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Reuse, Remix, and Create with the Creative Commons

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Part of the Scholarly Communication Commons
Introduce self.

Last fall took the Creative Commons Certification course; hope to share some of what I learned.

Ask for introductions: Name; student, faculty or staff; department; and why you want to learn more about CC.
What we’ll cover

1. Copyright basics
2. Copyright in the digital era
3. Creative Commons licenses
4. Searching for CC licensed works
5. Reusing CC licensed works
6. Applying a CC license to your own work

This presentation is designed to be useful to those of us who create content as well as those of us who reuse content.

Because most of us do both.
Copyright Basics
Copyright law reserves for creators a set of exclusive rights. Specifically, if you own copyright in a work, you have the **exclusive** right to

=> Reproduce the work (that is, make copies)
=> To distribute the work to the public
=> To perform the work publicly
=> To display the work publicly
=> To prepare derivative works or adaptations based upon the work
Copyright covers literary and artistic works. In U.S. copyright law, this category includes a broad range of outputs:

- Books and other writings
- Musical compositions and sound recordings
- Dramatic works
- Choreographic works
- Pictorial, graphic, and sculptural works (including photographs, paintings, and maps)
- Motion pictures and other audiovisual works
- Architectural works
- Computer software

So-called “derivative works” are also covered by copyright. These include adaptations (such as a movie adaptation of a novel), translations, and arrangements of music.

In addition, collections or compilations of literary and artistic works are also copyrighted.
Copyright in your work is automatic as soon as it is fixed in a tangible medium — ink on paper, paint on canvas, or bits to a computer file.

So if you’re multitasking and writing an email right now to someone, that email is copyrighted the moment you type it out.

Before the 1976 copyright law, you used to have to register your copyright and mark your work with the copyright symbol.

What does it mean that copyright is automatic? It means that EVERYTHING IS COPYRIGHTED.
Copyright law contains a number of exceptions and limitations.

Uses of copyrighted works that fall under these exceptions and limitations do not require permission and are not infringements of the creator’s copyright.

The most flexible exception is Fair Use, which applies to copyrighted material used for criticism, comment, parody, news reporting, teaching, scholarship, and research.
The Public Domain

Works in the public domain may be copied, adapted, and shared for any purpose, without permission.

Best practice is to credit the creator, though this is not required.

The public domain consists of creative works that are not subject to copyright, usually because their copyright terms has expired.

Note that works created by the U.S. government are in the public domain.

Anyone is free to copy, adapt, and share them without permission.
Copyright in the Digital Era
Much of what we do is online.

From the invention of the World Wide Web in 1989 to the present, Internet use has exploded. There are now more than 3.4 billion people online.

Most of the information and media we consume is on the Internet.

Much of what we create is on the Internet.

Think of articles, blogs, videos, music, photographs.

All of this content is protected by copyright. Automatically.
In 1998, the Copyright Term Extension Act (CTEA) was passed.

This law extended copyright to life of the author plus 70 years, where before it had been 50 years.

It effectively stopped new works from entering the public domain until January 1, 2019 or later, including Mickey Mouse.

For this reason, the CTEA was nicknamed the “Mickey Mouse Protection Act.”
Partly in response to the extension of copyright terms, Creative Commons was formed in 2001.

While the Copyright Term Extension Act (CTEA) protected commercially valuable copyrights like Mickey Mouse, it made it difficult for the many creators who wanted to distribute their work freely.

At the same time that digital technologies were allowing culture to be shared to a degree never before possible, expanded copyright protections prohibited such sharing.
Creative Commons licenses provide an alternative to the “all rights reserved” of copyright.

Creative Commons licenses are built on top of copyright, relying on copyright law for their effectiveness.

Using a CC license allows a creator to retain her copyright and share her work under a model of “some rights reserved.”
Creative Commons licenses are built using a three layer design.

The Legal Code is written for lawyers and is what is legally enforceable in court.

The Commons Deed is the layer that is easy for the average person to understand. This is what we link to when we place a CC license on our work.

The Machine Readable layer allows applications, search engines, and other technologies to determine how a work can be used.
Four license elements combine to create six CC licenses.

Four license elements combine to create six CC licenses.
This symbol means “Attribution” or “BY”. All of the CC licenses include this license element.

Attribution ensures that the user of a CC-licensed work provides credit to the creator and a link to the original work.

This element is essentially the same as the requirement to “cite your sources” in academic work, so it is easy for researchers and students to understand.
This symbol means “NonCommercial” or “NC”.

Non-commercial is defined as “not primarily intended for or directed towards commercial advantage or monetary compensation.”

NonCommercial depends on the use, not the user.

