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N E W S L E T T E R

Issue No. 7

June 2008



## MESSAGE

Creative Commons, as an organization, has undergone a significant transition since the last ccNewsletter — on April 1st, 2008, Lawrence Lessig stepped down as CEO and Joi Ito, previously the Chairman of the Board, took his place. James Boyle, a founding board member of Creative Commons, will take over as Chairman. It is an exciting time here at CC and this transition marks the growth of CC from just an idea to becoming a fixture in the digital landscape — and we can honestly attribute this growth to the acceptance and evangelism of our active community, of which you all are a part. Thank you for sharing and supporting CC and helping us build this global creative commons, which is so vital to the future of participatory culture. Even though CC as an organization has changed, CC as a philosophy and as a

mission remains the same, and we hope that you will continue to support CC as we work hard to continue providing you all with the tools necessary to actualize this common goal.

This month's newsletter spotlights Science Commons, a project of Creative Commons dedicated to bringing the sharing and reuse principles CC brought to the world of culture, to scientific research. Their work focuses on identifying unnecessary barriers to research, and developing strategies and tools for faster, more efficient scientific research. The goal: to speed the translation of data into discovery.

No one can explain Science Commons better than the VP, John Wilbanks, so without further adieu...



"Melissa Reeder," Alex Roberts.  
CC BY 3.0

**Melissa Reeder**  
Development Coordinator  
Creative Commons

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## The Inside Scoop

### SCIENCE COMMONS

A word from the VP of Science Commons: John Wilbanks

I'm going to take full advantage of the opportunity to address the broader Creative Commons audience on the topic of Science Commons. Many of the CC community don't know a lot about us — who we are, what we do, and why we think science is such a remarkable place for the commons. Hopefully we can address some of that knowledge gap with this issue of the CC newsletter.

There are clear parallels between the advance of the control philosophy in culture and science. As in culture, an interlocking set of science-related judicial, legislative, and social was eroding ancient traditions of information distribution and reuse. Costs were rising, not dropping, with the advent of more efficient network technologies for publishing. The Web we built for culture and commerce was not robust enough to handle the demands of high-throughput research. And in general, the kinds of innovation explosions we associate with user-driven culture and commerce were nowhere to be found in the scientific web.

Something has to give. We need cures for diseases, understanding of global problems like climate change, and better government science policy. But the question was how we got there — and how a commons fit into the picture.

We're a project of Creative Commons — that is, we work for CC just like the culture folks, and we have our email addresses @creativecommons.org. We have five full-time employees and four part-time employees, and we're hosted at the MIT Computer Science and Artificial Intelligence Laboratory in Cambridge, MA, USA. We raise our own dedicated project funds, and we work on taking the ideas at the heart of Creative Commons — standard licenses that create sharing regimes, implemented in good technology, and commons-based policy — into the sciences. Specifically, we work on making the "research cycle" go as fast as it can go.

By the research cycle, we mean the constant generation, distribution, and reuse of knowledge that forms the heart of the scientific method. In a network world, the research cycle depends on digital technologies at every step, from the scholarly literature (search and access stages) to the petabytes of data (again, search and access stages) to the digital descriptions of non-digital research tools like cell lines and recombinant DNA. At each of these stages we can apply theories of the commons to remove barriers to research and accelerate the pace of science.

I've written previously about the commons as a key weapon against complexity, which I think is the key problem of our time in the sciences.

It's the abject complexity of the human system and the reality of the knowledge gap about the system. Human bodies



"Creative Commons reception thingy" <http://flickr.com/photos/quinn/110941963/> quinnums / quinn norton CC BY-NC-SA 2.0

make microprocessors look like children's toys in terms of complexity. And those bodies exist in a constantly changing set of environmental factors.

One of the reasons I believe so deeply in the commons approach (by which i mean: contractually constructed regimes that tilt the field towards sharing and reuse, technological enablements that make public knowledge easy to find and use, and default policy rules that create incentives to share and reuse) is that I think it is one of the only non-miraculous ways to defeat complexity. If we can get more people working on individual issues — which are each alone not so complex — and the outputs of research snap together, and smart people can work on the compiled output as well — then it stands to reason that the odds of meaningful discoveries increase in spite of overall systemic complexity.

This is not easy as far as solutions go. It requires open access to content, journals and databases both. It requires that database creators think about their products as existing in a network, and provide hooks for the network, not just query access. It requires that funders pay for biobanks to store research tools. It requires that pharmaceutical companies take a hard look at their private assets and build some trust in entities that make sharing possible. It requires that scientists share their stuff (this is the elephant in the lab, frankly). It requires that universities track sharing as a metric of scientific and societal impact.

If we're going to attack the cost of drug creation and marketing, we have to attack the failures at the source — the knowledge gap created by complexity. Creating a robust public domain and knowledge commons — with the attendant increase in scientists who have the freedom and tools to practice collaborative science, all over the world -is one of the only clear methods we have at our disposal.

And if we can actually get the price point down to \$100M, or \$50M, the game is changed forever. Venture capitalists can fund a drug, as can foundations, at that price point. Prize models suddenly become very, very workable. And big pharma finally would see meaningful competition.

Complexity is the enemy. Distributed innovation, built on a commons, is a strong tonic against that enemy.



## Upcoming Events

# ESOF 2008: COLLABORATING FOR THE FUTURE OF OPEN SCIENCE

by **Donna Wentworth**

We're reaching an inflection point in the global movement to implement "open" approaches to scientific research — approaches with tremendous potential for accelerating the translation of basic research to useful discoveries like new drugs and therapies. These approaches are often referred to collectively as "open science," yet both the term and its underlying principles have yet to be defined. This hampers efforts to connect the important initiatives that are working to further the development of open science in nations across the globe.

We now have the tools to bring together open research and data from around the world, embedded with the freedoms necessary to make use of it. What we need are shared principles for developing systems that can work together, so we can harness network effects and increase the value of each contribution to the open knowledge commons.

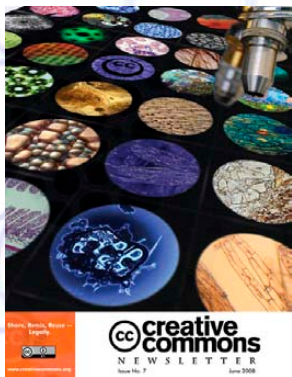
This July, Science Commons is convening a free and open workshop in Barcelona, Spain, to discuss and define the basic principles of open science, including identifying the key tenets for a system to be recognized as an open science system. Our aim is to conclude the workshop with a set of principles for open science that can effectively guide the development of a global, collaborative infrastructure for knowledge sharing that speeds discovery and saves lives.

The event, "Policy and Technology for e-Science," is one of three satellite events preceding the Euroscience Open Forum (ESOF), which is among the largest and most well-

known conferences in Europe on science and technology. The workshop will take place July 16 -17, 2008, at the Institut d'Estudis Catalans. Our co-sponsors are the Scholarly Publishing and Academic Resources Coalition (SPARC), the Center for the Study of the Public Domain at Duke University (CSPD) and the Institut d'Estudis Catalans (IEC).

In preparation for the workshop, we have been working with a distinguished steering committee that includes representatives from the European Commission, CERN, the Joint Information Systems Committee (JISC) and Creative Commons International (CCI), as well as leading open access advocates, text-mining experts and academics engaged in these discussions in Europe.

We hope to bring together thought leaders, policymakers and representatives from the major research foundations for a discussion that will significantly further shared goals. If you would like to attend, please visit the registration page <http://sciencecommons.org/events/esof-satellite-event/registration/>. The event is open to the public and free, but seating is limited. For more information, visit <http://sciencecommons.org/events/esof-satellite-event>.



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# INTRODUCING THE HEALTH COMMONS

A Project Of Science Commons, Collabrx, Public Library Of Science, And Commercenet

*The following is an excerpt from the whitepaper -"Health Commons: Therapy Development in a Networked World - an Introduction and Overview" co-authored by John Wilbanks and Marty Tenenbaum. To read the paper in its entirety, visit <<http://sciencecommons.org/resources/readingroom/>>*

### **The Health Commons: Solving the Health Research Puzzle**

The pharmaceutical industry is at a crossroads. Despite revolutionary advances in molecular biology that have made genetic decoding routine, the time from gene to cure still stands at 17 years. High-throughput screening methods allow us to test the efficacy of millions of compounds against a molecular target in a single week; but the odds of one of those compounds making it through the development pipeline and becoming a drug are less than 1/1,000,000. A well-funded group starting today, using the traditional model of drug development, has a very slim chance at getting a drug to market by 2025.

The time has come to change the way we cure disease. We are no longer asking whether a gene or a molecule is critical to a particular biological process; rather, we are discovering whole networks of molecular and cellular interactions that contribute to disease. And soon, we will have such information about individuals, rather than the population as a whole. Biomedical knowledge is exploding, and yet the system to capture that knowledge and translate it into saving human lives still relies on an antiquated and risky strategy of focusing the vast resources of a few pharmaceutical companies on just a handful of disease targets.

### **The Health Commons Vision**

Imagine a virtual marketplace or ecosystem where participants share data, knowledge, materials and services to accelerate research. The components might include databases on the results of chemical assays, toxicity screens, and clinical trials; libraries of drugs and chemical compounds; repositories of biological materials (tissue samples, cell lines, molecules), computational models predicting drug efficacies or side effects, and contract services for high-throughput genomics and proteomics, combinatorial drug screening, animal testing, biostatistics, and more. The resources offered through the Commons might not necessarily be free, though many could be. However, all would be available under standard pre-negotiated terms and conditions and with standardized data formats that eliminate the debilitating delays, legal

wrangling and technical incompatibilities that frustrate scientific collaboration today.

We envision a Commons where a researcher will be able to order everything needed to replicate a published experiment as easily as ordering DVDs from Amazon. A Commons where one can create a workflow to exploit replicated results on an industrial scale — searching the world's biological repositories for relevant materials; routing them to the best labs for molecular profiling; forwarding the data to a team of bioinformaticians for collaborative analysis of potential drug targets; and finally hiring top service providers to run drug screens against those targets; with everything — knowledge, data, and materials — moving smoothly from one provider to the next, monitored and tracked with Fed-Ex precision; where the workflow scripts themselves can become part of the Commons, for others to reuse and improve. Health Commons' marketplace will slash the time, cost, and risk of developing treatments for diseases. Individual researchers, institutions, and companies will be able to publish information about their expertise and resources so that others in the community can readily discover and use them. Core competencies, from clinical trial design to molecular profiling, will be packaged as turnkey services and made available over the Net. The Commons will serve as the public-domain, non-profit hub, with third-parties providing value added services that facilitate information access, communication, and collaboration.

### **What is Health Commons?**

Health Commons is a coalition of parties interested in changing the way basic science is translated into the understanding and improvement of human health. Coalition members agree to share data, knowledge, and services under standardized terms and conditions by committing to a set of common technologies, digital information standards, research materials, contracts, workflows, and software. These commitments ensure that knowledge, data, materials and tools can move seamlessly from partner to partner across the entire drug discovery chain. They enable participants to offer standardized services, ranging from simple molecular assays to complex drug synthesis solutions, that others can discover in directories and integrate into their own processes to expedite development — or assemble like LEGO blocks to create new services.

The Health Commons is too complex for any one organization or company to create. It requires a coalition of partners across

## Science Commons News

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# TOWARDS RESEARCH IN A BOX

by **Donna Wentworth**

13 May 2008

<http://sciencecommons.org/weblog/archives/2008/05/13/towards-research-in-a-box/>

At Science Commons, we want to bring the same efficiency to scientific research that the Web brought to commerce. Our Materials Transfer Agreement project<sup>[1]</sup> isn't just about contracts — it's about bringing together all the resources on the Web for finding and ordering materials and getting towards one-click access, with the goal of accelerating discovery.

Chris Kronenthal of the Coriell Institute for Medical Research<sup>[2]</sup> has an article<sup>[3]</sup> this week in Bio-IT World that explores the role of "biobanks" in scientific innovation, including a description of our MTA project that puts it in a broader context:

In [fostering growth], biorepositories will have two primary contributions. The first, likely industry changing, will be that of providing "research in a box." Modern, matured biorepositories have come a long way in streamlining the many processes involved in R&D (materials processing, storage and management, consent management), allowing researchers to focus on tracking their own results. With solid platforms for distribution, like Coriell's first-of-a-kind Google ("Mini") driven eCommerce catalogue of specimens and data, researchers can quickly identify which subjects they are interested in, procure said samples, and download phenotypic, genotypic, and any other relevant knowledge pool data.

In an effort to spur progress by reducing the barriers on the distribution of materials for research, too often locked away in various biobanks, organizations such as Science Commons have recognized the need to standardize current hurdles such as locating specimens across various biobanks and the authorizing of material transfer agreements (or MTAs), thus providing a level of accessibility and fluidity to the normally snag-prone process. [...]

[Science Commons VP] Wilbanks is clear on the pivotal role that biorepositories will play in furthering research and personalized medicine: "Right now, we're stuck in a pre-industrial culture of tool making and transfer, where scientists have to beg labs to stop doing research and start making tools... It's absurd that tool making is slowing down even a single experiment if there's a way to avoid it. We have the tools, the technologies and the legal systems to bring all the benefits of eCommerce to biological tool making - it just takes the willpower of [donors] and universities - but the

entire system rests on biobanks for fulfillment. Scientists don't get grants for fulfilling orders for cells."

You can read the entire piece at <http://www.bio-itworld.com/issues/2008/may/biobanking-personalized-medicine.html>.

*Update (May 14): Plausible Accuracy responds:<sup>[4]</sup> "It's amazing to me that it's taken this long to sort of start generating significant interest in validated, standardized, open repositories. The clones, cell lines, mice, etc that we generate in great quantities need a better method of sharing and distribution than some antiquated version of *quid pro quo*."*

### Endnotes

- 1 <http://sciencecommons.org/projects/licensing/>
- 2 <http://www.coriell.org/>
- 3 <http://www.bio-itworld.com/issues/2008/may/biobanking-personalized-medicine.html>
- 4 <http://www.plausibleaccuracy.com/2008/05/13/my-personal-experience-with-biological-repositories/>

## HOW TO FREE YOUR FACTS

by **Donna Wentworth**

12 May 2008

<http://sciencecommons.org/weblog/archives/2008/05/12/how-to-free-your-facts/>

With the open access<sup>[1]</sup> movement surging — and the discussion surrounding open data<sup>[2]</sup> gaining velocity — we're getting more emails with questions about how best to share collections of factual data. One of the most common questions: How do I mark my data explicitly as "open access" and free for anyone to use?

