Copyright and Free licenses Tutorial

Do we really need to talk about copyright and licenses?

It sounds... super-boring...

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Yes.
We really, really do!

But why?

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Poor Charles Dickens...

- Charles Dickens was a very popular English author.
  - Little Nell's fate
- So popular, other publishers just took his works and printed their own editions of them and sold them for profit with Dickens not receiving a penny.

Charles Dickens, 1842.
Author unknown, public domain.

Solomon Babalola's *The Content and Form of Yoruba Ijala*

- Long out of print, won't be printed again. Available in rare-book shops for ~$100. ($0 of which would go to the estate of Babalola, since they're used copies)
- There is no other way to access this knowledge, except (some) university libraries.

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No free photo...

Zoe's music

- Zoe is a musician. She wants as many people as possible to listen to her music. She is not counting on getting rich off her music.
- But if it turns out a *lot* of people love her music, she would like the opportunity to sell her music, and to avoid having others sell it for profit!

Daniel Seiffert - CC-by 2.0

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Asaf's photos

- Asaf is not a professional photographer; no artistic ambitions or intents to profit.
- He's happy to share his photos with the world, and for them to be used for any purpose.
- He'd like to get credit (mention).

By Guillaume Paumier - CC-by 3.0

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Let's design solutions! [7 min]

How might we create optimal conditions for these different creators, and maximize the public benefit?
Supporting:

- Dickens's right to earn a living with his art
- The public interest in affordable access to Babalola's study of a non-mainstream topic
- Zoe's wish to gain an audience, but not lose the chance to monetize her art
- Asaf's wish to share with the public, but get credit for his work.

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(exercise based on idea by Krzysztof Machocki, User:Halibutt, may he rest in peace)

What did you come up with?

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Traditional copyright

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Literally: the right to copy a work. Prohibited except by explicit, negotiated license.

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Copyright is a legal tool to guarantee creative people the chance to benefit from their own work.

Copyright protects authors by controlling reproduction and distribution

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That sounds... fair!

Sure, it's fair that creators benefit from their own works. But there are complications:

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1. The duration of copyright is very long. Most often, way too long for the original purpose.

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2. The terms of copyright are very restrictive. They prevent re-use that we should want.

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Okay, let's dig in!

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Copyright is property. It can be sold, donated(?), and inherited

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Copyright is abstract. It relates to the creative work it has little to do with physical representations

Sometimes copyright is transfered to an org. the creator works for. This happens by contract.

copyright expires! Works whose copyright expired become public domain (in most countries)

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Public domain works belong to everyone! You and I and everyone else can do anything with them.

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Awesome!
So, when does copyright expire?

It's complicated...
and varies by country and medium.

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Wait, 'varies by country'?

Yes!

Works can be copyrighted in one country and PD in another!

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Since Wikimedia is hosted in the United States, US law matters: And unfortunately, it's particularly complicated.

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If you need to determine whether a work is public domain or not, carefully consult this documentation: [[en:WP:PD]]

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But broadly, and for recent decades, it's rarely less than 70 years after the death of the author

70 years *post mortem auctoris* is also the rule in most other [[Berne Convention]] signatories.

See [[c:COM:CRT]]

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Commons:Copyright rules by territory

From Wikimedia Commons, the free media repository
(Redirected from Commons:CRT)
Wikidata item not found.

Shortcut: COM:CRT

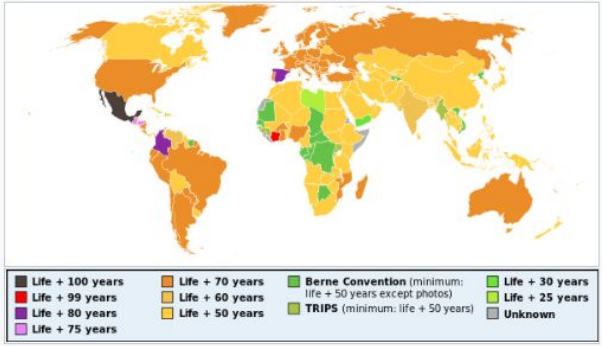
Laws about copyright **differ from country to country**. Images uploaded to Commons, unless uploaded from the United States, involve the interaction of two or more copyright jurisdictions. The laws of individual countries differ especially in the following points:

- The time for which a copyright applies. In most countries, copyright on works published during the author's lifetime expires 50 or 70 years after the death of the author (p.m.a.).
- Status of works of the government. In many (but not all) countries, documents published by the government for official use are in the public domain.
- Material applicable for copyright. In some jurisdictions, pictures of artistic work like architecture, sculptures, clothing etc. can not be used freely without the consent of the creator of the original artwork.

Almost all countries in the world are party to the *Berne Convention for the Protection of Literary and Artistic Works* (see here for the text). Following this convention, countries enforce copyrights from other countries, according to certain rules.

