

Common grounds for battle, or is the Commons still common?

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Disclaimers

I am NOT an expert in US Copyright Law

Welcome to Wikimedia Commons,

a database of 13,091,254 freely usable media files to which anyone can contribute.

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Picture of the day



Cathedral of Christ the Saviour, Moscow. View from southeast, across the Moscow River

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Media of the day



Contribution by the Walters Art Museum



The [Walters Art Museum](#) has contributed over 19,000 professional photographs of objects in their collections. Objects include art from ancient Egypt, pre-Columbian art, Japanese art and weapons, Islamic manuscripts, Renaissance art and much more.

We can use your help categorizing the images. You can read more about how to help [here](#).

See also: [Commons:Partnerships](#)

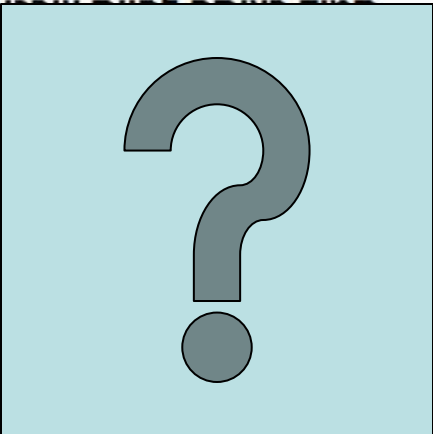
Highlights

If you are browsing Commons for the first time, you may want to start with [Featured pictures](#), [Quality images](#) or [Valued images](#). You can also see some work created by our highly skilled contributors in [Meet our photographers](#) and [Meet our illustrators](#). You may also be interested in [Picture of the Year](#).

Content

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Museum

Contribu



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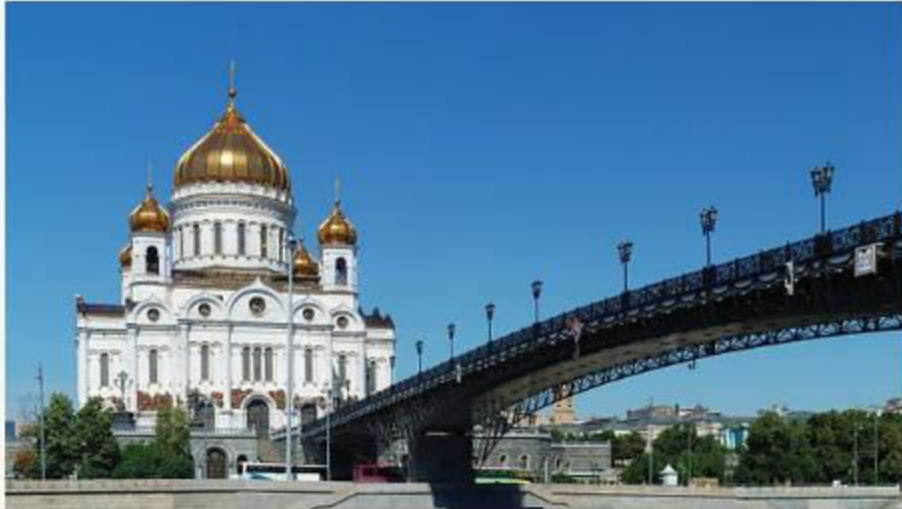
See also: [Commons:Partnerships](#)

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Picture of the day



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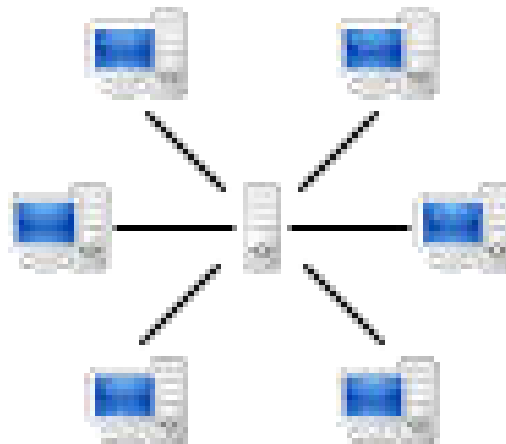
Media of the day



- “Wikimedia Commons is a **media file repository** making available public domain and freely-licensed educational media content (images, sound and video clips) to everyone, in their own language”

- The Commons has two **clashing** purposes:

1. make **available public domain and freely-licensed educational media content to all**, and
2. that acts as a **common repository** for the various projects of the Wikimedia Foundation .