For example, if a nonprofit organization used an NC-licensed image in a calendar that they offered for sale, they would be violating the license for that image.

If a for-profit university used an NC-licensed reading in a course but did not charge students to access the reading, they would not be violating the license for that reading.
This symbol means “ShareAlike” or “SA”.

This requirement means that adaptations based on an SA-licensed work must be licensed under the same license.

Note that SA only applies to adaptations or derivatives of an SA-licensed work, not to all uses of an SA-licensed work.
This symbol means “NoDerivatives” or “ND”.

This requirement means that re-users cannot share adaptations that they make of the ND-licensed work.

Note that ND only applies to sharing adaptations or derivatives, not to creating them.
Now let’s look at the six CC licenses themselves.

The Attribution license or CC BY allows people to use a work for any purpose at all, as long as they give attribution to the creator.

This is the most liberal CC license.

The CC BY license is considered best practice for open access to scholarship, for example when publishing a research article in an open access journal.
CC BY-SA
Attribution-ShareAlike license

CC BY-SA requires attribution to the creator and making any adaptations available under the same license.

This ensures that a work that is freely available to use and reuse remains freely available. For example, a translation of the work couldn't be copyrighted with all rights reserved or placed under a more restrictive CC license.

BY-SA is Creative Commons' version of a so-called “copyleft” license. It is the license required for content uploaded to Wikipedia.

Remember, ShareAlike only applies to adaptations of the licensed work. If you reuse a BY-SA-licensed work without modifying it, you are not required to license your work with ShareAlike. For example, you’re free to use a BY-SA-licensed photo in a PowerPoint presentation and to license your presentation itself with, say, CC BY (as long as you make it clear that the image retains its original BY-SA license).
CC BY-NC
Attribution-NonCommercial license

CC BY-NC allows people to use a work for non-commercial purposes only, with attribution.

NC applies to all reuses, not just adaptations.

Because the NC requirement can frighten away potential users, in most cases BY-NC is not ideal for educational or academic materials.
CC BY-NC-SA requires attribution, prohibits commercial uses, and requires any adaptations to be shared under the same license.
CC BY-ND allows people to use the unadapted work for any purpose as long as they give attribution.

A NoDerivatives license can be appropriate for creators who want their work widely shared but feel strongly about maintaining their work’s integrity. An example might be an academic author who wants her article to be read by anyone but does not want it to be translated into another language.
CC BY-NC-ND
Attribution-NonCommercial-NoDerivatives license

CC BY-NC-ND is the most restrictive license offered by Creative Commons.

The work may be used with attribution, but only for non-commercial purposes, and the work may not be modified.
To sum up, here is a graphic that places the six CC licenses and the CC public domain dedication on a spectrum from least to most restrictive.

(A note regarding Open Educational Resources: All of the CC licenses except for the two ND licenses are appropriate for OER, as is CC Zero. Members of the open textbook community advocate for using the CC BY license for open textbooks, because it is easy to understand and follow, and it allows for the greatest number of remix options.)
Exceptions and limitations to copyright

When your use of a CC-licensed work falls under an exception or limitation to copyright, such as fair use, the CC license does not apply.

Since Creative Commons licenses only apply when copyright applies, if your use of a CC-licensed work falls under an exception or limitation to copyright, you do not need to rely on the CC license or comply with its terms or conditions.
Creative Commons offers a tool called the Public Domain Mark.

This is not a license and has no legal effect when applied to a work.

Rather, it is a label used to mark works known to be in the worldwide public domain.

The Public Domain Mark is often used by museums and archives working with very old works to inform users about the public domain status of a work.
In addition to the six CC licenses, Creative Commons offers the Public Domain Dedication Tool, or CC Zero.

Like the licenses, CC Zero is a legal tool.

It allows creators who want to take a “no rights reserved” approach and disclaim copyright entirely.

In the academic context, CC Zero is considered the most appropriate license for datasets.
Searching for CC Licensed Works
<table>
<thead>
<tr>
<th>Year</th>
<th>Creative Commons Licensed Works</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>1,471,401,740</td>
</tr>
<tr>
<td>2016</td>
<td>1,204,935,537</td>
</tr>
<tr>
<td>2015</td>
<td>1,118,900,000</td>
</tr>
<tr>
<td>2014</td>
<td>882,000,000</td>
</tr>
<tr>
<td>2010</td>
<td>400,000,000</td>
</tr>
<tr>
<td>2006</td>
<td>140,000,000</td>
</tr>
</tbody>
</table>
CC Licensed works by platform