Full details for each country or territory are covered below. Some countries also have individual pages (highlighted in bold), which you can reach directly from the summary table below.

↓ Skip to summary table ↓



Worldwide map of copyright term length

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Exceptions to copyright

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Some things aren't copyrightable:

e.g. facts; statistics; simple geometric shapes
(They don't meet the "threshold of originality")

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Fair use:

US copyright law includes a "fair use" clause, explicitly permitting copying/using copyrighted works for certain specific purposes or in certain ways

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Fair use:

Not-for-profit "educational use" and "research purposes" are considered fair use. As is criticism, satire, parody, and more.

The fair use must be limited in scope (e.g. quoting a line is okay, reproducing a whole song is not)

See [[Fair use]]

De minimis:

A legal doctrine designed to keep life sane for lawyers. :)

"The law does not handle trifles"

Insignificant use of copyrighted material may be *de minimis*

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De minimis:

e.g. photo of a person, who happens to wear a T-shirt with a copyrighted design

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De minimis:

Questions to ask yourself:

- Does the copyrighted material change the work in a substantial manner?

Would the work be different if the material were removed?

If no to both, it's possible it falls under de minimis.

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De minimis example #2

a photo of the riverside in Paris, with a few copyrighted buildings in the background.

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Wait, what?

by Zinneke CC BY-SA 3.0, from Wikimedia Commons

These are modern buildings, so no doubt still copyrighted. But they are not shown in any detail, and the view would be largely the same with a different large building, so: **de minimis**.

Buildings have copyright?
Well, the design of the buildings has copyright (owned by the architect(s))

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Freedom of Panorama

FoP is an exception to copyright permitting photography of three-dimensional objects permanently on public display (buildings, statues, fountains, etc.)

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[[c:COM:FOP]]

Freedom of Panorama

Many countries recognize FoP (Most of the EU, Nigeria). Some don't (France, Italy, Ghana, South Africa).

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No FoP in France?

Are you seriously telling me I can't take a photo of the Eiffel Tower?
Eh, it depends: its design is no longer copyrighted, so you can, during the day; but at night, the artistic lighting is creative, and has copyright.

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Freedom of Panorama

Don't tourists violate copyright all the time by taking pictures in the city in France or Ghana?

They do!

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Copyright is complicated!

It sure is!

Okay, clearly copyright is not a good-enough solution!

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Free licenses to the rescue!

What is a free license?

A free license is a set of terms guaranteeing certain freedoms to the user

It is an alternative to traditional copyright

Free licenses aim to best enable sharing, rather than control re-use

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If you are creating materials and want to share with others, you have options!

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By selecting an explicit license in advance, you inform the public what uses of your work are acceptable. Re-use can then happen smoothly.

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Creative Commons is an organization that made clear, easy-to-use licenses.

All of them permit cost-free re-use; not requiring contact with the creator.

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Creative Commons Attribution (CC-by)

Use it however you want, but attribute my work to me.

Free license!

Creative Commons Attribution Share-alike (CC-by-sa)

Use it however you want, but attribute my work to me, and if you modify my work, share your version under the same license.

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Use it however you want, but attribute my work to me, and you may **not** modify my work

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Use for any non-profit purpose, but you may not sell or otherwise make commerce with my work.

Non-free license!

Creative Commons Attribution No commercial use No derivatives (CC-by-nc-nd)

Use for any non-profit purpose, but you may not sell or otherwise make commerce with my work, nor modify it.

Non-free license!

Creative Commons Zero (CC0)

Use it however you want, just like the public domain.

Free license!

Useful for where 'public domain' is not recognized legally.

For Wikimedia purposes, only free licenses matter:

CC0, CC-by, CC-by-sa

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Re-using freely-licensed media

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So, when something is freely-licensed, I can just take it and use it, right?

No.
You can take it, but you have to respect the license terms.

Oh, right! Attribution etc., right?

Right.

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So if I take a photo from Wikipedia, I can add:

Credit: Wikipedia

Right?

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Wrong.

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But I saw such attribution in newspapers and major Web sites!

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True, you did. I saw it too.

It's still

wrong.

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"Wikipedia" didn't take that photo. A person did, and they deserve credit.

If you are creating materials reusing the work(s) of other people (or institutions), you have to check how you should attribute authors and licenses.

