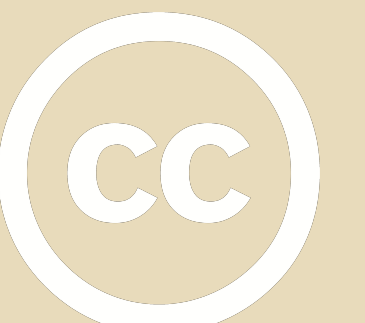


# Creative Commons & Open Science for Arts, Design and Music

**Webinar 2 - 8 March 2023**

**by Brigitte Vézina, Creative Commons**



# Today's Agenda

**10 min: Welcoming remarks, introductions and icebreaker**

**30 min: Session 2 (a): Anatomy of a CC license**

- License Design and Terminology
  - What do the different CC icons mean?
  - Three layers of CC licenses
- License Scope
  - How CC works with copyright
  - Time length of license
- License Types
  - The CC license suite
  - CC license elements
- License Enforceability
  - Creative Commons case law
  - Potential benefit of seeking non-legal resolutions to disagreements

**10 min: Questions and discussions**

**30 min: Session 2 (b): Using open content**

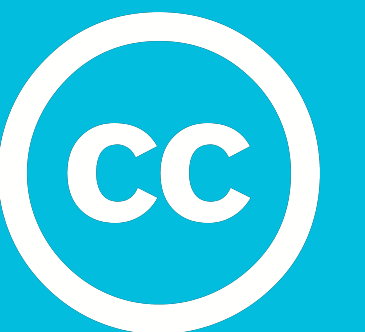
- Finding and Reusing CC licensed Work
  - Search for and discover CC licensed works
  - Attribution when reusing CC licensed works
- Remixing CC licensed Work
  - Basics of an adaptation
  - ShareAlike clause
  - NoDerivatives clause
  - License compatibility

**10 min: Questions and discussions**

## **GOAL**

**By the end of today you will have acquired knowledge about:**

- **the 6 CC licenses and 2 Public Domain tools.**
- **finding and using CC licensed works.**

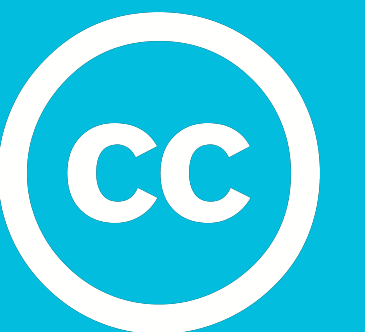
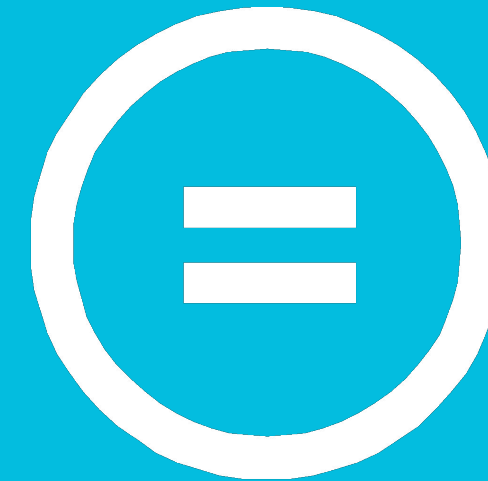
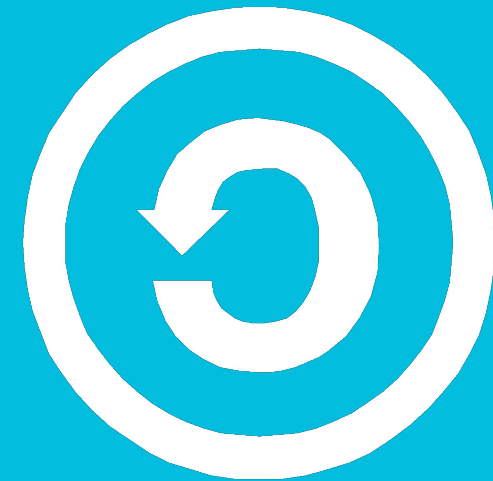


# Anatomy of a license

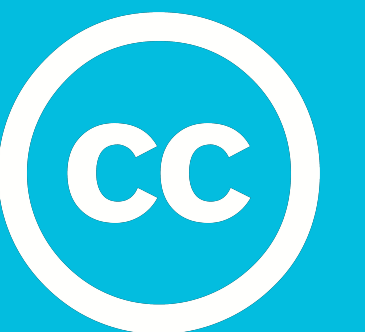
**Public  
Domain**



**creative  
commons**



# CC License layers



# Machine Readable Metadata

```
<span xmlns:cc="http://creativecommons.org/ns#"
xmlns: dc="http://purl.org/dc/elements/1.1/"
```

```
<span l="dc:type" = "http://purl.org/dc/dcmitype/
Text" p p = "dc:title" My Photo< span by
<a l="cc:attributionURL"
pa p a = "cc:attributionName" p = "http://joi.ito.com/
my_photo" Joi Ito< a
is licensed under a
```

```
<a a l="license" a = "http://creativecommons.org/
licenses/by/3.0/"<Creative Commons Attribution 3.0
License<a<.
```

```
<span p l="dc:source" a = "http://fredbenenson.com/
photo"&
Permissions beyond the scope of this license may be
available at <a p l="cc:morePermissions" p = "http://
ozmo.com/revenue_sharing_agreement"<OZMO<a<.<
span
<a&span
```

# CC LICENSES

208. VELOCIPEDS  
Epicycles.

163092

(No Model.)

J. O. LOSE.

2 Sheets—Sheet 1.

ONE WHEELED VEHICLE.

No. 325,548.

Patented Sept. 1, 1885.

Fig. 1.

Fig. 2.

Witnesses:  
Andrew B. Ingles,  
John H. Reynolds.