- The Problem:

- Commons is an international project (=it is not a US project), but its servers are located in the U.S.
- Uploads of non-U.S. works are normally allowed only if the work is either in the public domain or covered by a valid free license in *both the U.S. and the country of origin of the work.*



EFF amicus brief – Golan V. Holder

- Section 514 of the Uruguay Round Agreements Act, takes millions of works by foreign authors that were previously in the public domain and puts them back under copyright protection.
- Works affected by this law include Sergei Prokofiev's Peter and the Wolf, music by Stravinski, paintings by Picasso and drawings by M.C. Escher, and writings by George Orwell and J.R.R. Tolkien.

- On January 18, 2012, the U.S. Supreme Court issued an opinion in *Golan v. Holder* upholding the constitutionality of a law that took a number of non-U.S. works out of the public domain in the U.S. and placed them back under copyright protection.







- Hana is also a valued editor, and contributor to Commons and Hebrew Wikipedia.
- But she does not know English well.



לחצו על תאריך/שעה כדי לראות את הקובץ כפי

You have gone full screen. [Exit full screen \(F11\)](#)

		תאריך/שעה			
== תקציר == {{מידע תיאור=צנחנים מפ המזרחית, מעל מעבר המיתלה מקור=הה ...Picture	Hanay (שיחה תרומות חסימה)	428 × 600 (35 קילובייט)		2013 בדצמבר 21, 22:42	נוכחית מחיקת כל הגרסאות (הסתרת) הצגת הגרסה

- [העלאת גרסה חדשה של קובץ זה](#)

שימוש בקובץ

הקובץ הבא זהה לקובץ זה (לפרטים נוספים):

- [קובץ:Israeli troops in sinai war.jpg](#) מתוך ויקישיתוף

הדפים הבאים משתמשים בקובץ זה:

- [אברהם ורד](#)
- [היסטוריה של מדינת ישראל](#)
- [היסטוריה של צבא הגנה לישראל](#)
- [מלחמת סיני](#)
- [מעבר המיתלה](#)
- [קרב המיתלה](#)
- [שאול זין](#)
- [שנות ה-50 של המאה ה-20](#)
- [ויקיפדיה:כיכר העיר/ארכיון 87](#)
- [ויקיפדיה:תמונה מומלצת/הוספה למומלצים/ארכיון 13](#)
- [ויקיפדיה:תמונה מומלצת/המלצות קודמות/אפריל 2010](#)
- [ויקיפדיה:תמונה מומלצת/המלצות קודמות/אפריל 2012](#)
- [ויקיפדיה:תמונה מומלצת/המלצות קודמות/אפריל 2013](#)
- [ויקיפדיה:תמונה מומלצת/המלצות קודמות/מאי 2011](#)
- [ויקיפדיה:תמונה מומלצת/המלצות קודמות/מאי 2014](#)
- [ויקיפדיה:תמונה מומלצת - סטטיסטיקות](#)
- [ויקיפדיה:תמונה מומלצת - סטטיסטיקות/2](#)
- [שיחת ויקיפדיה:מיזמי ויקיפדיה/הצלת תמונות - ויקישיתוף](#)
- [תבנית:תמונה מומלצת 15 באפריל 2013](#)

Why

- In Israel PD – after 50 years, i.e. image from 1956 is PD in 2007.
- URAA reverts to Copyright any image taken before 1946.
- This made Israelies very angry.





- An image by the State remains in the public domain (a letter says so)
- Hana asked for help at the Hebrew Wiki Village Pump
- And was blocked for Cross Posting

- And then what happened?

Ideas on Wikimedia Israel Mailing List

- File a class action claim against WF in an amount of \$2,000,000,000,000 (my idea)
- Move all local images to Hebrew Wikipedia – where they can not be deleted



- אם מדובר בתצלום שנעשה עד ה-24 במאי 2008 (ועד בכלל), חל על התצלום החוק המנדטורי הישן ראו [קובץ: Osef Hatazlumim.PNG](#) המגובר 2008, כלומר זכויות היוצרים עליו פוקעות ב-1 בינואר של השנה ה-51 לאחר יצירת התצלום (סעיף 78(ט) של החוק משנת 2007, וסעיף 21 בחוק
- אם זכויות היוצרים על היצירה שייכות למדינת ישראל, המדינה היא הבעלים הראשונים של זכויות היוצרים, ואין הסכם מיוחד בין המדינה ליוצר/ת, לאחר מעשה היצירה (סעיפים 36 ו-42 בחוק משנת 2007).
- ראו גם מכתב משרד המשפטים מה-19 בפברואר 2014 בעניין זכויות יוצרים - באנגלית - <[קובץ: Israel response to copyrights issue.jpg](#)