Classification and licenses [edit]

By freedom [edit]

- Agreement, which is related to the public domain
  - Creative Commons CC0
  - WTFPL
  - Unlicense
  - Public Domain Dedication and License (PDDL)[4]
- Permissive licenses
  - BSD License
  - MIT License
  - Mozilla Public License (file-based permissive copyleft)
  - Creative Commons Attribution
- Copyleft licenses
  - GNU GPL, LGPL (weaker copyleft), AGPL (stronger copyleft)
  - Creative Commons Attribution Share-Alike
  - Mozilla Public License
  - Common Development and Distribution License
  - GFDL (without invariant sections)
  - Free Art License

By type of content [edit]

- Free software licences
  - The Free Software Definition
- Open Content
  - Open Content License
  - Open Publication License
- Free content licenses
  - Definition of Free Cultural Works
- Open-source hardware licenses
- Database licenses (Creative Commons v4 and Open Database Licence)
- Open patent licenses

By authors [edit]

- Free Software Foundation
- Open Source Initiative
- Creative Commons
- Microsoft
  - Microsoft Public License
  - Microsoft Reciprocal License
- Open Content Project
- Open Data Commons from Open Knowledge Foundation
  - Public Domain Dedication and License (PDDL)
  - Attribution License (ODC-By)
  - Open Database License (ODC-ODbL

https://en.wikipedia.org/wiki/Free_license

Aaaargh! That looks so complicated!

What do I actually need to do?

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Say, you want some nice pictures and you happen to know that there is a photo contest by Wikimedians called Wiki Loves Africa.

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The contest is organised by Wikimedians, and the photos are on Commons, so we can be fairly sure the pictures from it are under a free license :)

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wiki loves africa - Google

Person 1

Secure | https://www.google.co.il/search?biw=1218&bih=655&tbm=isch&sa=1&ei=YAj2Wv3yDoPikgWGxbn4BQ&q=wiki+loves+africa&oq=wiki+loves+africa&gs_l...

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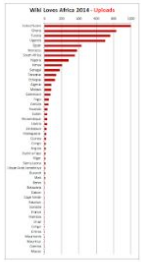

wiki loves africa - Google

Person 1

https://www.google.co.il/search?biw=1218&bih=655&tbm=isch&sa=1&ei=YAj2Wv3yDoPikgWGxbn4BQ&q=wiki+loves+africa&oq=wiki+loves+africa&gs_l=img.3..0...

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2015: Cultural Fashion and Adornment[edit]. Wiki Loves Africa ...

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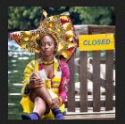

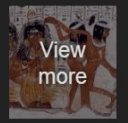

Get help - Send feedback

ENG

00:22

12.05.2018

This is an image of Cultural Fashion or Adornment from

More details

Zuraj studio - Own work

CC BY-SA 4.0

So, if I want to re-use this picture...

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Minimal attribution:

By Zuraj studio, CC BY-SA 4.0

Attribution with author, license source site:

By Zuraj studio [CC BY-SA 4.0 (https://creativecommons.org/licenses/by-sa/4.0)], from Wikimedia Commons

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By Zuraj studio [CC BY-SA 4.0 (https://creativecommons.org/licenses/by-sa/4.0)], from Wikimedia Commons. Link to the file: https://commons.wikimedia.org/wiki/File:Ak55-Busy_afternoon.jpg

For example, you want to create a presentation about African continent. You should not just take and insert any picture you want in your presentation. You need to check if there is an author mentioned, and if the author has specified how the work can be used.

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Africa - Google Search

Secure | https://www.google.co.il/search?q=Africa&source=lnms&tbm=isch&sa=X&ved=0ahUKEwjns8LM6f3aAhXR26QKHdEvBsIQ_AUICigB&biw=1218&bih=655&...

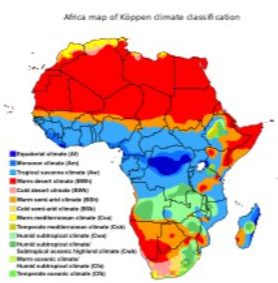
Google

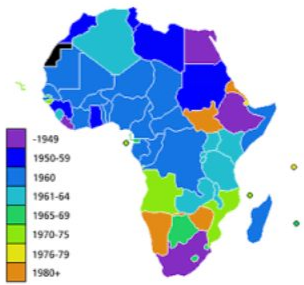
Africa

Sign in

All | Images | Maps | News | Videos | More | Settings | Tools | SafeSearch

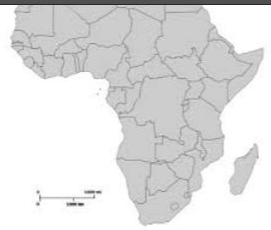
black and white | wilderness | country | kenya | nigeria | ghana | south africa | egypt | madagascar | congo | tanzania | jamaica





Africa - Google Search

Secure | https://www.google.co.il/search?q=Africa&source=lnms&tbm=isch&sa=X&ved=0ahUKEwjns8LM6f3aAhXR26QKHdEvBsIQ_AUICigB&biw=1218&bih=655&...



