



University
of Basel



Why Use A Creative Commons License?

Understanding Licensing For Open Culture

Victoria G. D. Landau MA | Digital Humanities Lab

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Why Use A Creative Commons License?

Understanding Licensing For Open Culture

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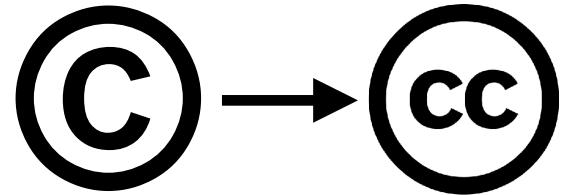
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Limitations to Copyright

How do the Creative Commons relate to Copyright?

The Built-In Perks of Copyright



All creative works are automatically copyrighted, and Creative Commons licenses apply only (!) where and when copyright applies. While copyright automatically provides the creator or copyright holder with the exclusivity of «all rights reserved», CC licenses take an approach of «**some rights reserved**».

- **CC Licenses** offer creators a choice beyond retaining all exclusive rights:
 - Standardized suite of tools, legally enforceable, providing a range of options
 - Creators retain rights to their works, but are able to share them on their own terms, while getting credit
 - Licences last as long as the copyright of a work, and as long as users adhere to the terms and conditions



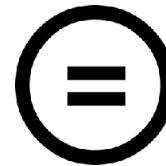
Attribution



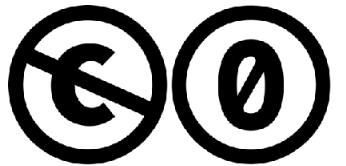
Non-Commercial Use Only



Share Alike



No Derivatives Permitted

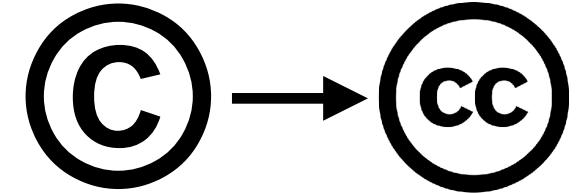


Public Dedication

⇒ CC Licenses can only function as long as copyright does = they depend on copyright

What's in a License?

Building a Creative Commons License



Licenses are composed of **four elements**, allowing the rightsholder to structure the ways in which any given work may be (re)used. While attribution is built-in for all Creative Commons licenses, the inclusion of the other three elements is customizable, on a «yes/no» basis.

- **BY:** using a work always includes a reference to the original (attribution)
- Rightsholders can select which of the following rights they wish to retain:
 - **NC:** allow commercial use or allow non-commercial use only?
 - **SA:** ensure free license choices or ensure reuse can only occur using the same or a similar licence?
 - **ND:** permit the public sharing of derivative works or only permit personal use of derivatives?

BY



Attribution

NC



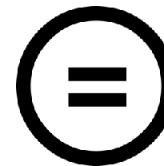
Non-Commercial Use Only

SA



Share Alike

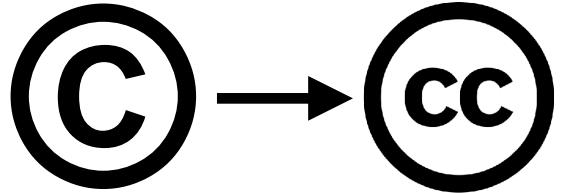
ND



No Derivatives Permitted

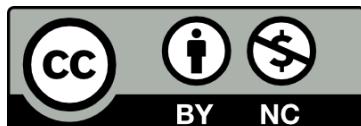
What's in a License?

Building a Creative Commons License



Using combinations of the four elements outlined, Creative Commons offers a total of **six licenses**. These begin with a license as simple as only requesting the rightsholder be named (attribution), and can become as specific as dictating whether, and if so, how adaptations of the original work (derivatives) may be distributed.