In general, we encourage you to choose waivers, like the Open Data Commons Public Domain Dedication and License (ODC-PDDL)<sup>[3]</sup> or the Creative Commons CC0 waiver,<sup>[4]</sup> rather than licenses, such as CC-BY,<sup>[5]</sup> FDL<sup>[6]</sup> or other licenses.

The issues surrounding how to treat factual data are complex. To help bring more clarity for those of you exploring your options, here's a short overview of the reasons why we generally advise using waivers, prepared by Science Commons Counsel Think Nguyen.<sup>[7]</sup>

### **Facts are (and should be) free**

There is long tradition in science and law of recognizing basic facts and ideas as existing in the public domain of open discourse. At Science Commons we summarize that by saying "facts are free."

Of course you can patent some ideas, but you can't stop people from talking about or referring to them. In fact, the patent system was established to encourage public disclosure of facts and ideas, so that we can discuss them in the open. When Congress wrote the Copyright Act, it made sure to spell out that facts cannot be subject to copyright. "In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work." (Section 102(b)<sup>[8]</sup> of the United States Copyright Act)

And there are good reasons for this. Imagine if you couldn't reference physical constants — like the height of Mount Everest — without permission. Imagine you couldn't use the laws of gravity to calculate without attributing Isaac Newton each time. Or if you had to get a license from the heirs of Charles Darwin to talk or write about evolution. Such a world would be absurd, and we can easily understand why. We all need access to a basic pool of ideas and

concepts in order to have any kind of meaningful discourse. So copyright is supposed to protect creative expression—the unique and individual ways we express ourselves—but not the invariant concepts and ideas that we need to think and carry on a conversation.

### **Licensing facts can cause legal uncertainty and confusion**

So why is it that increasingly, especially online, there is talk about licensing factual data—assertions of rights and obligations over assertions of facts? Part of the answer is that as facts get represented in formats that look more like computer code, the impulse is to treat it like any other computer code. And that means putting a license on it. Part of the answer is that the law is still struggling with how to treat databases, and in some countries, database rights have expanded (particularly in Europe under the database directive).<sup>[9]</sup> Other countries have loosened copyright standards to allow purely factual databases to be protected. (For a more detailed discussion of these issues, see the Science Commons paper, *Freedom to Research: Keeping Scientific Data Open, Accessible, and Interoperable* [PDF].)<sup>[10]</sup>

But even if you could find a legal angle from which to impose licensing or contractual controls over factual data, why would you want to? Doesn't this just create the very absurdity that Congress and the scientific tradition have been able to avoid for many years?

### **Attribution for facts can add complexity and hamper reuse**

Many people cite the desire to receive attribution. In scientific papers, we have a tradition of citing sources for facts and ideas. But those traditions evolved over hundreds of years. There's a lot of discretion and judgment that goes into deciding whom to cite and when. At some point, you don't need to cite Isaac Newton any more for the formula for gravity, or Darwin for the idea of evolution. Sometimes you do, and sometimes you don't need to, but that's a matter of common sense. But what happens to common sense when you convert that requirement into a legal requirement? Can

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## Science Commons News

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# SCIENCE COMMONS & SPARC RELEASE GUIDE FOR CREATING OPEN ACCESS POLICIES AT INSTITUTIONS

by **Donna Wentworth**

28 April 2008

<http://sciencecommons.org/weblog/archives/2008/04/28/science-commons-and-sparc-release-guide-for-creating/>

Science Commons and SPARC<sup>[1]</sup> today released a new guide for faculty who want to ensure open access to their work through their institution.

The how-to guide, *Open Doors and Open Minds*,<sup>[2]</sup> is aimed at helping institutions adopt policies to increase the practical exposure to the scholarly works being produced, such as that adopted by the Harvard Faculty of Arts and Sciences in February. It provides information on copyright law, offers specific suggestions for licensing options and provides a ten-point list of actions people can take to craft and implement a policy that maximizes the impact of research.

From the SPARC media release:<sup>[3]</sup>

“The Harvard policy is a recognition that the Internet creates opportunities to radically accelerate distribution and impact for scholarly works,” said John Wilbanks, Vice President of Science at Creative Commons. “As more universities move to increase the reach of their faculty’s work, it’s important that faculty members have a clear understanding of the key issues involved and the steps along the path that Harvard has trail-blazed. This paper is a foundational document for universities and faculty to use as they move into the new world of Open Access scholarly works.”

“Everyone - faculty, librarians, administrators, and other advocates - has the power to initiate change at their institution,” said Heather Joseph, Executive Director of SPARC. “By championing an open access policy, helping to inform your colleagues about the benefits of a policy change, and identifying the best license and most effective path to adoption, it can be done.”

The guide is available both at the SPARC site<sup>[4]</sup> and in the Science Commons Reading Room.<sup>[5]</sup>

### Endnotes

- 1 <http://www.arl.org/sparc>
- 2 [http://www.arl.org/sparc/publications/guides/opendoors\\_v1.shtml](http://www.arl.org/sparc/publications/guides/opendoors_v1.shtml)
- 3 <http://www.arl.org/sparc/media/08-0428.shtml>
- 4 [http://www.arl.org/sparc/publications/guides/opendoors\\_v1.shtml](http://www.arl.org/sparc/publications/guides/opendoors_v1.shtml)
- 5 <http://sciencecommons.org/resources/readingroom/>



# NGUYEN ON KEEPING DATA OPEN & FREE

by **Donna Wentworth**

23 April 2008

[http://sciencecommons.org/weblog/archives/2008/04/23/](http://sciencecommons.org/weblog/archives/2008/04/23/nguyen-on-keeping-data-open-and-free/)

[nguyen-on-keeping-data-open-and-free/](http://sciencecommons.org/weblog/archives/2008/04/23/nguyen-on-keeping-data-open-and-free/)

In the wake of Creative Commons' announcement<sup>[1]</sup> last week that the beta CC0 waiver/discussion draft 2<sup>[2]</sup> has now been released, Science Commons Counsel Think Nguyen<sup>[3]</sup> has written a short paper to help explain why we need legal tools like the waiver to facilitate scientific research. Writes Nguyen:

Any researcher who needs to draw from many databases to conduct research is painfully aware of the difficulty of dealing with a myriad of differing and overlapping data sharing policies, agreements, and laws, as well as parsing incomprehensible fine print that often carries conflicting obligations, limitations, and restrictions. These licenses and agreements can not only impede research, they can also enable data providers to exercise "remote control" over downstream users of data, dictating not only what research can be done, and by whom, but also what data can be published or disclosed, what data can be combined and how, and what data can be re-used and for what purposes.

Imposing that kind of control, Nguyen asserts, "threatens the very foundations of science, which is grounded in freedom of inquiry and freedom to publish." The situation is further complicated by the fact that different countries have different laws for protecting data and databases, making it difficult to legally integrate data created or gathered under multiple jurisdictions. Using a "copyleft" license doesn't mitigate the difficulty, since any license is premised on underlying rights, and those rights can be highly variable and unpredictable.

Finding a solution to these problems was the impetus behind the Science Commons Open Data Protocol,<sup>[4]</sup> which Nguyen describes as "a set of principles designed to ensure that scientific data remains open, accessible, and interoperable." In a nutshell, the idea is to return data to the public domain,<sup>[5]</sup> "relinquishing all rights, of whatever origin or scope, that would otherwise restrict the ability to do research (i.e., the ability to extract, re-use, and distribute data)." The CC0 waiver and the Open Data Commons<sup>[6]</sup> Public Domain Dedication and License (PDDL)<sup>[7]</sup> are tools to help people and organizations do that, implemented under the terms of the Protocol.

Of course, there are many existing initiatives to return data to the public domain. What the Protocol aims to do, however, is bring all of these initiatives together. Explains Nguyen:

What we seek is to map out and enlarge this commons of data by seeking out, certifying, and promoting existing data initiatives as well as new ones that embrace and implement these common principles, so that within this clearly marked domain, scientists everywhere can know that it is safe to conduct research.

You can read the entire paper, *Freedom to Research: Keeping Scientific Data Open, Accessible, and Interoperable* [PDF],<sup>[8]</sup> in the Science Commons Reading Room.<sup>[9]</sup>

### Endnotes

- 1 <http://creativecommons.org/weblog/entry/8211>
- 2 <http://labs.creativecommons.org/license/zero/>
- 3 <http://sciencecommons.org/about/whoweare/nguyen/>
- 4 <http://sciencecommons.org/projects/publishing/open-access-data-protocol/>
- 5 [http://en.wikipedia.org/wiki/Public\\_domain](http://en.wikipedia.org/wiki/Public_domain)
- 6 <http://www.opendatacommons.org/>
- 7 <http://www.opendatacommons.org/odc-public-domain-dedication-and-licence/>
- 8 <http://sciencecommons.org/wp-content/uploads/freedom-to-research.pdf>
- 9 <http://sciencecommons.org/resources/readingroom/>

## CC News

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# CREATIVE COMMONS STATEMENT OF INTENT FOR ATTRIBUTION-SHAREALIKE LICENSES

by **Mike Linksvayer**

17 April 2008

<http://creativecommons.org/weblog/entry/8213>

After lots of positive feedback, today we're removing the "draft" notice from our Statement of Intent for Attribution-ShareAlike Licenses.<sup>[1]</sup> Not much has changed since the draft announcement,<sup>[2]</sup> so most of the explanation below is cribbed from that. Of course just because this statement is no longer a draft does not mean CC could not improve its stewardship of BY-SA licenses — feedback is always welcome. And although this statement only applies to our stewardship of BY-SA licenses, we are committed to being excellent stewards of all of our licenses, and welcome suggestions across the board.

The statement we're releasing today is part of a series<sup>[3]</sup> addressing a suggested Wikipedia CC BY-SA migration checklist.<sup>[4]</sup> It attempts describe 1) what CC does as a license developer and steward, 2) why CC Attribution-ShareAlike licenses play a special role in the movement for free cultural works — clearly inspired by the free software movement, and 3) CC's intentions as steward of Attribution-ShareAlike licenses, in the context of (1) and (2).

Note that while (1) provides a reasonable explanation of the role CC plays for all of the licenses it develops, (2) and (3) apply only to Attribution-ShareAlike licenses. Anyone who wants a thorough understanding of the contours of content in this age should take the time to understand the movement this statement addresses. However, other communities have different requirements. It is conceivable that at some point CC will need to address the requirements of other communities in relation to other particular CC licenses and tools that help those communities. One example of this — which takes a different form because all existing CC licenses are too restrictive for the community in question (but public domain and the in-development CC0 waiver<sup>[5]</sup> are just right) — is the Science Commons Protocol for Implementing Open Access Data.<sup>[6]</sup> Still other communities rely on more restrictive CC licenses.

This particular statement has been reviewed by many people within CC, CC's international project teams, Wikipedians, and free software advocates. However, I take responsibility for its unwieldy verbosity and any minor or fundamental flaws it may have. Comments and criticism are strongly encouraged. Leave a comment on the post,<sup>[7]</sup> or on the wiki (requires registration).<sup>[8]</sup>

The entire statement follows.

## Creative Commons Statement of Intent for Attribution-ShareAlike Licenses

2008-04-17

Creative Commons<sup>[9]</sup> is a not-for-profit organization that has created and serves as a steward for a suite of copyright licenses that enable creators to legally grant certain freedoms to the public and to clearly signal those freedoms to humans and machines.

Creative Commons Attribution-ShareAlike<sup>[10]</sup> licenses play a particularly important role in the Free or Libre Culture movement. This document lays out Creative Commons' intention as steward for this class of licenses.

First, it is important to understand the activities Creative Commons undertakes as a steward of licenses:

- Create new versions<sup>[11]</sup> of each class of licenses when warranted by community feedback and suggestions for improvements. As of this writing most license classes have versioned from 1.0 (released December, 2002) to 2.0 (released May, 2004), 2.5 (released June, 2005), and 3.0<sup>[12]</sup> (released March, 2007).
- Port each license to account for the nuances of copyright law in jurisdictions worldwide. As of this writing ports have been completed in 44 jurisdictions<sup>[13]</sup> in conjunction with local legal experts in each of these jurisdictions.
- For each specific license, maintain at a stable, canonical URL such as <http://creativecommons.org/licenses/by-sa/3.0/> the following:
  - A license deed intended to convey the properties of the license in a manner useful to non-lawyer humans, including short textual descriptions and readily recognizable icons.
  - Translations of the aforementioned textual descriptions, so that the license may be useful to speakers of as many human languages as possible.
  - Metadata<sup>[14]</sup> intended to convey the properties of the license in a manner useful to computers — but for the

purpose of making licensed content more discoverable and usable, not for turning computers against their owners with DRM.

- A copy of the license itself.
- Develop, maintain, and encourage software and services that make Creative Commons licenses available at the point of creation and publishing, for example our web-based license chooser,<sup>[15]</sup> widget,<sup>[16]</sup> web services API,<sup>[17]</sup> and OpenOffice.org plugin.<sup>[18]</sup>
- Develop, maintain, and encourage software and services that make Creative Commons licensed works available at the point of discovery and consumption, for example a web search interface and browser plugins.
- Participate in standards efforts that facilitate the software and services above, for example the World Wide Web Consortium.<sup>[19]</sup>
- Maintain close contact with the communities that use Creative Commons licenses to ensure the licenses and associated tools are serving the communities well.
- Educate the public about the licenses and associated tools.

Millions of creators and users expect Creative Commons to undertake these stewardship activities, and we recognize and attempt to follow through with this great responsibility. The responsibility to communities using Attribution-ShareAlike licenses is even greater, as many in those communities rely on Creative Commons to serve as a reliable steward not just in a practical legal and technical sense, but in an ideological sense.

Creative Commons Attribution-ShareAlike licenses are informed and inspired by the principles and lessons of the Free Software movement. Although certain Creative Commons licenses allow granting of relatively narrow freedoms, in this document we use Free and Libre in the sense used by the Free Software<sup>[20]</sup> movement. As applied to content, these principles require a license to grant the following essential freedoms to ALL users of licensed works:

- the freedom to use the work and enjoy the benefits of using it
- the freedom to study the work and to apply knowledge acquired from it
- the freedom to make and redistribute copies, in whole or in part, of the information or expression
- the freedom to make changes and improvements, and to distribute derivative works

These freedoms are taken directly from the Definition of Free Cultural Works,<sup>[21]</sup> and more thoroughly explained there. Thus, the first commitment of Creative Commons as steward of Attribution-ShareAlike licenses:

**1. All versions and ports of Creative Commons Attribution-ShareAlike licenses MUST satisfy the definition of a Free Cultural License set out in the Definition of Free Cultural Works.**

However, a license without the ShareAlike requirement could satisfy this definition. The crucial lesson learned from the

Free Software movement is that Freedom is a public good, and the dominant Free license should not only grant essential freedoms, but protect those freedoms for all users. This is accomplished by copyleft,<sup>[22]</sup> which adds a requirement that anyone distributing a copy of a Free work or an adaptation (also known as a derivative) of that work grant to other users the same freedoms they received. The GNU General Public License<sup>[23]</sup> is the dominant copyleft software license, indeed the dominant Free Software license (Creative Commons uses and recommends<sup>[23]</sup> the GNU GPL for software).