220 × 208 - Images may be subject to copyright

Africa - Wikipedia

Wikipedia

Political map of Africa

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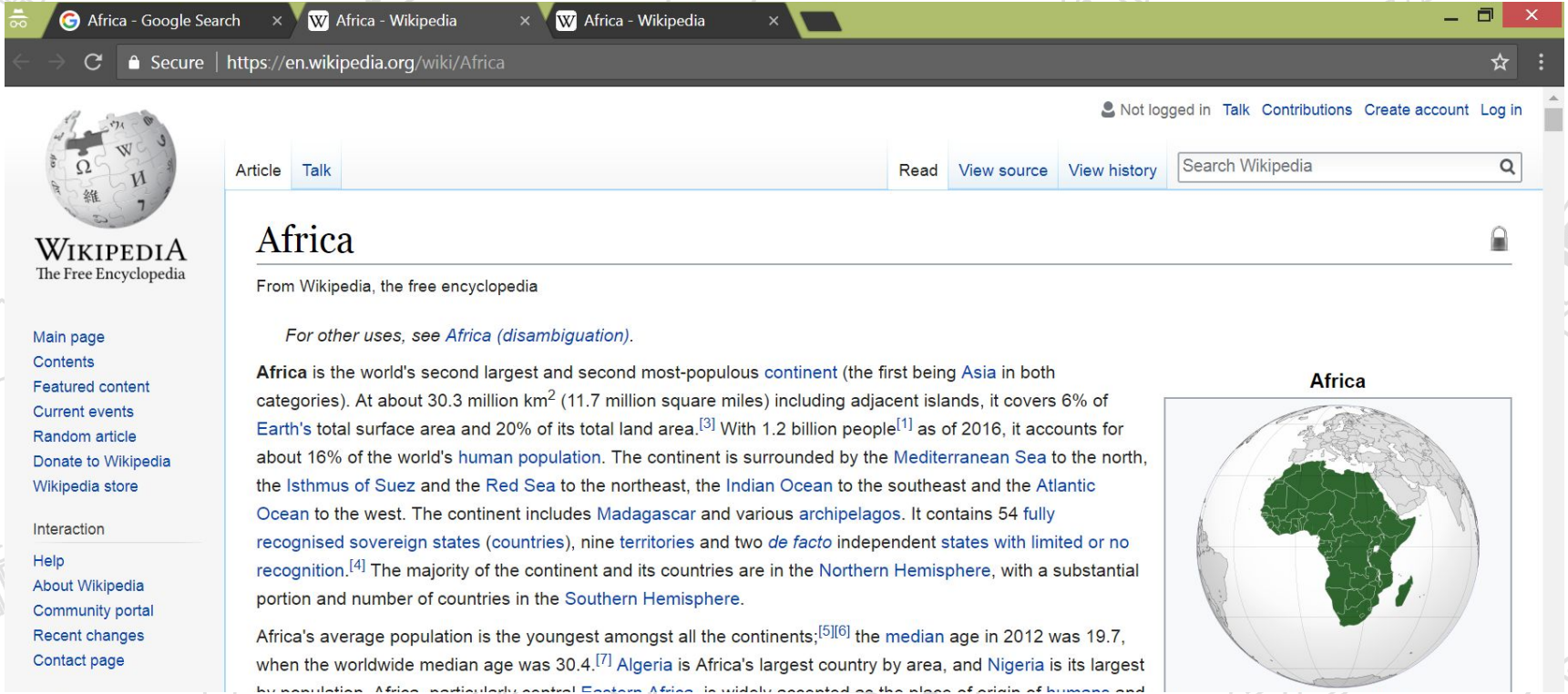
Oh, we are lucky! Right? The picture is from Wikipedia! We can just take it!



No, not so simple. Pictures used in Wikipedia may be under a different license. Or even copyrighted. Let’s check.

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Secure | https://en.wikipedia.org/wiki/Africa#/media/File:African_continent-en.svg

Political map of Africa

More details

Derivative works of this file: Bobarino African continent-fr.svg: Eric Gaba (Sting - Sting) - African continent-fr.svg

CC BY-SA 2.5

What exactly does it mean?

Let’s click on the “More details” button.

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File:African continent-en.svg

From Wikimedia Commons, the free media repository

File File history File usage on Commons File usage on other wikis Metadata

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If you scroll down, you will see more information, especially this:

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- **to share** – to copy, distribute and transmit the work
- **to remix** – to adapt the work

Under the following conditions:

- **attribution** – You must attribute the work in the manner specified by the author or licensor (but not in any way that suggests that they endorse you or your use of the work).
- **share alike** – If you alter, transform, or build upon this work, you may distribute the resulting work only under the same or similar license to this one.

That basically means that you have rights:

- you may share it;
- you may modify it.

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And you also have obligations:

- you have to attribute the author (in the way they wanted it);
- you have to share your work under the same license.