YouTube 49 Million

flickr 415.1 Million

INTERNET ARCHIVE 3.1 million

WIKIPEDIA The Free Encyclopedia 46.7 Million

DOAJ DIRECTORY OF OPEN ACCESS JOURNALS 2.7 Million

Europeana Collections 28.7 million

Dailymotion 32

36.9 million
Google Advanced Search -
[https://www.google.com/advanced_search](https://www.google.com/advanced_search)

Google Advanced Image Search-
[https://www.google.com/advanced_image_search](https://www.google.com/advanced_image_search)

Key?:
Free to use or share = CC BY-NC-ND
Free to use or share, even commercially = CC BY-ND
Free to use share or modify = CC BY-NC, CC BY-NC-SA
Free to use, share or modify, even commercially = CC BY, CC BY-SA, CC0
Flickr Advanced Search -
https://www.flickr.com/search/advanced/

Or start here, click on a license, then enter search terms:
https://www.flickr.com/creativecommons/

Key?:
Commercial use allowed = CC BY-ND
Modifications allowed = CC BY-NC, CC BY-NC-SA
Commercial use & mods allowed = CC BY, CC BY-SA
No known copyright restrictions = PD, CC0
1. Do search.
2. From results list, click “Filter”.
3. Click “Creative Commons” under Features
4. Click “SHOW MORE” under video to confirm license.

Example: “birds drones”
More difficult than it should be to find CC-licensed materials.

Not searching that is hard, but finding relevant content.

Content creators think that sharing their work online for free is enough, but if they don’t take the extra step to apply an open license, their work can be consumed but not repurposed.

(Anecdote about looking for material on Lyme Disease.)
Using

creativecommons

Licensed Works
Re-using CC-licensed works WITHOUT MODIFICATION

Doesn’t concern you, because you're not modifying the work.

Doesn’t concern you, because you’re not modifying the work.

Doesn’t concern you if you don’t charge for content. (Cost recovery for printing is okay.)

Your concern will be providing proper Attribution for the works you use.

Re-using CC-licensed works in an educational setting is easy if you do not intend to modify or remix the works.
What is NOT an adaptation or derivative

Here are some examples of uses that are not adaptations or derivatives:

- Technical format-shifting (for example, 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 (for example, compiling distinct, stand-alone essays by different authors for use as an open textbook)
- Including an image in connection with text, as in a blog post, a Powerpoint, or an article
- Using an excerpt of a work, but in a way that illuminates an idea or provides an example, as opposed to building a new, original work upon the excerpt
A common activity in an academic setting would be compiling a collection of materials for students on a topic, e.g. articles or other readings, images, videos.

In a collection, you do not modify or remix the content, you simply group it together and make it available in some way, e.g. on a web site.

(Note that linking is never a copyright violation, even if material is copyright all rights reserved. Here we’re considering using CC-licensed work and reproducing or distributing it in some way.)
Image with text: example

The white-footed mouse (*Peromyscus leucopus*) is a reservoir for the Lyme disease-causing spirochete, *Borrelia burgdorferi*.

Another common example would be incorporating someone else’s work into your work, without modifying the original work.

For example, including a picture on a Powerpoint slide, or a chart in lecture notes.
Attribution: TASL

When re-using CC-licensed work, you always must provide attribution. The goal is to mark the work with full TASL information. Include as much detail as possible in the marking statement.

For guidance and examples, see Creative Commons’ “Best practices for attribution” at https://wiki.creativecommons.org/wiki/Best_practices_for_attribution.

In cases where the original works are not modified, as noted, you just need to make sure you provide proper attribution.
Attribution: Example for Collection


If you reproduced a collection of CC-licensed articles, attribution would mean providing the full bibliographic information plus information on the license under which you used it.
Note: If you are placing your attribution on a printed document, type out the full address of the hyperlinks.

You would treat attribution for an image similarly.
Re-using CC-licensed works WITH MODIFICATION

Equal: You can’t share your modification of an ND work, so avoid using these.

Closed Circuit: You need to share your modification under the SAME license as the original.

 Dollars: Doesn’t concern you if you don’t charge for content. (Cost recovery for printing is okay.)

As always, you will need to provide proper Attribution for the works you use.

If you are modifying or re-mixing CC-licensed works, things get a little more complicated.
What is an adaptation or derivative?

Adaptation means creating something new from a copyrighted work that is sufficiently original to itself be protected by copyright. The resulting work is based on or derived from the original.

Here are some examples of uses that are adaptations or derivatives:

- A film or video based on a novel, play, short story, etc.
- A translation of a book from one language to another
- An open textbook chapter that weaves together multiple open educational resources in such a way where the reader can't tell which resource was used on which page
- A video montage that incorporates segments from other videos
- Syncing a musical work with a moving image
- Modifying a photo by cropping, applying a filter, adding elements, etc.
What is a remix?

