works.
 - **CC Global Network:** With 800+ members and 49 national chapters, CCGN is present globally, organized locally and works collaboratively to promote Creative Commons.
 - Events, Platforms (Open Culture, Copyright, Open Education), Representation and more
- ⇒ Creative Commons is *you* – shape the future of open licensing and open GLAM in your country by applying licenses, staying up-to-date and disseminating CC knowledge.
- Want to join the cause? Find a chapter near you: <https://network.creativecommons.org/>

Some Major Platforms

Flickr

YouTube

Wikipedia

Europeana

Deviant Art

Internet Archive

Works Featured

CC Logo & Icons: Downloads, <https://creativecommons.org/mission/downloads/>, by [Creative Commons](#). [CC BY 4.0](#).

Slide 1 & 11: [The Great Wave off Kanagawa \(1831\)](#) by Katsushika Hokusai is marked with [CC0 1.0 Universal](#).

Slide 6 & 7: [Steamboat Willie \(1928\)](#) by Walt Disney and Ub Iwerks is marked with [CC0 1.0 Universal](#).

— Disclaimer: «*This work is in the public domain in the United States because it was published (or registered with the U.S. Copyright Office) before January 1, 1929.*» However, Walt Disney passed away in 1966, Ub Iwerks in 1971, which is relevant for other jurisdictions: «*If the author of this work has not been dead for at least 70 years, this work is protected by copyright in Germany, Austria and Switzerland, unless other regulations apply. Therefore, communities of German-language Wikimedia projects have decided that use of this file is not allowed within German-language Wikimedia projects.*»

Slide 8: [File:GLAM logo transparent.png](#) by [Wikimedia Commons](#) is marked with [CC BY-SA 3.0](#).

References

Slide 3 & 7: “1.1 The Story of Creative Commons” <https://certificates.creativecommons.org/cccertedu/chapter/1-1-the-story-of-creative-commons/> by [Creative Commons](#). [CC BY 4.0](#).

Slide 4: “1.2 Creative Commons Today” <https://certificates.creativecommons.org/cccertedu/chapter/1-2-creative-commons-today/> by [Creative Commons](#). [CC BY 4.0](#).

Slide 5: History of copyright law of the United States, https://en.wikipedia.org/wiki/History_of_copyright_law_of_the_United_States by [Wikipedia](#). [CC BY-SA 4.0](#).

Slide 6: Steamboat Willie, https://en.wikipedia.org/wiki/Steamboat_Willie by [Wikipedia](#). [CC BY-SA 4.0](#).

Slide 8: “1.3 Creative Commons and Open GLAM” <https://certificates.creativecommons.org/cccertedu/chapter/1-3-creative-commons-and-open-glam/> by [Creative Commons](#). [CC BY 4.0](#).

Slide 9: CC (Creative Commons) Global Network, <https://network.creativecommons.org/> by [Creative Commons](#). [CC BY-SA 4.0](#).

Slide 9: State of the Commons 2017, <https://stateof.creativecommons.org/>, by [Creative Commons](#). [CC BY-SA 4.0](#).

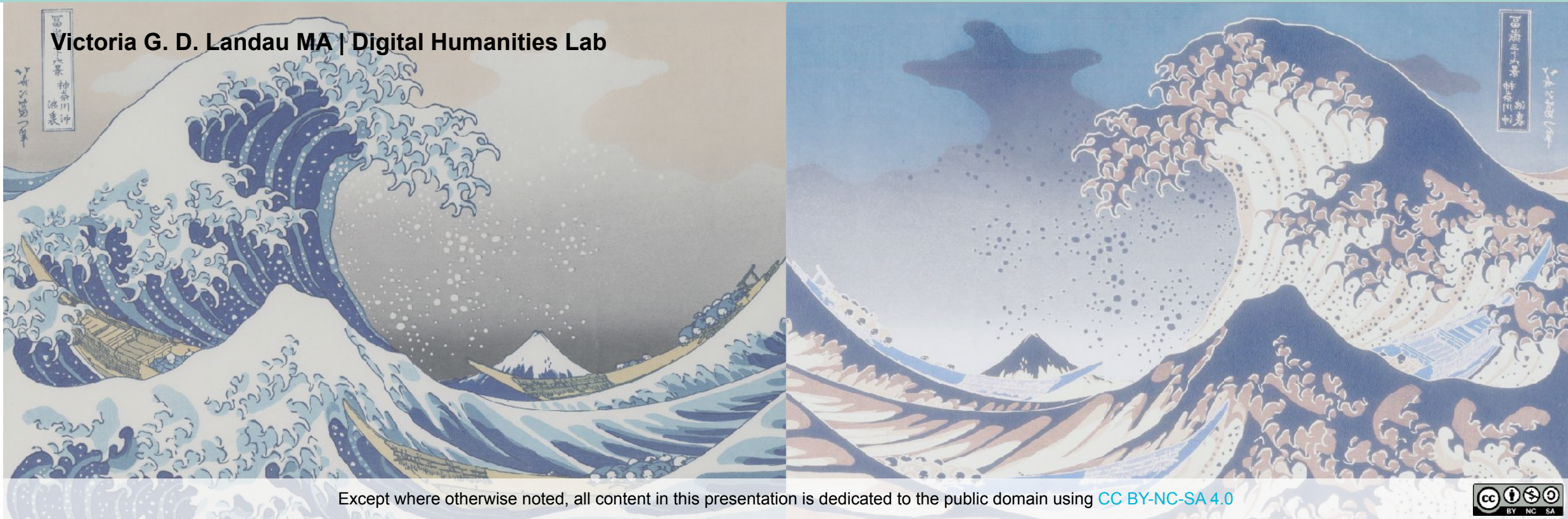


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Thank you for your attention.

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