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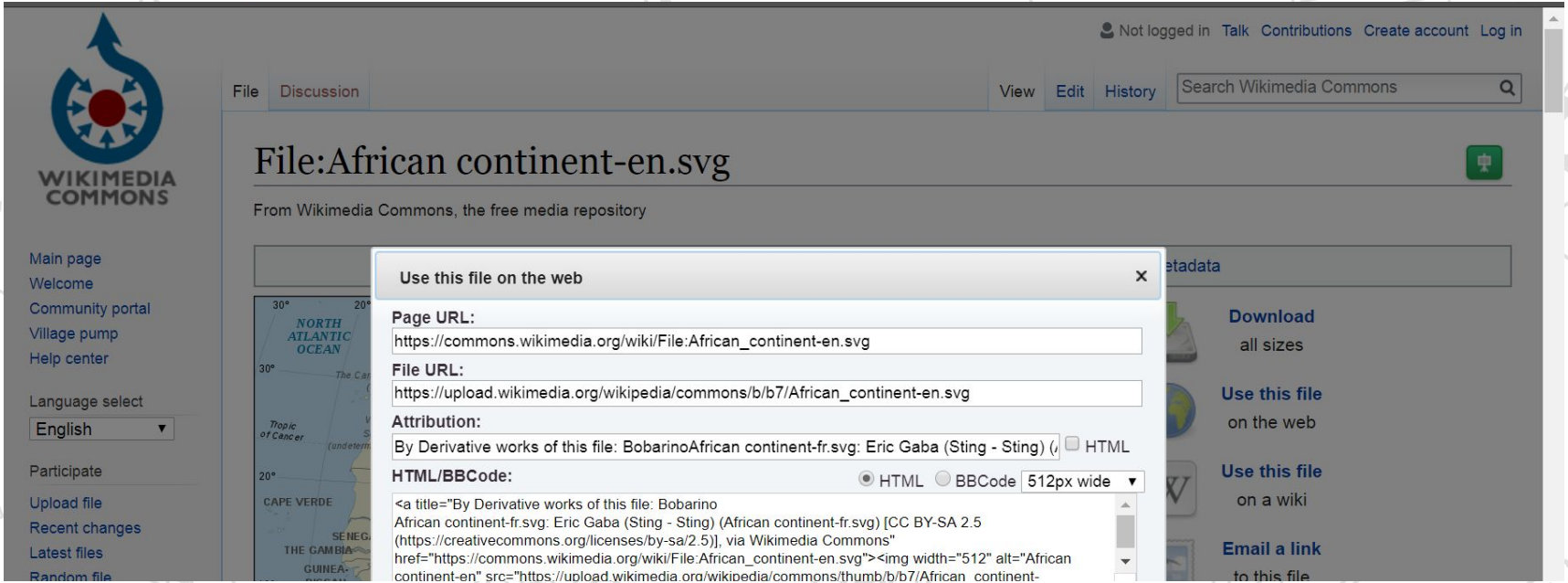
Click the “Use this file” button:



Political map of the African continent as in 2011

By Bobarino. Derivative works of this file: African continent-fr.svg: Eric Gaba (Sting - Sting) (African continent-fr.svg) [CC BY-SA 2.5 (https://creativecommons.org/licenses/by-sa/2.5)], via Wikimedia Commons

We got the part about attribution, but that is a lot of text. What exactly is here?

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The picture we used is based on another work:

Description	**English:** Map of the African continent as in 2011-07. **Français :** Carte en anglais du continent africain tel qu'en 07/2011. Lambert azimutal equal-area projection, WGS84 datum, standard meridian: 15°E, standard parallel: 0° Scale: 1:15,000,000 (accuracy: 3,75 km)
Date	6 December 2008, 08:34 (UTC), updated 2011-07
Source	• African continent-fr.svg
Author	• Derivative works of this file: Bobarino • African continent-fr.svg: Eric Gaba (Sting - Sting)

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So we basically have two authors:

- Eric Gaba (Sting - Sting) has created African continent-fr.svg
- Bobarino, who took the map and translated it into English

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If we now (for the sake of clarity) go to the original file in French, we shall get this text:

By Eric Gaba (Sting - Sting) [GFDL (http://www.gnu.org/copyleft/fdl.html), CC-BY-SA-3.0 (http://creativecommons.org/licenses/by-sa/3.0/) or CC BY-SA 2.5 (https://creativecommons.org/licenses/by-sa/2.5)], via Wikimedia Commons

The file even mentions how the author want us to distribute the work:

Author	Eric Gaba (Sting - Sting)
Permission (Reusing this file)	**Attribution and Share-Alike required** Any use of this map can be made as long as you credit me (Eric Gaba – Wikimedia Commons user: Sting) as the author and distribute the copies and derivative works under the same license(s) that the one(s) stated below. A message with a reply address would also be greatly appreciated.

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Are there any tools to make it easier?

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Yes!

Lizenzhinweisgenerator

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Bless you!