- **Attribution license (CC BY)** = use and adapt the work for any purpose
- **Attribution-ShareAlike (BY-SA)** = make adaptations available under the same or a compatible license
- **Attribution-NonCommercial (BY-NC)** = use work or adaptations for noncommercial purposes only
- **Attribution-NonCommercial-ShareAlike (BY-NC-SA)** = noncommercial, adaptations under same license
- **Attribution-NoDerivatives (BY-ND)** = adapt work for personal use, no sharing adaptations publicly
- **Attribution-NonCommercial-NoDerivatives (BY-NC-ND)** = noncommercial, adaptation for personal use



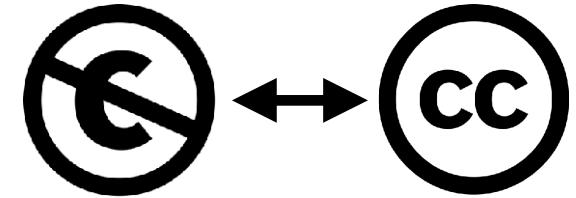
Least restrictive



Most restrictive

From the Creative Commons to the Public Domain

Going Beyond Copyright



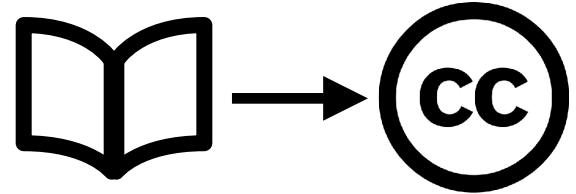
Not to be mistaken as licenses, Creative Commons further provides two «**Public Domain Tools**». These are needed for two different types of copyright situations: a) if a creator or rightsholder decides to forego all exclusive rights before a work's copyright term has ended, and b) to indicate a work has entered the public domain for any given reason.

- **CC0 (CC-Zero)** = dedication of a work to the public domain
 - can only be applied by the rightsholder
 - includes mechanisms that account for the many different national jurisdictions that may not recognize the act of waiving copyright (!)
- **Public Domain mark** = informational resource on copyright status
 - can be applied by anyone
 - points out works known to be free of copyright restrictions
 - works with this identification are in the public domain worldwide



Applying the Creative Commons

How to Read a License



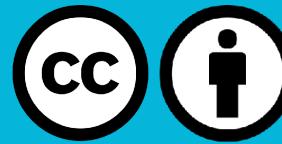
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[Section 2 – Scope.](#)
[Section 3 – License Conditions.](#)
[Section 4 – Sui Generis Database Rights.](#)
[Section 5 – Disclaimer of Warranties and Limitation of Liability.](#)
[Section 6 – Term and Termination.](#)
[Section 7 – Other Terms and Conditions.](#)
[Section 8 – Interpretation.](#)

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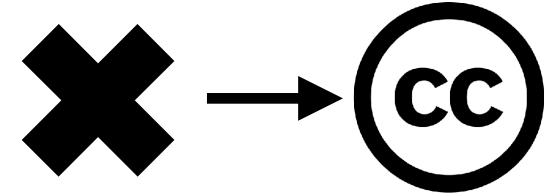
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"

CC-REL version (machine-readable)

Applying the Creative Commons Limitations to Copyright



While using a Creative Commons license gives rightsholders the opportunity to replace the default «all rights reserved» status of copyright with a more flexible handling, licenses always operate **within the legal framework of copyright** and are therefore still subject to the known limitations and exceptions.

- **Fair use, fair dealing** allows for the use of works for specific purposes without requiring permission
 - explicit in legislation or acknowledged flexibly, these include criticism, parody, disability accessibility, ...
- Depending on the national law, CC licenses may not apply = check your local legislation
- Works already in the **worldwide public domain** cannot be «removed» from it using a CC license
 - However, some works might **not** be in the public domain **in all countries**, so applying a CC license here can enable everyone everywhere to reuse these works (!)

⇒ CC Licenses cannot impose restrictions where copyright does not

⇒ A user's right to use a work ends automatically when they violate the license terms

 → reversing the copyright infringement within 30 days automatically reinstates that right

⇒ For software, Creative Commons strongly recommends using free & open source software licenses, not CC



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Thank you for your attention.

Victoria G. D. Landau MA | Digital Humanities Lab



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