For its content licenses, Creative Commons calls the copyleft requirement ShareAlike. This requirement protects the freedoms of all users by requiring that adaptations of works licensed under Attribution-ShareAlike to also be distributed under an Attribution-ShareAlike license, or a license deemed by Creative Commons to grant and protect the same essential freedoms for all users in a compatible fashion. Thus, the second commitment of Creative Commons as steward of Attribution-ShareAlike licenses:

**2. All versions and ports of Creative Commons Attribution-ShareAlike licenses MUST protect the freedom of all users by requiring that when an adaptation of a work distributed under an Attribution-ShareAlike license is distributed, the adaptation must be distributed under the same license, or a license deemed by Creative Commons to grant and protect the same essential freedoms for all users in a compatible fashion (to be clear, such a compatible license must also satisfy the definition of a Free Cultural License set out in the Definition of Free Cultural Works).**

As described above, the ShareAlike requirement becomes active when an adaptation of a licensed work is distributed. Creative Commons may choose to add language to future versions of its licenses specifying that particular uses constitute adaptations from the perspective of the license, where such may not be clear. For example, since version 2.0, Creative Commons Attribution-ShareAlike licenses have included language similar to the following:

For the avoidance of doubt, where the Work is a musical composition or sound recording, the synchronization of the Work in timed-relation with a moving image ("synching") will be considered a Derivative Work for the purpose of this License.

It would abuse the trust of licensors to add a clarification that narrowed the scope of what is considered an adaptation, for this would introduce a loophole by which the freedom of all users would not be protected. As such, the third commitment of Creative Commons as steward of Attribution-ShareAlike licenses:



**3. Any clarification of whether a use constitutes an adaptation for the purposes of Attribution-ShareAlike licenses may only broaden the scope of uses considered adaptations rather than collections.**

When a copyleft license is widely used, it not only protects essential freedoms for all users, it fosters the spread of those freedoms.<sup>[25]</sup> This occurs when people who may not know or care about Freedom as understood by the Free Software movement, but merely wish to use works that happen to be Free, release adaptations under a Free license in order to fulfill the requirements of the license. By the same token, if there are pools of Free content that may not be mixed because their copyleft style licenses are legally incompatible, the spread of essential freedoms is constricted. The fourth commitment of Creative Commons as steward of Attribution-ShareAlike licenses could be seen as implicit in the second commitment, but it is important to call out separately here:

**4. Creative Commons will strive to enable compatibility between Attribution-ShareAlike licenses and other copyleft content licenses that grant and protect the same essential freedoms for all users (to be clear, any candidate for compatibility must also satisfy the definition of a Free Cultural License set out in the Definition of Free Cultural Works).**

While every work that expands the universe of Free or Libre content is important, Free licenses play an especially crucial role for works with many collaborators. Unless each collaborator agrees to contribute under the terms of a Free license, the work rapidly becomes unusable by anyone, as past contributors must either be tracked down, or their contributions excised, before the work may be distributed or built upon (except as permitted by fair use and other limitations on copyright). But Free licenses are not enough for massively collaborative projects. In addition to social and technical affordances thankfully beyond the scope of copyright, such projects need particular licensing affordances, particularly around attribution requirements. Creative Commons took a step toward addressing these needs in version 2.5 of its licenses, but there may be more to do in this regard. Thus, the fifth commitment of Creative Commons as steward of Attribution-ShareAlike licenses.

**5. Creative Commons will strive to ensure that Attribution-ShareAlike licenses meet the needs of massively collaborative works, while remaining useful for works with one or a few creators.**

Our final commitment is a simple restatement of one of the stewardship activities described above, with emphasis on Free and Libre content communities and Attribution-ShareAlike.

**6. Maintain close contact with Free and Libre content communities to ensure Attribution-ShareAlike licenses and associated tools are serving these communities well.**

If you are a member of one of these communities, take this as an invitation to help us meet these commitments to you. Friendly suggestions for improvement and criticism if we seem to go astray are equally valuable.

**Endnotes**

- 1 [http://wiki.creativecommons.org/CC\\_Attribution-ShareAlike\\_Intent](http://wiki.creativecommons.org/CC_Attribution-ShareAlike_Intent)
- 2 <http://creativecommons.org/weblog/entry/8186>
- 3 <http://creativecommons.org/weblog/entry/8051>
- 4 <http://lists.wikimedia.org/pipermail/foundation-l/2007-December/035677.html>
- 5 <http://creativecommons.org/weblog/entry/8211>
- 6 <http://sciencecommons.org/projects/publishing/open-access-data-protocol/>
- 7 <http://creativecommons.org/weblog/entry/8213#comment>
- 8 [http://wiki.creativecommons.org/Talk:CC\\_Attribution-ShareAlike\\_Intent](http://wiki.creativecommons.org/Talk:CC_Attribution-ShareAlike_Intent)
- 9 <http://creativecommons.org/>
- 10 <http://creativecommons.org/licenses/by-sa/3.0/>
- 11 [http://wiki.creativecommons.org/License\\_versions](http://wiki.creativecommons.org/License_versions)
- 12 [http://wiki.creativecommons.org/Version\\_3](http://wiki.creativecommons.org/Version_3)
- 13 <http://creativecommons.org/international>
- 14 <http://wiki.creativecommons.org/CcREL>
- 15 <http://creativecommons.org/license/>
- 16 <http://wiki.creativecommons.org/JsWidget>
- 17 [http://wiki.creativecommons.org/Web\\_Services](http://wiki.creativecommons.org/Web_Services)
- 18 [http://wiki.creativecommons.org/OpenOfficeOrg\\_Addin](http://wiki.creativecommons.org/OpenOfficeOrg_Addin)
- 19 <http://www.w3.org/TR/xhtml-rdfa-primer/>
- 20 <http://www.gnu.org/philosophy/free-sw.html>
- 21 <http://freedomdefined.org/>
- 22 <http://www.gnu.org/copyleft/copyleft.html>
- 23 <http://www.fsf.org/licensing/licenses/gpl-3.0.html>
- 24 <http://creativecommons.org/software>
- 25 <http://www.fsf.org/licensing/essays/pragmatic.html>

# CCO BETA/DISCUSSION DRAFT 2

by **Mike Linksvayer**

16 April 2008

<http://creativecommons.org/weblog/entry/8211>

Back in December we announced<sup>[1]</sup> the CCO<sup>[2]</sup> project, which encompassed two tools. First, a waiver of all copyright and neighboring rights in a work, to the extent permitted by law. Second, an assertion that a work is not under copyright or neighboring rights. We were (and are) basically taking our existing public domain dedication and certification<sup>[3]</sup> and everything we've learned over the past five years (in particular from working with a large network of international legal experts and experience with deploying rights metadata) and rolling them into a much improved toolset for enabling the "no rights reserved" portion of the commons.

We launched<sup>[4]</sup> the first beta of these tools in January. One thing feedback from this beta helped us realize is that bundling the waiver and assertion in one tool could be confusing. While both tell an end user that there are no strings attached to using a work, they're actually very different. A waiver must be used by the copyright holder of a work; an assertion is made by someone with knowledge that there is no copyright holder of a work.

In February we announced<sup>[5]</sup> that the next beta would take pains to make these two use cases distinct. We also said that we hoped to have the next beta ready for public review and discussion by March 31. We've missed that date by a couple weeks, but for the good — some exciting organizational growth (more below) and incorporation of further lessons.

We've also come to believe that we're really close on the CCO waiver, while the assertion tool is going to require significant work before it provides a big step up from our existing public domain certification. For example, we want to facilitate publishing of facts about a work that would help one determine the work's copyright status, and separately, rules about copyright status in various jurisdictions — people who know lots about a particular work aren't likely to be global copyright experts, and if there were a single person expert in copyright law in every jurisdiction, that person would have no room in their brains for knowledge of any creative works! There are various groups working on different pieces of this who we look forward to collaborating with. Expect news concerning public domain assertion tools in the coming months.

So the new beta we're announcing today is focused exclusively on the CCO waiver. The big change in this beta (as planned in February) is that rather than starting with

a jurisdiction-centric U.S. version of CCO, the tool will be "Universal" from the beginning. You can access the beta at cclabs.<sup>[6]</sup> Your feedback and criticism is most welcome. The primary venue for discussion is the ccllicenses mailing list<sup>[7]</sup> (low volume and moderated; do not fear jumping in).

Speaking of organizational growth,<sup>[8]</sup> one addition directly impacts this work on CCO. Diane Peters, our incoming General Counsel, will be leading this project going forward. Diane comes to CC from Mozilla, was previously GC of Open Source Development Labs, and also serves on the board of the Software Freedom Law Center. We're very happy to have Diane coming on board and are very confident she will lead CCO to fruitful implementation and beyond.

In addition to contributions from many of you (Jordan Hatcher<sup>[9]</sup> especially, leading by example with the PDDL), special thanks goes to CC lawyers Virginia Rutledge (who is stepping into a new role as Vice President and Special Counsel) and Thanh Nguyen (Science Commons Counsel), who have pushed us to the point we're at now — a precipice of greatness! :)

Science Commons VP John Wilbanks, ccllearn ED Ahrash Bissell, and CTO Nathan Yergler made key policy and technology contributions.

### Endnotes

- 1 <http://creativecommons.org/weblog/entry/7920>
- 2 <http://wiki.creativecommons.org/CCO>
- 3 <http://creativecommons.org/licenses/publicdomain/>
- 4 <http://creativecommons.org/weblog/entry/7978>
- 5 <http://creativecommons.org/weblog/entry/8045>
- 6 <http://labs.creativecommons.org/license/zero/>
- 7 <http://lists.ibiblio.org/mailman/listinfo/cc-licenses>
- 8 <http://creativecommons.org/press-releases/entry/8175>
- 9 <http://www.opencontentlawyer.com/>

## CC News

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# SEARCH.CREATIVECOMMONS.ORG SCREENCAST AND 118N

by **Mike Linksvayer**

12 May 2008

<http://creativecommons.org/weblog/entry/8291>

We've rolled out a few small changes to [search.creativecommons.org](http://search.creativecommons.org):

- The part of the interface we control is now translatable, and has five languages enabled now — Afrikaans, Chinese (Simplified), Chinese (Traditional), English, and Japanese. You can suggest translations at <http://translate.creativecommons.org/projects/ccsearch/>.
- A screencast on using ccSearch with Firefox,<sup>[1]</sup> including how to change your default search engine, and change it back.
- Run a default search when the user switches search tabs with no query entered.

You can browse and checkout the code<sup>[2]</sup> (GPL licensed) from our source repository.<sup>[3]</sup>

Further improvements we're thinking about (patches welcome; see source info above):

- Conditionally show search engine tabs based on language. This requires us to learn of more CC-enabled search sites that allow filtering on license terms by changing the query URL. Look at (and add to) our wiki page on ccSearch integration<sup>[4]</sup> for details.
- Conditionally show search engine tabs based on user preference.
- Provide some contextual help when user switches tabs without entering a query rather than running a default search.

A complete re-thinking of the interface, including the possibility of a unified metasearch instead of search engine tabs.

Remember, the code is available and GPL'd, so you can run your own version (modulo our trademark policy)<sup>[5]</sup> in addition to helping us improve ours.

### Endnotes

- 1 <http://support.creativecommons.org/videos#ccsearch-firefox>
- 2 <http://code.creativecommons.org/svnroot/ccsearch/trunk/>
- 3 <http://code.creativecommons.org/>
- 4 [http://wiki.creativecommons.org/CcSearch\\_integration](http://wiki.creativecommons.org/CcSearch_integration)
- 5 <http://creativecommons.org/policies>



# CCMIXTER TO THE MAX: REQUEST FOR PROPOSALS

by **Mike Linksvayer**

29 May 2008

<http://creativecommons.org/weblog/entry/8323>

Late last year we started a process for moving ccMixer.org<sup>[1]</sup>, the remix community we launched November 2004, to an entity or person(s) that could take the community to the next (several) levels.

eMXR describes ccMixer<sup>[2]</sup>:

trend setting web destination ... which has become the premier on-line artist's village for music makers from around the world, who sample, cut-up, share and remix each other's music legally, creatively and joyfully.

This description is corroborated by the quality of artists drawn to collaborate with the ccMixer community<sup>[3]</sup> and the receptivity of that community, which has remixed nearly 80% of uploaded a cappellas<sup>[4]</sup>. The software that runs the site is also award winning<sup>[5]</sup>.

The process of finding a new home for ccMixer included a survey of the ccMixer community. Results of the survey are presented at the end of this post.

Today we're announcing a Request For Proposals from entities interested in taking over the site. Please read the entire RFP<sup>[6]</sup>. Proposals are due within 60 days (July 29) to [ccmixter-rfp@creativecommons.org](mailto:ccmixter-rfp@creativecommons.org). Inquiries before submitting a proposal are most welcome, to the same address. Please use this address for all inquiries rather than contacting CC or ccMixer personnel directly.

The Creative Commons board will make the final determination, but here are some guidelines for what we're looking for in an acquirer (from the RFP):

1. *Commitment and ability to conform to principles described in guidelines<sup>[7]</sup>.*
2. *Plan and vision for ccMixer after completion of the transaction:*
  1. *Concreteness of plan;*
  2. *Viability of Participant and Participant's proposal for ccMixer— long and short term; and*
  3. *Scale and impact of success (taking into account web site growth plans and other marketing and promotional plans).*
3. *Amount and terms of financial compensation to CC.*

4. *Capability to run and further develop a best of breed major music website, including resources and demonstrated expertise in the following:*

1. *Web technology;*
2. *Music industry;*
3. *Legal;*
4. *Community management; and*
5. *Finance.*
5. *Understanding of and sensitivity to the needs of open sharing communities.*
6. *Understanding of and compatibility with Creative Commons' mission.*

We're eager to see what the ccMixer can become — and confident it will be amazing. If the above sounds like your company or organization, please read the RFP and respond<sup>[8]</sup>.