Inventor:  
John Otto Lose,  
By John F. Reed,  
Attorney

Allowed May 25. 85-

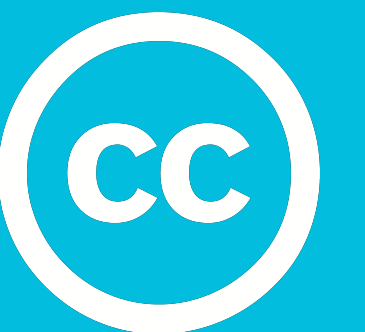
*J. O. Lose. One Wheeled Vehicle.*

*Classification—division. 3218*

*Mar 10*



**perpetual, irrevocable permissions**



# CC Open Licenses



# CC Public Domain Tools



# 4 Conditions



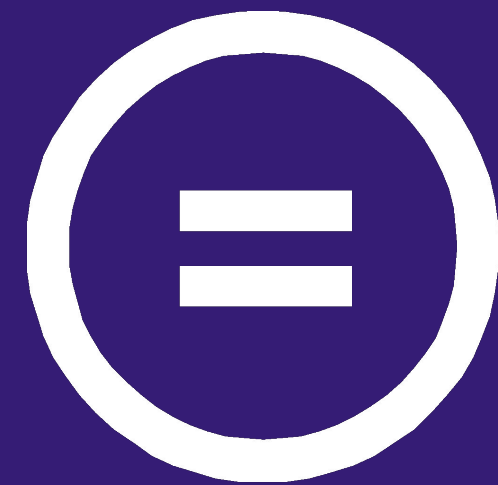
Attribution



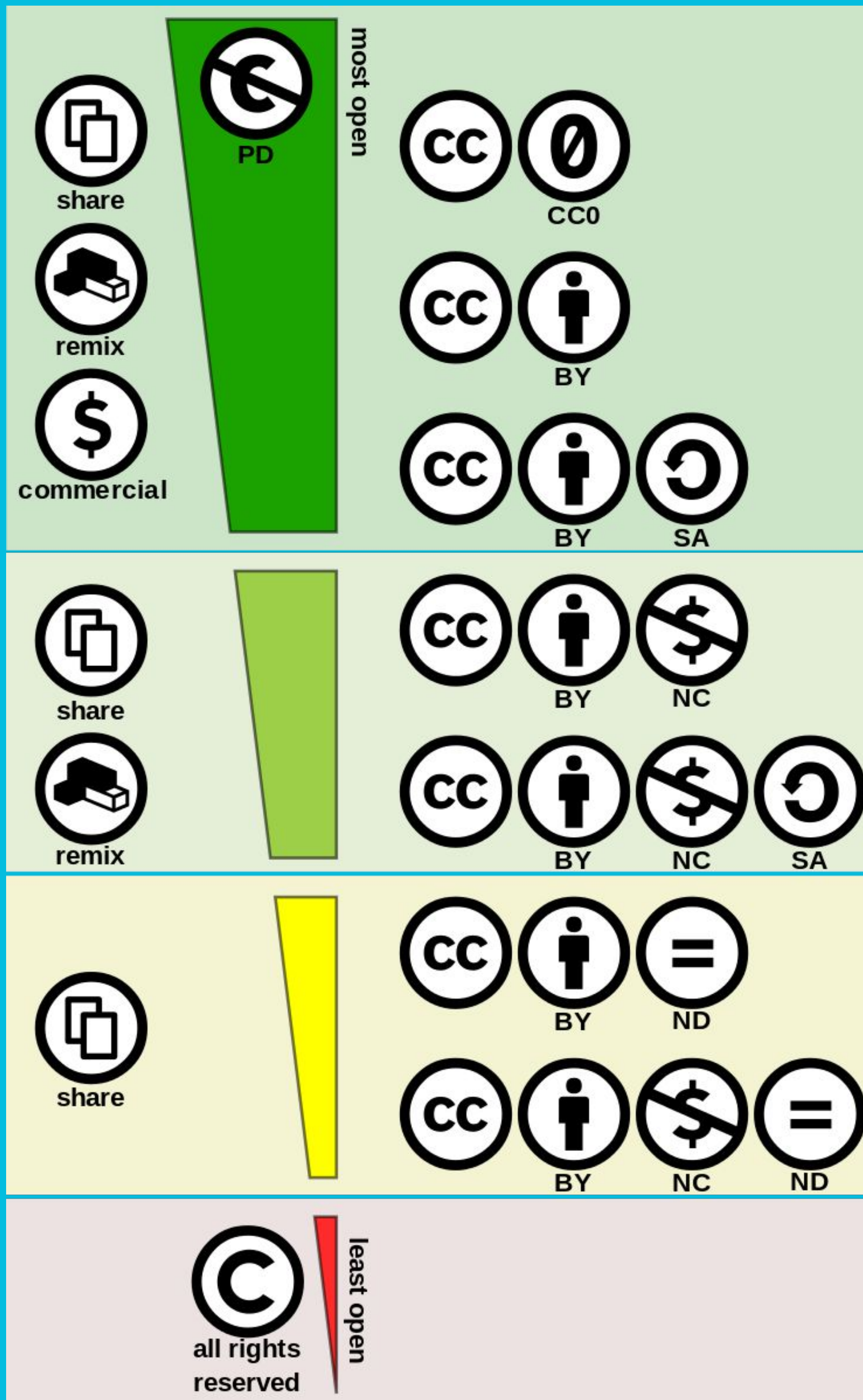
ShareAlike



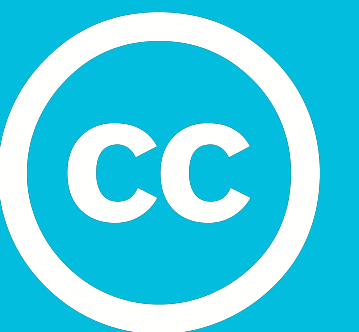
NonCommercial

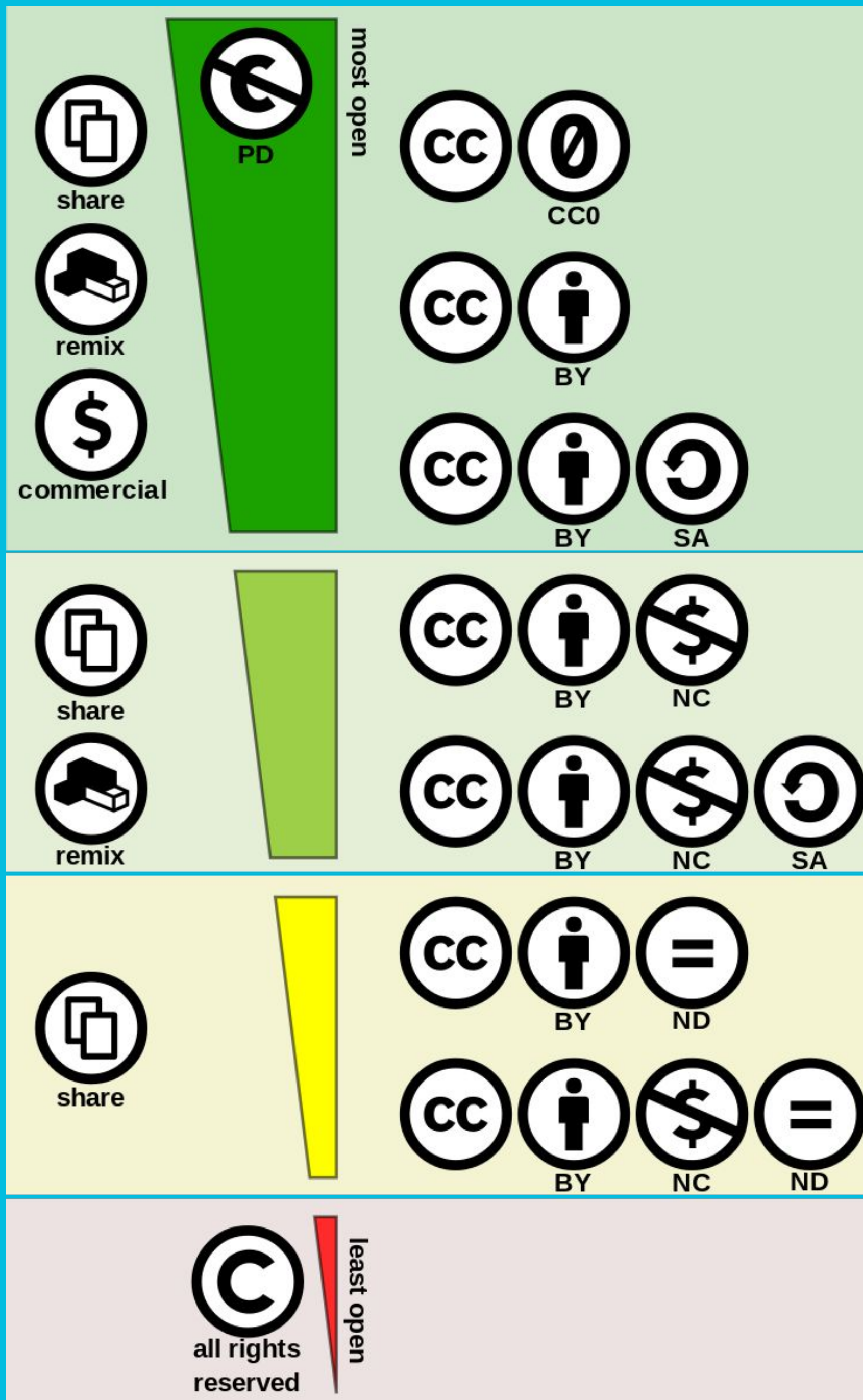


NoDerivatives



4 Elements  
6 Licenses +  
2 Public Domain Tools

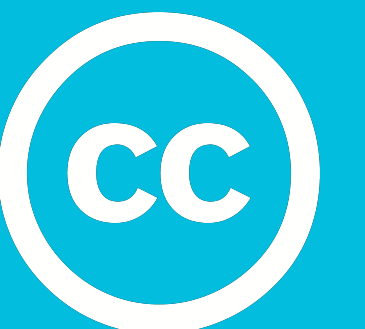




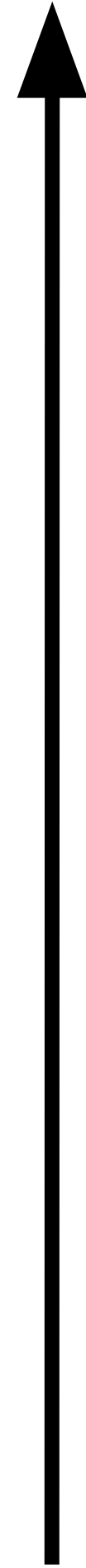
Least restrictive

to

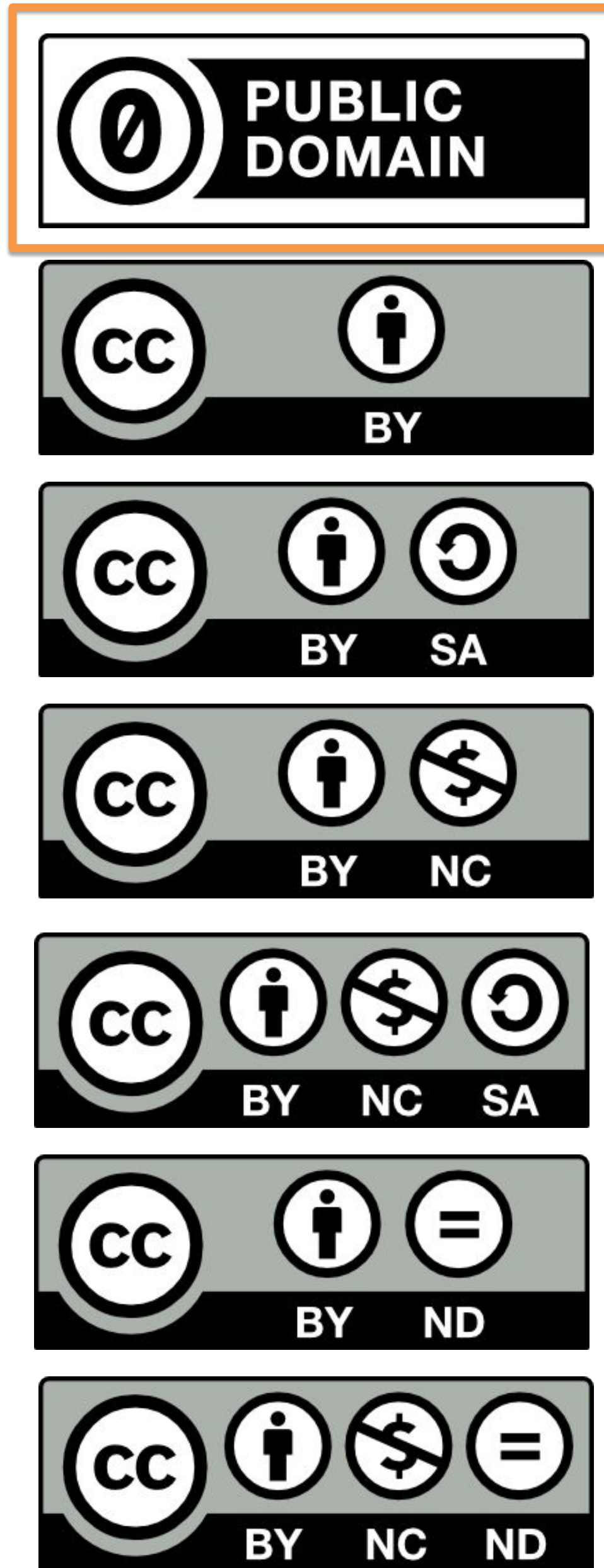
Most restrictive



most freedom



least freedom



most freedom

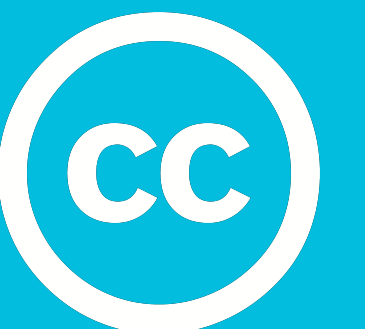


least freedom



OER

Not OER



CC0 and the Public Domain Mark

8  
 Paris den 7 Dec.

M. 3 me Richer

Min älskade Pappa! Med glädje har  
 jag väntat med att skicka till dig  
 du kunde bli på något sätt  
 en brädd som kunde vara dig  
 höra - jag har nu varit en vecka här  
 i Genève - min familj är också  
 den förfärliga tråkiga - som du nog  
 minns att vi båda kunde vara ofta  
 Men först af allt vill jag säga dig  
 att Doberla i jag hade mycket lust  
 på honom, han är verkligen en så  
 anspråkslös flicka att man kan  
 i annat än på ett af honom. Det är  
 smickande att du alltid har ordana  
 mig

*Vertical text on the left margin:*  
 Jag har hoppas att du  
 skall bli glad att se  
 mig igen - jag har varit  
 här i Genève i en vecka  
 och är fortfarande här  
 i samma ställe - jag har  
 varit en vecka här i  
 Genève - min familj är  
 också här - den förfärliga  
 tråkiga - som du nog  
 minns att vi båda kunde  
 vara ofta - Men först af  
 allt vill jag säga dig  
 att Doberla i jag hade  
 mycket lust på honom,  
 han är verkligen en så  
 anspråkslös flicka att  
 man kan i annat än på  
 ett af honom. Det är  
 smickande att du alltid  
 har ordana mig

Anna Nordlanderin kirje Kerstin Cardonille, Suomen Valtio, Gösta Stenman Archive, Copyright Free, [website](#).



