

Creative Commons & Open Science for Arts, Design and Music

A vibrant and detailed illustration featuring a central peacock with its tail feathers fanned out. Surrounding the peacock are various elements: a human skull, a peacock bird, a hummingbird, a dragonfly, a jellyfish, a frog, a fish, a bird, and several types of flowers and green leaves. The composition is rich and colorful, set against a light beige background.

Webinar 1 - 8 February 2023

by Brigitte Vézina, Creative Commons

Today's Agenda

Welcoming remarks, introductions and icebreaker

Session 1 (a) : The Story of Creative Commons and Creative Commons Today

- The Story of Creative Commons
 - The foundation of Creative Commons
 - Copyright law's role in the creation of Creative Commons
- Creative Commons Today
 - Creative Commons as a set of licenses, a movement, and a nonprofit organization
 - The CC Global Network

20 min: Session 1 (b): Copyright Law

- Copyright Basics
 - Basic history of copyright
 - Purpose of copyright
 - Copyright is automatic
 - General copyright terms
- Global Aspects of Copyright
 - Copyright laws differ from country to country
 - Major international treaties

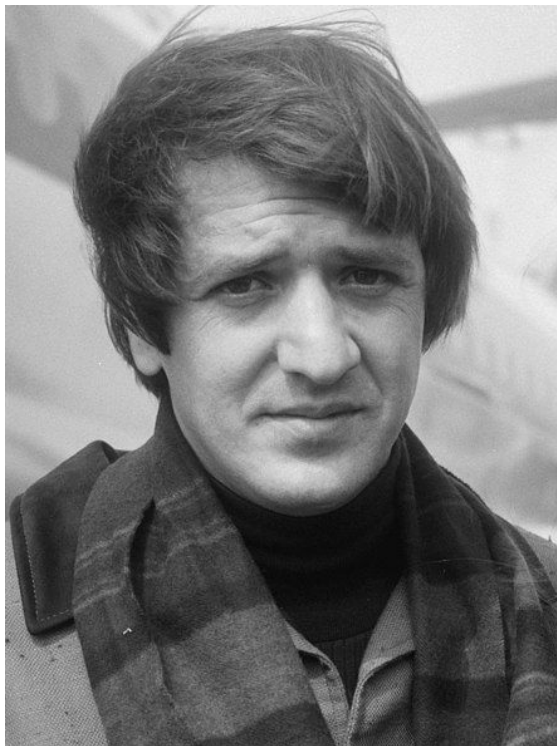
- The Public Domain
 - What is the public domain?
 - What is the value of the public domain?
- Exceptions and Limitations to Copyright
 - What are limitations and exceptions to copyright and why do they exist?
 - A few common exceptions and limitations to copyright

20 min: Session 1 (c): The “open” fields: education, science, culture, data...

- Open education
 - Policy framework
 - OER
- Open science
 - Policy framework
 - Open climate
- Open culture
 - Policy framework
 - Contemporary culture
 - Cultural heritage and Open GLAM

10 min: Final remarks and closing

The birth of Creative Commons



Eldred v. Ashcroft

🗨️ 6 languages ▾

Article Talk

Read Edit View history

From Wikipedia, the free encyclopedia



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Find sources: "Eldred v. Ashcroft" – news · newspapers · books · scholar · JSTOR (June 2011) [\(Learn how and when to remove this template message\)](#)

Eldred v. Ashcroft, 537 U.S. 186 (2003), was a decision by the [Supreme Court of the United States](#) upholding the [constitutionality](#) of the 1998 [Sonny Bono Copyright Term Extension Act](#) (CTEA). The practical result of this was to prevent a number of works from entering the [public domain](#) in 1998 and following years, as would have occurred under the [Copyright Act of 1976](#). Materials which the plaintiffs had worked with and were ready to republish were now unavailable due to copyright restrictions.

Internet publisher [Eric Eldred](#) was the lead petitioner, and was joined by a group of commercial and non-commercial interests who relied on the public domain for their work (including [Dover Publications](#)) and many *amici* including the [Free Software Foundation](#), the [American Association of Law Libraries](#), the [Bureau of National Affairs](#), and the [College Art Association](#). Eldred was represented by [Lawrence Lessig](#) and a team at the [Berkman Center for Internet and Society](#).^[1]

Supporting the law were [United States Attorneys General Janet Reno](#) and [John Ashcroft](#), along with a set of *amici* including the [Motion Picture Association of America](#), the [Recording Industry Association of America](#), [ASCAP](#) and [Broadcast Music Incorporated](#).

