Connection, Collaboration, and Community: Creative Commons

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ABSTRACT

This article describes how building up on the foundation of knowledge created by the previous scholars is the base of any scholarly communication. Usually scholars also willing to share their findings to others to gain guidance, approval and recognition. The user should use the shared information while protecting moral and legal rights of the authors. To protect the creator’s intellectual property rights, copyright and other legal schemes were introduced. However, these legal frameworks became too rigid for users to use the shared data. Sometimes even when the creator is willing to share the data, h/she could not do the same due to copyright bindings. This gave rise to need for a supporting legal framework which protects the rights of the authors and allows him/her to share her work willingly as per the chosen criteria. The license should be easy to prepare, understand and share. Creative Commons offers the required types of licenses which are globally approved. The article discusses about the background, attributes and advantages and challenges of Creative Common’s licenses.

KEYWORDS

Copyleft Movement, Copyright, Creative Commons, Digital Information, Electronic Information, Free Content, Open Access

INTRODUCTION

Collaboration: Need of Scholarly Communication

Communication is the key of scholarship. New researches are based on scholarly communication of other thinkers. Timely communication triggers new ideas, avoids redundancy in efforts and keeps the researchers on the right path. Free flow of authentic information is the essence of scholastic development which leads to overall welfare of the world. This need of sharing of information is as old as the mankind. Researchers developed their own modes of sharing information with like-minded people such as

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invisible college, private networks, cryptic messages etc. Digital information and internet made sharing of knowledge faster and efficient.

Academic norms have always promoted open sharing of research findings and creative scholarship. Internet and digital information introduced new ways of collaboration and sharing of information. A few are discussed below.

**Open Source Initiative**

The campaign was launched in 1998. Open source is a term describing a means of developing and distributing software that ensures software is available for use, modification, and redistribution by anyone. The open source community promotes the creation of software that is not proprietary, resulting in lower costs. Generally, anyone can download open source software for little or no cost, and can use, share, borrow, or change it without restriction. A major advantage to open source code is the ability for a variety of different people to edit and fix problems and errors that have occurred. Naturally because there are more people who can edit the material there are more people who can help make the information more credible and reliable. The open source mission statement promises better quality, higher reliability, more flexibility, lower cost, and an end to predatory vendor lock-in. For almost every requirement ranging from accounting to audio recording and project management to screenplay writing there is a powerful open source solution is available as an option to expensive commercial software. To name a few: Mozilla Firefox (Web Browser), VLC Media Player (Portable Multimedia Player), encoder, and streamer, Odoo (Business Application), Gimp (Graphic Application), etc.

**E-Book Initiative**

Project Gutenberg is a first E book initiative in the world, established by Michael S. Hart in 1971. It is aimed to digitize the books in public domain and make it available to readers across the globe. Many more such projects are initiated worldwide. To name a few: Google books, internet archive, Europeana, Open library, etc.

**Open Access Journals**

Open access (OA) journals are scholarly journals that are available online to the reader without financial, legal, or technical barriers other than those inseparable from gaining access to the internet itself. While open access journals are freely available to the reader, there are still costs associated with the publication and production of such journals. Some are subsidized, and some require payment on behalf of the author. The Directory of Open Access Journals currently lists over 9428 open access journals.

**Open Institutional Repositories**

An institutional repository is an archive for collecting, preserving, and disseminating digital copies of the intellectual output of an institution, particularly a research institution. Worldwide institutions are starting to implement digital institutional repositories to improve the visibility, usage and impact of research conducted by the
institution. Institutional repository can be accessed by anyone interested irrespective of geographical barriers through the internet. The Directory of Open Access Repositories currently lists over 3345 open access repositories.

**Open Courseware**

OpenCourseWare (OCW) are course lessons created at universities and published for free via the Internet. The OpenCourseWare movement started in 1999 when the University of Tübingen in Germany published videos of lectures online. The OCW movement only took off, however, with the launch of MIT OpenCourseWare at the Massachusetts Institute of Technology (MIT) and the Open Learning Initiative at Carnegie Mellon University in October 2002. Next many educational institutions joined the movement. To name a few: Coursera, Edx, udacity, Khan academy, etc.

**LEGAL ASPECTS OF COLLABORATION**

At one hand the open access and free information movements are reinforced in the society, the intellectual property rights of the authors and the concept of Fair Use are at stake. The very nature of digital information is making the issue complicated. Digitisation made the information a global commodity. Anybody can access the same all over the world. Today different countries have their own set of laws related to digital information. Many countries are yet to form well defined policies related to digital information. This complicates the concept of digital information legal rights. A fair use of a given digital document in one country might be a legal offence in the other. To solve this issue as rightly quoted by Teresa Hackett, Copyright and Libraries Program Manager, Electronic Information for Libraries (EIFL), Vilnius, Lithuania a single global copyright framework for libraries and archives is required.