# CC0 - PDM comparison chart

See the [CC0 FAQ](#) and [Public Domain Mark FAQ](#) for further information about these [public domain](#) tools.

Features	Public Domain Mark	CC0 Public Domain Dedication
Nature of tool	Label for works already in the worldwide public domain	Tool that effectively places a work in the worldwide public domain
Who may use	Anyone with knowledge	Rights holder ("affirmer")
Scope	<a href="#">Copyright, including all related and neighboring rights</a>	<a href="#">Copyright, including all related and neighboring rights</a>
Legal status of work to which tool may be applied	Any work that is already free of known copyright worldwide, including all neighboring and related rights  NB: the PDM deed notes that moral rights may persist	Any work that is restricted by affirmer's copyright or neighboring and related rights, in one or more jurisdiction(s)
Definition of related and neighboring rights	Not provided (PDM does not have accompanying legal code)  NB: CC does not recommend PDM for use with databases that are unrestricted by copyright but are restricted by sui generis database rights	Yes, an illustrative and non exhaustive list of any and all such rights however characterized is contained in Section 1 of the <a href="#">CC0 legal code</a> , and includes sui generis database rights
Person(s) whose rights are affected upon application of tool	None, PDM is not legally operative	Rights of the affirmer only; no effect on the right(s) of third parties
Rights affected upon application of tool	None, PDM is not legally operative	All of affirmer's copyright and related and neighboring rights are unconditionally waived or licensed (where waiver is not effective)
Rights that may exist/persist after application	Moral and other related and neighboring rights that persist post-expiration of applicable copyright term (but note, PDM does not attempt to affect those rights)	Moral and other related and neighboring rights of affirmer that are not waivable or licensable  Any and all third party rights
Effect on work itself upon application	None, PDM is not legally operative but instead labels a work already free of known copyright and related and neighboring rights through means such as expiration of term of applicable copyright term	Places work as closely as possible in the public domain, worldwide

Categories: [CC0](#) | [FAQ](#) | [PDM](#) | [Public domain](#)



Argentina



Australia



Austria



Azerbaijan



Brazil



Bulgaria



Canada



Chile



China  
Mainland



Colombia



Costa  
Rica



Croatia



Czech  
Republic



Denmark



Ecuador



Egypt



Estonia



Finland



France



Georgia



Germany



Greece



Guatemala



Hong  
Kong



Hungary



Iceland



Indonesia



Ireland



Israel



Italy



Japan



Lebanon



Lithuania



Luxembourg



Macau



Macedonia



Malaysia



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Zealand



Nigeria



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Peru



Philippines



Poland



Portugal



Puerto  
Rico



Qatar



Romania



Russia



Rwanda



Serbia



Singapore



Slovakia



Slovenia



South  
Africa



South  
Korea



Spain



Sweden



Switzerland



Syria



Taiwan



Tanzania



Thailand



UK:  
England  
and  
Wales



UK:  
Scotland



Uganda



Ukraine



Unported



Venezuela

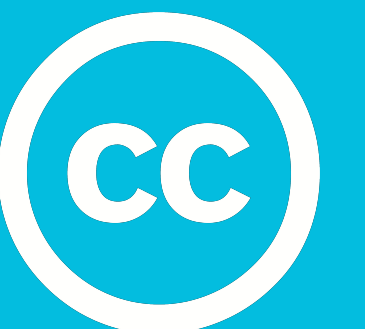


Vietnam

# CREATIVE COMMONS LEGAL DATABASE

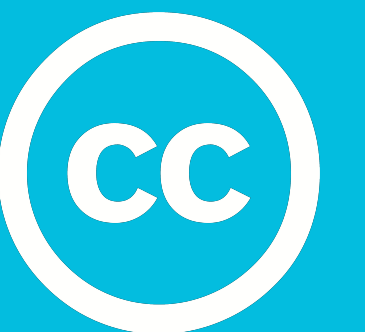
This database includes **case law** and **legal scholarship** that relates to Creative Commons legal tools.

Please note that the database is not comprehensive, and CC does not necessarily endorse the views of the courts or scholars whose decisions and writings are referenced. The content provided is purely informational, designed for those seeking to better understand the legal ecosystem in which the CC legal tools operate.



# 30-day window to correct license violations

All CC licenses terminate when a licensee breaks their terms, but under 4.0, a licensee's rights are reinstated automatically if she corrects a breach within 30 days of discovering it. The cure period in version 4.0 resembles similar provisions in a some other public licenses and better reflects how licensors and licensees resolve compliance issues in practice. It also assures users that provided they act promptly, they can continue using the CC-licensed work without worry that they may have lost their rights permanently.





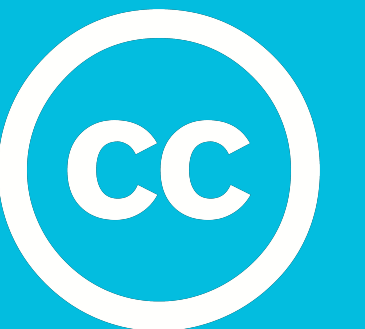
# Using Open Content

Faba. opto. fit. in p. sic i. Electo clara munda & integra. unam. & fere uigilijs & sote. ca.  
 uentum. et est seminum. Remo nocti. cu sale & origano. Ad gnat sanguine no malum.  
 Comedunt. ea. unctur. estate & ea regionibz.

Cod. Ser. n. 2644, fol. 49v:  
 Tacuinum sanitatis: Faba - Austrian  
 National Library, Austria - Public  
 Domain.  
[https://www.europeana.eu/item/2059502/data\\_foodanddrink\\_http\\_\\_w ww\\_bildarchivaustria\\_at\\_Preview\\_18863699\\_jpg](https://www.europeana.eu/item/2059502/data_foodanddrink_http__w ww_bildarchivaustria_at_Preview_18863699_jpg)

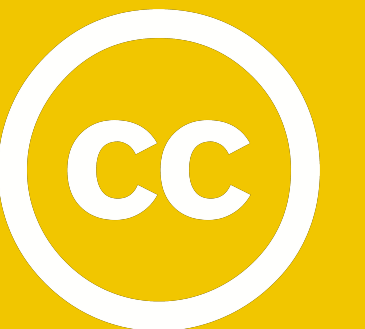


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#### Briefly...

##### Attribution means:

You let others copy, distribute, display, and perform your copyrighted work - and derivative works based upon it - but only if they give you credit.



##### Noncommercial means:

You let others copy, distribute, display, and perform your work - and derivative works based upon it - but for noncommercial purposes only.



##### No Derivative Works means:

You let others copy, distribute, display, and perform only verbatim copies of your work, not derivative works based upon it.

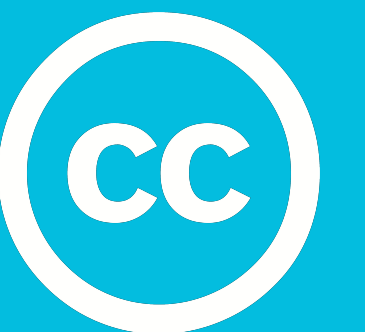


##### Share Alike means:

You allow others to distribute derivative works only under a license identical to the license that governs your work.