### Endnotes

- 1 <http://creativecommons.org/weblog/entry/7833>
- 2 <http://blog.emxr.com/2008/05/fourstones-of-magnatune-and-ccmixter.html>
- 3 <http://ccmixter.org/view/media/samples>
- 4 <http://ccmixter.org/stats>
- 5 <http://creativecommons.org/weblog/entry/6026>
- 6 <http://mirrors.creativecommons.org/pdfs/ccmixter-rfp-20080529.pdf>
- 7 [http://lessig.org/blog/2007/11/ccmixter\\_thinking\\_about\\_where.html](http://lessig.org/blog/2007/11/ccmixter_thinking_about_where.html)
- 8 <https://mail.google.com/a/creativecommons.org/?view=cm&tf=0&ui=1&to=ccmixter-rfp@creativecommons.org>

## CCI News

# CC LICENSING GUIDEBOOK FOR GOVERNMENT AGENCIES AND NGOs

by **Michelle Thorne**

10 April 2008

<http://creativecommons.org/weblog/entry/8200>

CC Taiwan<sup>[1]</sup> has produced a lovely and informative 36-page guidebook to CC licensing for government agencies and NGOs. The document is available to download<sup>[2]</sup> in Taiwanese Mandarin.

In other publication news, a translation of Lawrence Lessig's book *Free Culture* is now available in Taiwanese Mandarin. The translator, Ching-Yi Liu, is a professor at the National Taiwan University and a former student of Lessig. A short introductory preface for the translated book was written by CC Taiwan Project Lead Tyng-Ruey Chuang.

To read more about CC-related activities in Taiwan, such their lively panel session at the National Digital Archives Program 2008 Annual International Conference,<sup>[3]</sup> check out the CC Taiwan newsletter archives.<sup>[4]</sup>



Cover image by CC Taiwan. CC BY SA <http://creativecommons.org/licenses/by-sa/2.5/tw>

### Endnotes

- 1 <http://creativecommons.org.tw/>
- 2 [http://creativecommons.org.tw/gallery/Material/cchandbook\\_gov\\_2008.pdf](http://creativecommons.org.tw/gallery/Material/cchandbook_gov_2008.pdf)
- 3 <http://www.ndap.org.tw/96AnnualExhibition/InternationalConference/tuesday.php>
- 4 <http://creativecommons.org.tw/static/about/maillist/archive>

## TRANSITION AT CREATIVE COMMONS SWITZERLAND

by **Michelle Thorne**

15 April 2008

<http://creativecommons.org/weblog/entry/8209>

From CC Switzerland:<sup>[1]</sup>

The organization Openlaw,<sup>[2]</sup> platform for law and Free Software, has filled the role of Legal Lead for Creative Commons Switzerland for several years. The tasks entailed, among others, the adaptation of Creative Commons in Switzerland and providing a point-of-contact for inquiries about the licenses.

Creative Commons in Switzerland will now be coordinated by Digitale Allmend,<sup>[3]</sup> while Openlaw will be stepping down from its role at Legal Lead.

Personnel will be set along the following lines: Martin Feuz (Community); Philippe Perreux (Legal Consultation); Simon Schlauri (Development of the CC Licenses)

Creative Commons Switzerland will be supported through Dr. Urs Gasser, Attorney, Professor at the University of St. Gallen. Within the framework of an extended support network, previous CC CH members Urs Gehrig, lic.iur (Basel) and Dr. Christian Laux, Attorney LL.M (Zürich) will be readily available.

### Endnotes

- 1 <http://creativecommons.org/international/ch/>
- 2 <http://www.openlaw.ch/>
- 3 <http://www.allmend.ch/>

## 2ND BLENDER PEACH OPEN SOURCE MOVIE PREMIERE AND ECONOMIES OF THE COMMONS IN AMSTERDAM

by **Jon Phillips**

11 April 2008

<http://creativecommons.org/weblog/entry/8203>



If you haven't been to Amsterdam<sup>[1]</sup> or checked out what great work Paul Keller<sup>[2]</sup> and CC Netherlands<sup>[3]</sup> is doing, then I highly recommend you A.) get here when you can by jet, or B.) tap into their great projects on the net. In particular, I'm referring to the big premiere 2nd Annual Blender Peach Open Movie<sup>[4]</sup> in Amsterdam last night. I had the great honor of speaking before the premiere which actually felt more like a warm-up gig — I took it on myself to get people pumped up for the film (laughing, chanting, etc). You can also see my slides<sup>[5]</sup> which debut a new style using the CC Sharing Creative Works Comics<sup>[6]</sup> (which you may download now<sup>[7]</sup> and translate, just as CC Netherlands has done and made available in a booklet here).

And finally, I spoke on a panel today called "Commons-based Peer Production" at the Economies of the Commons conference<sup>[8]</sup> put on by CC Netherlands and others:

*Strategies for Sustainable Access and Creative Reuse of Images and Sounds Online*

International Working Conference

Amsterdam & Hilversum 10, 11 & 12 April 2008

This dossier documents and brings together background materials for the international conference Economies of the Commons. This public working conference and its side programs address the remarkable cultural, educational and societal significance of the new types of audiovisual commons resources that are currently being created on the internet. Sustainable public access and enhanced

opportunities for creative reuse of these resources are the particular focus of this conference and this web dossier.

My panel and fellow panelists are described below:<sup>[9]</sup>

After the lunch we continue with the second session about Commons-based Peer Production. How do new developments of creative reuse hold out against market-based production? With Felix Stalder (Open Flows),<sup>[10]</sup> Jamie King (Steal This Film),<sup>[11]</sup> Jon Phillips (Creative Commons)<sup>[12]</sup> and Sebastian Lütgert (oil21.org).<sup>[13]</sup>

The panel came down to Ton Rosendaal from Blender Foundation<sup>[14]</sup> describing his model for sustainability for Open film projects (something you will hear me describe in more depth coming soon) and Jamie King's promise for creating a better voluntary donation system. I took the position as the realist on the panel to reel in the gradient between what commercial entities are presently doing to sustain content distribution (and production in some instances) with the approaches outlined to provide a path of realidad. ;)

### Endnotes

- 1 <http://wikitravel.org/en/Amsterdam>
- 2 <http://www.flickr.com/photos/paulk/>
- 3 <http://www.creativecommons.nl/>
- 4 <http://peach.blender.org/index.php/premiere-big-buck-bunny-today/>
- 5 <http://www.scribd.com/doc/2520449/Blender-Open-Movie-Premiere-and-Making-Open-Sustainable>
- 6 [http://creativecommons.org/projects/sharing\\_creative\\_works](http://creativecommons.org/projects/sharing_creative_works)
- 7 <http://www.scribd.com/doc/2227656/creativecommonssharingcreativeworkseng>
- 8 <http://ecommons.eu/>
- 9 <http://research.imagesforthefuture.org/live-stream-and-blogs-economies-of-the-commons/>
- 10 <http://www.openflows.org/>
- 11 <http://www.stealthisfilm.com/Part2/>
- 12 <http://www.creativecommons.nl/>
- 13 <http://www.oil21.org/>
- 14 <http://blender.org/>



## CCI News

# ECUADOR ENCOURAGES LEARNING, RESEARCH, AND CREATIVITY WITH LOCALIZED CC LICENSES

by **Patricia Escalera**

21 April 2008

<http://creativecommons.org/weblog/entry/8216>

<http://creativecommons.org/press-releases/entry/8215>

Open education and Creative Commons projects very often go hand-in-hand, just as the talented folks at cLearn<sup>[1]</sup> are demonstrating with the Universal education search,<sup>[2]</sup> Cape Town Open Education Declaration,<sup>[3]</sup> and ODEPO Project.<sup>[4]</sup>

A Creative Commons jurisdiction that has really taken to pursuing the goals of open education and related learning initiatives is CC Ecuador,<sup>[5]</sup> the forty-fifth jurisdiction worldwide<sup>[6]</sup> to port the Creative Commons licensing suite.

CC Ecuador will celebrate its involvement in the license porting process on Tuesday at 6:00pm at the Universidad Técnica Particular de Loja (UTPL)<sup>[7]</sup> as one of the highlights of the annual Congress for Quality Assurance and Main Challenges in Distance Learning,<sup>[8]</sup> a 3-day conference focusing on issues in education within Latin America. Creative Commons Board Member Michael Carroll will join the event as a keynote speaker.

CC Ecuador will also be unveiling the university's open courseware initiative, "Open UTPL," a project that will offer entire courses, books, study guides, and multimedia content under a CC BY-NC-SA 3.0 Ecuador license.

Our warmest congratulations to the CC Ecuador team, Dr. Juan José Puertas Ortega and Carlos Correa Loyola, with team members Dra. Patricia Pacheco Montoya, Abg. Verónica Granda González, and Abg. Gabriela Armijos Maurad.

The localized Ecuadorian licenses will be the second CC licensing suite to be released at Version 3.0 in Spanish, following<sup>[9]</sup> CC Puerto Rico's<sup>[10]</sup> launch<sup>[11]</sup> this past February. Also, for the first time, we will be publishing our press release<sup>[12]</sup> in two languages.

### **Ecuador encourages learning, research, and creativity with localized CC licenses**

Loja, Ecuador and San Francisco, CA, USA  
April 22, 2008

Ecuador, the forty-fifth jurisdiction worldwide to port the Creative Commons licensing suite, will celebrate its launch today at the Universidad Técnica Particular de Loja (UTPL).

The Creative Commons Ecuador team has coordinated the porting process and public discussion with local and international legal experts under the leadership of Project Leads Dr. Juan José Puertas Ortega and Carlos Correa Loyola, with team members Dra. Patricia Pacheco Montoya, Abg. Verónica Granda González, and Abg. Gabriela Armijos Maurad.

The launch event will be held at University Convention Center at 6:00pm, together with the opening ceremony of university's open courseware initiative, "Open UTPL." Open UTPL will offer entire courses, books, study guides, and multimedia content under a CC BY-NC-SA 3.0 Ecuador license, as part of UPTL's initiatives dedicated to educational resources. Creative Commons Board Member Michael Carroll will join the CC Ecuador's launch event as a keynote speaker.

The CC Ecuador team explains, "The UTPL is interested in promoting cultural production and research, so we have taken the initiative to launch the Creative Commons licenses as an alternative to 'all-rights-reserved' copyright. To achieve this, we have been going through a process of adapting the international license to our legislation, in discussions both public and private, and we have worked together with our community stakeholders and notable representatives in the field of copyright to reach a public presentation of its launch."

The localized Ecuadorian Creative Commons licenses, soon available online, will be an important part of the annual Congress for Quality Assurance and Main Challenges in Distance Learning, a 3-day conference focusing on issues in education within Latin America.

About Universidad Técnica Particular de Loja

The Universidad Técnica Particular de Loja was founded by the Ecuadorian Marist Association (AME) on May 3rd, 1971. UTPL was officially recognized by the State of Ecuador under Executive Decree 646, in which it was constituted as an autonomous legal entity on the basis of



Below: Flyer by CC Ecuador. CC BY-NC-SA 3.0

the “Modus Vivendi” Agreement between the Holy See and the State of Ecuador, following the Church’s regulations in its organization and government.

The UTPL educational model is centered on “Productive Entrepreneurship” in which the students and the professors take part in real projects in the Centers for Research, Technology Transfer, Extension and Service (CITTES). The academic life of UTPL combines all the dimensions of the university: the CITTES, the Schools, their programs in the Traditional and Distance Modalities, and service to society, with a strong humanist perspective. For more information, please visit: <http://www.utpl.edu.ec/>.

### **Ecuador estimula el aprendizaje, la investigación, y la creatividad con las licencias de CC**

Loja, Ecuador y San Francisco, CA, USA  
22 de Abril del 2008

Ecuador, la cuadragésima quinta jurisdicción a nivel mundial en adaptar el conjunto de licencias de Creative Commons, celebrará el día de hoy el lanzamiento de dichas licencias en la Universidad Técnica Particular de Loja (UTPL).

El equipo de Creative Commons Ecuador ha coordinado el proceso de adaptación y discusión pública con las entidades locales y expertos en derecho internacional, bajo la dirección de líderes del proyecto Dr. Juan José Puertas Ortega y Carlos Correa Loyola, acompañados con los miembros del equipo, Dra. Patricia Pacheco Montoya, Lic. Verónica González Granda, y Lic. Gabriela Armijos Maurad.

El evento del lanzamiento se llevará a cabo en el Centro de Convención de la UTPL a las 6:00 p.m., junto con la apertura ceremonial de los cursos “Open UTPL.” Los cursos “Open UTPL” ofrecerán clases, libros, guías de estudio, y contenido de multimedia bajo la licencia CC BY-NC-SA 3.0 de Ecuador como muestra de dedicación de la UTPL hacia la investigación educativa. Michael Carroll, miembro de la mesa directiva de Creative Commons, se unirá al evento como ponente principal.

El equipo de CC Ecuador explica, „El interés de la UTPL es difundir la producción cultural y de investigación. Por lo tanto, hemos tomado la iniciativa de poner en marcha las Licencias Creative Commons como una alternativa a ‘Todos los derechos reservados.’ Para lograrlo se ha tenido que pasar por un proceso de adaptación de la licencia internacional a nuestra legislación, con discusiones tanto públicas como privadas, en donde han colaborado para ello actores de la sociedad con notoria representación en el campo de los Derechos de Autor, dando origen a este lanzamiento público del proyecto.”

La finalización de las licencias de Creative Commons en Ecuador, disponibles virtualmente dentro de poco, será un tema muy importante durante el congreso anual Los Nuevos Retos de la Educación a Distancia en Iberoamérica y el Aseguramiento de la Calidad. Se trata de una reunión de tres días para revisar algunas cuestiones de educación en Latinoamérica.

### **Acerca de la Universidad Técnica Particular de Loja**

La Universidad Técnica Particular de Loja (UTPL) fue fundada el 3 de Mayo de 1971 por la Comunidad Marista Ecuatoriana (AME). La UTPL fue reconocida oficialmente por el Estado del Ecuador bajo el Decreto Ejecutivo 646, en el que se constituyó como una entidad jurídica autónoma creada bajo el “Convenio de Modus Vivendi” firmado entre la Santa Sede y el Estado Ecuatoriano, siguiendo las regulaciones de la Iglesia en su organización y gobierno.