In digital format, information is presented as a mix of text, images, sound, multimedia, software, etc. Who owns the IP right to different components became an issue. This give rise to the idea of collective management of copyrights and related rights.

The policies regarding with whom one can share the digital document, to what extent are also ambiguous. Unfortunately, it affects the sharing of information in academic community. The case of British Libraries is a classic example for this. Data obtained from the British Library under a Freedom of Information request show that the number of journal titles available under the INCD (International Non-Commercial Document Supply) service fell by 93 percent, from 330,700 titles in 2011 to 23,600 in 2012. More titles disappeared than are available under the non-commercial licenses, and some 28,300 titles are no longer available either at commercial or non-commercial rates. The countries served reduce to 33 (in 2014) from 59 (in 2011). The example from the British Library illustrates the negative consequences associated with replacing a copyright-based library service with one regulated by a license.

If one considers Copyright (Amendment) Bill 2012 of India, there are a few positive changes but many issues still unaddressed. A few amendments can complicate
the fair usage of digital content. Term of copyright for photographs nearly doubled and has now gone from sixty years from publication to sixty years from the death of the photographer. This applies not only to artistic photographs, to all photographs because copyright is an opt-out system, not an opt-in system. Quite obviously, most photo shopping is illegal under copyright law.

This bill also expanded author’s or performers moral rights. The changes allow the legal heir of an author, artist, etc., to object to ‘distortion, mutilation, modification, or other act’ of her ancestors work even when the ancestor might not have. By this amendment, this right continues in perpetuity, even after the original creator dies and even after the work enters into the public domain.

In addition, there are many unanswered technical aspects such as who will take responsibility of digital preservation, maintaining metadata standards and sustain the hyperlinks associated with a given digital content. These activities require a lot of technical expertise, technology support and other resources and the authors may lag behind in maintain the required standards.

**COPYLEFT MOVEMENT**

Researchers always considered scholarly communication as a way to gain respect and authority in their respective subject. With time, scholarly communication became an aspect of power. In today’s information world it became a profit generating commodity. Digital information proved as a double-sided sword. It facilitated the scholarly communication, but it made it vulnerable to easy modifications and misuse. The ethics related to information rights are easily violated in this digital environment. This situation de-motivates the scholars. In such dubious atmosphere where copyright becomes too restricting a copyleft movement got a boost. In general, copyright law disallows recipients to reproduce, adapt, or distribute copies of an author’s work. In contrast, under copyleft, an author may give every person who receives a copy of the work permission to reproduce, adapt, or distribute it while imposing some restrictions. Instead of allowing a work to fall completely into the public domain (where no ownership of copyright is claimed), copyleft allows the work freely available for adaption and redistribution provided they are released under the compatible copyleft scheme.

Copyleft movement initiated many Public Licenses to facilitate and safeguard the scholarly communication. The GNU General Public License (GPL), originally written by Richard Stallman, was the first software copyleft license. There are many other public licenses such as GNU Lesser General Public License, BSD License, Apache License, MIT License, Mozilla Public License, Design Science License and so on. Mostly these licenses deal with a particular type of information mainly software. Creative Commons is also one of the Public Licenses, but it deals with different types of information. Creative Commons (CC) offers a wide variety of licenses, each granting certain rights. Hence CC licensees are commonly used for design projects.
CREATIVE COMMONS

Creative Commons (CC) is an American organization founded in 2001 by Lawrence Lessig, Hal Abelson, and Eric Eldred with the support of Center for the Public Domain. It is based in San Francisco having offices in Berlin and London with international network of volunteers in over 50 countries.

The first set of copyright licenses was released in December 2002. The goal of Creative Commons is to create reasonable copyright rules over the rigid base model that is currently in place. This means that Creative Commons is not an alternative to copyright, but a modification or a complement to it. If a user violates a Creative Commons license, they are violating copyright. Creative Common’s licenses allow their holders to grant broad permission to others to share, remix, use commercially, or otherwise use their work without having to ask specific authorization for each use. It also partners with tech companies to develop tools for the general public to easily search for CC licensed content. By the end of year 2016, there were an estimated 1.2 billion (Creative Commons) licensed works. Creative Commons’ licenses are available in 50 different countries and are also available in various languages. In November 2013, Creative Commons published internationally valid version 4.0 license suite.

Types of Creative Commons’ Licenses

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Creative Commons’ licenses are drafted to be enforceable around the world, and have been enforced in court in various jurisdictions. CC licenses contain a severability clause. This allows a court to eliminate any provision determined to be unenforceable, and enforce the remaining provisions of the license.