Background [edit]



The [Sonny Bono Copyright Term Extension Act](#) (or CTEA) extended existing [copyright terms](#) by an additional 20 years from the terms set by the [Copyright Act of 1976](#). The law affected both new and existing works (making it both a *prospective* extension as well as a *retroactive* one). Specifically, for works

Eldred v. Ashcroft



Supreme Court of the United States

Argued October 9, 2002
Decided January 15, 2003

Full case name *Eric Eldred, et al. v. John Ashcroft, Attorney General*

Docket no. 01-618 [↗](#)

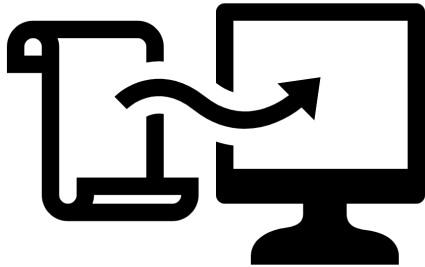
Citations 537 U.S. 186 [↗](#) (*more*)
123 S. Ct. 769, 154 L. Ed. 2d 683, 71 U.S.L.W. 4052

Decision [Opinion](#) [↗](#)

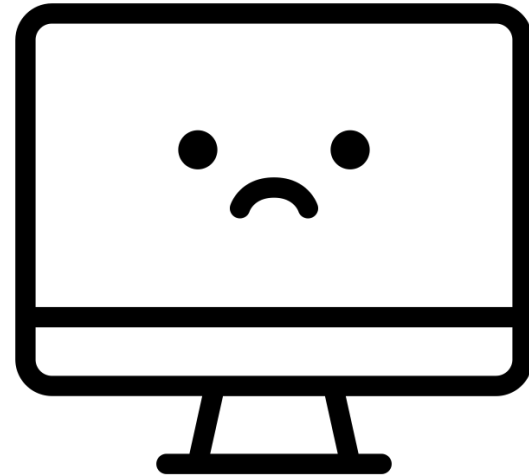
Case history

Prior *Eldred v. Reno*, 74 F. Supp. 2d 1 (D.D.C. 1999); *aff'd*, 239 F.3d 372 (D.C. Cir. 2001); rehearing and rehearing *en banc* denied, 255 F.3d 849 (D.C. Cir. 2001); *cert. denied*, 534 U.S. 1100

New
technologies
enable



Copyright
hinders



By Iconathon, US
In the [Cultural Heritage Collection](#)

Created by AomAm
from Noun Project



Self-Portrait, Black Background, Helene Schjerfbeck, 1915, Herman and Elisabeth Hallonblad collection, Ateneum, Kansallisgalleria, Copyright Free, [website](#).

Copyright's role in the story of Creative Commons

- Works of art are protected by copyright.
- Copyright is granted to creators of works automatically upon creation; no registration or other formality required.
- This means that by default, a work is always published “all rights reserved.”

Creative Commons licenses

CC licenses are built atop the copyright framework.

They allow creators to choose:

- The rights they want to reserve
- Those they waive to share their work more permissively with the public.

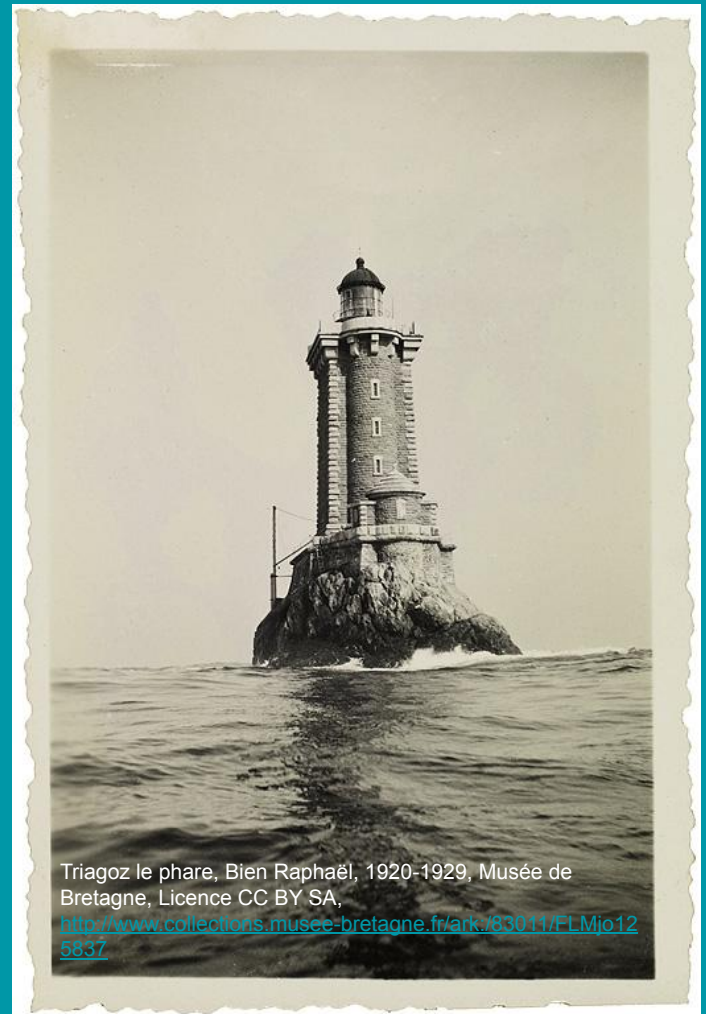
The licenses go from “all rights reserved” to “some rights reserved.”



