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The background is a dark green field with a repeating pattern of lighter green floral and leaf motifs. The motifs include stylized leaves and small, multi-petaled flowers.

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Public Domain Awareness Project

Enhancing use of CC's Public Domain tools for
GLAM institutions and re-users



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- What is the “Public Domain Awareness Project”
- Why is it important
- What’s next
- Get involved

Session outline

Introduction - PDA

Claudio Ruiz, Director of Ecosystem Strategy,
Creative Commons



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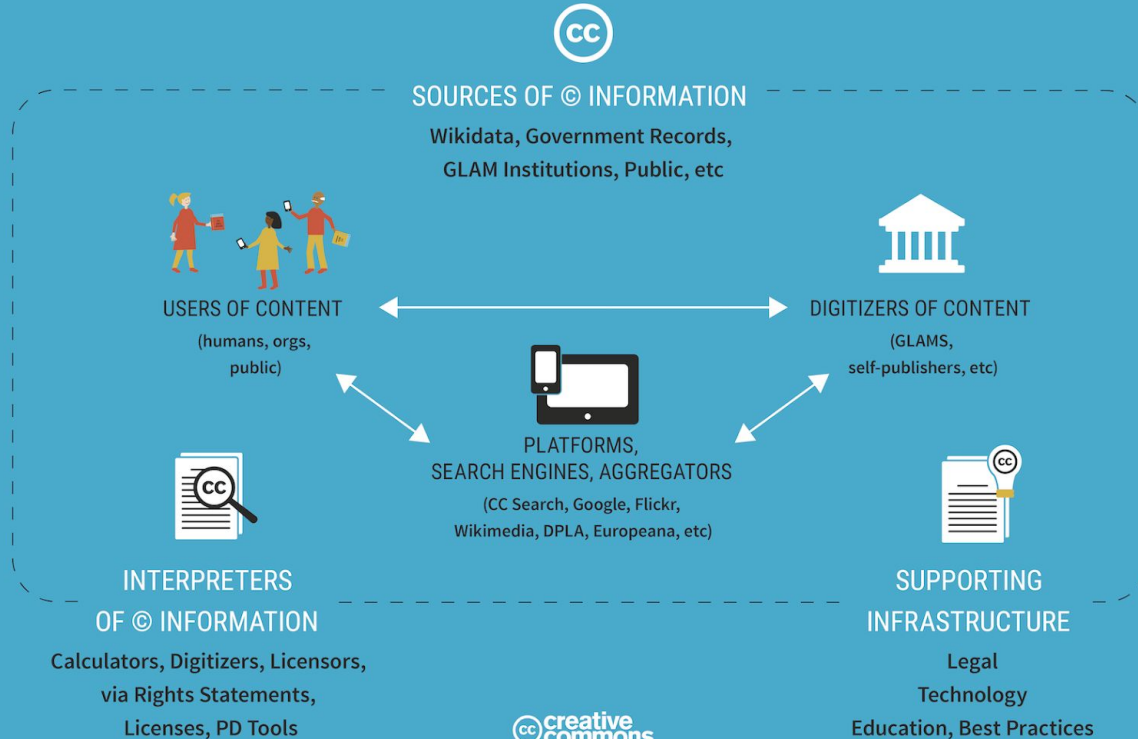


Goal of the PDA project

To identify and coordinate **existing** projects and resources, and identify and build **missing** tools, technologies and resources, in support of a **sustainable, comprehensive, connected, end-to-end** solution stretching from the moment of digitization to the end-user.

PUBLIC DOMAIN ECOSYSTEM

PUBLIC DOMAIN AWARENESS PROJECT



Work plan: a proposal in three phases

- Understanding the ecosystem and needs
- Publish final Design and Work Plan
- Build tools and connections linking projects and resources



Creative Commons Public Domain tools



PD - Creative Commons Public Domain Mark

- Used to mark existing 3rd party material in the global public domain.
- CC does not have jurisdiction-specific marking for PD works.