El modelo educativo de la UTPL se centra en el “Desarrollo Empresarial”, según el cual los estudiantes y los profesores participan en proyectos reales que se llevan a cabo en los Centros de Investigación, Transferencia de Tecnología, Extensión y Servicio (CITTES). La vida académica de la UTPL conjuga todas las dimensiones de la universidad con una filosofía humanista: los CITTES, las escuelas y sus programas en las modalidades a distancia o tradicional, y el servicio a la sociedad. Para más información, por favor visite: <http://www.utpl.edu.ec/>.

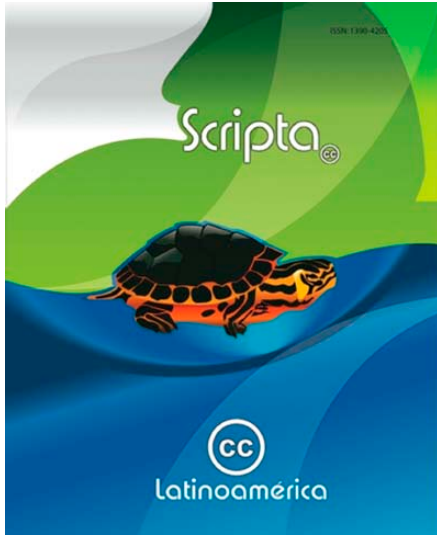
#### **Endnotes**

- 1 <http://learn.creativecommons.org/>
- 2 <http://learn.creativecommons.org/projects/oeseach>
- 3 <http://www.capetowndeclaration.org/>
- 4 <http://learn.creativecommons.org/projects/network>
- 5 <http://creativecommons.ec/>
- 6 <http://creativecommons.org/international/ec/>
- 7 <http://www.utpl.edu.ec/>
- 8 [http://www.utpl.edu.ec/calidad2/index.php?option=com\\_frontpage&Itemid=1](http://www.utpl.edu.ec/calidad2/index.php?option=com_frontpage&Itemid=1)
- 9 <http://creativecommons.org/weblog/entry/8053>
- 10 <http://creativecommons.org/international/pr/>
- 11 <http://www.creativecommons.pr/?p=50>
- 12 <http://creativecommons.org/press-releases/entry/8215>

## CCI News

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### SCRIPTA: CC LATIN AMERICA



by **Jane Park**

25 April 2008

<http://creativecommons.org/weblog/entry/8246>

If you haven't already, check out Scripta, CC Latin America's new publication available online (CC BY). The editorial committee for Scripta comes from all over Latin America with contributors from Chile, Colombia, Guatemala, and Ecuador. One of our own, intern Grace Armstrong, partakes in this issue with an in depth Q&A introduction to cLearn and open education. Even if you don't speak Spanish, the graphics alone — that brilliant turtle on the cover — are worth visiting.

#### Endnotes

- 1 <http://creativecommons.ec/revista-scripta>
- 2 <http://creativecommons.org/licenses/by/3.0/>

### MALAYSIAN ARTISTES FOR UNITY

by **Michelle Thorne**

20 May 2008

<http://creativecommons.org/weblog/entry/8297>



pete was juggling tomatoes. bored. so he telephoned a few friends instead. "how about getting together to make an anti-racism song and music video?" all said yes without hesitation. not because pete threatened them with a rusty knife. only because they love malaysia.

And so began Malaysian Artistes For Unity,<sup>[1]</sup> a collaboration which has since swelled to over 150 active members working with creative, non-partisan projects to build awareness and tolerance in Malaysia.

The group, in close partnership with Creative Commons Malaysia,<sup>[2]</sup> has released a lovely video<sup>[3]</sup> to share their cause. Shot in Kuala Lumpur and co-directed by Yasmin Ahmad, the video features a colorful cast of well-known Malaysian artists singing "Here In My Home," a song written and co-produced

by Pete Teo from CC Malaysia's board of directors. The text is in four languages and speaks to the diversity and vibrancy of Malaysia's cultural communities.

The video and audio files are available to download<sup>[4]</sup> under CC BY-NC-ND and CC BY-NC-SA. Furthermore, Unleash Creativity for UNITY,<sup>[5]</sup> a spin-off project by Muid Latif and Digital Malaya, has been developed to encourage CC-licensed remixes of the video and other works to share and spread art in Malaysia.

#### Endnotes

- 1 <http://www.malaysianartistsforunity.info/>
- 2 <http://creativecommons.org.my/>
- 3 [http://www.malaysianartistsforunity.info/?page\\_id=20](http://www.malaysianartistsforunity.info/?page_id=20)
- 4 [http://www.malaysianartistsforunity.info/?page\\_id=19](http://www.malaysianartistsforunity.info/?page_id=19)
- 5 <http://www.digitalmalaya.com/unity/>



## CC GUATEMALA ENTERS PUBLIC DISCUSSION

by **Michelle Thorne**

2 May 2008

<http://creativecommons.org/weblog/entry/8254>

Today CC Guatemala's localized license draft enters the public discussion. The CC Guatemala<sup>[1]</sup> team, lead by Renata Avila and hosted at the Universidad Francisco Marroquin's New Media Center,<sup>[2]</sup> has been working through the license porting process<sup>[3]</sup> to produce a draft of CC BY-NC-SA adapted to Guatemalan law.<sup>[4]</sup> As part of the public discussion, we invite the international community to join the discussion<sup>[5]</sup> and share their comments on the draft, its English re-translation,<sup>[6]</sup> and an explanation of substantive legal changes.<sup>[7]</sup>

Thank you and congratulations to Legal Lead Renata Avila and her colleagues at CC Guatemala!



### Endnotes

- 1 <http://creativecommons.org/international/gt/>
- 2 <http://newmedia.ufm.edu.gt/>
- 3 [http://wiki.creativecommons.org/Worldwide\\_Overview](http://wiki.creativecommons.org/Worldwide_Overview)
- 4 <http://mirrors.creativecommons.org/international/gt/translated-license.pdf>
- 5 <http://lists.ibiblio.org/mailman/listinfo/cc-gt>
- 6 <http://mirrors.creativecommons.org/international/gt/english-retranslation.pdf>
- 7 <http://mirrors.creativecommons.org/international/gt/english-changes.pdf>

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## BUILDING AN AUSTRALASIAN COMMONS

by **Michelle Thorne**

9 May 2008

<http://creativecommons.org/weblog/entry/8280>

CC Australia<sup>[1]</sup> announces:

Registration is now officially open for the Creative Commons 'Building an Australasian Commons' Conference.<sup>[2]</sup> The conference will be held on Tuesday 24th June 2008 from 8.30am – 5pm at the State Library of Queensland, South Brisbane, and is proudly supported by Creative Commons Australia,<sup>[3]</sup> the ARC Centre of Excellence for Creative Industries and Innovation,<sup>[4]</sup> and the State Library of Queensland.<sup>[5]</sup>

It provides an opportunity for those interested in the free internet to come together to exchange ideas, information and inspiration. It brings together experts from Australasia to discuss the latest developments and implementations of Creative Commons in the region. It aims to be an open forum where anyone can voice their thoughts on issues relating to furthering the commons worldwide.

Attendance is free and open to all. To register, please download the form<sup>[6]</sup> and return via email to CC Australia. The conference will be followed on the day at 6pm by the second CCau ccSalon,<sup>[7]</sup> a showcase of Creative Commons music, art, film and text from Australia and the region.

### Endnotes

- 1 <http://www.creativecommons.org.au/>
- 2 <http://creativecommons.org.au/australasiancommons>
- 3 <http://creativecommons.org.au/>
- 4 <http://www.cci.edu.au/>
- 5 <http://www.slq.qld.gov.au/>
- 6 [http://creativecommons.org.au/materials/ccauconf08/australasian\\_commons\\_conference\\_registration.pdf](http://creativecommons.org.au/materials/ccauconf08/australasian_commons_conference_registration.pdf)
- 7 <http://wiki.creativecommons.org/Salon>

## CCI News

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# GRANT COMPETITION TO SUPPORT CC LICENSING ADOPTION IN THE SOUTH CAUCASUS

by **Michelle Thorne**

16 May 2008

<http://creativecommons.org/weblog/entry/8294>

We are very honored to announce that our close collaborators, the Eurasia Partnership Foundation,<sup>[1]</sup> has opened a grant competition to support the adoption of the Creative Commons licensing framework in the countries of the South Caucasus.

Proposals may be submitted for Georgia,<sup>[2]</sup> Armenia,<sup>[3]</sup> and Azerbaijan,<sup>[4]</sup>

From their website:

The initiative seeks to enable and popularize the legal sharing and reuse of cultural, educational, and scientific works in the countries of the South Caucasus through offering free and easy-to-use Creative Commons (CC) licensing framework to creators, artists, and educators, as well as other internet-based communities in Armenia, Azerbaijan, and Georgia. These goals will be achieved through exploring possibilities for

implementing a consistent, robust and internationally accepted framework for intellectual property rights for web-based materials in the South Caucasus, adapting Creative Commons framework to conditions in the South Caucasus, and ensuring extensive stakeholder involvement and broad public awareness of the CC framework in the South Caucasus.

The deadline for applications in Georgia is May 29, 17:00, and a general pre-bid consultation seminar will be held at the EPF offices in Yerevan, Armenia on May 19, 17:00.

### Endnotes

- 1 <http://www.eurasiapartnership.org/>
- 2 [http://www.epfound.ge/index.php?article\\_id=83&clang=0](http://www.epfound.ge/index.php?article_id=83&clang=0)
- 3 [http://www.epfound.am/index.php?article\\_id=76&clang=0](http://www.epfound.am/index.php?article_id=76&clang=0)
- 4 [http://www.epfound.az/index.php?article\\_id=68&clang=0](http://www.epfound.az/index.php?article_id=68&clang=0)

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## MAYER AND BETTLE: THE ANIMATION SEQUEL ABOUT CC

by **Michelle Thorne**

23 April 2008

<http://creativecommons.org/weblog/entry/8231>

From CC Australia:<sup>[1]</sup>

Following [Mayer and Bettlé's] fabulously successful cinematic debut,<sup>[2]</sup> in which they introduced us all to Creative Commons, the new film provides a bit of an update as to what has been happening in Creative Commons over the last two years, and gives us a bit more information on using the Creative Commons licences. To do this, they travel into Creative Commons world, and run into one of Bettlé's fans and collaborators, Flik.

The animation is available under a Creative Commons Attribution 2.5 Australia<sup>[3]</sup> license, and the full video can be downloaded in high resolution flash format at [http://www.engagemedia.org/Members/elliottb/videos/CC\\_0408\\_512x288\\_lo\\_PAL.flv](http://www.engagemedia.org/Members/elliottb/videos/CC_0408_512x288_lo_PAL.flv).

### Endnotes

- 1 <http://creativecommons.org.au/mayerandbettle2>
- 2 [http://creativecommons.org.au/animation\\_train](http://creativecommons.org.au/animation_train)
- 3 <http://creativecommons.org/licenses/by/2.5/au>

## CC Points of Interest

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### FLICKR VIDEO

by **Cameron Parkins**

15 April 2008

<http://creativecommons.org/weblog/entry/8205>

Wondering what those moving images popping up in your friends' Flickr photostream are? Last week Flickr introduced the ability for users to upload videos as well as photos,<sup>[1]</sup> adding new functionality to one of the web's leading media-sharing sites.

Flickr has long<sup>[2]</sup> been exemplary of a well executed, CC-enabled<sup>[3]</sup> content community. By utilizing the same simple, clean, and straightforward interface to CC licensing that they have employed for photo uploads, Flickr Video poses itself to be a huge resource for those in the CC community who create and reuse video.

Anyone can see videos, but only users with pro accounts can upload videos.<sup>[4]</sup> The maximum time length for any video is 90 seconds, though this is a limitation that has less to do with technology and more to do with aesthetics.<sup>[5]</sup>

You can read more about Flickr Video at the FAQ page<sup>[6]</sup> and check it out in practice at the Video! Video! Video!<sup>[7]</sup> Flickr group. Also, be sure to take note of the CC-shout out<sup>[8]</sup> in reference to flexibly licensed music — see more on our legal music for videos<sup>[9]</sup> page.

#### Endnotes

- 1 <http://blog.flickr.net/en/2008/04/09/video-on-flickr-2/>
- 2 <http://creativecommons.org/weblog/entry/7028>
- 3 <http://flickr.com/creativecommons>
- 4 <http://flickr.com/help/video/#1899>
- 5 <http://www.flickr.com/help/video/#2214>
- 6 <http://flickr.com/help/video/>
- 7 <http://flickr.com/groups/video/>
- 8 <http://flickr.com/help/video/#2191>
- 9 <http://creativecommons.org/legalmusicforvideos>

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### CUSTOM CC SEARCH

by **Nathan Yergler**

30 April 2008

<http://creativecommons.org/weblog/entry/8258>

Google has supported searching for Creative Commons licensed content through the usage rights<sup>[1]</sup> portion of the advanced search interface<sup>[2]</sup> for some time. Last week they took the next logical step by announcing<sup>[3]</sup> on the Custom Search blog<sup>[4]</sup> that you can now use the indexed license information to filter results in your own custom search engine.<sup>[5]</sup>

Custom search engines allow you to create a search for a set of sites and host it on your site. This improvement allows you to further restrict your results to resources marked as under a Creative Commons license. The announcement<sup>[6]</sup> also enumerates how Google looks for CC licenses, although content creators needn't worry about that aspect — the HTML generated by the license engine<sup>[7]</sup> contains all the bits you need; just copy and paste!

Thanks, Google!

#### Endnotes

- 1 <http://www.google.com/support/bin/answer.py?answer=29508>
- 2 [http://www.google.com/advanced\\_search](http://www.google.com/advanced_search)
- 3 <http://googlecustomsearch.blogspot.com/2008/04/searching-for-creative-commons-licensed.html>
- 4 <http://googlecustomsearch.blogspot.com/>
- 5 <http://www.google.com/coop/cse/>
- 6 <http://googlecustomsearch.blogspot.com/2008/04/searching-for-creative-commons-licensed.html>
- 7 <http://creativecommons.org/license>

## CC Points of Interest

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### MAGNATUNE DOES GOOD VIA THE AMAROK MEDIA PLAYER

by **Mike Linksvayer**

29 April 2008

<http://creativecommons.org/weblog/entry/8256>

Last July we mentioned that Magnatune, a record label known for pioneering open business models,<sup>[1]</sup> had hired a developer to work on Amarok,<sup>[2]</sup> a free software media player.

Today Magnatune founder John Buckman announced \$11,570 in sales via Amarok,<sup>[3]</sup> of which 10% is donated to support Amarok. This number could get much bigger as Amarok goes cross-platform, notes the Amarok blog:<sup>[4]</sup>

With the greatly improved Magnatune integration in the upcoming Amarok 2, and the eventual release of Amarok 2 on Windows and Mac, it will be really interesting to see how far we can take this in the future. For now, I hope that the Amarok users will continue to buy music through Amarok, as it is a great way of supporting Amarok development, at the same time as supporting independent artists, who get a full 50% of the purchase price.