##### Public Domain Dedication (CC0)





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**[https://www.google.com/advanced\\_search](https://www.google.com/advanced_search)**

**Europeana**

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**OER Commons:**

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**Openverse**

**<https://openverse.org/>**

**Internet Archive:**

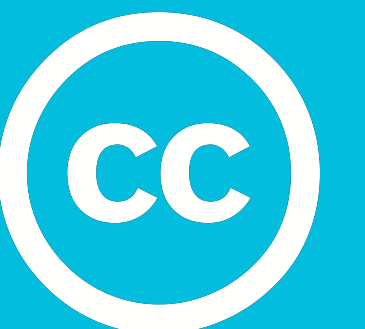
**<https://archive.org/>**

**Digital Public Library of America:**

**<https://dp.la/>**

**Global Digital Library:**

**<https://digitallibrary.io/>**



**Flickr Commons:**

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**Curationist:**

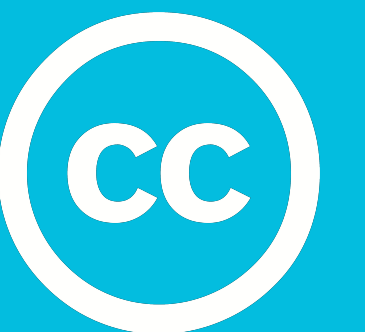
**<https://www.curationist.org/>**

**The MET:**

**<https://www.metmuseum.org/about-the-met/policies-and-documents/open-access>**

**The Cleveland Museum of Art:**

**<https://www.clevelandart.org/open-access>**




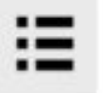
# Search in Rijksstudio

🔍 Search

> [Search the library catalogue](#)  
> [Advanced search](#)

Found: **741,793 works** 147,516 sets

In the museum

Order by Relevance ▼  

+ Refine



Portraits of Giuliano and Francesco...



**The Battle of Terheide**

Willem van de Velde (I), 1657

On display in room 2.15



Italian Landscape with a...



mot du titre, auteur, sujet...



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Pour sauvegarder et annoter vos recherches, recevoir des alertes et des suggestions

CRÉER UN COMPTE

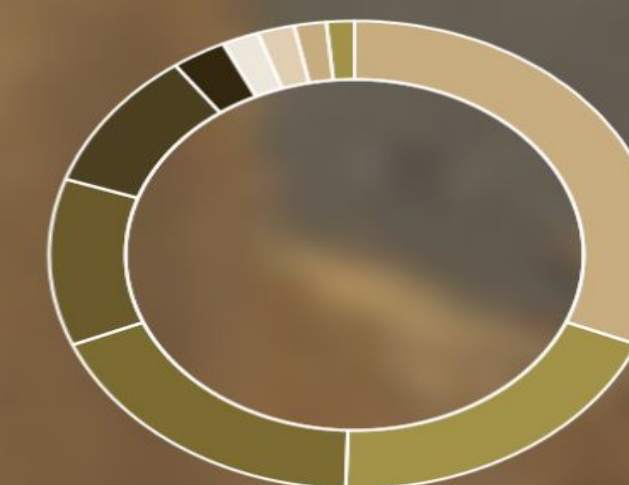


NOMBRE D'ŒUVRES PAR

TYPOLOGIE D'OBJET

MUSÉE

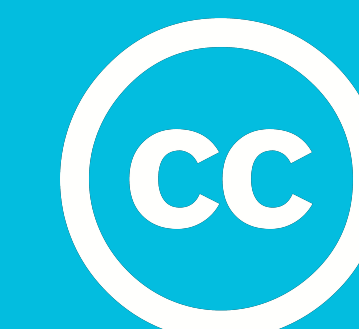
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## Collection: American Art