Um, what?

Oh, pardon my German.

The Attribution Generator!

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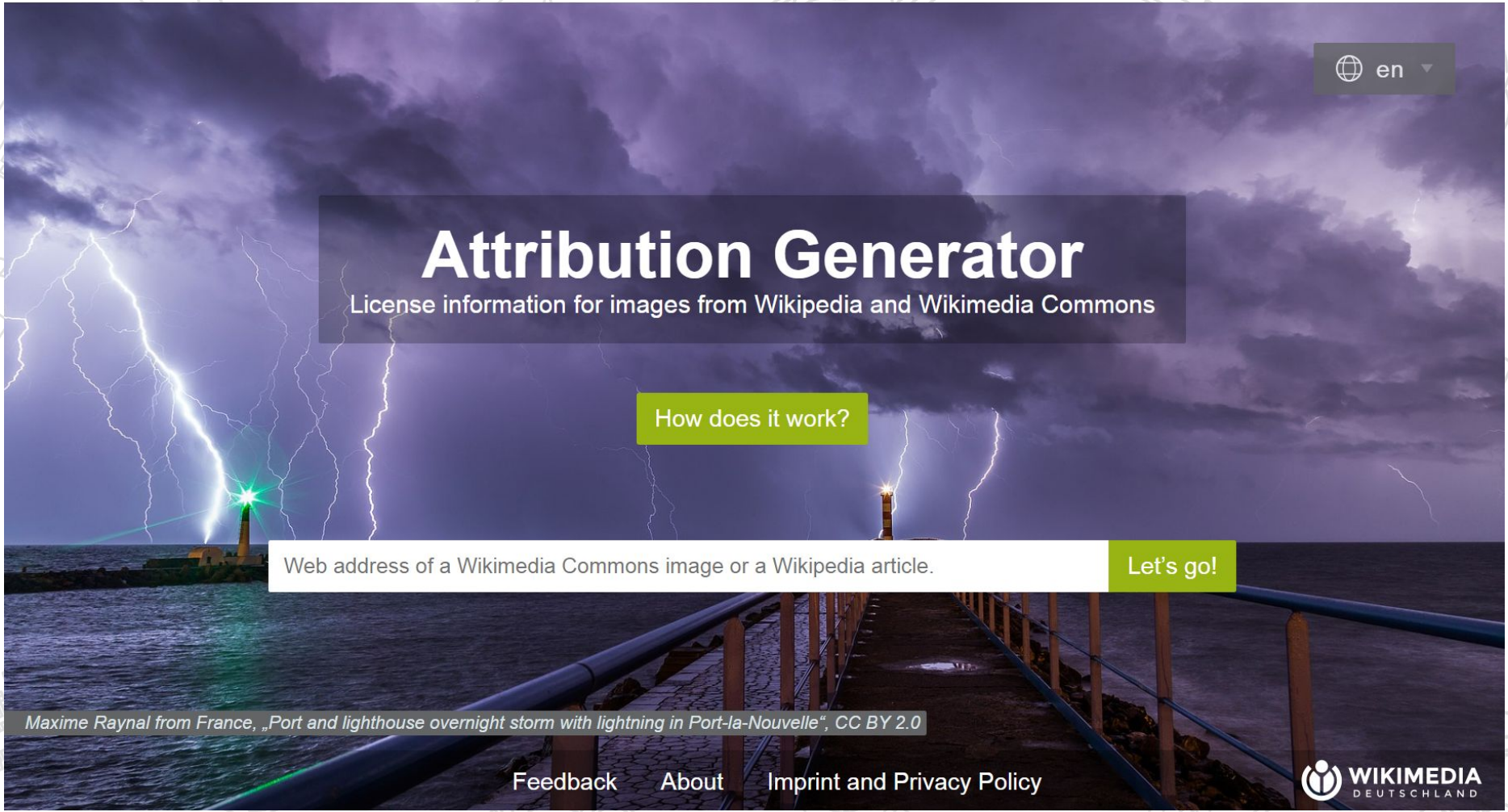
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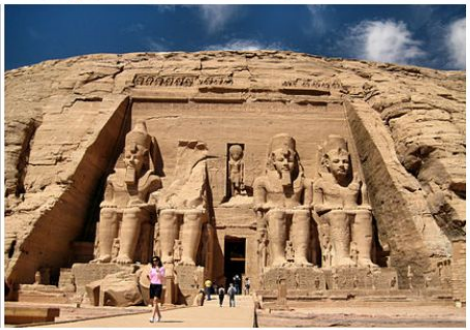
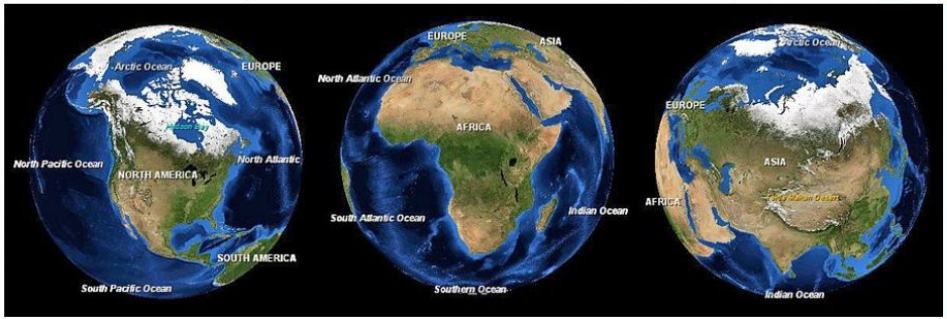
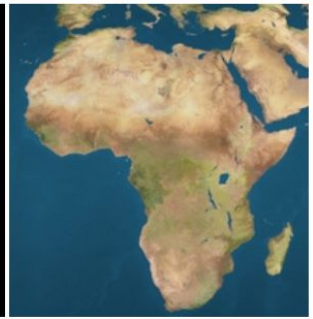
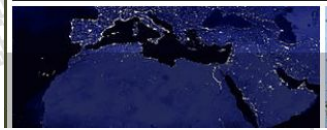
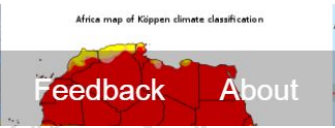
Let's go!