[תמונות מועמדות למחיקה שהצבעת הנגד מנעה את מחיקת](#)

[תמונות שנמחקו שוחזרו, נמחקו ושוחזרו מחדש](#)

[תמונות מועמדות למחיקה](#)

הלשונית משמשת לתיעוד תמונות שהועלו לויקיפדיה העברית. חשוב לאחר העלאה להחליף את התמונות המועמדות למחיקה בויקישיתוף בקובץ שהועלה כדי שהמערכת לא תחסום את העלאה.

תמונות שהועלו [עריכת קוד מקור]

1. [קובץ: Dayan 9th Brigade 1956 -1.jpg](#)
2. [קובץ: משה דיין ואברהם יפה בשארם א-שייח בשנת 1956.jpg](#)
3. [קובץ: Avraham Drori 1.jpg](#)
4. [קובץ: Simchoni Dayan Yaffe in Sharm El Sheikh.jpg](#) - עדיין לא הועמדה למחיקה. פעילות מונעת
5. [קובץ: Israeli troops in sinai war - 1.jpg](#)
6. [קובץ: Avraham Shlonsky 1952-1.jpg](#)
7. [קובץ: Aharon Meskin - Ben Gurion - Israel Prize1960-1.jpg](#)
8. [קובץ: Beba Idelson Ada Maimon1952-1.jpg](#)
9. [קובץ: Abba Hushi 1958-1.jpg](#)
10. [קובץ: Israeli troops in sinai war - 1.jpg](#)
11. [קובץ: Prof Fekete Rector Heb U1.jpg](#)
12. [קובץ: Aharon Hoter Yishai -1.jpg](#)

[קטגוריה](#): [ויקיפדיה: מיזמים פעילים](#)

שונה לאחרונה ב־10:26, 23 ביוני 2014. (ציטוט)

הטקסט מוגש בכפוף לרישיון [CC ייחוס-שיתוף זהה 3.0](#); פרטי הרישוי של התמונות מופיעים בעמודי התמונות. ראו [תנאי שימוש](#) לפרטים נוספים.

[מדיניות הפרטיות](#) [אודות ויקיפדיה](#) [הבהרה משפטית](#) [מפתחים](#) [תצוגה למכשירים ניידים](#)

Another suggestion

- Move main servers to Europe or to Israel (suggestion actually endorsed by **Jan-Bart de Vreede** when confronted by Wikipedians)



- Or Leave the server in the US, but use geolocation not to display the image in the US.



Kadishman, suspen
1966 2.JPG
7.18 MB



Kadishman, suspen
1966 3.jpg
3.36 MB



King of the shepherd-
large.JPG
2.7 MB



Man with camera, 1992-4,
Coll. Israel Museum,
Jerusalem 2.jpg
62 KB



Man with camera, 1992-4,
Coll. Israel Museum,
Jerusalem.jpg
60 KB



Michael Gross - Quee
1.53 MB



Modern head Daniel
garden.JPG
3.6 MB



Moor1957-8.JPG
2.82 MB



Nahum Tevet, Man with
camera, 1992-94.jpg
57 KB



Nahum Tevet, Painting
Lesson, no 5.jpg
67 KB



Once Here, Once There,
1980 Coll. Israel Museum,
Jerusalem.jpg
74 KB



PikiWiki Israel 12698
sculpture quot;Moder
Headquot; in Jerusal
675 KB



PikiWiki Israel 19472
quot;Three Pieces
sculpturequot; by Henry
Moore i.JPG
705 KB



PikiWiki Israel 19473
quot;Pipe Smokerquot; by
Chana Orloff in Israel .JPG
690 KB



PikiWiki Israel 19474
quot;Apple Corequot; in
Israel Museum
Jerusalem.JPG
707 KB



PikiWiki Israel 19478
quot;Man on a horsequot;
by Fernanndo Botero
in.JPG
668 KB



PikiWiki Israel 19479
quot;Man on a horsequot;
by Fernanndo Botero
in.JPG
679 KB



PikiWiki Israel 661
sculpture in the yard
בוצר המוזיאון.JPG
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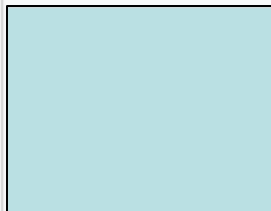
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49 KB



But this is really counterproductive:

1. make available public domain and freely-licensed educational media content to all, and
2. that acts as a common repository for the various projects of the Wikimedia Foundation .