Self-Portrait, 1888, Ivan Aivazovski, Sinebrychovlin Taidemuseum, Kansallisgalleria, Copyright Free, Website

Creative Commons...more than licenses!

- **Non-profit organization dedicated** to promoting better sharing of culture and knowledge in the public interest.
- **Licences and public domain tools**
- **An international network** of lawyers, activists, and experts in copyright law, open education, culture, science, etc.



Triagoz le phare, Bien Raphaël, 1920-1929, Musée de Bretagne, Licence CC BY SA,
<http://www.collections.musee-bretagne.fr/ark:/83011/FLMj0125837>

Nonprofit organization
Open copyright licenses
Founded in 2001
Operates worldwide
48 Country Chapters



CC's Vision:

A world where knowledge and culture
are equitably shared in ways that serve
the public interest.

6 Licenses





Free to use forever: CC licenses in public domain

Proven over time: 20th Anniversary

International standard: open copyright licensing

Built on top of and respects copyright law

CC licenses have never lost in a court of law

Help us build a vibrant, collaborative

Global Commons

[VIEW MORE](#)

We are a
global
community



Featured members



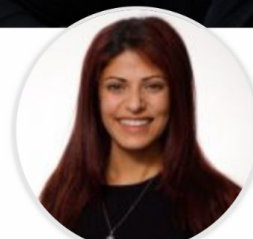
Mariana Valente

São Paulo, Brazil



Ethan Senack

United States



Razan Al-Hadid

Jordan

Open Culture Platform



[Global Network](#)

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CC OPEN CULTURE PLATFORM

What we do

The CC Open Culture Platform provides a space to share resources, enhance collaboration and raise awareness on open access to digital cultural heritage, working with Galleries, Libraries, Archives and Museums (GLAMs) professionals and open advocates.

[Learn more about the CC Open Culture program.](#)

See our 2020 [work plan](#) for past activities.

How to engage and join the Platform

Anyone who is interested can engage with the Platform through the following ways:

- Become a [member](#).
- Sign up to the [mailing list](#).
- Join our [Open Culture working groups](#).
- If you're on Slack, you can also join the [#cc-openglam](#) Slack channel.
- Participate in future CC Open Culture Platform calls. Calls are announced in the [#cc-openglam](#) Slack channel and



Open Culture Platform

- 6 working groups in 2022
 - traditional knowledge & heritage collections
 - heritage materials from community-driven initiatives
 - ethics of open sharing
 - contemporary archiving of cultural heritage
 - “attribution” models for public domain materials.
 - bibliography and glossary of open GLAM
- Monthly calls with invited speakers

Woman Rowing, Sketch, 1892, Maria Wiik, Beatrice Granberg Collection, Ateneum, Kansallisgalleria, Copyright Free, [Website](#)

CC Certificate

You can [register for a 2023 course for open Culture/GLAM with 60% discount.](#)

Creative Commons Certificate

The CC Certificate helps us work together to build an equitable, accessible, and innovative world through sharing open knowledge and culture.



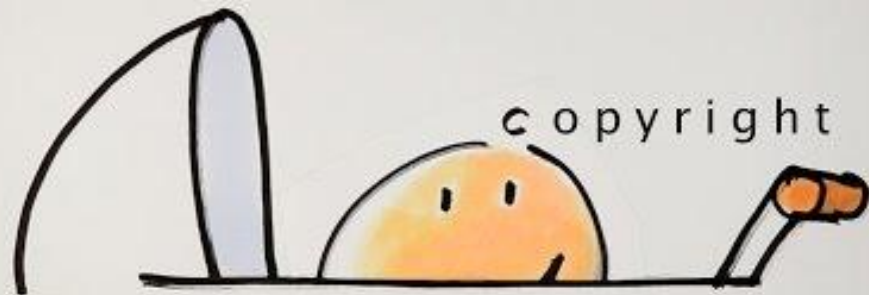
Welcome to the Creative Commons Certificate program! The Certificate program offers in-depth courses about CC licenses, open practices and the ethos of the Commons. Courses are composed of readings, quizzes, discussions, and practical exercises to develop learners' open skills. We provide personalized engagement with expert facilitators and copyright lawyers in the field, and offer a 1:25 (max) ratio of facilitators to course participants.