CC0 - Creative Commons Public Domain Waiver

- Where the creator intends to waive all copyright and related rights in the work



The Structure of the Public Domain

Meredith Jacob, Program on Information
Justice and Intellectual Property, American
University



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Public Domain is the default



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Public Domain is the default

The commons that we're building starts with the public domain – copyright, related rights, and special laws are temporary exceptions to the commons.

One goal of CC licenses is to communicate the applicable terms of permissions and use with licensed works.



Public Domain is the default

Users do not currently have equal clarity about the public domain.

Marking and tagging the Public Domain is valuable.

There are some complications, but this should still be the goal.



How do we get the absence of copyright?

- Not copyrightable – ideas, math, inventions, shapes, [data], etc
- Never copyrighted – Macbeth, the Iliad, the Grecian urn, the pyramids, the Rosetta Stone,
- Was protected and copyright has expired

Copyright's Recognition of the Public Domain

The Global Public Domain

With respect to copyright expiration:

- Works from the early 19th century and before are in the global public domain (even if there are other use-based restrictions)
- Otherwise, lack of harmonization creates complications for more recent works.



The Global Public Domain - Limits

- Timing for copyright expiration varies
- Some countries have special laws or term extensions for categories or even individual works.
 - Works created during WW II - France
 - The Little Prince
 - Crown copyright
- Then there are use-taxes on works in the Public Domain
 - “Paying Public Domain” – small number of countries
 - Peter Pan - UK
 - Public Lending Right – more common
 - Use of cultural heritage imagery



Different Goals:

- Precision for institutions, archives, and GLAM professionals who want to capture the information they have
- Encouragement and freedom to act for end users and creators.

We shouldn't let complication obscure the value of marking the public domain when we can.

- For areas where you have reasonable certainty, use the PD mark, where you don't, look to the Rights Statements
- Rights statements document important information, but they are not licenses and have a different immediate purpose.

**Marking
and tagging
the public
domain**

Structured and machine-readable data for copyright and licensing on @wikicommons and @wikidata

Hanno Lans hanno@copyclear.nl

Sandra Fauconnier @sanseveria sfauconnier@wikimedia.org



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Creative works on Wikidata

Not easy to count, but here are some numbers...

As of 30 April 2019:

Works of art: 1,700,000

(~400,000 paintings, see [Sum of All Paintings](#) project, and many GLAM partnerships)

Films: 284,000

Items that use the 'creator (P170)' property: 490,000

Items that use the 'author (P50)' property: almost 4,000,000

(many are scientific papers, through the [WikiCite](#) project)

The screenshot shows the Wikidata page for the property **copyright status** (P6216). The page includes a navigation bar with 'Property', 'Discussion', and 'View history' tabs. Below the title, there is a description: 'copyright status for intellectual creations like works of art, publications, software, etc.' and an 'edit' button. A table lists the property in various languages:

Language	Label	Description	Also known as
English	copyright status	copyright status for intellectual creations like works of art, publications, software, etc.	
Dutch	auteursrechtenstatus	juridische status van een (kunst)werk, publicatie, software enz. qua intellectueel eigendom	copyrightstatus
German	Urheberrechtsstatus	No description defined	urheberrechtlicher Status
French	statut des droits d'auteur	statut des droits d'auteur pour une création intellectuelle ou artistique	

Below the table, there is a section for 'Data type' which is set to 'Item'. A sidebar on the left contains various navigation links such as 'Main page', 'Community portal', and 'Tools'.

Property for indicating copyright of creative works: [P6216](#) [Copyright status](#)

Already [used](#) on more than 550,000 creative works on Wikidata

Two possible values

- Public domain
- Copyrighted

(Each work can have multiple of these, and also both values combined)

To be qualified (enhanced) with additional information

WORK IN PROGRESS!