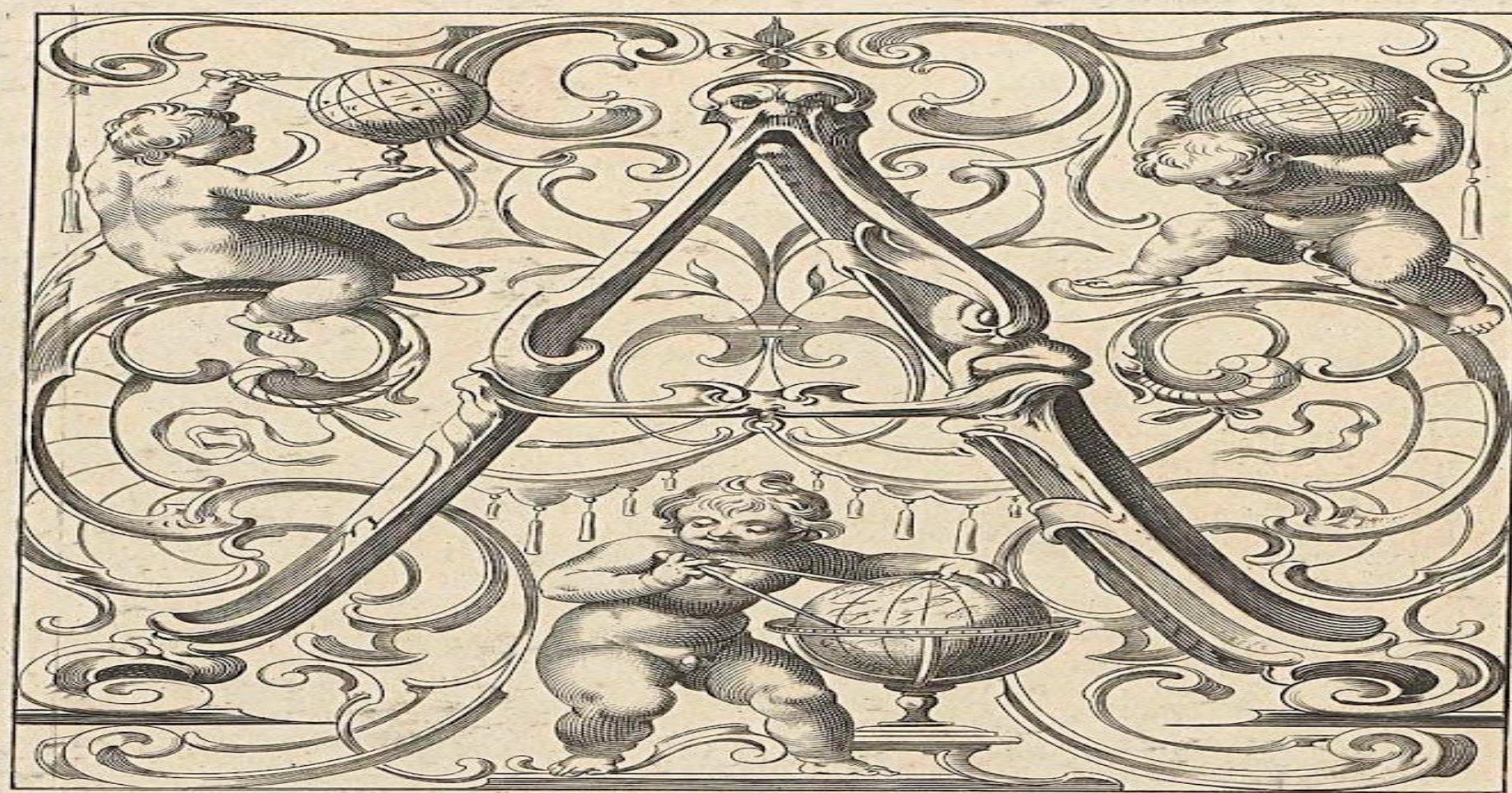
### HIGHLIGHTS



# USING OTHERS' CC LICENSED WORKS



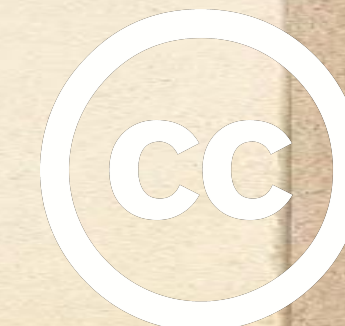
# Attribution



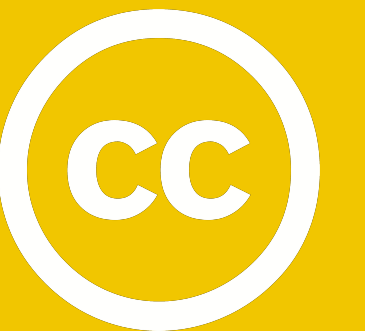
LUCAS KILIAN. 1627. (N<sup>o</sup> 1.)



Letter A en letter B - 1627 -  
Rijksmuseum, Netherlands - Public  
Domain.  
[https://www.europeana.eu/item/90402/RP\\_D\\_1996\\_1\\_154](https://www.europeana.eu/item/90402/RP_D_1996_1_154)



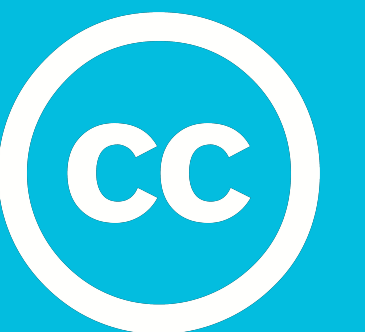
**TASL**



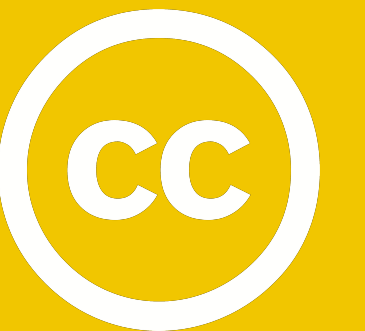


# TASL!

**Title, Author, Source, License**

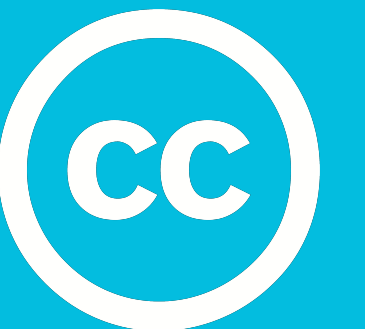


**WHY IT MATTERS**



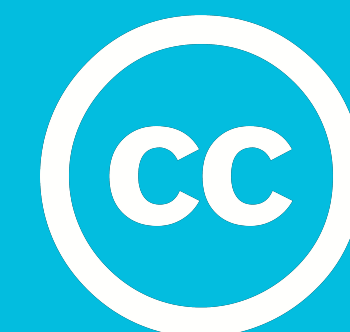


"Baby Elephants" is a beautiful black and white photograph from 2009 licensed under CC  
BY 2.0





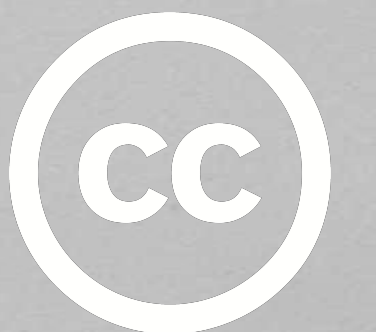
“Furggelen afterglow” by Lukas Schlagenhauf, CC BY-ND 2.0.



# Commercial use



Dubbele soeverein uit Doornik van  
Albert en Isabella, 1617 - 1617 -  
Rijksmuseum, Netherlands - Public  
Domain.  
[https://www.europeana.eu/item/90402/KOG\\_MP\\_1\\_2422](https://www.europeana.eu/item/90402/KOG_MP_1_2422)



# NonCommercial (NC)



CC's NC licenses prohibit uses that are "*primarily* intended for or directed toward commercial advantage or monetary compensation." (emphasis added)

CC's definition centers on the **use** and does not turn on the type of **user**

Whether a use is commercial will depend on the **specifics** of the situation and the intentions of the user.

If the CC license includes the NC restriction, one cannot charge the public to access the work.

# NonCommercial (NC)

CC cannot advise on what is and is not commercial use. If unsure, either contact the rights holder for clarification or search for works that permit commercial uses.

CC has a [brief guide](#) to interpretation of the NC license that goes into more detail about the meaning of the NC license and some key points to pay attention to.

Additionally, in 2008, [Creative Commons published results](#) from a survey on meanings of commercial and noncommercial use generally.

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and  
still apply!

# NonCommercial (NC)

## Not allowed:

- include an NC essay as part of a collection in a commercially distributed book of essays, even if it is only a small portion of the book
- include a resource licensed CC BY-NC into a course pack for students to buy at the bookstore, unless the charge covers only cost recovery for copying

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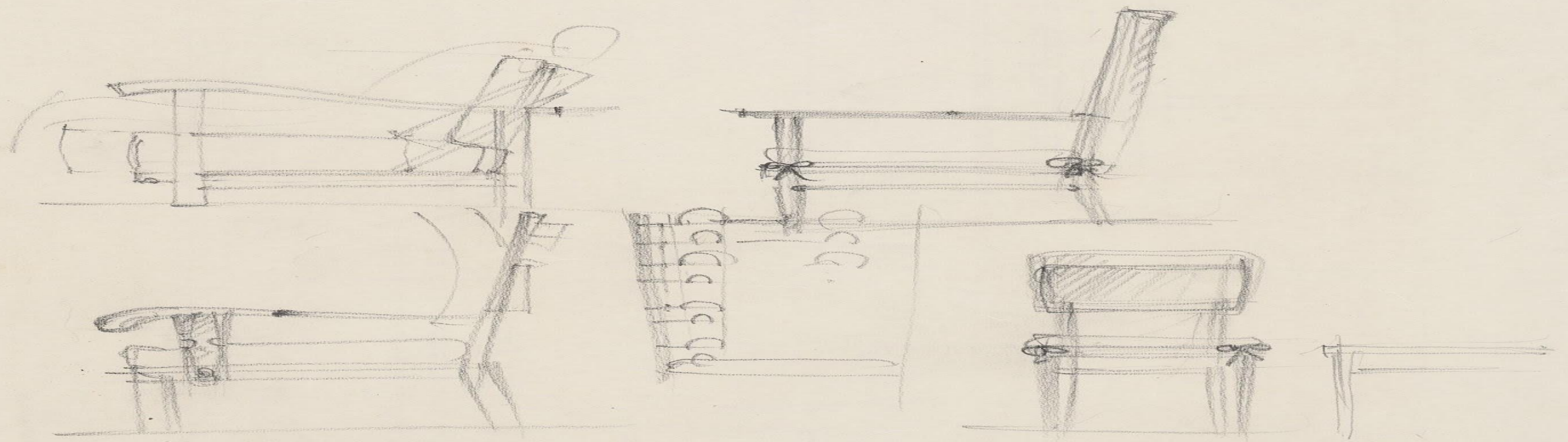
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- a school can outsource the copying of NC-released material to a commercial printing company (*Great Minds* case)