Copyright Law



Zhang Ruoi - Desk Album- Flower and Bird Paintings (Peony)

- 1967.193.e - Cleveland Museum of Art



[Copy \(aka copyright\) Tells the Story of His Life](#), by #FixCopyright, licensed [CC BY 3.0](#)

Copyright or droit d'auteur ?

Common Law

- ▶ **Incentive** for creativity to
- ▶ ... for the benefit of society through the dissemination of knowledge

Civil Law

- ▶ Natural rights, **inherent** to the results of intellectuals and creatives endeavors
- ▶ Sacred bond between the author and their works

From curses to printing privileges to exclusive rights...

- A set of **exclusive rights**
- Granted to **creators**: authors, composers ...
 - But started with printers and their *copy-right*
- On their creations ("**works**"): books, music, films, paintings, video games, databases, product catalogs, instructions for use, labels, etc.
- For a **limited period** (author's life + min. 50 years)
- In order to:
 - **control** the economic exploitation of works
 - receive **payment**
 - protect **reputation** and **integrity**



Copyright's bundle of copyright(s)

Moral rights: attribution and integrity

Economic rights:

- right to perform in public and to recite
- right to distribute
- right to communicate to the public including broadcast
- right to use the work as basis for an audiovisual work
- right to reproduce, translate, adapt and arrange

Sources: Wikipedia, Berne Convention, accessed on 7th of June 2020,
https://en.wikipedia.org/wiki/Berne_Convention

Elementary School Class Picture, Unidentified Artist, Smithsonian American Art Museum, CC0,
https://www.si.edu/object/elementary-school-class-picture:saam_1994.91.200



Neighboring rights

- ▶ Performers (dancers, musicians, actors)
- ▶ Sound recording producers
- ▶ Broadcasters (radio, tv, internet)

Whether the underlying work is copyright protected or not

Copyright infringement

A few myths

- ▶ You can copy as long as you don't sell
- ▶ It all depends on the number of copies
- ▶ A small modification make any reproduction legal
- ▶ Any reproduction is illegal

In reality

- **Anyone...**
- **Without prior authorization** from the copyright owner
- carries out one of the **reserved acts**

Copyright - Global aspects

Berne Convention for the Protection of Literary and Artistic Works, 1886



(Universal Copyright Convention, 1952)



TRIPS Agreement, 1994





The Public Domain

Alejandro Mallea, **Flower Fields**, The Flower Fields in Carlsbad, California.
CC-BY, <https://www.flickr.com/photos/16982168@N05/4573892308>

What is the public domain?

- Items ineligible for copyright protection, the content of which can be used by anyone for any purpose
- In the public domain
 - non-protectable objects
 - term of protection expired
 - holder has expressly waived his rights

CC0

“No Rights Reserved”



CC0 enables scientists, educators, artists and other creators and owners of copyright- or database-protected content to waive those interests in their works and thereby place them as completely as possible in the public domain, so that others may freely build upon, enhance and reuse the works for any purposes without restriction under copyright or database law.

In contrast to CC's licenses that allow copyright holders to choose from a range of permissions while retaining their copyright, CC0 empowers yet another choice altogether – the choice to opt out of copyright and database protection, and the exclusive rights automatically granted to creators – the “no rights reserved” alternative to our licenses.



Laughing Fool, ca. 1500, attributed to Jacob Cornelisz van Oostsanen. Oil on panel, 13 7/8 in. x 9 1/8 in. Image: Davis Museum at Wellesley College. Recreation via Facebook DM by Tiffanie Pierini Ho with giraffe onesie, Christmas sweater, and post-it, titled "Laughing Fool with Giraffe Ears"

The Laundress (La Blanchisseuse), 1761, Jean-Baptiste Greuze. Oil on canvas, 16 x 13 in. The J. Paul Getty Museum, 83.PA.387. Re-creation on Instagram by Elizabeth Ariza and family in modern-day laundry room, titled "The Tiny Laundress"



Male Harp Player of the Early Spedos Type, 2700–2300 B.C., Cycladic. Marble, 14 1/8 x 11 1/16 in. The J. Paul Getty Museum, 85.AA.103. Recreation via Facebook DM by Irena Ochódzka with canister vacuum, titled "The Harp and the Vacuum"

In addition to copyright,
there are many cultural
and ethical factors to
consider



Flowers from Normandy, Henri Fantin-Latour, 1887, Rijksmuseum, Public Domain, https://www.rijksmuseum.nl/en/my/collections/1717372--camille-francois-bloemen/objecten#/SK-A-2895_1

Public domain = Free to reuse?

“**Public domain**” is concept used in copyright; to oversimplify, it’s what’s **not protected**.

Copyright does not account for the ways in which traditional cultural expressions are created, collectively held, and transmitted through the generations. It does not reflect or account for Indigenous cultural values, interests or rights.

