The Case for NC Commons (20 min)

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Want

Use otherwise difficult to get images to better illustrate Wikipedia articles.

**Example:** can be used to better represent medical conditions amongst a greater diversity of people.
Want

Use special otherwise available images on Wikipedia.

**Example:** the Gupta family relationship with President Zuma.
ESA images are NC licensed. As they have one of the few “cameras” that can take images of this we use it via “fair use” on EN WP.
**Benefits**

- Grows our movement
- Increases collaboration opportunities
- Improves what we can provide our readers
- Recognizes reasons that organizations use NC

**Risks**

- Not an ideal license
- Concerns that our commercial reusers might get confused
- Concerns that allowing NC will decrease pressure on organizations to adopt more open license
Major users of NC licenses

Currently 10s of million of media files under NC and ND licenses

- World Health Organization
- Khan academy videos (>8,000)
- South African government
- TED talks (>3,500)
- Government of Canada
- Openi 633,000 images
- Half of “open access journals” are NC or ND licensed
Discussion regarding a central repository for “fair use” dates back to at least 2014.

A draft of our 2030 strategy contained the text “Likewise, photographs, which are marked ND (No derivative works) or NC (No commercial works) could be made available for use with proper attributions/licensing notices.”

A different group felt “that the acceptance of a non-commercial license in Commons would cause more harm than good.”

Wiki Project Med Foundation launched NC Commons in March of 2021 and have subsequently collected more than a million mostly medical images.
Definition of NC

- Creative Commons NC licenses expressly define NonCommercial as “not primarily intended for or directed towards commercial advantage or monetary compensation.”
- Many have claimed that NC cannot be used by universities or schools as they involved commercial transactions. But that is NOT most school’s primary purpose.
- CC goes on to say “The inclusion of “primarily” in the definition recognizes that no activity is completely disconnected from commercial activity; it is only the primary purpose of the reuse that needs to be considered.”
- Additionally one can distribute at the cost of manufacturing. Some claims that NC would have disallowed distribution of WP on DVD are incorrect.
Current situation on EN WP

- The only NC images are from the European Space Agency and are used under “fair use” rational. (link)
- Can not use South African government photographs.
Policy

There is no movement wide policy preventing NC licensed material
Exemption Doctrine Policy (EDP)

NC could be used under an EDP similar to EN WP’s Fair Use Policy. What would be required is:

- A community has consensus at a project level
- There is machine readable details to indicate that it is NC license, currently as is done for fair use
- There is a preference for non-NC images where available