

# CREATIVE COMMONS

*for Educators and Librarians*

CREATIVE COMMONS

ALA  
Editions  
CHICAGO 2020

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# Preface

**IN 2001, AT A TIME WHEN TEXTS WERE EXPENSIVE AND VIDEO ON THE WEB** was a far-off dream, Creative Commons (CC) began as a rejection of the expansion of copyright. In 1998, Congress passed an Act that extended the term of existing copyrights by twenty years in the United States. This 1998 extension was challenged by CC's founder, Lawrence Lessig, all the way to the Supreme Court, but the Court upheld the Act. In reaction to this decision, a small group of lawyers, academics, and culture activists got together to try to make it easy, simple, and free to share your works on the burgeoning communications platforms of the Internet.

They couldn't change copyright law, so they hacked it. Our founders created a release valve, built on top of the international laws and treaties that govern copyright.

I think it's fair to say that no one knew just how successful the CC licenses would be, or how much we would need them as we entered a world where every single person could be not only a creator, but also a creator of high-quality, reusable content. The seeds of Creative Commons were planted long before social media, before ubiquitous smartphones and broadband access, and before user-generated content platforms. But these seeds set down an essential root in the open Internet, and offered a powerful tool used by individuals, governments, NGOs, and corporations to create, share, and remix content.

Today, there are more than 1.6 billion CC-licensed works hosted on over 9 million websites—including some of the most popular sites on the web. The CC licenses operate in every country and have been translated into more than 30 languages by communities in more than 85 countries. They have been used to share every type of content, from photos and videos to 3D models and datasets.

The CC license tools are now the global standard for sharing of works for use and reuse. From *Wikipedia*, to open access to research and journals, to open education, to open data, these license tools are an essential element of a more equitable and accessible knowledge commons.

Our goal at Creative Commons is to build a vibrant, usable commons of creativity and knowledge, powered by collaboration and gratitude. By default, copyright applies to all original content, so sharing under a copyright license is always a choice. This means we need to help people understand their options, and how they can use the CC licensing tools to maximum benefit. To do this, we need people all around the world to be experts in using, contributing to, and sharing the commons and the open licensing tools that unlock its full potential.

We know that the best way to help others is to give them the knowledge they need to help themselves. And we know that CC's greatest power is sharing—of knowledge, of culture, and of understanding across cultures and communities—so for the first time, we literally wrote the book on Creative Commons, and we are sharing it with everyone. *Creative Commons for Educators and Librarians* is a publication of the CC Certificate course content. The CC Certificate is about investing in people like you: educators, practitioners, creators, open advocates, and activists all over the world. You're the ones who everyday help people make the choice to share and unleash their content so that everyone can benefit from it. That's why we created the CC Certificate course, it's why we're working with our communities to translate the course content and train new leaders to teach it in local languages, and it's why we've made all the content openly accessible under CC BY—to unlock new uses we haven't imagined yet.

We hope this book will help us get a little closer to that goal, and perhaps help us to grow the global community of experts, and ultimately our collective power, through shared knowledge and culture.

Ryan Merkley

CEO, *Creative Commons* (2014–2019)

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Creative Commons is honored to have been able to work with a stellar group of organizations and individuals that contributed to the creation, revision, and refinement of the CC Certificate content and course design, including the American Library Association; the Association of College and Research Libraries; Canvas LMS by Instructure; Hypothes.is; LOUIS Libraries; the Open Textbook Network; and Pressbooks; as well as the international CC legal community, the CC Board of Directors, CC staff, CC Certificate facilitators, and CC Certificate graduates and participants. Visit <https://certificates.creativecommons.org/about/acknowledgements/> for a list of associated names.

# List of Creative Commons Licenses

**THE FIGURES USED THROUGHOUT THIS BOOK ARE CC-LICENSED WORKS OR** are available in the public domain. The list below includes the URLs for each CC license or public domain tool referenced in the figures, so you can easily navigate to the appropriate license.

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# What Is Creative Commons?

**CREATIVE COMMONS IS A SET OF LEGAL TOOLS, A NONPROFIT ORGANIZATION,** a global network and a movement—all inspired by people’s willingness to share their creativity and knowledge, and enabled by a set of open copyright licenses.

Creative Commons began in response to an outdated global copyright legal system. CC licenses are built on copyright and are designed to give more options to creators who want to share. Over time, the role and value of Creative Commons have expanded. This chapter will introduce you to where Creative Commons came from and where it is headed.

This chapter has three sections:

1. The Story of Creative Commons
2. Creative Commons Today
3. Additional Resources



Completing the Creative Commons Certificate does not entitle learners to provide legal advice on copyright, fair use/fair dealing, or open licensing. The content in this book and the information that Certificate facilitators share in the Creative Commons course is also not legal advice. While you should not share legal advice with others based on this book’s content, you will develop a high level of expertise upon completion of this book. You will learn a lot about copyright, open licensing, and open practices in various communities. Upon finishing this book, you should feel comfortable sharing the facts about copyright and open licensing, case studies, and good open practices.