So what happened then?

- Open Letter from Wikimedia Israel to WMF BOT
- Open Letter from Wikimedia Espania to WMF BOT
- Open Letter from Wikimedia Venezuela to WMF BOT
- Open Letter from Wikimedia Argentina to WMF BOT

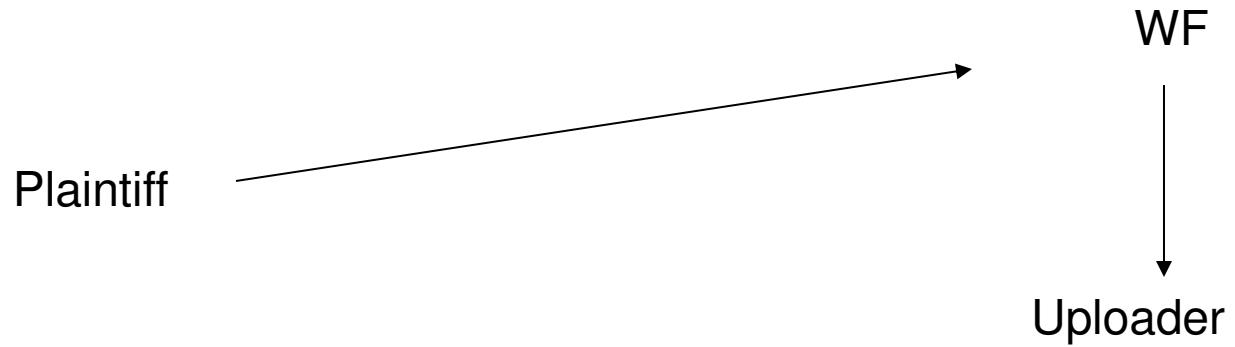
How can that be?

- WMF Legal staff tells us not to worry about this.

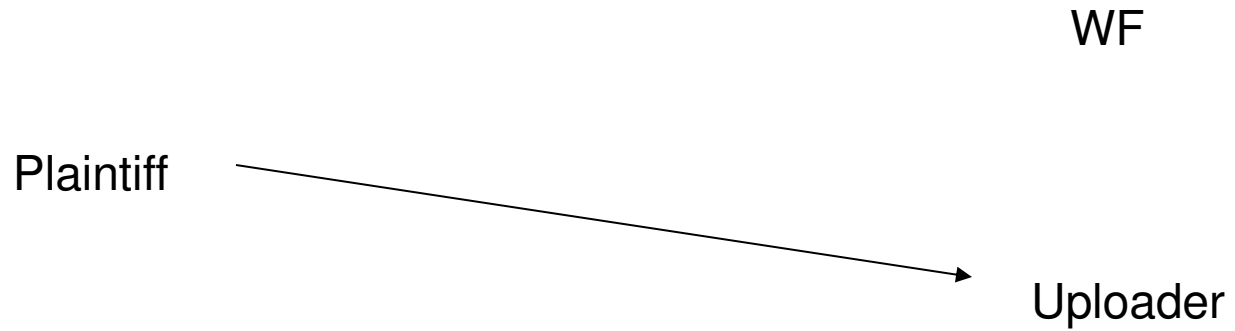
Online Copyright Infringement Liability Limitation Act

- a conditional safe harbor for online service providers OSP
- Applies to You Tube and to Commons