Like a smoothie, an remix mixes material from different sources to create a wholly new creation. You often cannot tell where one open work ends and another one begins.

(All remixes are derivative works, but not all derivative works are remixes, e.g. a translation.)
This is a pretty lame derivative work, but it most likely counts as an adaptation.
Licensing your adaptation

If your work is an adaptation or remix, you have a new copyright in your derivative work.

Your rights in your adaptation only apply to your own contributions. The original license continues to govern reuse of the elements from the original work that you used when creating your adaptation.

You need to select a license for your own work carefully.

As always, you have to provide attribution for the original work, even when you create an adaptation.
Use this chart to answer the question of **what license you can use for your adapter's license when you adapt a work**. This applies primarily when you take a **single CC-licensed work and adapt it**.

Two scenarios.

First scenario: You modify a single work. You do NOT create a remix. The tick image, for example. Or a translation.

You need to pick a license for your own work that is compatible with the license for the work you adapted.
Example: licensing and attributing an adaptation

In this example, the photograph that was modified is a single work.

The original is licensed under CC BY-SA 2.0. According to the [Adapter’s license chart](https://creativecommons.org/licenses), Professor X must also choose a CC BY-SA license for her adaptation:

“Deer Tick Close-up” by Professor X is licensed under [CC BY-SA 4.0](https://creativecommons.org/licenses/by-sa/4.0). It is a derivative of “[Ixodes scapularis, adult female. C & O Canal Park, Montgomery county, MD, (3/11/13)](https://creativecommons.org/licenses/by-sa/2.0)” by Fritz Flohr Reynolds, used under [CC BY-SA 2.0](https://creativecommons.org/licenses/by-sa/2.0).

In this case, I can upgrade the CC BY-SA 2.0 license to a CC BY-SA 4.0 license for my work.

For more on CC license version compatibility, see [https://wiki.creativecommons.org/wiki/License_Versions#License_Suite_Versions](https://wiki.creativecommons.org/wiki/License_Versions#License_Suite_Versions)
Use this chart to answer the question of whether you can combine material under different CC licenses in your work. This applies when you remix more than one CC-licensed work.

Second scenario: You create a remix of multiple CC-licensed works, for example an open textbook that weaves together content from multiple sources, a video montage, combining a video with music, a new song based on samples of CC-licensed music.

In this case you have to make sure that the CC licenses of the works you combine are compatible.

Then, license your adaptation using the most restrictive license of the original works.
Example: licensing and attributing a remix

“Preventing Lyme Disease” by Professor X is licensed under CC BY-NC-SA 4.0. It is a derivative of:

“Tick Season: What You Should Know About Ticks” by University of Michigan Health System, used under CC BY-NC-SA 3.0.


Example: A chapter that weaves together information from multiple sources. Not a collection. Can’t tell where one source ends and the next one begins.

Licenses of sources:
CC BY-NC-SA
CC BY
Public domain

Choose CC BY-NC-SA for your adaptation.

====

You can see why CC BY is a preferred license for OER, because it allows for much easier remixing.
Licensing Your Own Work
<table>
<thead>
<tr>
<th>Free</th>
<th>vs.</th>
<th>Open</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anyone can access and read or view.</td>
<td></td>
<td>Anyone can access and read or view.</td>
</tr>
<tr>
<td>Materials cannot be modified, reused, or redistributed.</td>
<td></td>
<td>Materials can be downloaded, edited, remixed, and shared.</td>
</tr>
<tr>
<td>Passive consumption.</td>
<td></td>
<td>Active reuse.</td>
</tr>
</tbody>
</table>

Free is good, but open is better.

Note: Faculty and staff at URI own the copyright in their works in most cases according to URI’s Intellectual Property Policy (University Manual 10.44.11 - 10.44.18). You are free to license them openly so that they can be shared with and built upon by others.

Students also own the copyright to their work.
Choose a CC License for Your Work

Use the Creative Commons License Chooser at https://creativecommons.org/choose

Also, sites like Flickr, YouTube, and Vimeo have built-in tools for applying a CC License. For more: https://wiki.creativecommons.org/wiki/Publish
Creative Commons License Chooser

Answer questions about License Features.
Creative Commons License Chooser

Enter metadata about your work.

Copy text and/or code.

Paste onto/into your work.
Mark your work with the CC License

Detailed guidance on marking your work, with examples for different formats, is available on the CC wiki: https://wiki.creativecommons.org/wiki/Marking_your_work_with_a_CC_license
More information:

LibGuide:
https://uri.libguides.com/creativecommons

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