

# 7 things you should know about...

# Creative Commons

## Scenario

In the fall, Dr. Crawford will be teaching a new course on 19th- and 20th-century U.S. municipal politics, covering well-known stories of corruption and graft but also cities whose citizens benefited from the efforts of their leaders. In putting together the coursepack for the class, Crawford starts with her own bookshelf, pulling letters, newspaper articles, contracts, and other documents. She then turns to the Web, which provides numerous artifacts and historical analyses related to the evolution of municipal politics.

Because the coursepacks will be printed and sold to students in the class, Crawford knows she needs permission to include copyrighted materials. Many of the older documents she wants to use are already in the public domain, their copyright protections having expired decades ago. One article about Richard J. Daley was written by a colleague Crawford knows from professional activities, and she is able to obtain his permission without much trouble. For other materials, Crawford spends several weeks contacting numerous publishers and authors, some of whom agree to let their content appear in the coursepack. By contrast, of the works she locates online many are covered by Creative Commons licenses, each one clearly indicating what uses are allowed. Without having to contact copyright owners, Crawford knows which works she can include in the coursepack and, moreover, which ones she can encourage her students to use in their own work. Political cartoons, in particular, provide sharp insights into public sentiments about local politics. Crawford finds dozens of such cartoons covered by a Creative Commons license that allows modifications, and one project she assigns to the students is to pick a cartoon from an earlier era and update it to reflect a current situation. Crawford shares the coursepack with other faculty, some of whom decide to use the Creative Commons content in their own classes. She also creates a Web site where she posts her students' cartoons—with their own Creative Commons licenses—inviting others to use and share them.

## What is it?

Creative Commons is an alternative to traditional copyright, developed by a nonprofit organization of the same name. By default, most original works are protected by copyright, which confers specific rights regarding use and distribution. Creative Commons allows copyright owners to release some of those rights while retaining others, with the goal of increasing access to and sharing of intellectual property.

Copyright has historically been an all-or-nothing proposition: a work is either in the public domain, or its owner asserts "all rights reserved." The term of copyright protection for most works has stretched considerably, from 14 years (in 1790, when copyright law was first enacted in the United States) to 70 years past the death of the work's creator. Seeing the need for options besides "public domain" and "all rights reserved," the creators of Creative Commons sought to establish a middle ground of "some rights reserved" that respects intellectual property while expanding the acceptable uses of protected material. All licenses require attribution, and the least restrictive only requires attribution. Other licenses include "No Derivatives," "NonCommercial-NoDerivatives," and "Share Alike," which requires derivatives to have the same license as the original. Using Creative Commons, a photographer, for example, might choose to allow anyone to reproduce her photos or make derivative works from them, as long as it is done for non-commercial purposes.

## Who's doing it?

Higher education is rooted in the belief that the free exchange of knowledge is fundamental to the common good, and faculty and researchers in large numbers have begun using Creative Commons licenses to facilitate a climate of openness and sharing. Granting explicit permission for certain uses of one's scholarly material expands opportunities for collaborative work and increases the professional stature of individuals whose creative output is used in other academic efforts. Two high-profile repositories of learning materials attach Creative Commons licenses to their content: MIT's OpenCourseWare and Connexions, a project started at Rice University. OpenCourseWare was launched to provide public, online access to the curricular materials from virtually all of MIT's undergraduate and graduate courses. All the content on the site is offered under the Attribution-NonCommercial-ShareAlike 2.5 license, which allows users to copy and distribute the work and to make derivative works, as long as such uses include attribution,

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are not for commercial purposes, and assign the same license to derivative works. Connexions also offers online access to learning content, as well as tools to help instructors assemble courses from available materials. Connexions content is covered by a license that requires only proper attribution.

## How does it work?

The Creative Commons Web site explains the license choices and provides a tool that walks users through choosing one. Based on the user's response to questions about commercial uses, modifications of the work, and jurisdiction, the site indicates the appropriate license and provides HTML code that can be added to a Web page to indicate the specific license chosen. The code includes a logo that links to a Creative Commons Web page describing how the work may be used. For non-Web-based materials, copyright owners can choose other means to identify their license choice, though no label is required to assert copyright protection.

A number of Web sites offer directories of content—often sorted by type, such as photography, music, art, or videos—that include Creative Commons designations. Knowing clearly and up front what is permissible, users can remix, copy, distribute, and repurpose content according to the copyright owner's preferences. Without simply making everything available to anyone (the "public domain" approach), Creative Commons invites and encourages people to use and share content in ways that benefit everyone.

## Why is it significant?

Given advances in technology for creating, sharing, sampling, and reusing content in various forms, many believe that the traditional approach to copyright protection is obsolete. As tools such as wikis and blogs are increasingly used for teaching and learning, black-or-white copyright protection inhibits the opportunities these applications provide. Creative Commons puts unprecedented power into the hands of content owners and users, creating an environment in which restrictions take a back seat to permissions and the creative talents of individuals benefit the common good.

In some cases, individuals who have the time and wherewithal to seek formal permission to use intellectual property are unable to locate the copyright owner or even determine whether the work is protected. Because Creative Commons licenses follow the content, people know immediately the conditions under which its use is allowed, without having to track down copyright owners or fret about what to do if they cannot be found.

## What are the downsides?

Copyright law is extremely complex—given the range of works that can be protected, jurisdictional differences, and the increasingly gray area of fair use—and Creative Commons adds another layer to this situation. Creative Commons is designed to be easy to use, but this simplicity comes at the expense of clarity at the extremes—determining what defines a commercial use or constitutes acceptable attribution can be tricky. The "share alike" principle, in particular, quickly runs up against difficult questions. If a user incorporates

a photograph that is covered by a share alike license in a PowerPoint presentation, does the entire presentation need to carry the same license as the photo, or just the slide that features the picture? Should attribution accompany the photo, or is it sufficient to cite the source in a list of references at the end of the presentation? In addition, despite at least one early ruling in favor of Creative Commons licensing, it remains unclear how courts will view copyright disputes involving material covered by Creative Commons licenses.

## Where is it going?

Creative Commons licenses have grown to include nation-specific differences in copyright law. Copyright owners can now choose either a generic license or one that reflects laws in one of nearly three dozen countries. This process of adding variations of licenses to accommodate the copyright landscape is likely to continue, increasing the adoption of the licenses by a wider range of content owners. As understanding of the licenses spreads, greater numbers of content users will specifically seek out material that is covered by a Creative Commons license. A renewed sense of openness—rather than restrictiveness—will support new educational efforts, particularly in developing countries, that cross institutional and national boundaries. Educational content will be shared freely, with programs and degrees based on learning objects and resources from multiple sources.

## What are the implications for teaching and learning?

A copyright environment based on openness and sharing benefits all education, from traditional classroom-based teaching to online and distance programs. Considerable effort spent examining copyrights and pursuing permissions can be redirected toward teaching. In addition, eliminating restrictions on use of intellectual property encourages new thinking among faculty about how to incorporate a wide range of resources in their teaching. Even with the fair use exception for academic applications, some works clearly fall outside the scope of acceptable use. Allowing broad noncommercial use of otherwise protected material significantly expands the pool of resources faculty and students can use in teaching and learning. Knowing quickly and easily whether a piece of content can be distributed, modified, or remixed fits well with the teaching style of many instructors—they want to be able to search for up-to-the-minute artifacts and include them in lectures and learning materials, without having to worry about obtaining permission. Introducing the freedom to make derivative works from copyrighted content also presents opportunities for new kinds of scholarship based on interpretive remixing.