Buckman also announced that Magnatune would donate 10% of sales made through Rhythmbox<sup>[5]</sup> to support that free software media player.

Both media players enable a user to listen to music from Magnatune for free, and make it easy to buy — just like the Magnatune web site.<sup>[6]</sup>

Congratulations to Magnatune, Amarok, and Rhythmbox for making a logical collaboration (open source and open content) a practical win-win for users (ready access to DRM-free, CC-licensed music), developers, artists, and the whole movement — it has been too long since last mentioning that it's about discovery now.<sup>[7]</sup>

#### Endnotes

- 1 <http://creativecommons.org/weblog/entry/8237>
- 2 <http://creativecommons.org/weblog/entry/7590>
- 3 <http://blogs.magnatune.com/buckman/2008/04/giving-money-to.html>
- 4 <http://amarok.kde.org/blog/archives/643-Amarok-recvies-first-Magnatune-sales-commision.html>
- 5 <http://creativecommons.org/weblog/entry/7389>
- 6 <http://magnatune.com/>
- 7 <http://creativecommons.org/weblog/entry/7543>

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### ANOTHER NINE INCH NAILS ALBUM OUT UNDER A CREATIVE COMMONS LICENSE

by **Eric Steuer**

5 May 2008

<http://creativecommons.org/weblog/entry/8267>

More very exciting news from Nine Inch Nails:<sup>[1]</sup> Just two months after the Creative Commons-licensed release<sup>[2]</sup> of NIN's Ghosts I-IV,<sup>[3]</sup> the band has released another album, entitled *The Slip*,<sup>[4]</sup> also under CC terms. NIN has this to say about *The Slip*, which, like its predecessor, is available under a Creative Commons Attribution-Noncommercial-Share Alike<sup>[5]</sup> license.

*we encourage you to  
remix it  
share it with your friends,  
post it on your blog,  
play it on your podcast,  
give it to strangers,  
etc.*

We'll have more to say about this great news soon.

#### Endnotes

- 1 <http://www.nin.com/>
- 2 <http://creativecommons.org/weblog/entry/8095>
- 3 <http://ghosts.nin.com/>
- 4 <http://theslip.nin.com/>
- 5 <http://creativecommons.org/licenses/by-nc-sa/3.0/us/>



# THE (POTENTIAL) U.S. COPYRIGHT CZAR AND YOU

by **Mike Linksvayer**

9 May 2008

<http://creativecommons.org/weblog/entry/8282>

Yesterday the U.S. House of Representatives passed<sup>[1]</sup> the "PRO-IP Act"<sup>[2]</sup> 410 to 11. The bill, if also passed by the U.S. Senate and made law, could create a "copyright czar" office and greatly expand copyright enforcement in and outside of the U.S.

Slashdot is of course running the story. A comment by Slashdot user `analog_line`<sup>[3]</sup> lays out (with a brashness to be expected in a Slashdot comment thread) voluntary responses to increasingly onerous copyright restrictions — responses which you can participate in:

Don't get me wrong, I think this is insane, and I hope it goes the way of similar bills before it, but the tighter the so-called "content cartels" grip on their copyright, the more persuasive the arguments for Creative Commons, GPL (v2 or v3), and other similar copyright-related social movements become. The same laws that protect the iron grip of Disney on Mickey Mouse for as long as they can legislate it, also protect those who participate in the Creative Commons (like Nine Inch Nails to take a totally non-random example) from the Disneys, the Time Warners, and the Sonys of the world. They can only be the gatekeepers of "the culture" if YOU choose to pay the entry fee. There's plenty enough out there that they don't control, that they CAN'T control anymore. All this sound and fury is trying to make people focus on them instead of looking for alternatives. There's no such thing as bad publicity, and all that.

The onus is on those who claim that art should be for love and not money to put up or shut up. If you're an artist, go make some art under something like Creative Commons that both allows you to make money off it when someone else is making money off it (and sue the pants off them if they don't pay you for it), and allows people who aren't making money off it to spend as much money as they want spreading the word about how awesome you are. If you're not an artist, don't forget that artists need to eat as much as you do. Actually reach into that wallet and give money to artists that take a chance and produce work that you like under a Creative Commons license (or some other license with terms that aren't crazy) and be as generous as you can afford. Every Tom, Dick, and Sally that releases something under Creative Commons isn't worth supporting just because they're releasing as

Creative Commons. There is a TON of freely distributable junk out there. However there ARE people out there that every one of us reading this story would feel comfortable supporting, and rather than shovel money on a monthly basis into Comcast's, or Sirius', or Time Warner's or whomever's bank account for content that isn't worth using as toilet paper, a small fraction of that money could make a world of difference for one of the people that IS taking a risk and releasing good content under terms that are reasonable.

Where the hell is the Creative Commons Foundation of the Arts, taking donations and patronizing quality artists that release work under the Creative Commons like the foundations supporting free software? Do you think this stuff grows on trees?

Regarding `analog_line`'s last paragraph, there are many experiments with "crowd funding" of art, now mostly still small experiments. While those are exciting, and I hope to see much more innovation in this area, there is a vast infrastructure for patronage of the arts (more private in some jurisdictions, more state-run in others). Perhaps some of these patrons will encourage funded artists to release work under CC licenses — what is the point of funding creation (where the funding is publicly spirited) if that creation is not legally accessible to the public without a copyright czar watching over their shoulders?

### Endnotes

- 1 <http://www.eff.org/deeplinks/2008/05/house-passes-controversial-pro-ip-act>
- 2 [http://en.wikipedia.org/wiki/PRO-IP\\_Act](http://en.wikipedia.org/wiki/PRO-IP_Act)
- 3 <http://yro.slashdot.org/comments.pl?sid=540804&cid=23269940>

## CC Points of Interest

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### STEAL THIS FOOTAGE

by **Michelle Thorne**

26 May 2008

<http://creativecommons.org/weblog/entry/8318>

*“Remix, Redistribute, Rejoice”* reads the emboldening tag line from the footage archive<sup>[1]</sup> of STEAL THIS FILM II<sup>[2]</sup>, a documentary that explores shifts in technology, distribution, and creative production. The recently released<sup>[3]</sup> footage includes three hours of material from eleven interviews, all of which are released for your remixing pleasure under a CC BY-SA license<sup>[4]</sup>.

Not only are the interviews available in high quality format to users and producers, but thanks to the help of many volunteers, it is possible to conduct a full text search of the base material, which will guide you to the frame and immediate context of your search term.

STEAL THIS FILM II was released to file-sharing networks last winter after its premiere<sup>[5]</sup> in Berlin. Since then, it has been subtitled in 19 languages and is estimated to have been viewed by over 4 million people — 150,000 of whom had downloaded the film in the first three days of its release.

#### Endnotes

1 <http://footage.stealthisfilm.com/>

2 <http://stealthisfilm.com/Part2/>

3 <http://knowfuture.wordpress.com/2008/05/22/httpfootagestealthisfilmcom/>

4 <http://creativecommons.org/licenses/by-sa/3.0/>

5 <http://creativecommons.org/weblog/entry/7789>

# VIA RELEASES OPENBOOK, OPENS CAD DESIGNS UNDER CC BY-SA 3.0

by **Jon Phillips**

27 May 2008

<http://creativecommons.org/weblog/entry/8320>

Released today, raw CAD files<sup>[1]</sup> under a Creative Commons Attribution ShareAlike 3.0 license<sup>[2]</sup>, meaning you can get the raw machine files to make whatever case or version you want, as long as you release your modifications under the same license and give attribution back to VIA. The VIA press release<sup>[3]</sup> states:

The VIA OpenBook mini-note reference design introduces a host of new innovations, including the next generation of VIA Ultra Mobile Platform, based on the VIA C7®-M ULV processor and the new all-in-one VIA VX800 digital media IGP chipset. Together, this ultra compact, power efficient platform delivers richer computing and multimedia features, including a stunning 8.9" screen and greater video playback support, in a compact and stylish clamshell form factor that weighs just 1kg.

The VIA OpenBook features a flexible internal interface for high-speed broadband wireless connectivity that provides customers with the ability to select from a choice of WiMAX™, HSDPA and EV-DO/W-CDMA modules appropriate to their market. In addition, under a unique collaborative approach, the CAD files of the external panels of the reference design are offered for download under a Creative Commons Attribution Share Alike 3.0 license to give customers such as OEMs, system integrators, and broadband service providers greater freedom in tailoring the look and feel of their device to meet the diverse needs of their target markets.

And some blogs are praising<sup>[4]</sup> its coolness<sup>[5]</sup>, like crunchgear had to say (which hints at business strategy of companies like VIA)<sup>[6]</sup>:

Do you own a small fabricating plant in Taiwan? Do you have an engineering team of ten PhDs? Do you want to make small laptops? Has VIA got a deal for you. The VIA OpenBook reference design is not actually a product — it's more of an idea. Because it is ostensibly open (the CAD plans are available on the VIAOpenBook site) you simply buy the chips from VIA and use the plans to build your own cases, keyboards, and I/O systems.

Here is my quote from the release:

"VIA is a forward thinking company that has realized that sharing enables a healthy ecosystem which helps them provide an innovative product which supports their core business," commented Jon Phillips, Business and Community Manager for Creative Commons. "Making the actual raw CAD files available under a Creative Commons Attribution ShareAlike 3.0 license is a brilliant first step that clearly and legally allows others to emergently build upon VIA's open innovation."

I'll add that this is a very interesting project that ups the "Open" ante of the ASUS EeePC's<sup>[7]</sup> involvement in free and open culture beyond the software that ships on the platform, it competes strongly against the One Laptop Per Child XO-1<sup>[8]</sup>, and the Intel Classmate<sup>[9]</sup>, which are the predecessors of this generation of subnotebook. In fact, it appears that chip companies are realizing that in order to sell more chips, it is good to give away some parts of a product for free, or ship a free operating system which further reduces the cost barrier to selling more silicon. As an aside, this also mirrors what Nine Inch Nails did<sup>[10]</sup> by releasing part of their product as an entry into more specific and special packages.

It should also be noted that this valiant efforts follows up the great work that FIC's Openmoko<sup>[11]</sup>, Open Source Cellphone, did by releasing their CAD designs, which has already led to multiple efforts to create different cases and a great set of community pages on howto get your designs manufactured<sup>[12]</sup>. We also worked with Keith Packard at Intel to release some specifications<sup>[13]</sup> of graphics chips by Intel around the same time, which has helped for more companies to realize this same level of openness, and more importantly has allowed for developers, other companies, and people to more easily support and buy more Intel chips.

If you have a product similar to the above, or something you think could benefit from Creative Commons licensing in this way, please do contact us.

**ccLearn**

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**CCLEARN MONTHLY UPDATE - APRIL 15<sup>TH</sup>**

by **Ahrash Bissell**

15 April 2008

<http://creativecommons.org/weblog/entry/8234>

It's tax day here in the USA, but let's look to more interesting things. I will endeavor to send out an update, perhaps in newsletter form, of key ccLearn activities and plans every month or so, in addition to any announcements or interviews that we post to the site. As we continue to develop our internal capacities to manage communications and projects, I expect that these things will become more streamlined.

We are still hard at work considering the challenges of finding and creating open educational resources, and also with networking and research around existing OER projects. Look to this space for future announcements as we test and then roll out these (hopefully useful) tools.

We are also engaged in planning for a regional meeting among open education projects and CC jurisdictions in Latin America. This is just the first of several planned meeting in different regions of the world to enable greater collaboration and coherence among OER projects globally. We will announce further details about this and hoped-for future meetings as details become available.

We are helping too in planning the education track at this year's iSummit.<sup>[1]</sup> The iSummit promises to be an interesting opportunity to engage with open education projects in East Asia and beyond and to consider collective actions that can help to broaden and deepen the impact of the open education movement.

If you haven't checked out the rest of the ccLearn website<sup>[2]</sup> lately, you might pay a visit to the Resources<sup>[3]</sup> page, where we are continuing to compile resources of interest to educators and everyone involved in open education. Also, we have gathered in one place some of the top sites for searching educational content<sup>[4]</sup> on the web. This site is intended to help people find educational resources, but also demonstrates the challenge we face in making such searches easier.

ccLearn will be present at the upcoming OCWC meeting in Dalian, China.<sup>[5]</sup> We'll report on that meeting afterwards.

**Endnotes**

- 1 <http://icommuns.org/isummit/>
- 2 <http://learn.creativecommons.org/>
- 3 <http://learn.creativecommons.org/resources/>
- 4 <http://learn.creativecommons.org/education-search-engines/>
- 5 [http://www.ocwconsortium.org/index.php?option=com\\_content&task=view&id=77](http://www.ocwconsortium.org/index.php?option=com_content&task=view&id=77)



## "ATTRIBUTION ONLY" AS DEFAULT POLICY - OTAGO POLYTECHNIC ON THE HOW AND WHY OF CC BY

by **Jane Park**

22 April 2008

<http://creativecommons.org/weblog/entry/8235>

A month ago, I blogged about CC's Role in Open Access at Otago Polytechnic;<sup>[1]</sup> specifically, on their adoption of CC BY as their default IP policy. For those who don't already know, Otago Polytechnic made a novel decision last year to essentially reverse the standard policy of most educational institutions. While other university staff must obtain permissions to release their work under a license different from "all rights reserved" copyright, Otago Polytechnic staff must explain why they don't want material published openly under CC BY, should they desire standard (restrictive) copyright or another license. Not only does this eliminate all the red tape before getting your work out in the open, it sets open access as an educational imperative. (And by open, they mean really open—free to copy, distribute, adapt and derive the work for both commercial or non-commercial purposes.)

Because of this inversion in standard IP policy, ccLearn was curious to learn how and why and what exactly Otago Polytechnic did and thought to arrive at this decision. While most institutions, especially educational ones, slap on the non-commercial term, Otago seemed to think differently about doing so; in fact, they never even considered it.

Read on for an interview with Leigh Blackall, from the Educational Development Center<sup>[2]</sup> at Otago Polytechnic. Some things about Leigh: he lives in beautiful Dunedin, New Zealand, develops his own educational resources with his wife Sunshine and dog Mira, and judging from this photo, is a forward thinker who will climb most any mountain.