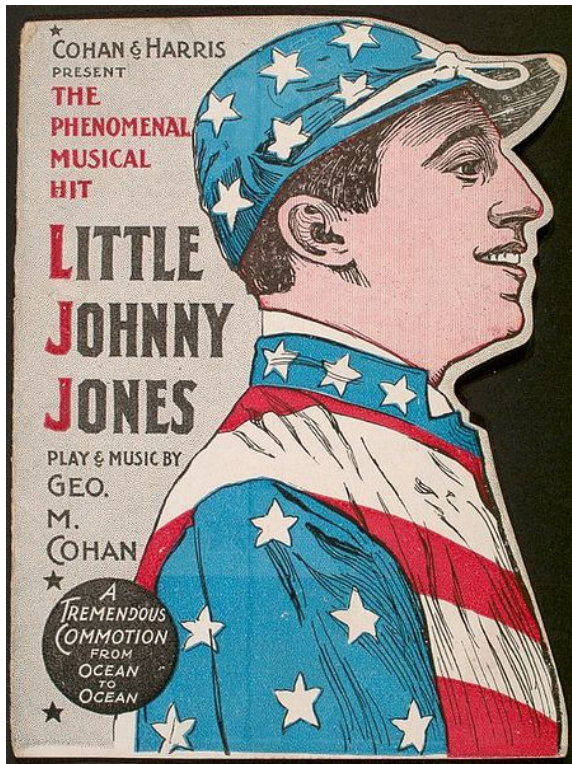
Help:Copyrights on Wikidata

<https://www.wikidata.org/wiki/Help:Copyrights>
or <https://w.wiki/3VD>

Kudos to Jarekt!

- For creative works (Wikidata)
- And free representations of those works (Wikimedia Commons)

A simple(r) example...



The musical Little Johnny Jones (1923) by George M. Cohan (1878-1942)

<https://www.wikidata.org/wiki/Q6650560>

copyright status	© public domain ... ✎ edit
	applies to jurisdiction United States of America ...
	determination method published more than 95 years ago ...
	▾ 0 references + add reference
	© public domain ... ✎ edit
	applies to jurisdiction countries with 70 years pma or shorter ...
	determination method 70 years after author's death ...
	▾ 0 references + add reference
	+ add value

Item

[Discussion](#)

Read

[Labels list](#)[View history](#)

More ▾

70 years after author's death (Q29870196)...

copyright protection duration of 70 years from the death of the author(s)

[edit](#)

70 years post mortem auctoris | 70 years p.m.a. | 70 PMA | PD-old-70 | 70 years pma

Statements

instance of



copyright determination method ...

[edit](#)

applies to jurisdiction



countries with 70 years pma or shorter ...

[edit](#)

duration



70 year ...

[edit](#)

topic's main template



Template:PD-old-70 ...

[edit](#)[▾ 0 references](#)[+ add reference](#)



What's next?