Many forms of Indigenous heritage are not protected under copyright and thus in the public domain.

Copyright

—> Freely available for use and reuse

Cultural rights, customary law, laws on
Indigenous cultural heritage, **ethics...**
allowed

—> **Access, use or reuse may not be**

Exceptions and limitations

- The public has some rights to use copyrighted works, without payment or permission, without violating the exclusive rights given to creators.
- Itemized specific exceptions and limitations on which the public may rely
- Flexible “open” exceptions and limitations such as “fair use” in the United States, “fair dealing” in some Commonwealth countries

Exceptions and limitations | User rights | Usage rights



Stilleven met asperges, Adriaen Coorte, 1697, Rijksmuseum,
<https://www.rijksmuseum.nl/nl/collectie/SK-A-2099>, Public Domain

CHIs as direct beneficiaries

- reproduce works for preservation purposes
- display and exhibit works including digitally
- reproduce and provide access to orphan works and out-of-commerce works
- lend born-digital e-works and digitized works

Exceptions and limitations | **User rights** | Usage rights

Users/members of the public as direct beneficiaries

- access and use works for educational or private purposes (research & private study)
- perform text and data mining
- exercise freedom of panorama
- use for public speech and news reporting
- use works for purposes of quotation, criticism, review and parody, caricature, and pastiche
- provide access to works in accessible formats for people with disabilities
- make transformative uses such as remixes & other forms of user-generated content.





QUESTIONS?

The “open fields”



Zhang Ruoai - Desk Album- Flower and Bird Paintings (Peony)

- 1967.193.e - Cleveland Museum of Art

open \approx free

free is *assumed* online

open $>$ free

open = free + **permissions**



puts the “open” in

education, science and
culture

Open Education

UN: Universal Declaration of Human Rights

Article 26

- **Everyone has the right to education.**
- **Education shall be free**, at least in the elementary and fundamental stages.



TRANSFORMING OUR
WORLD:
THE 2030 AGENDA FOR
SUSTAINABLE
DEVELOPMENT

1 NO
POVERTY



2 ZERO
HUNGER



3 GOOD HEALTH
AND WELL-BEING



4 QUALITY
EDUCATION



5 GENDER
EQUALITY



6 CLEAN WATER
AND SANITATION



7 AFFORDABLE AND
CLEAN ENERGY



8 DECENT WORK AND
ECONOMIC GROWTH



9 INDUSTRY, INNOVATION
AND INFRASTRUCTURE



10 REDUCED
INEQUALITIES



11 SUSTAINABLE CITIES
AND COMMUNITIES



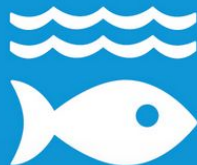
12 RESPONSIBLE
CONSUMPTION
AND PRODUCTION



13 CLIMATE
ACTION



14 LIFE
BELOW WATER



15 LIFE
ON LAND



16 PEACE, JUSTICE
AND STRONG
INSTITUTIONS



17 PARTNERSHIPS
FOR THE GOALS





**United
Nations**

Department of Economic and Social Affairs
Sustainable Development



Home

SDG Knowledge ▾

Intergovernmental Processes ▾

HLPF

SIDS ▾

Partnerships

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News

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Goals

4

**Ensure inclusive and equitable quality education
and promote lifelong learning opportunities for
all**

	Handwriting	Printing Press	Internet
Copying a book	\$1000s per copy	\$1s per copy	\$0.0001s per copy
Distributing a book	\$1000s per copy	\$1s per copy	\$0.0001s per copy

Internet
Enables



Copyright
Forbids

Open Educational Resources (OER) are learning, teaching and research materials in any format and medium that **reside in the public domain or are under copyright that have been released under an open license**, that permit **no-cost access**, re-use, re-purpose, **adaptation** and redistribution by others.