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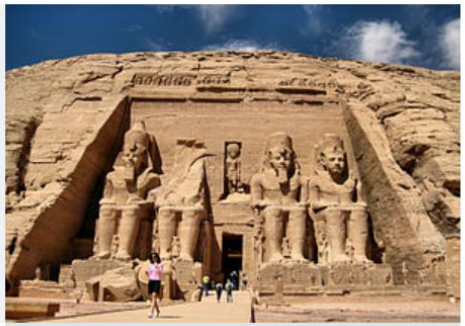

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- Type of use
- Collection
- Adaptation
- Done

How do you want to use the image?

- ☐ In a context, where you cannot use hyperlinks (e. g. print products, set of slides).
- ☐ Online.

Download the image (6.95 MB)

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- Type of use
- Collection
- Adaptation
- Done

How do you want to use the image?

- ☐ In a context, where you cannot use hyperlinks (e. g. print products, set of slides).
- ○ Online.

- Type of use
- Collection
- Adaptation
- Done

How do you want to publish the image?

- ○ Combined with other works.
- ☐ On its own.

- Type of use
- Collection
- Adaptation
- Done

Do you want to use the image in a modified form?

- ☐ Yes.
- ○ No, I want to use the image in its original unmodified form.

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Congratulations!

You have answered all questions. You are ready to use the correct license notice.

Your license notice

Francisco Anzola, Abu Simbel Main Temple (2346939149), CC BY 2.0

Text | Plain Text | HTML | Copy

Please note, that the license notice includes hyperlinks, which have to be included wherever you make use of the license notice. You should show this information as close to the image as resonably possible (e.g. directly below it). In any case, viewers must be able to find the information easily. To make it easier for you, the tool provides the attribution including all hyperlinks in plain text format and as an html snippet.

- Do not impose any further conditions
- No sublicensing allowed
- Existing legal notices
- Do not impose any technical protection measures

Copy the line and insert it in your presentation - and you are done.

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Wait, but what about printing something on a T-shirt? A postcard? A poster?

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Here is a link to a page with examples on how to attribute authors and licences:

[[c:User:Antanana/how_to_attribute_authors&licenses]]

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Copyright Exercises

1. Copyrighted or not?

Determine whether each of the following described works is copyrighted or not:

- A book published 200 years ago
- A book published last year
- A book published 80 years ago
- A book published last year under a CC-by 4.0 license
- The sentence "Accra is the capital of Ghana"

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2. License terms - CC-by-sa

Given a work licensed as CC-by-sa, can I do the following?

- Copy and re-publish it, attributing the author?
- Sell my copy?
- Modify it and distribute my modified copy?
- Modify it and sell my copy without also sharing it freely?

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2. License terms - CC-by

Given a work licensed as CC-by, can I do the following?

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- Re-publish it without attributing the author?
- Sell my copy?
- Modify it and distribute my modified copy?
- Modify it and sell my copy without also sharing it freely?

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2. License terms - CC-by-nc-nd

Given a work licensed as CC-by-nc-nd, can I do the following?

- Copy and re-publish it, attributing the author?
- Sell my copy?
- Modify it and distribute my modified copy?

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2. License terms - CC0

Given a work licensed as CC0, can I do the following?

- Copy and re-publish it, attributing the author?
- Copy and re-publish it without attribution?
- Sell my copy?
- Modify it and distribute my modified copy?