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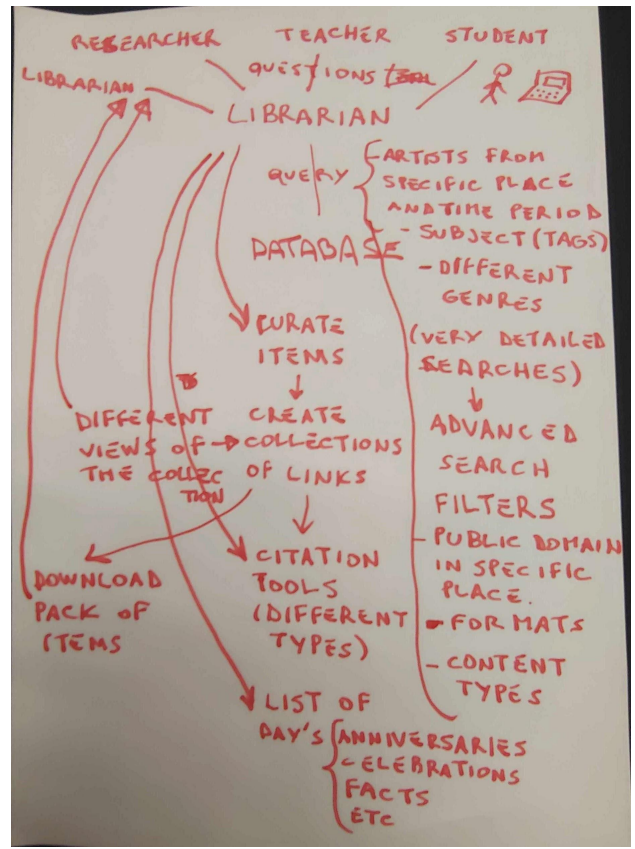
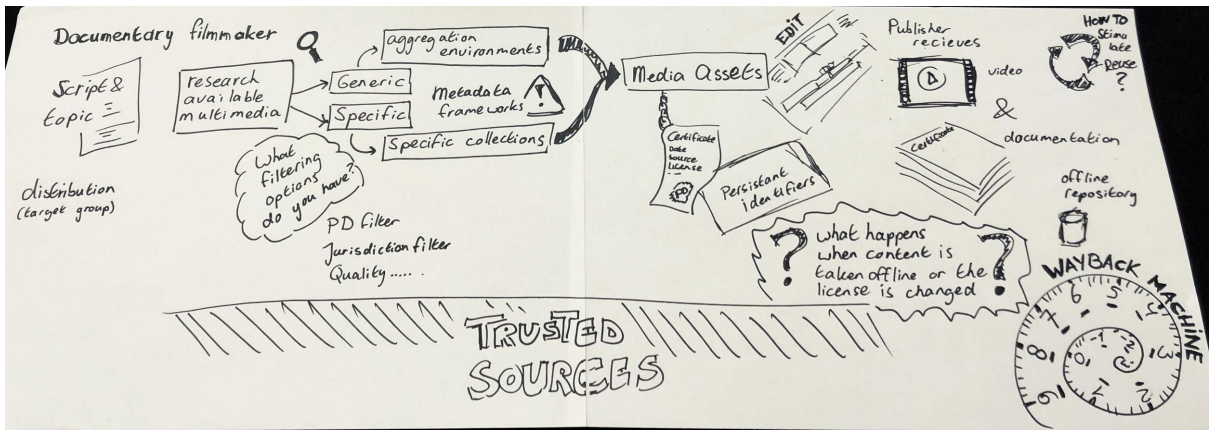
Different initiatives working in this space:



Creative Commons (PDM + CC0)
Wikidata (structured data on ©)
public domain calculators
GLAM institutions developing ©
clearance strategies
Rights Statements

Summary of Creative Commons Summit discussion results





Move away from metadata as legal judgment

Easy cases

- Author death date → from a long time ago
- Reasonable notice of publication
- Known author(s)
- Completion/usage of said work?

Meta-metadata

- origin of info.
- confidence in it
- possibility of associating competing records

Author Demographics

- Country of origin
- Author identifier
- DOB
- DoD
- ↳ or presumed date of death?

Work information

- Kind of work/subject matter
- Date of creation (copyright)
- Author(s) / Editor(s)
- Underlying works? → Related issue → related works? → Distinctive work

Work made for hire

- Employer author? → of a gov't?
- Contractual arrangement?
- Indices of supervision of independence?

'Publication' date

- Estimated? when?
- Legislating? → Author attribution
- Mode of distribution dates
- Regulatory records
- © info on/in work

Cultural provenance or legal provenance

→ ADD related info

- **research & survey questionnaire for GLAM institutions & users (Q4)**
- **inventory of existing projects and would-be collaborators (Q4)**
- **assessment on data modelling (hands on workshops) (Q3/Q4)**



Get involved:
<http://bit.ly/cc-pdaj-slack>



Questions? Suggestions? Remarks?



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THANK YOU!



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