- UNESCO

Permissions

Retain

- Make and own a copy

Reuse

- Use in a wide range of ways

Revise

- Adapt, modify, and improve

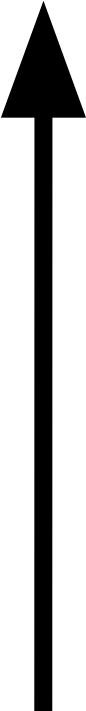
Remix

- Combine two or more

Redistribute

- Share with others

most freedom



least freedom



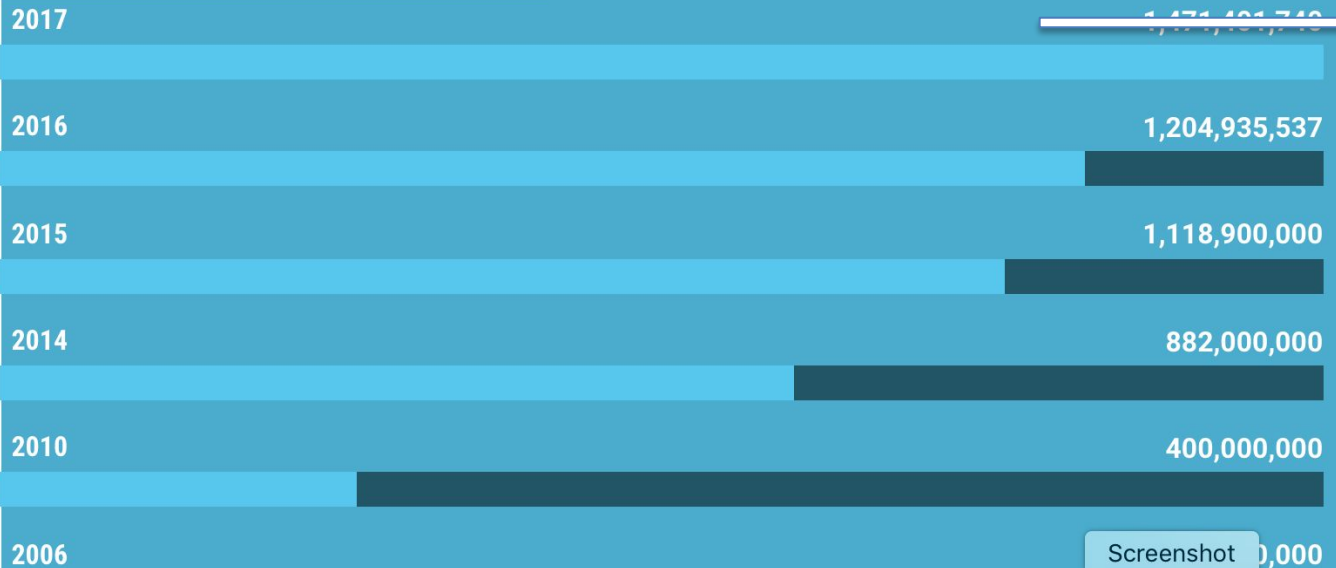
OER



Not OER

~~1.4~~ Nearly 2 BILLION

CREATIVE COMMONS LICENSED WORKS



Screenshot 0,000



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Unlocking Knowledge, Empowering Minds.

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OCW@20

2500 openly licensed courses
500 million visits

Creative Commons has been working on open education with UNESCO, other IGOs, national governments and civil society organizations for 20 years.

The [UNESCO Open Educational Resources \(OER\) Recommendation](#) was unanimously adopted on by 193 UNESCO member states at the 40th UNESCO General Conference.

This **Recommendation** is an official UNESCO instrument that gives national governments a specific list of recommendations to support open education in their countries and to collaborate with other nations.

Publicly funded
resources should be
openly licensed
resources.

How can OER
benefit educators?

Increase Equity

All students have access to high quality learning materials that have the most **up-to-date and relevant content** because OER can be freely copied, modified and distributed to anyone.

Save Money

Switching to OER enables colleges to **repurpose financial aid spent on static textbooks** for other pressing student financial needs.

Keep Content Relevant, Effective & High Quality

Traditional textbooks are perpetually outdated, forcing districts to re-invest to replace them.

CC licenses allow educators to maintain the quality and relevance of their OER through continuous updates.

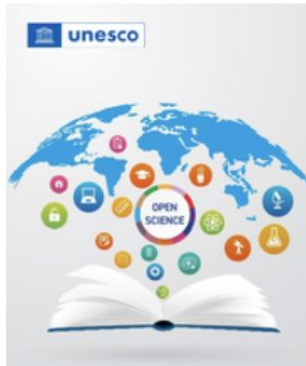
Empower Faculty

OER empower faculty as creative professionals by giving them the ability to adapt and customize learning materials to meet the needs of their students without breaking copyright laws.

Open Science

IF WE ARE GOING TO SOLVE THE
WORLD'S BIGGEST PROBLEMS,
THE SCIENCE ABOUT THEM **MUST** BE
OPEN

UNESCO Recommendation on Open Science



UNESCO Recommendation
on Open Science

Corporate author : [UNESCO](#) [65446]

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Online

Open Access



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WHAT ARE THE WORLD'S GREATEST **CHALLENGES?**

SUSTAINABLE DEVELOPMENT GOALS

A collection of 17 interlinked global goals designed to be a "shared blueprint for peace and prosperity for people and the planet, now and into the future".





TRANSFORMING OUR
WORLD:
THE 2030 AGENDA FOR
SUSTAINABLE
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1 NO
POVERTY



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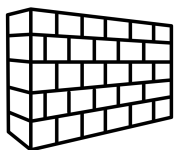
17 PARTNERSHIPS
FOR THE GOALS



If we want to realize the UN
SDGs – we need the
knowledge (research, data &
educational resources) about
them to be free and open for
everyone.