**Can you say a few words about yourself and your position in the Educational Development Center at Otago Polytechnic? What specifically led you to the work in Educational Development?**

I am officially titled as a Programme Developer which means I help develop new and existing courses here at the Polytechnic. That involves helping teachers to develop new skills or identify new avenues for their services, or to help them make courses more efficient and effective. I found my way into the educational media business because of my interest in media production and design generally. I started creating animations and movies for training in Australia. Later I found myself running a business in producing media for education, but then open source, open content and the free web services - generally referred to as Web 2.0, came



Above: (<http://flickr.com/photos/leighblackall/59675870/>) Leigh Blackall CC BY 2.0 (<http://creativecommons.org/licenses/by/2.0/>)

into my life and things changed. Now here I am in beautiful and progressive New Zealand helping teachers think about ways to integrate some of this into their practices.

**In your article, "Educational Development at Otago Polytechnic," you write that the EDC was established in 2006 "for staff development, online and flexible learning development, and research into educational development." Can you expand on this a bit? What is the EDC's mission, or overarching goals?**

The bottom line of the Programme Development aspect of the EDC is to help faculty to provide educational services to existing students more efficiently and effectively and/or find ways to provide educational services to people we are not currently reaching. (There is a significant economic motivation behind this because the public funding we get is sadly not enough to sustain the whole operation). So this involves a lot of staff training in the effective use of the Internet and things like Open Educational Resources (OER), which in turn means that we have to be up with the play, hence research and development.

**At the end of 2006, the fund for the EDC "started to engage in content creation." Do you mean the**

**creation of Open Educational Resources? Why was it important for Otago Polytechnic to offer free online content?**

Initially OER was not the intention behind the fund. We had to change a few things first, starting with our policy on Intellectual Property. But once that was done, it gave a green light for those of us wanting to get into OER. Why did we think OER was important? Well, public education has never had enough money to do what it needs to do. In saying that though, it has at times been very inefficient with what it has tried to do. When the leadership of the Polytechnic made available money for the development of content (amongst other things), we knew it would be a finite amount and not enough to sustain the staff training and content development we were aiming to do.. or to then maintain and update what it was we managed to achieve. So it made sense to first find out what was already out there and available for reuse and adaption (OER) and then to focus our energy on the participation and creation of educational resources that filled the gaps. By making the resources freely available, by using socially networked platforms like Wikieducator, and by trying to establish collaborative networks around our subject areas, we were counting on the strengths of the OER movement to help us sustain our efforts beyond the initial funding. Imagine if we all did that!

**At the same time, it was difficult for EDC staff to find "existing content with copyrights that could enable reuse." Since, Otago Polytechnic has adopted CC BY as their default license, I imagine that by reusable content you mean not only the ability to share, but also to build upon, remix, adapt and reproduce the content. How did OP come to focus on the need for this level of openness in education?**

Yes, we soon realised that while there is a huge amount of open courseware out there, there wasn't a lot of open educational resources, or certainly anything that was ever going to easily meet our needs. You see, teaching and learning will always be a context specific pursuit and so we all need the freedom to adapt and reuse content to what ever context we might be working in. So most of the open courseware out there is not open for easy adaptation, and often carries with it a Non Commercial restriction, which could be at some stage counter to what we find ourselves operating in.. who knows? And anyway, it is ambiguous to us what exactly is commercial. So we knew that we didn't want to use or make derivatives on content that could restrict us or anyone else we might later be associated with. We needed a maximum level of flexibility with our content and CC BY provides that. Over arching all this, and it is in our IP policy as so, we wanted to adopt the practice and principle that information and knowledge should be freely shared.

**Did this realization lead naturally to an awareness of Creative Commons licensed material? How did Otago Polytechnic first hear of Creative Commons?**

Well, I think probably since MIT OCW and surrounding free and open source thinking, there have been people in our organisation who have been aware of CC et al for a while now. So it seemed to me that when the opportunity arose to review our IP policy, all the pieces were in place. The key people seemed ready and willing to embrace it. I mean, who in the media and communications game hasn't heard of Creative Commons by now? If you know someone, send them our way, I'm setting up a new and open course they can enroll in.

**How did Otago Polytechnic decide on CC BY for their default Intellectual Property Policy? Can you elaborate on some of the specific steps that led to this choice; for instance, did OP consider other licensing options that were ultimately rejected?**

Well, I think I might have already covered some of this. As for other licenses.. no we didn't look much into the other licenses. The group of people who drafted our policy quickly saw that CC BY was what we wanted, and no one challenged that proposal. So CC BY was the first proposal, and it stayed that way. I mean, we did discuss the other options - well CC BY SA was the only other option for us, but for similar reasons to the NC restriction we decided that CC BY would be the simplest most flexible stance to take.

It probably should be made clear at this point that people in our organisation who own or are responsible for IP have the ability to use licenses other than CC BY—it's just that they are meant to explain to the managers why they have choose to do so.. As you say, a kind of inversion to what was in place before, where people had to ask permission to be free, now they have to ask permission to be not free.

**What about legal and technical interoperability of open educational resources? Can you say a few words about OP's view on this and how it might have played a role in its IP Policy? Why did OP choose CC BY over the alternative CC licenses?**

I find this part the hardest to explain, and in a way the answer is in your question. CC BY is the most simple to understand and easy to honour license available on CC. (Public Domain is not something commonly recognised outside the USA). If we had added other restrictions like NC or SA, then we would somehow have to monitor that, and manage what resources were what. With CC BY as our default, at least we know that anything originating from us simply requires attribution and nothing more; that's pretty easy to ascertain and should be familiar practice to educational practitioners. But Share Alike or Non Commercial.. that requires a discussion, and with that comes complexity.

But CC BY only serves to make the content we create easy to use. Obviously the majority of resources out there use CC BY SA or equivalent.. this creates a small issue because it then means that if we sample and make derivatives from such content, then we are obliged to use the same license. This is

a bummer and something I try to bring up in every forum.. but the copyleft movement is strong and uncompromising and I so far haven't succeeded in convincing any of them to go CC BY. I guess they still worry about derivatives becoming closed. Personally, in education, I don't see that happening for much longer. I think everyone will come to see the simplicity and flexibility of CC BY, and that alone outweighs all other concerns.

**Most universities simply offer their content online under "all rights reserved" copyright, with sometimes an option to license the content openly. Otago Polytechnic revolutionizes this standard concept of openness by defaulting all content CC BY with the option for the individual to restrict. What has OP gained by having CC BY as their default policy? Can you elaborate on some of the specific benefits?**

What have we gained? Your attention for one! Last time the CC Blog referenced our story, hits to our website and staff blogs went through the roof! Over time, this recognition will continue to grow through the attribution requirement with our content, and maybe that will translate into attracting funding or even students.. but really, as great as the recognition is, it doesn't immediately change much in terms of the situation in our courses, and this is where we remain focused. We want the skills and capacity of our teaching staff and their students to continue to grow and develop; we want easy and quick access to what ever information resource is needed at the time, and the freedom to reuse it in anyway we see fit; we want to share our experience and expertise with others in similar fields so we can explore collaborative practices and networked teaching and learning; and we want to find ways in which to operate more efficiently and effectively. Our adoption of CC BY is a significant step in that direction as it removes at least one of the artificial barriers to any of that possibly happening.

**What about some challenges? What are they and how does OP propose to overcome them?**

At the moment, one of the biggest challenges we face is the reliance that some faculty have with all rights reserved content. This content is preventing us from developing OER practices. In some subject areas OER does not yet compete with the quality of published and restricted resources and so it is argued that using OER would compromise the quality of our services. In other areas faculty are still convinced of the possible financial gains they might make by restricting and selling content. In other areas faculty simply don't have the time to rethink the way they teach their courses, let alone participate in OER development however beneficial it may be in the long run. All of these issues are not surprising and certainly manageable challenges that we address through normal staff development activities and support services like savvy librarians.

**What advice would you give other institutions that have more restrictive open access policies?**

Well, if you're reading this then you yourself probably aren't the one that needs convincing, no doubt it is your management. So you have a careful and indirect educational role to take. My advice would be to snuggle up with your IP lawyer if your place has one and start finding an in there. Respected 3rd parties can carry a lot of influence if they know how to play their game, and if you don't have the lawyer on side then they could shatter all your dreams with heavy spoken opinions that really are just that.

If like us you're lucky enough not to have one of those, then you need to watch for your next chance to participate in the review of your IP Policy. This could be a long road depending on how much support you have from key people around you.

In all these counts, it always helps to move things along by working with staff and growing things at the grass roots. If you can skillfully organise a significant event to draw attention from the local newspaper and the CClearn blog, then that will help too. An event alone won't do it because key people will find an excuse to miss it, so you might have to try and work it in with other things that are already happening.

Don't be like me and flood every meeting with obsessive single mindedness. You'll only risk alienating yourself.. I was lucky to have a very supportive boss who knew how to cope with me. Be patient, professional and diligent. It will happen when it is meant to happen.

**Any last thoughts?**

What was that I just said about myself?...

To find out more about Leigh and his projects, visit his WikiEducator<sup>[3]</sup> page. To find out more about Otago Polytechnic, visit their WikiEducator page.<sup>[4]</sup>

#### Endnotes

- 1 <http://creativecommons.org/weblog/entry/8153>
- 2 <http://www.otagopolytechnic.ac.nz/schools-departments/educational-development.html>
- 3 <http://wikieducator.org/User:Leighblackall>
- 4 [http://wikieducator.org/Otago\\_Polytechnic](http://wikieducator.org/Otago_Polytechnic)

## ccLearn

# LEARNHUB INTEGRATES CC LICENSING

by **Jane Park**

25 April 2008

<http://creativecommons.org/weblog/entry/8236>



—the new online social learning network—decided to go Creative Commons earlier this week. On Wednesday, they integrated CC licensing into their

platform as an option for users to share their work, with the additional option of contributing work into the public domain. One of their inspirations was Flickr,<sup>[1]</sup> the online photo management system that has integrated CC licensing and search.

LearnHub is the result of a collaboration between India's largest online educator—Educomp—<sup>[2]</sup>and Savvica Inc.,<sup>[3]</sup> an educational technology company that John and Malgosia Green founded back in 2004.

LearnHub is not designed for any one specific group, but for the networking capabilities among the diverse individuals and communities out there. Because they emphasize open educational resources, LearnHub's goals are definitely in line with ccLearn's. John tells me what appealed to him about CC:

"What I saw in CC was that there were several different levels, from public domain to copyright, which give people choice... I'm familiar with CC actually mostly through Flickr which I use very passionately. I think that [CC] works very, very well on that platform, but I don't think they've gone nearly as far as they could with it. And we certainly have that opportunity in education."

For an example of LearnHub's current interface, check out the "Wanna Work Together"<sup>[4]</sup> video at LearnHub's Creative Commons community.<sup>[5]</sup> It is licensed CC-BY.<sup>[6]</sup>

LearnHub looks very exciting, and we will be following their development closely and reporting further as their user community grows. John tells me that they plan for closer CC integration in the future. "We want to encourage people to share their content freely. We have a lot of specific ideas around search integration."

### Endnotes

- 1 <http://flickr.com/creativecommons/>
- 2 <http://www.educomp.com/>
- 3 <http://savvica.com/>
- 4 <http://creativecommons.learnhub.com/lesson/video/22-wanna-work-together>
- 5 <http://creativecommons.learnhub.com/>
- 6 <http://creativecommons.org/licenses/by/3.0/>



Logo & Screenshot © LearnHub



## eIFL.NET ON OPEN ACCESS, OPEN EDUCATION, AND CREATIVE COMMONS

by **Jane Park**

5 May 2008

<http://creativecommons.org/weblog/entry/8247>

In April, ccLearn crossed telephone lines with Italy and Ukraine for the first time. Executive Director Ahrash Bissell spoke with eIFL.net, Electronic Information for Libraries, an international nonprofit organization whose interests, among many, lie in open access publishing and fair and balanced intellectual property laws for libraries.

Below is a follow-up interview over email with Rima Kupryte, Director of eIFL.net, and Iryna Kuchma, Program Manager of eIFL-OA<sup>[2]</sup> (Open Access).

**First, can you say a few words about yourselves and eIFL? How did you come to get involved in eIFL and to hold your respective positions within the larger framework? What about eIFL attracted you?**

**Rima:** I am a professional librarian, graduated from Vilnius University in Lithuania. I joined the Open Society Institute<sup>[3]</sup>–Budapest (OSI) Network Library Program late in 1995. The idea for eIFL was born at OSI and later the idea turned into an independent organisation which I joined from its establishment in 2003. Coming from Lithuania, which had poorly resourced libraries and where access to information was restricted when I was a student, I was very passionate about ideas—what could be done in order to improve libraries, open them and offer better services to its users. eIFL.net is a very innovative and creative organisation that offers a lot of opportunities and ideas; it makes things happen.

**Iryna:** IFL's mission statement, "Enabling access to knowledge through libraries in developing and transition countries," appeals to me a lot. I graduated from the social sciences department and access to knowledge was one of my research topics as well as social aspects of open access, free and open source software and open content licenses. For nine years I worked for OSI in Ukraine and Open Access was one of my program areas. It was fascinating to see the positive changes in scholarly communication and I am glad I can go on with this program – Open Access – in eIFL.net.

**What about eIFL itself—can you sum up what it stands for, its mission and overarching agenda? Assuming you don't already have one, if you could come up with a catchy new slogan for what eIFL is trying to do, what would it be?**

eIFL.net is a not-for-profit organization that supports and advocates the wide availability of electronic resources by library users in transitional and developing countries. It is universally acknowledged that access to knowledge is fundamental to education and research and the creation of human capital upon which the development of societies depend. This is especially true in a knowledge society where economic progress depends on having a literate and educated population. Libraries and education are synonymous. A library has little meaning if it cannot impart knowledge. Good education cannot exist without access to quality information resources to support teaching, learning and research. Our current slogan is "Enabling access to knowledge through libraries in transition and developing countries". In July we will be having an eIFL visioning retreat to brainstorm and think where eIFL.net will be five to ten years from now.

**Iryna:** eIFL.net is a powerful network of 2,220 libraries in 47 transitioning and developing countries with a combined population of 800 million people including Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Botswana, Bulgaria, Cambodia, Cameroon, China, Croatia, Egypt, Estonia, Georgia, Ghana, Jordan, Kenya, Kosovo, Kyrgyzstan, Laos, Latvia, Lesotho, Lithuania, Macedonia, Malawi, Mali, Moldova, Mongolia, Mozambique, Nepal, Nigeria, Palestine, Poland, Russia, Senegal, Serbia, Slovenia, South Africa, Sudan, Swaziland, Syria, Tajikistan, Ukraine, Uzbekistan, Zambia and Zimbabwe. In 2008, a pilot Open Access workshop is planned in Latin America – Cuba.