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PD; CC0; CC-by; CC-by-sa

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  - E.g. a music album cover isn't free, but useful for illustrating the article about the album
- English Wikipedia allows local uploads of "fair use" media, with explicit listing of articles it may be used on.

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Wikidata

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- This is useful to maximize re-use, including in situations where attribution is impractical

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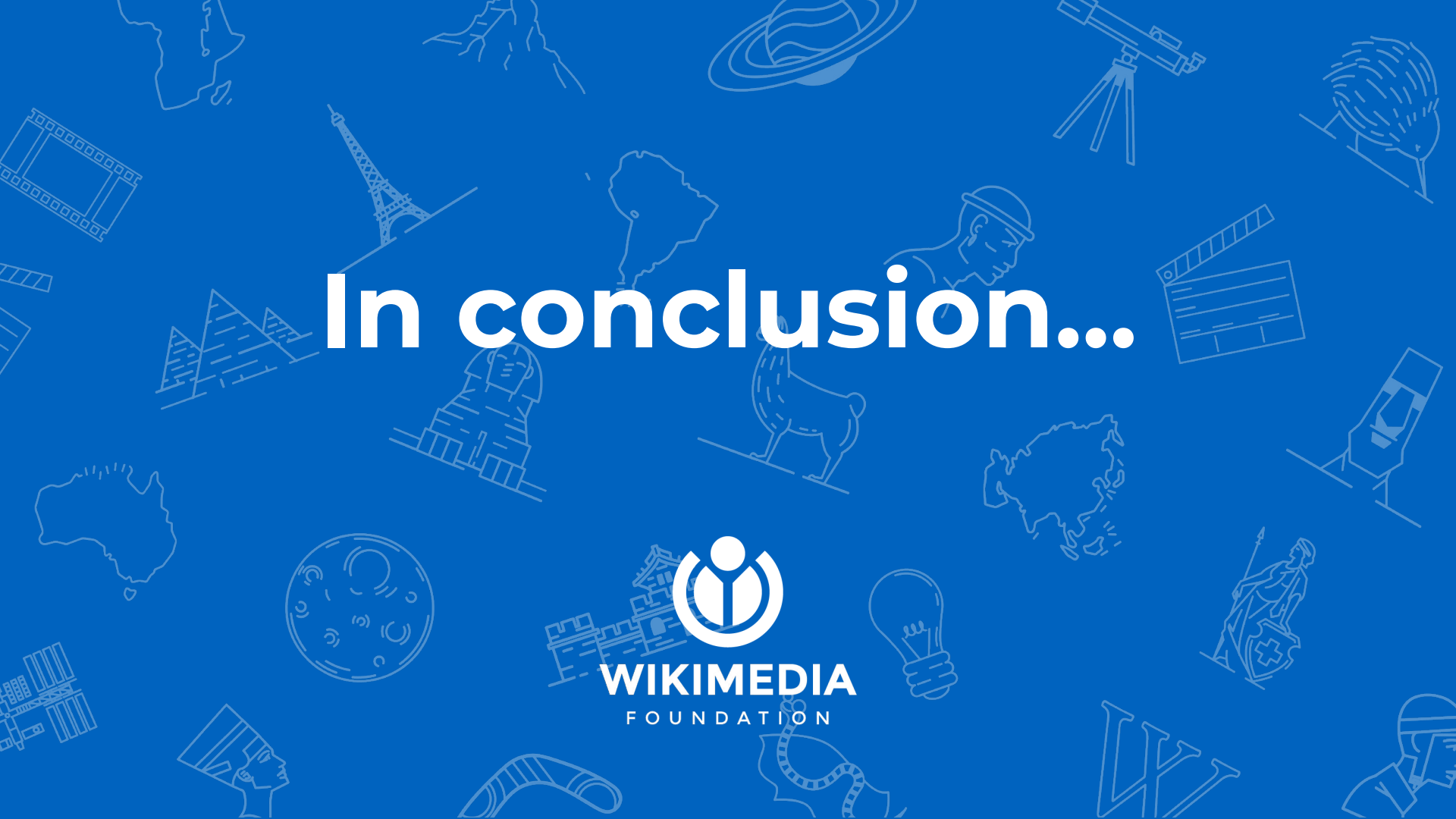
In conclusion...



This is all so complicated!

Sometimes, yes. But there's help! Be sure, or ask for help

Copyright help: [[c:COM:VPC]]

General help: [[c:COM:HD]]

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In conclusion, remember...

- Copyright and licensing are complex, and nuanced, but getting it right is **essential** for our work
- and...
- Nobody was born a copyright law expert
- It's a set of rules: it's learnable, and practice makes perfect
- You will make mistakes. It is generally enough to apologize, undo (delete/remove, or fix attribution), and do better next time.

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THANK YOU

Keep in touch!

asaf@wikimedia.org

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