CLIMATE CHANGE, AND THE RESULTING HARM TO OUR GLOBAL BIODIVERSITY, IS ONE OF THE WORLD'S MOST PRESSING CHALLENGES



OPEN SHARING OF RESEARCH OUTPUTS IS NOT THE DEFAULT

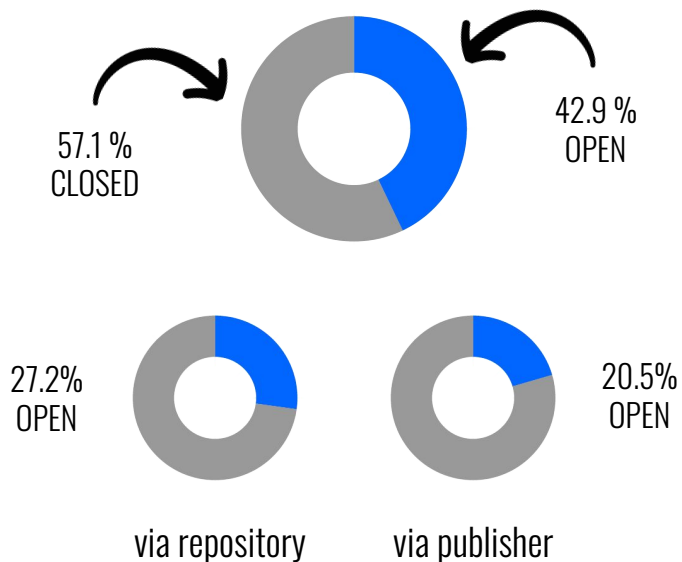
No incentives for scientists to practice in the open



SO HOW MUCH OF CLIMATE CHANGE KNOWLEDGE (PUBLICATIONS) IS OPEN ACCESS?

From 1980 to 2020

169,135 outputs



Building a coalition



SPARC*

eifl KNOWLEDGE
WITHOUT
BOUNDARIES

**OPEN SOCIETY
FOUNDATIONS**



ARCADIA
A CHARITABLE FUND OF
LISBET RAUSING & PETER BALDWIN

The Open Climate Campaign is launched!

August 30, 2022



openclimatecampaign.org

It's hard to change knowledge sharing models ... but we will need to do so if we want to:

- solve the world's most pressing challenges;
- have an equitable model of contributing to and sharing scientific knowledge in which everyone can participate; and
- ensure publicly funded knowledge is a public good accessible to all.

"nonfigurative painting" by Lazur URH licensed under CC0 1.0



open culture

cc open culture



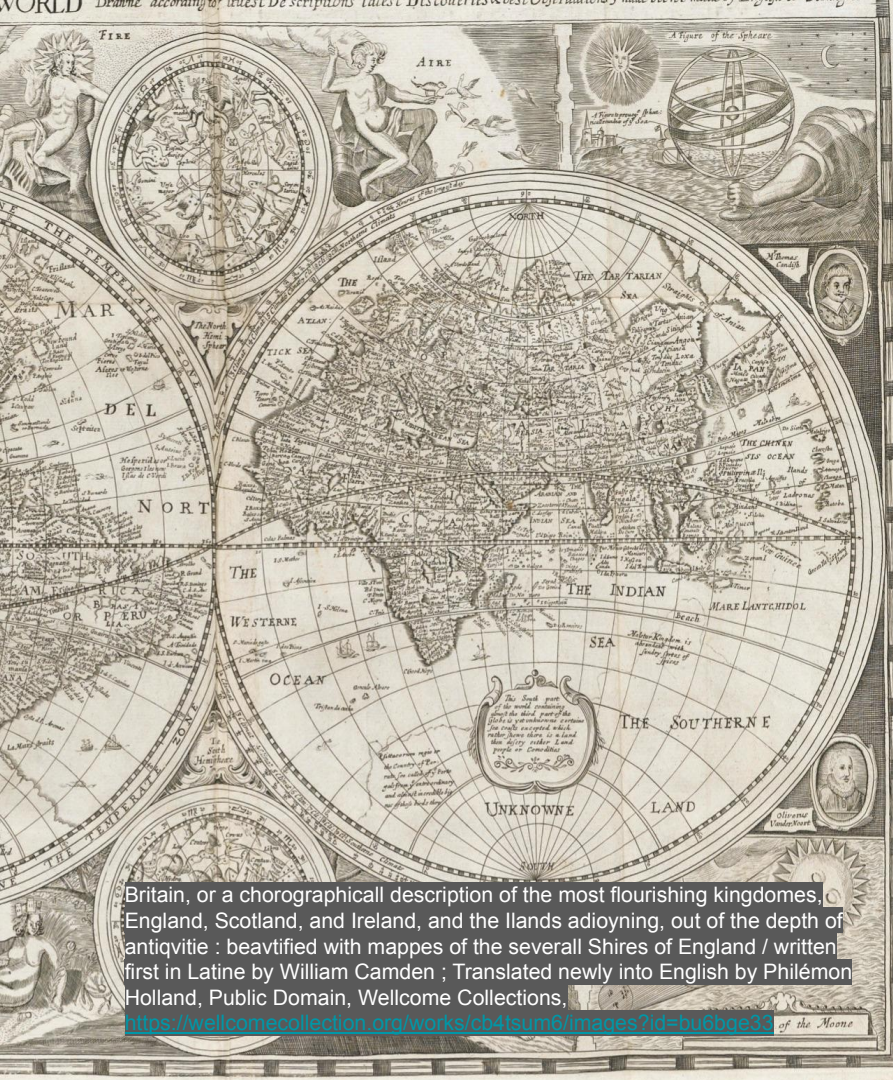
Access and sharing of culture and knowledge are essential to sustain vibrant and thriving societies.