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## 1.1 | THE STORY OF CREATIVE COMMONS

To understand how a set of copyright licenses could inspire a global movement, you need to know a bit about the origin of Creative Commons (CC).

### LEARNING OUTCOMES

- Retell the story of why Creative Commons was founded
- Identify the role of copyright law in the creation of Creative Commons

### THE BIG QUESTION: WHY IT MATTERS

What were the legal and cultural reasons for the founding of Creative Commons? Why has CC grown into a global movement?

Creative Commons' founders recognized the mismatch between what technology enables and what copyright restricts, and in response they have provided an alternative approach for creators who want to share their work with others. Today this approach is used by millions of creators around the globe.

### PERSONAL REFLECTION: WHY IT MATTERS TO YOU

When did you first learn about Creative Commons? Think about how you would articulate what CC is to someone who has never heard of it. To fully understand the organization, it helps to start with a bit of history.

### Acquiring Essential Knowledge

The story of Creative Commons begins with copyright. You'll learn a lot more about copyright later in this book, but for now it's enough to know that copyright is an area of law that regulates the way the products of human creativity are used—products like books, academic research articles, music, and art. Copyright grants a set of exclusive rights to a creator, so that the creator has the ability to prevent others from copying and adapting their work for a limited time. In other words, copyright law strictly regulates who is allowed to copy and share with whom.

The Internet has given us the opportunity to access, share, and collaborate on human creations (all governed by copyright) at an unprecedented scale. But the sharing capabilities made possible by digital technology are in tension with the sharing restrictions embedded within copyright laws around the world.

Creative Commons was created to help address the tension between creators' ability to share digital works globally and copyright regulation. The story begins with a particular piece of copyright legislation in the United States. It

was called the Sonny Bono Copyright Term Extension Act (CTEA), and it was enacted in 1998. This Act extended the term of copyright protection for every work in the United States—even those already published—for an additional 20 years, so that the copyright term equaled the life of the creator plus 70 years. (This move put the U.S. copyright term in line with some other countries, though the term in many more countries remains at 50 years after the creator’s death to this day.)

(Fun fact: The CTEA was commonly referred to as the Mickey Mouse Protection Act because the extension came just before the original Mickey Mouse cartoon, *Steamboat Willie*, would have fallen into the public domain.)

Stanford University law professor Lawrence Lessig (figure 1.1) believed that this new law was unconstitutional. The term of copyright had been continually extended over the years. The end of a copyright term is important—it marks the moment when a work moves into the public domain, whereupon everyone can use that work for any purpose without permission. This is a critical part of the equation in the copyright system. All creativity and knowledge build on what came before, and the end of a copyright term ensures that copyrighted works eventually move into the public domain and thus join the pool of knowledge and creativity from which we can all freely draw to create new works.

The 1998 law was also hard to align with the purpose of copyright as it is written into the U.S. Constitution—to create an incentive for authors to share their works by granting them a limited monopoly over them. *How could the law possibly further incentivize sharing works that already existed?*

Lessig represented a web publisher, Eric Eldred, who had made a career of making works available as they passed into the public domain. Together, they challenged the consti-



FIGURE 1.1 Larry Lessig giving #CCSummit2011 keynote

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tutionality of the Act. The case, known as *Eldred vs. Ashcroft*, went all the way to the U.S. Supreme Court. Eldred lost, and the Act was upheld.

## Enter Creative Commons

Inspired by the value of Eldred's goal of making more creative works freely available on the Internet, and in response to a growing community of bloggers who were creating, remixing, and sharing content, Lessig and others came up with an idea. They created a nonprofit organization called Creative Commons and, in 2002, they published the Creative Commons licenses—a set of free, public licenses that would allow creators to keep their copyrights while sharing their works on more flexible terms than the default “all rights reserved” approach. Copyright is automatic, whether you want it or not; the moment an original work is fixed in tangible form, it is protected by copyright. And while some people want to reserve all of the rights to their works, many others want to share their works with the public more freely. The idea behind CC licensing was to create an easy way for creators who wanted to share their works in ways that were consistent with copyright law.

From the start, Creative Commons licenses were intended to be used by creators all over the world. The CC founders were initially motivated by a piece of U.S. copyright legislation, but similar copyright laws all over the world restricted how our shared culture and collective knowledge could be used, even while digital technologies and the Internet have opened new ways for people to participate in culture and knowledge production. Since Creative Commons was founded, much has changed in the way people share and how the Internet operates. In many places around the world, the restrictions on using creative works have increased. Yet sharing and remix are now the norm online. Think about your favorite video mashup, or even the photos your friend posted on social media last week. Sometimes these types of sharing and remix happen in violation of copyright law, and sometimes they happen within social media networks that don't allow those works to be shared on other parts of the web.



Watch the short video *A Shared Culture* by Jesse Dylan to get a sense for the vision behind Creative Commons. <https://creativecommons.org/about/videos/a-shared-culture> | CC BY-NC-SA 3.0

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