not all educational uses are necessarily non-commercial



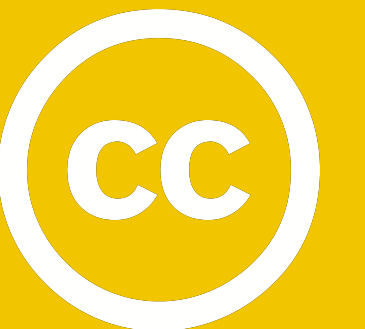
# Adaptation (=derivatives)



Reichsministerium für Ernährung  
und Landwirtschaft, Berlin-Mitte.  
Umbau und Erweiterung: Skizzen  
für Sitzmöbel by Böhmer & Petrich -  
Museum of Architecture at Berlin  
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[https://www.europeana.eu/item/08535/item\\_BP6YFSU5YGJJPIOTIEPI\\_MOXGQKTJACFR](https://www.europeana.eu/item/08535/item_BP6YFSU5YGJJPIOTIEPI_MOXGQKTJACFR)

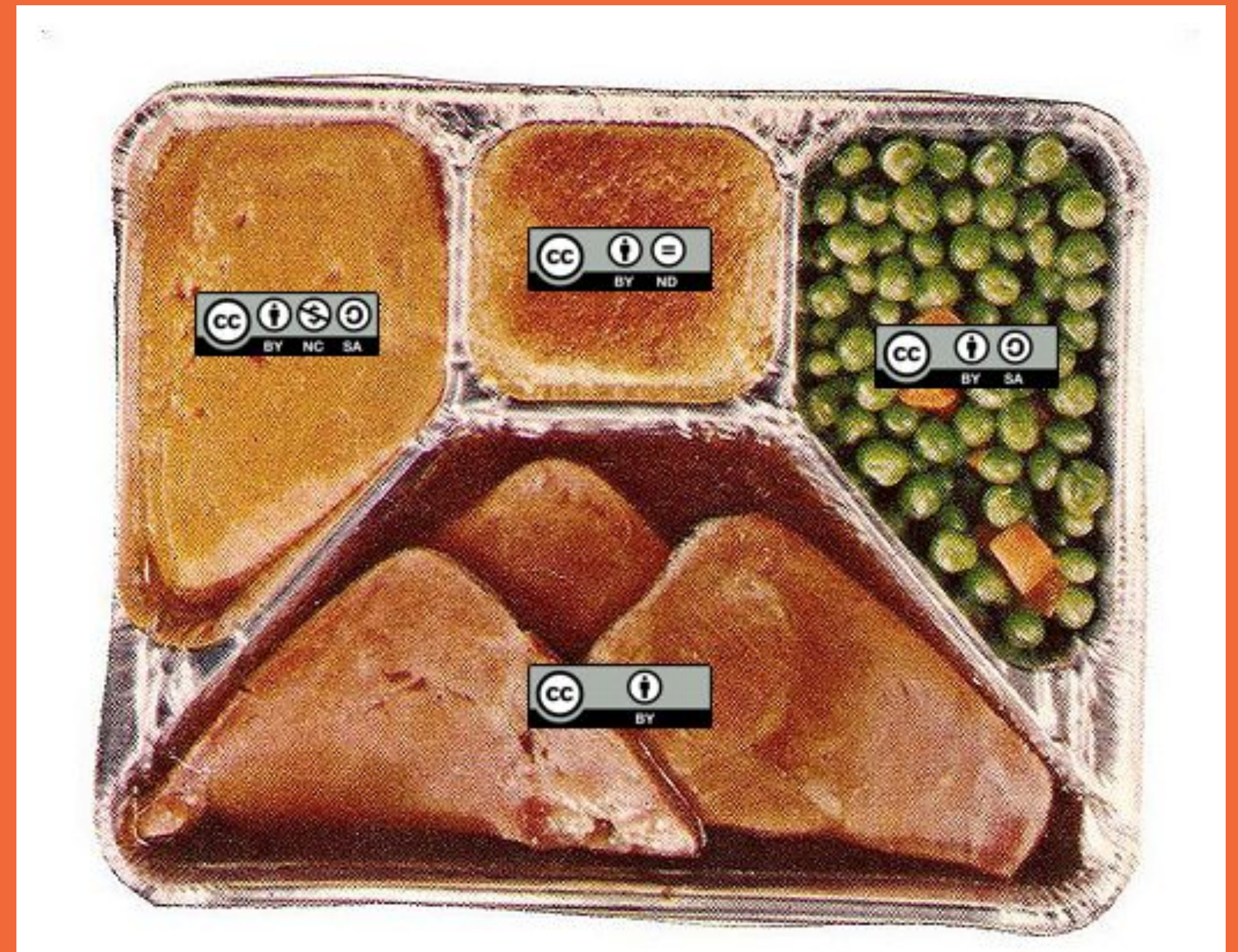
FSOM 072

# Collections vs Remix





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# UNDERSTANDING CC COMPILATIONS USING GUINEA PIGS

“I DO NOT UNDERSTAND THE DIFFERENCE BETWEEN MAKING A COMPILATION OF CC-LICENSED MATERIALS AND MAKING A REMIX FROM CC-LICENSED MATERIALS”, you say. May we offer this small guide using guinea pigs from Flickr. This side is a COMPILATION; the REMIX is on the other side.



“CC-licensed Guinea Pig Photos from Flickr - a Nonrepresentative Sample” - compiled by Alan Harnum

Clockwise from the upper left:

“Maximillien, male Abyssian guinea pig” (<https://flic.kr/p/DU8RKu>) by Su--May. CC-BY 2.0.

“Guinea Pigs” (<https://flic.kr/p/5dzN7L>) by Michael James. CC-BY 2.0.

“Rufus Guinea Pig” (<https://flic.kr/p/s1yRTd>) by Su--May. CC-BY 2.0.

“Daisy the Guinea Pig” (<https://flic.kr/p/4SCSoi>) by David Masters. CC-BY 2.0.

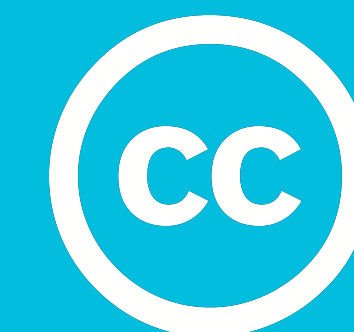
“Guinea Pig@SF Zoo” (<https://flic.kr/p/7c4m9W>) by nihongi. CC-BY 2.0.