How to Apply for CC License

It is very easy to apply for CC License. One should go to the Creative Commons’ webpage of choose a license page via https://creativecommons.org/choose/ and fill up the simple form as shown in Figure 1.

Once you fill the required data, license is produced for your work in three formats:

1. Human readable Common Deed
2. Lawyer Readable Legal Code

A logo representing the selected type of cc license is placed on the content. The logo links to Common Deed and Common Deed links to Legal Code.

Figure 1. Creative common’s webpage of choose a license
How to Search CC Licensed Material

Machine readable Digital code filled up by the creator or license applicator facilitates the search of CC licensed content. Creative commons also partner with tech companies to develop tools for the general public to easily search for CC licensed content. One can easily search CC-licensed content especially images via the page. One may use common search engines like Google or yahoo to search CC-licensed content.

Using Creative Common’s Search Page
Go to Creative Common’s Search Page: https://ccsearch.creativecommons.org/. With the help of keywords, search required information. See: Figure 2.

Using Google’s Search Page
Go to Google’s Advanced Search Page: https://www.google.com/advanced_search. Use required keywords and select other appropriate options like language, file type, etc. In the option Usage Rights, select free to use, share or modify even commercially. And then do the advanced search. The results will display Creative Common Contents. See: Figure 3.

Using Yahoo Search Page
Go to Yahoo’s Images Search Page: https://images.search.yahoo.com/. Use required keywords and select other appropriate options like size, type, color, etc. In the option

Figure 2. Creative common’s search page
Usage Rights, select free to use, share or modify even commercially. And then do the search. The results will display Creative Common Contents. See: Figure 4.

Advantages of Creative Commons Licenses

For Authors/Creators:

1. Creative Commons offers a set of licenses enforceable around the world and adapted by more than 50 countries;
2. The procedure of application is easy and without any registration;
3. Anyone can use Creative Common’s licenses at no cost where the copyright holder could state, in advance, what others may and may not do with his works;
4. It protects the moral rights of the creator;
5. As the licensees are available in legal and common languages, it is easy to understand by all. This leads to fewer cases of infringements which in turn saves time and resources of the author/creator to deal with the violations to their rights;
6. Signing into creative commons licenses for one’s work will get their work into CC oriented search engines, which leads to better chances to expose your content to more and new users;
7. It offers better Visibility to one’s Research. Everyone in the world – who is interested in creator’s work has an access without paying an access fee which makes his/her work more visible and accessible throughout the globe;
8. More visibility offers more recognition, and more impact for the author’s ideas. In fact, recent studies have shown that open-access articles are cited by other authors more frequently than comparable articles that are not openly available.
For Researchers/Users:

1. More information is available for free use without any legal restriction;
2. The content can be freely shared, modified and used even for commercial purpose with the permission of the author;
3. It offers easy to adapt updated information;
4. It saves time and other resources for searching legally free to use digital content;
5. It makes the use of available information more economical.

For Publishers:

1. Creative commons licenses clearly state the rights maintained and given up by the author for his/her work;
2. This clarifies what publishers can do or can’t do with the author’s work;
3. The clarity in licenses saves the publishers from future legal suits.

**Challenges of Creative Commons Licenses**

*Creators are Hesitant to Part Away From Their Rights*

The survey conducted by Taylor and Francis’ Research and Business Intelligence Department of 13143 authors, who published in a Taylor & Francis journal in the year 2011 revealed that 71% authors preferred “Attribution – Noncommercial – No Derivatives (CC BY-NC-ND)” license which is the most restrictive license option of Creative Commons. Only 15% authors were open to opt “Attribution (CC BY)” - the
most accommodating of Creative Commons license. This reveals the reluctance of authors to part away from their rights on their intellectual properties.

**Limited Control Over Nature of Reuse**

In Creative Commons licensing scheme, the author/creator grant permission to use his/her work ahead of time. H/she can never be sure who is using their work, for what purpose. As an author/creator one might not approve the modified version (done by others) of his/her work, but h/she could not take any action as the rights are given away in advance. One can make money from the adapted version of your work without compensating you for the use.

However, Creative Common’s licenses are non-exclusive, so one can still license the same content under a different agreement if required.

**Chances of Ambiguity**

Anyone not necessarily the creator can apply Creative commons licenses to an uploaded work. Jonathan Bailey (2013) had explained in detail how a work can be wrongly licensed either accidently, mistakenly or intentionally. One has to upload multiple works like figures one by one with respective licenses. But while uploading them simultaneously one forgets to select respective valid license applicable to the individual work for which they don’t hold rights and upload wrongly licensed work by accident. Some mistakenly believe that because they have a license to use a work, they own it and can relicense it as they see fit. Some people with wrong intentions though aware about the nature and necessity of licenses, deliberately ignore them and upload someone else’s work illegally. The third person using uses such wrongly licensed work may have to face the legal procedure.

