The advent of Creative Commons and its international adoption

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Purpose of this talk

- What Creative Commons is
- How we make practical use of it
Copyright at the end of the 20th Century

- The triumph of the monopoly of the creator
- Suited to the physical world
Why the monopoly?

- First legislation, 1710, Statute of Anne
- “The author .... shall have the sole liberty”
The breakdown of proprietary culture

- Proprietary culture works until the 20th Century
- The burdens of working with the physical were generally “slight” (Lessig)
- The problem of the word “copy” in the digital age
The internet paradox

“Just at the moment that internet technology explodes the opportunities for collaborative creativity ...., uncertainty over permissions interferes with that collaboration”

Lessig [http://creativecommons.org/weblog/entry/5668]
The apparent impossibility of resolution

- Immediate reaction of copyright owners to the internet and digital technology – lobby for increased protection
- Reaction to this, increasingly to lobby for the opposite, or more seriously to disregard the law
Copyright Developments 1980+ (Australian example)

- Early 1980s – new responsibilities in tertiary institutions and libraries
- New technology issues, computing software
- Uncertainty and perplexity as digital era gathers speed
- Complexity recognised by Government, establishment of Copyright Law Review Committee
Copyright Developments 1980+ (Australian example) ... cont’d

- The simplification review by the CLRC
- The Internet treaties, 1996
- International responses to Geneva (the US, Europe, Australia)
Copyright Developments 1980+
(Australian example) ... cont’d

- Australian attempt at compromise, 2000
- Australian review, 2003
- The Australia US Free Trade Agreement
Australia – United States Free Trade Agreement

- Extension of term of protection
- Possible changes in the anti-circumvention provisions
- ISP liability
- Possible different interpretation of temporary copies
Australia – United States Free Trade Agreement (cont’d)

- Effect on other existing reform processes in Australia
  - Copyright versus contract
  - DAA Review

- Tactical quandary
Copyright: The Incredulous User

- Reaction to the music industry world wide
- The Australian problem - the surprise of the legislators during the US Free Trade hearings
- The attractiveness of compromise
Creative Commons as a compromise

- Creative Commons recognises the initial right of the author, particularly to indicate a happiness to share
A nonprofit organization offering a flexible range of copyrights for creative work

4 common elements in licences
- Attribution
- Non-commercial
- No derivative works
- Share alike

http://creativecommons.org/
Creative CommonsLicences

A brief explanation of the Creative Commons licence types.

Offering your work under a Creative Commons license does not mean giving up your copyright. It means offering some of your rights to any taker, and only on certain conditions. Each work licensed under a Creative Commons licence comes with some base rights, which can be modified by the optional rights below.

BY: Attribution

Every Creative Commons work can be freely copied and redistributed, as long as credit is given to the creator of the work. You can define certain conditions on other people’s use of your work by mixing and matching from the optional terms below.

$ Noncommercial

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

**for example:** Gus publishes his photograph with a Noncommercial license. Camille incorporates a piece of Gus’s image into a collage poster. Camille is not allowed to sell her collage poster without Gus’s permission.

= No Derivative Works

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

**for example:** Sara licenses a recording of her song with a No Derivative Works license. Joe would like to put Sara’s track and mix it with his own to produce an entirely new song. Joe cannot do this without Sara’s permission (unless his use amounts to fair dealing).
Creative Commons Chronology at QUT

- **Late 2003:**
  - Consideration of affiliation with Commons process

- **2004:**
  - Decision to proceed and launch Australian CC

- **2005:**
  - Endorsement and formalisation of the Australian version
Practical Application of Creative Commons

- Student Work
  - Creative Industries remix work
  - Business Case Studies

- Teaching artefacts/objects
  - Grants scheme conditions

- Research outputs
  - Application to OA intellectual property
Questions / Discussion...