**I've gathered (mainly from information on your website) that eIFL and Creative Commons are promoting and doing similar things. For example, the vision of the eIFL program "Advocacy for Access to Knowledge: copyright and libraries", known as eIFL-IP, is the development of fair and balanced copyright laws taking into account libraries and the public interest. How would you relate these goals to CC and CC-licensing?**

The goal of eIFL-IP<sup>[4]</sup> is to maximise access to knowledge for education, research and civil society through fair and balanced copyright laws that take into account the needs of libraries and students, researchers and professionals who depend on library services to advance their education,

careers and life opportunities. Our vision is that eIFL-IP librarians will become activists and leaders for promoting access to knowledge, especially in the digital age. We are achieving this by:

- creating a network of library copyright specialists and building capacity in the library perspective in copyright issues.
- becoming the recognised advocate for library copyright issues in developing and transitioning countries at international and national levels.
- encouraging the international library community to place the issues of developing and transitioning countries high on their agendas.

eIFL-IP and CC are natural allies because:

- eIFL-IP supports the use of alternative models through open content licenses, such as CC and GPL. eIFL.net advocates for open access and OER.
- eIFL-IP and CC both promote access to content (for CC digital content).
- eIFL-IP builds capacity and raises awareness, including how to use copyright law as an enabler of access to knowledge rather than a means to distort, deny or delay access. CC licenses support this goal by promoting the full spectrum of possibilities within the copyright system, i.e. from all rights reserved to the public domain.
- As information professionals, librarians should be in a position to advise library clients on issues relating to access and use of digital content. With its powerful brand, CC helps librarians to understand and promote issues relating to access.

For more information on the library perspective on CC: <http://www.eifl.net/cps/sections/services/eifl-ip/docs/handbook-e/#cc>

### **What are some of the major challenges eIFL-IP faces?**

The challenge that remains is how to build capacity at the national level; when we are working well at both international and national levels, we will achieve the best results.

The relevance of copyright to libraries wasn't always recognised because the connection with day-to-day library activities was not fully understood. This is changing, however, and eIFL-IP librarians are becoming more aware and thus are more active. Once this connection is made, the importance of advocating for better copyright laws will be better understood.

Good activists are in short supply so it is disappointing to lose trained people due to changes in jobs or through emigration. We rely almost entirely on volunteers which limits our ability to make too onerous demands or to enforce deadlines.

### **How do you think these challenges will be overcome?**

- By focusing on building capacity
- providing resources e.g. <http://www.eifl.net/cps/sections/services/eifl-ip/issues/eifl-handbook-on>
- holding an annual conference for face-to-face training e.g. <http://www.eifl.net/cps/sections/services/eifl-ip/training/2008-istanbul>
- identifying "champions" and encouraging those who are active e.g. Moldova came to WIPO in March 2008, support for regional events (e.g. Nigeria Library Association pre-conference on copyright and digitisation in June 2008).
- developing a curriculum in copyright issues for libraries for mass training (see below).

### **You are also now developing a distance learning course on copyright for librarians jointly with the Berkman Center for Internet and Society at Harvard Law. Can you describe the project?**

In partnership with the Berkman Center for Internet and Society<sup>[5]</sup> at Harvard Law School in the USA, we are developing a brand new curriculum on copyright for librarians. This is a first, and we hope that many more librarians, especially in developing and transitioning countries, will benefit from the training and become advocates for access to knowledge.

The curriculum seeks to develop greater understanding of copyright by librarians. The goal is to build a human network from which they can draw support. We hope to reach a critical mass of librarians who can contribute to public discussion, who can take part in informed debate with government and industry representatives, and who can join the library community from the developed world by expressing their views in important international forums, such as the World Intellectual Property Organization (WIPO). The course should be implemented with strategic partners in the global South, such as library training and law schools in universities, as well as distance learning programs.

The goals of the course are:

- To develop greater understanding of copyright by librarians by providing copyright training tailored to the needs of librarians in developing and transitioning countries.
- To support librarians' mission (participation to the access to knowledge movement).
- To help librarians answer copyright questions they face during their work.
- To help librarians answer users' questions on their rights (professors, students, general public).
- To empower librarians to advise governments and other public policy makers and initiatives toward balanced copyright law.

The project lead Melanie Dulong de Rosnay, Berkman Fellow, has been legal lead for CC France since 2003.. A meeting of international experts in libraries, copyright, distance learning and developing countries took place at the

Berkman Center 17-18 April 2008 to provide advice on the structure, methodology and the content of the course as well as its sustainability.

**How important is this and other collaborative relationships to your work? Are you reaching out to additional partners? What types of organizations are key to your efforts?**

Collaboration is very important as our agenda and wishes are great and we can not accomplish everything by ourselves. There are certain movements and program areas that require strong advocacy, and for this, more voices are better. This applies to our activities in Open Access (OA), Intellectual Property (IP) and Free and Open Source (FOSS). Some of our programs are more advanced than others as we launched them in different years. Our newest program is on FOSS; we started it only last fall. We have quite a long list of NGO partners in IP, which were built due to our strong presence at WIPO. We are building more partnerships in OA and FOSS this year.

**Iryna:** Our target audience is scholars and researchers, doctors and lawyers, students and teachers. And in Open Access projects we set alliances with human rights groups, environmental organizations, patient groups demanding access to government information, Internet activists (Wikipedia communities, Creative Commons, etc.) modeling the approach of the Alliance for Tax Payers Access (a diverse and growing alliance of organizations representing taxpayers, patients, physicians, researchers, and institutions that support open public access to taxpayer-funded research). We are working closely with SPARC and SPARC Europe, EurOpenScholar, DRIVER project, Electronic Publishing Trust, BioLine International, Association of Research Libraries, Stichting SURF, Dutch collaborative organization for Higher Education and Research on IT, Directory of Open Access Journals, and we are also glad to start working with cLearn and Creative Commons International (and iCommons).

**Like cLearn, eIFL is a project that is involved with the Open Education Movement. How would you define the Open Education Movement, and what role does eIFL play in it?**

The goal of the Open Education movement is to create a world where each and every person on earth can access and contribute to the sum of all human knowledge. This goal can be reached by developing a vast pool of educational resources on the Internet, open and free for all to use. eIFL Open Access (OA) Program encourages sharing of research publications and educational materials.

Through the eIFL OA Program, eIFL members build capacity of the issues related to OA to enable members to benefit from the content, which is made freely available through OA, as well as ensuring that the local content produced within their countries is widely distributed. This is accomplished through the development of open repositories (for the research papers

and educational materials) and by encouraging authors within the countries to publish their articles in Open Access journals. eIFL-OA Program seeks to enhance access and use of research findings, increase the efficiency of research developments, and accelerate use and innovation—stimulating the economy. To achieve this, we apply the developing practices of Open Access as defined by the Budapest Open Access Initiative (<http://www.soros.org/openaccess/>). The same practices became the foundation for the recently launched Cape Town Open Education Declaration: Unlocking the promise of open educational resources (<http://www.capetowndeclaration.org/>).

**Among other things, cLearn is focused on educating people about the importance of legal and technical interoperability for open education. What are your thoughts on this? What other activities do you think should be priorities for cLearn (and Creative Commons) with respect to open education?**

Yes, legal and technical interoperability is extremely important for open education. We encourage educators, scholars and students to use open technologies that facilitate collaborative, flexible learning and the open sharing. We advocate for Creative Commons Attribution Licenses used by a number of open access projects, e.g. The Public Library of Science (PLoS) - a non-profit organization of scientists and physicians committed to making the world's scientific and medical literature a public resource. Everything they publish is freely available online to read, download, copy, distribute, and use (with attribution) any way one wishes. Creative Commons did a lot for the free culture movements around the world. These approaches should be adjusted now for the educators and learners encouraging them to practice open education and raising their awareness about open content licences. Raising awareness and sharing good examples and advocacy are key elements to the success of the Open Education movement.

**Endnotes**

- 1 <http://www.eifl.net/>
- 2 <http://www.eifl.net/cps/sections/services/eifl-oa>
- 3 <http://www.soros.org/>
- 4 <http://www.eifl.net/cps/sections/services/eifl-ip>
- 5 <http://cyber.law.harvard.edu/>

## 7 < How to free your facts

a license represent these complex norms and traditions? We don't think so.

Imposing licensing on data creates all kinds of unanticipated problems. If you have a database with thousands or hundreds of thousands of pieces of facts, does each fact have to come with their own attribution and licensing data? How do we aggregate and recombine such data? If we use a tiny piece of that data to make an assertion about the world—to carry on a discourse—do you still have to attribute, and how far does that obligation go? In the future, will every database need its own database of attribution? Will every book need another book in which every word and idea and fact comes with its own genealogy detailing how it made its way through various databases, web sites and so on?

This problem, which we call “attribution stacking,” can saddle science with an unbearable administrative burden. It could shut down present and future sites that aggregate and federate data from many different sources. It could stifle entire fields of research that rely on summarizing, annotating, translating and integrating many different kinds and sources data.

### **The solution: use a waiver for factual data, not a license or contract**

Can licensing facts create its own technological absurdities? We think it can, and it will unless we resist the impulse to license. We think the best answer is to go back to what scientists themselves have been doing for centuries: giving attribution without legal requirements. We think Congress got it right when it excluded facts and ideas from copyright protection. And we think it should stay that way, even when those facts happen to get incorporated into databases. That's why we published the Science Commons Data Protocol[11] and the accompanying FAQ.

We hope that if you are preparing to publish a compilation of factual data, you will choose to waive any rights to the data, whatever they may be.

#### **Endnotes**

- 1 <http://www.earlham.edu/%7Eepeters/fos/overview.htm>
- 2 <http://mndoci.com/blog/2008/05/11/the-open-data-licensing-issue/>
- 3 <http://www.opendatacommons.org/odc-public-domain-dedication-and-licence/>
- 4 <http://labs.creativecommons.org/license/zero/>
- 5 <http://creativecommons.org/licenses/by/3.0/>
- 6 [http://en.wikipedia.org/wiki/GNU\\_Free\\_Documentation\\_License](http://en.wikipedia.org/wiki/GNU_Free_Documentation_License)
- 7 <http://sciencecommons.org/about/whoweare/nguyen/>
- 8 <http://www.law.cornell.edu/uscode/17/102.html>
- 9 [http://en.wikipedia.org/wiki/Directive\\_on\\_the\\_legal\\_protection\\_of\\_databases](http://en.wikipedia.org/wiki/Directive_on_the_legal_protection_of_databases)
- 10 <http://sciencecommons.org/wp-content/uploads/freedom-to-research.pdf>
- 11 <http://sciencecommons.org/projects/publishing/open-access-data-protocol/>
- 12 <http://sciencecommons.org/resources/faq/database-protocol/>

## 5 < Introducing the Health Commons

the spectrum. It is also too complex for public, private, or non-profit organizations alone - reinventing therapy development for the networked world requires, from the beginning, a commitment to public-private partnership. Only through a public-private partnership can the key infrastructure of the Commons be created: the investments in the public domain of information and materials will only be realized if that public domain is served by a private set of systems integrators and materials, tools and service providers motivated by profit. And in turn, the long-term success of the private sector depends on a growing, robust, and self-replenishing public domain of data, research tools, and open source software.

## 27 < VIA Releases OpenBook

#### **Endnotes**

- 1 <http://tinyurl.com/6xs5r2>
- 2 <http://creativecommons.org/licenses/by-sa/3.0/>
- 3 [http://www.viaopenbook.com/index.php?option=com\\_content&task=view&id=4&Itemid=1](http://www.viaopenbook.com/index.php?option=com_content&task=view&id=4&Itemid=1)
- 4 <http://palmaddict.typepad.com/palmaddicts/2008/05/now-have-you-he.html>
- 5 <http://gizmodo.com/393223/is-vias-openbook-the-next-little-big-thing-in-umpcs>
- 6 <http://www.crunchgear.com/2008/05/27/via-launches-open-source-notebook/>
- 7 <http://eeepc.asus.com/>
- 8 <http://laptop.org/>
- 9 <http://www.classmatepc.com/>
- 10 <http://creativecommons.org/weblog/entry/8095>
- 11 <http://openmoko.com/>
- 12 [http://wiki.openmoko.org/wiki/Hardware:Neo1973:Alternate\\_Cases](http://wiki.openmoko.org/wiki/Hardware:Neo1973:Alternate_Cases)
- 13 <http://intellinuxgraphics.org/>



by **Ahrash Bissell**

21 May 2008

<http://creativecommons.org/weblog/entry/8303>

Work on tools and resources that we hope will help to enable engagement with open education continues here at ccLearn. We're getting into the testing phase for the Universal Education Search project,<sup>[1]</sup> and we are currently writing a first report on licensing policy diversity<sup>[2]</sup> among open educational projects and web sites.

ccLearn attended the Berkman at 10 anniversary conference<sup>[3]</sup> in Boston this month. Creative Commons was essentially birthed at the Berkman Center (Harvard University), so the ten year anniversary provides an interesting reference point for considering how things have changed in that time. It is safe to say that practically everything has changed, at least with respect to the relationship of society and the Internet. For many people, the Internet is no longer a special feature of computing; instead, it IS computing. As social networks, mobile computing, and digital media become ever more integrated into our daily lives, the question of what we want that landscape to look like becomes ever more important. Is this a landscape of blockades and digital hazards, dominated by litigation and enforcement of a code that was developed over many years of pre-digital societies? Or is this a landscape of open pathways and possibilities, predicated on the notion that openness and transparency drive diversity and opportunity. Obviously, we here at ccLearn opt for the latter option.

We hope that everyone who discovers ccLearn and the open education movement will help in spreading the ideas and

practices that define our collective work. We continue to engage with all interested parties, spanning commercial and non-commercial efforts, pre-K through lifelong learners, and all manner of initiatives that strive to improve educational access and opportunity worldwide.

Our resources pages<sup>[4]</sup> continue to grow, and hopefully questions and concerns you might have about the open education movement are addressed there. If you have a specific question or comment, or some suggestions for additional useful resources for our site, please do not hesitate to contact us.<sup>[5]</sup>

Spring seems to be flying by!

#### Endnotes

- 1 <http://learn.creativecommons.org/projects/oeseach>
- 2 <http://learn.creativecommons.org/projects/network>
- 3 <http://cyber.law.harvard.edu/events/berkmanat10>
- 4 <http://learn.creativecommons.org/resources/>
- 5 <mailto:cclearn-info@creativecommons.org>

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