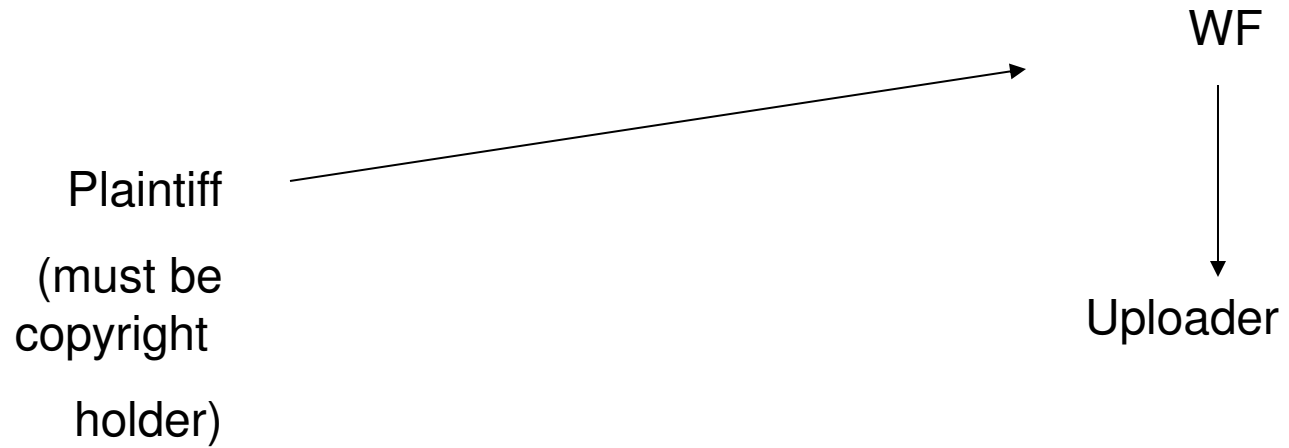
Parties to a claim



Parties to a claim



Parties to a claim



BOT of WMF

- The WMF does not plan to remove any content unless it has **actual knowledge of infringement or receives a valid DMCA takedown notice**. To date, no such notice has been received under the URAA. We **are not recommending that community members undertake mass deletion of existing content on URAA grounds, without such actual knowledge of infringement or takedown notices.**

**valid DMCA
takedown
notice**

[Main page](#)
[Welcome](#)
[Community portal](#)
[Village pump](#)
[Help center](#)


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[Recent changes](#)
[Latest files](#)
[Random file](#)
[Contact us](#)


Tools

[What links here](#)
[Related changes](#)
[Special pages](#)
[Printable version](#)
[Permanent link](#)
[Page information](#)
[Subpages](#)
[Nominate for deletion](#)

In Wikipedia

 [Add links](#)

From Wikimedia Commons, the free media repository

 See also: [COM:URAA](#).

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Massive restoration of deleted images by the URAA [edit]

Hi all!

After the response of the WMF Board of Trustees, we must raise the mass restoration of all deleted images by the URAA.

Letters

- [Wikimedia Israel](#).
- [Wikimedia Spain](#).
- [Wikimedia Argentina](#).
- [Wikimedia Venezuela](#).

Response

- [Wikimedia Foundation, Board of trustees](#).
- [Legal and Community Advocacy/Wikimedia Server Location and Free Knowledge](#).

[Jusjih](#) (talk) 06:00, 5 April 2014 (UTC) (~~disinterested bureaucrat~~) Due to ongoing concerns, I propose using [Template:URAA-affected files](#) here, thus redirected to [Canadian Wikilivres](#). However, having a bot to post this template may be against the [Wikimedia Foundation's clear position](#).--[Jusjih](#) (talk) 04:08, 25 April 2014 (UTC)

- Is there still a problem?
 - Yes
 - This is not a legal problem but rather a clash between communities problem
 - Who are the deletors really protecting?

Nathan:

- The problem is the behavior of a certain core set of Commons admins; time and time and time again we have it reported here, we see it on Commons. While not lawyers, they attempt to be extraordinarily demanding when it comes to "legal" accuracy. Far more than the actual WMF lawyers have required, incidentally.

Erik Moeller:

- It is correct that I proposed Commons as a repository of freely re-usable media ...
But maintaining that commitment requires that we also maintain a capacity for nuance in how we enforce it, **or we turn into a club of zealots nobody wants to be part of rather than being effective advocates for our cause.** That includes understanding that some situations in international copyright law are ambiguous and unresolved, that some files may present a minimal level of risk and can reasonably be kept unless someone complains.

1. make **available public domain and freely-licensed educational media content to all**, and
2. that acts as a **common repository** for the various projects of the **Wikimedia Foundation** .

Credit for Images

- Images in in Public Domain unless stated otherwise
- Server, Mauro Bieg, GFDL
- User:Hanay, Hanay, CC-By-SA-3.0
- Ido and Omer, Hanay, CC-By-SA-3.0
- Dig, Hanay, CC-By-SA-3.0
- Israeli Soldiers, Avraham Vered, PD
- Israeli PD Images - Sima Shimony Bolg Post
- Queen Elizabeth, NASA/Bill Ingalls, PD
- Jan-Bart de Vreede in Israel, Deror Avi, CC-By-SA-3.0