Cultural heritage institutions are gateways: pivotal points between heritage and the public.

Preserving and sharing heritage is at the heart of their mission.



Hoad versierd met een fazant, Legroux Soeurs, ca. 1945, Public Domain, Rijksmuseum, <https://www.rijksmuseum.nl/nl/mijn/verzamelingen/172453--olga/hats/objecten#/BK-1986-68.2>



Quick Snapshot of Creative Commons Open Culture work

Britain, or a chorographical description of the most flourishing kingdomes, England, Scotland, and Ireland, and the Ilands adjoining, out of the depth of antiquitie : beautified with mappes of the severall Shires of England / written first in Latine by William Camden ; Translated newly into English by Philéon Holland, Public Domain, Wellcome Collections,

<https://wellcomecollection.org/works/cb4tsum6/images?id=bu5bge33> of the Moon



ARCADIA

A CHARITABLE FUND OF
LISBET RAUSING & PETER BALDWIN

There are many examples of cultural heritage institutions that have opened their collections

[See the survey of GLAM Open Access policy and practice](#) prepared by Douglas McCarthy and Andrea Wallace.



Douglas McCarthy
@CultureDoug



The #OpenGLAM survey, 11.01.22:

49 countries 🌍🌍🌍

1349 institutions 🏛️🏛️🏛️

68,954,373 open access digital objects

Visit bit.ly/openglamsurvey 📄 #openaccess

[Traduire le Tweet](#)



2:12 PM · 11 jan. 2022 · Twitter Web App

1 Retweet 4 J'aime



Creative Commons is... an Open Culture leader

We provide tailored advice to GLAMs to help them release their collections online through CC tools.

Paris Musées Releases 100,000+ Works Into the Public Domain



Victoria Heath
January 10, 2020

The Paris Musées [recently released](#) more than 100,000 works under Creative Commons Zero (CC0), putting the works into the public domain. They also released their collections' Application Programming Interface (API), allowing users to “recover, in high definition, several royalty-free images and their records from cross-searches on the works.”

Users can scroll through the collection via the museum's [portal](#), discovering hidden gems like [this photograph](#) of French feminist Caroline Rémy and [this beautiful illustration](#) from an early edition of *Les Misérables*. This collection is a unique treasure trove for anyone interested in French history, art, and culture.



A portrait of Caroline Rémy (1808-1868), a French feminist journalist. Photo by Phil Corbin.

This announcement by the Paris Musées is a cause for celebration as it marks the continuation of a growing trend among [GLAM](#) institutions, including the Metropolitan Museum of Art and the Cleveland Museum of Art, that are recognizing the importance of open access to artistic and cultural artifacts.

We applaud the Paris Musées for this great contribution to the public domain, and we encourage other GLAM institutions to follow suit!

If you are affiliated with a GLAM institution and would like guidance on using CC0, or any of our CC licenses, please email us at info@creativecommons.org. We're here to help!

Smithsonian Releases 2.8 Million Images + Data into the Public Domain Using CC0



Victoria Heath
February 27, 2020



The Smithsonian—the world's largest museum and research institution—[announced](#) yesterday [Smithsonian Open Access](#), an initiative that removes copyright restrictions from 2.8 million digital collection 2D and 3D images and nearly two centuries of data.

This major initiative uses CC0—Creative Commons' [public domain dedication tool](#)—to make millions of images and data freely available to the public.

The Rijksmuseum Open Data Policy

Our collection is for everyone. That's why the Rijksmuseum makes its digitised collections and metadata available in the highest quality. And we don't ask for anything in return.

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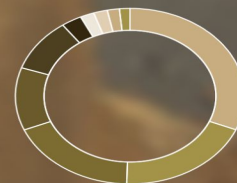


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