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# UNDERSTANDING CC REMIXES USING GUINEA PIGS

“I DO NOT UNDERSTAND THE DIFFERENCE BETWEEN MAKING A COMPILATION OF CC-LICENSED MATERIALS AND MAKING A REMIX FROM CC-LICENSED MATERIALS”, you say. May we offer this small guide using guinea pigs from Flickr. This side is a REMIX; the COMPILATION is on the other side, as are the credits for the guinea pig photos.



“The Guinea Pigs of Athens” - digital visual art remixed by Alan Harnum

Materials: Raphael's “The School of Athens” (public domain), CC-licensed guinea pig photos (see reverse for credits and licenses), Photoshop.

Artist's Statement: I know it looks like Plato is spinning Daisy the guinea pig like a basketball and Aristotle is dribbling his guinea pig, but in fairness, it's the Labour Day long weekend here in Canada.

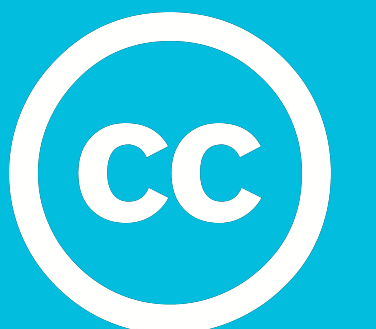
School of Athens painting cropped from image available at [https://commons.wikimedia.org/wiki/File:%22The\\_School\\_of\\_Athens%22\\_by\\_Raffaello\\_Sanzio\\_da\\_Urbino.jpg](https://commons.wikimedia.org/wiki/File:%22The_School_of_Athens%22_by_Raffaello_Sanzio_da_Urbino.jpg)

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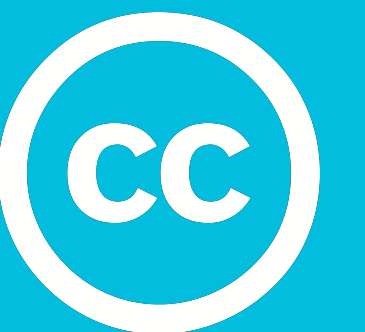
Attribution 4.0 International (CC BY 4.0)



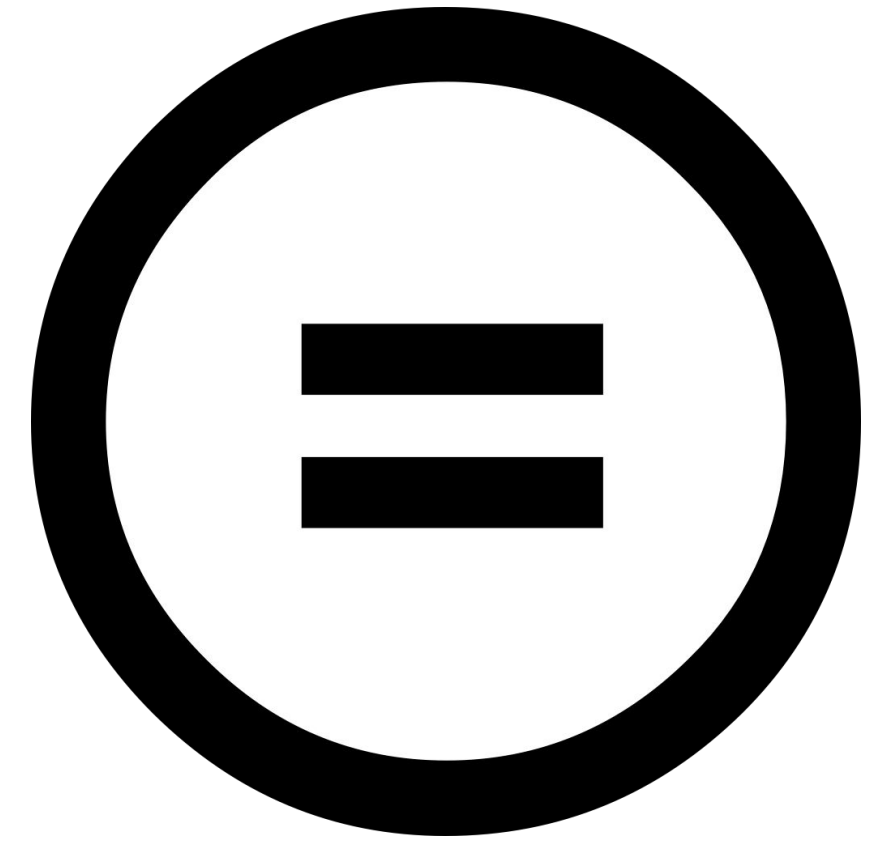
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“**BY-NC-SA**” allows people to use and adapt the work for noncommercial purposes only, and only as long as they give credit to the creator and make any adaptations they *share* with others available under the same or a compatible license.



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- prohibited: adapt, remix, transform, translate, or update it, in any way that makes a “derivative work” or [adaptation](#)

### What is an adaptation?

An adaptation is a work based on one or more pre-existing works. What constitutes an adaptation depends on applicable law. For example, translating a work from one language to another or creating a film version of a novel are generally considered adaptations. In order for an adaptation to be protected by copyright, most national laws require the creator of the adaptation to add original expression to the pre-existing work.

# NoDerivatives (ND)

These cases do not constitute adaptations:

- Technical format-shifting (e.g., converting a licensed work from a digital format to a physical copy)
- Fixing minor problems with spelling or punctuation
- Reproducing and putting works together into a collection, e.g., combining stand-alone essays into an essay collection is a collection and not an adaptation.
- Including an image in connection with text, as in a blog post, a PowerPoint, or an article (unless the image itself is adapted)



# NoDerivatives (ND)

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## Why Sharing Academic Publications Under “No Derivatives” Licenses is Misguided



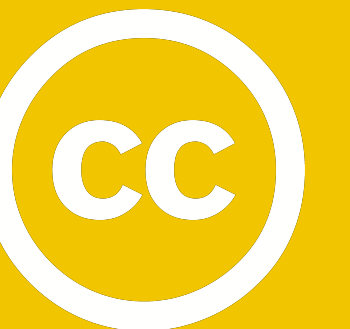
Brigitte Vézina  
April 21, 2020

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PD		
BY		
BY-NC		
BY-NC-ND		
BY-NC-SA		
BY-ND		
BY-SA		





Adapter's license chart		Adapter's license						
		BY	BY-NC	BY-NC-ND	BY-NC-SA	BY-ND	BY-SA	PD
Status of original work	PD	Green	Green	Green	Green	Green	Green	Green
	BY	Green	Green	Green	Green	Green	Green	Yellow
	BY-NC	Yellow	Green	Green	Green	Yellow	Yellow	Yellow
	BY-NC-ND	Gray	Gray	Gray	Gray	Gray	Gray	Gray
	BY-NC-SA	Gray	Gray	Gray	Green	Gray	Gray	Gray
	BY-ND	Gray	Gray	Gray	Gray	Gray	Gray	Gray
	BY-SA	Gray	Gray	Gray	Gray	Gray	Green	Gray





Questions?