**Ever Changing Licenses**

One can change the type of creative common licenses for a given work anytime. This ever-changing nature is raising challenges for the users. It is difficult for a user to prove that when s/he downloaded a particular work it was under a particular type of license which allowed him/her to process the work legally if the author changes the nature of license and make it more restrictive and challenges the reuse. From the comments on Blog of Bobbi L. Newman, geek librarian, USA, it seems that many users have faced this dilemma and suggest to preserve dated, independently verified copies of license conditions associated with creative commons images, take screenshots, using services like Imagestamper, etc.

**Few Examples**

As per Creative Common’s 2016 State of the Commons report, 1.2 billion creative common licensed digital content are there worldwide which drastically increasing day by day. The major creative commons cover various types of contents such as databases, books, educational resources, government & intergovernmental organizations, images, videogames, etc. A few examples of each type are given in Table 1.
Table 1. Examples of creative common licensed content

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Type</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Books</td>
<td>Free Culture by Lawrence Lessig (the first CC licensed book), The Future Of The Internet by Jonathan Zittrain, etc. Open Access by Peter Suber, etc.</td>
</tr>
<tr>
<td>2.</td>
<td>Comics</td>
<td>Pepper &amp; Carrot by David Revoy, Mimi &amp; Eunice by Nina Paley, Overcompensating, etc.</td>
</tr>
<tr>
<td>3.</td>
<td>Databases</td>
<td>OpenSeaMap, OpenStreetMap, etc.</td>
</tr>
<tr>
<td>4.</td>
<td>Educational Resources</td>
<td>Khan Academy, Open Courseware, WikiEducator, etc.</td>
</tr>
<tr>
<td>5.</td>
<td>Government &amp; Intergovernmental Organizations</td>
<td>The White House, Queensland Museum –Open Government data in Austria, etc.</td>
</tr>
<tr>
<td>6.</td>
<td>Images</td>
<td>Flickr – the commons, Pixabay, unsplah, etc.</td>
</tr>
<tr>
<td>7.</td>
<td>Music</td>
<td>Free Music Archive, CC Mitxer, Free Sound, etc.</td>
</tr>
<tr>
<td>8.</td>
<td>Videos</td>
<td>You Tube, Sanctuary, etc.</td>
</tr>
<tr>
<td>9.</td>
<td>Video Games</td>
<td>Castle Crashers, Mari0, The Adventures of Fatman, etc.</td>
</tr>
<tr>
<td>10.</td>
<td>Websites</td>
<td>Wikipedia, Boing Boing, Internet archive, etc.</td>
</tr>
</tbody>
</table>

CONCLUSION

Open access resources initiatives begun with the idea of sharing the scholarly communication without any barriers. It is a modern version of Invisible Colleges – where the domain knowledge is shared among the interested people. Creative commons offer the required technical and legal tools to share the resources under legal boundaries. It respects the will of authors about what to share and how and protects the creator’s moral rights.

Though Creative Commons Licenses are probing certain challenges, one cannot ignore its role in open access movement. More and more authentic data became free and legal to use and adapt due to Creative Common’s licenses. Portals that use open data to predict and plan for earthquakes in New Zealand, a citizen-led civic data portal in El Salvador, a series of medical photographs that surfaces the untold struggle for independence against Portuguese colonial rule, and the world’s most beautiful slideshow of historic monuments submitted by over 10,000 Wikipedians are some of the examples of creative common success. Creative common is widely accepted across the globe and its extensive exposure to free information will be definitely prove useful for the betterment of the entire world.
REFERENCES


Creative Commons (n.d.) Retrieved May 12, 2017 from creativecommons.org/


Madhuri Vikram Tikam is working as the Chief Librarian of a well reputed Commerce College located in Mumbai - H R College of Commerce & Economics, Churchgate since 1997. She received Best Teacher Award for Outstanding Contribution to Teaching & Education (Library Education) from Higher Education Forum (HEF) in September 2015. She also received Nomination from SAARC Documentation Center for Workshop on “Essential skills for new age professionals” at Maldives in November 2014 and Scholarship from American Library Association (ALA) for ALCTS Online Course on Fundamentals of Collection Assessment in 2014. She got selected for University System to System Exchange Programme of HSNC Board and University system of Georgia, USA in 2003. She is Chief Editor of “International Journal of Information Resources and Knowledge Management (IJIRKM)” and Guest Editor of International Journal of Information Communication Technologies and Human Development (IJICTHD) Special issue on “The Impact of Information Communication Technologies (ICT) in Education”. She authored a book and many journal articles. She offered information literacy programmes and consultancy to many institutions.