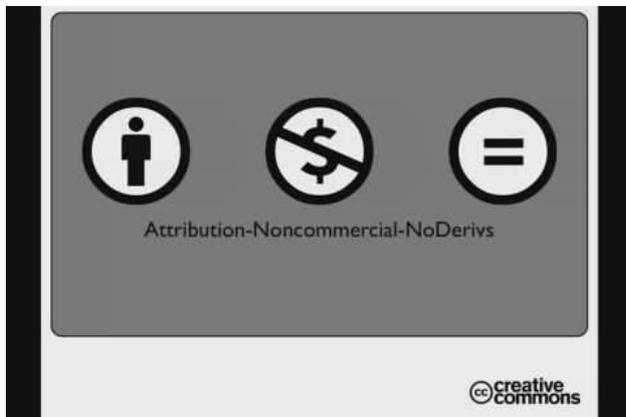




Creative Commons licenses



Play video

This video explains how Creative Commons licenses can be used in conjunction with commercial licensing arrangements.



Creative Commons licenses are several **copyright** licenses released on December 16, 2002 by *Creative Commons*, a U.S. non-profit corporation founded in 2001.

Many of the licenses, notably all the original licenses, grant certain "baseline rights",^[1] such as the right to distribute the copyrighted work without changes, at no charge. Some of the newer licenses do not grant these rights.

Creative Commons licenses are currently available in 43 different jurisdictions worldwide, with more than nineteen others under development.^[2] Licenses for jurisdictions outside of the United States are under the purview of Creative Commons International.

Original licenses

The original set of licenses all grant the "baseline rights". The details of each of these licenses depends on the version, and comprises a selection of four conditions:



- (by): Licensees may copy, distribute, display and perform the work and make derivative works based on it only if they

give the author or licensor the credits in the manner specified by these.



- or **NonCommercial** (nc): Licensees may copy, distribute, display, and perform the work and make derivative works based on it only for **noncommercial** purposes.



- or **NoDerivs** (nd): Licensees may copy, distribute, display and perform only verbatim copies of the work, not derivative works based on it.



- (sa): Licensees may distribute derivative works only under a license identical to the license that governs the original work. (See also **copyleft**.)

Combinations

Mixing and matching these conditions produces sixteen possible combinations, of which eleven are valid Creative Commons licenses and five are not. Of the five invalid combinations, four include both the "nd" and "sa" clauses, which are mutually exclusive; and one includes none of the clauses. Of the eleven valid licenses, the five that lack the "by" clause have been phased out because 98% of licensors requested Attribution. But they do remain available for reference on the website.^[3] This leaves six regularly used licenses:

1. Attribution alone (by)
2. Attribution + Noncommercial (by-nc)
3. Attribution + NoDerivs (by-nd)
4. Attribution + ShareAlike (by-sa)
5. Attribution + Noncommercial + NoDerivs (by-nc-nd)
6. Attribution + Noncommercial + ShareAlike (by-nc-sa)

For example, the Creative Commons Attribution (BY) license allows you to share and remix (create derivative works), even for commercial use, so long as you give attribution.^[4]

Works protected

Work licensed under a Creative Commons License is protected by copyright applicable law.^[5] This allows Creative Commons licenses to be applied to all work protected by copyright law, including: books, plays, movies, music, articles, photographs, blogs, and websites.

However, the license may not modify the rights allowed by fair use or fair dealing or exert restrictions which violate copyright exceptions. Furthermore, Creative Commons Licenses are non-exclusive non-revocable.^[6] Any work or copies of the work obtained under a Creative Commons license may continue to be used under that license.

In the case of works protected by multiple Creative Commons Licenses, the user may choose either.

Other licenses

A number of additional licenses have been introduced, which are more specialized:

- **Sampling** licenses, with two options:
 - : parts of the work can be copied and modified for any purpose other than advertising, and the entire work can be copied for noncommercial purposes
 - : the whole work or parts of the work can be copied and modified for noncommercial purposes

Besides licenses, Creative Commons also offers an easy way to release material into the public domain through the *Public Domain Dedication*, as well as *Founder's Copyright*, through which the work is released into the public domain after 14 or 28 years.

A recent project was announced^[7] called CC0, a legal tool for waiving as many rights as legally possible, worldwide. CC0 improves and extends the current CC public domain dedication, by adding a waiver statement and attempting an universal rather than the current dedication's U.S.-centric approach.

Legal and technical work on the CC0 waiver was completed on 1 December. Launch is pending.^[8]

Retired licenses

Due to either disuse or criticism, a number of previously offered Creative Commons licenses have since been retired^[9], and are no longer recommended for new works. The

retired licenses include all licenses lacking the Attribution element^[10] other than the Public Domain Dedication, as well as two licenses not allowing non-commercial copying:

- : parts of the work can be used for any purpose other than advertising, but the whole work cannot be copied or modified
- : a **Developing Nations** license, which only applies to countries deemed by the **World Bank** as a "non-high-income economy". Full copyright restrictions apply to people in other countries.

Criticism

Debian

The maintainers of **Debian GNU/Linux**, a **Linux distribution** known for its adherence to software freedom, do not believe that even the Creative Commons Attribution License, the least restrictive of the licenses, adheres to the **Debian Free Software Guidelines** due to the license's anti-DRM provisions (which could restrict private redistribution to some extent) and its requirement in section 4a that downstream users remove an author's credit upon request from the author.^[11] As the other licenses are identical to the Creative Commons Attribution License with further restrictions, Debian considers them non-free for the same reasons. There have been efforts to remove these problems in the new version 3.0 licenses, so they can be compatible with the DFSG.^[12] In contrast to the CC-SA 2.0 license, version 3.0 is considered to be compatible to the DFSG.^[13]

Free Software Foundation

The **Free Software Foundation** accepts the CC-BY v2.0 and the CC-BY-SA v2.0 Creative Commons licenses as being free, though not recommending it for **software**, but explains that it is vital to avoid the problem with the overly vague statement "I use a Creative Commons license", without noting the actual license.^{[14][15]} **Richard Stallman** has criticised particular licenses for not allowing the freedom to make verbatim copies of the work for noncommercial purposes, and said that he no longer supported Creative Commons as an organisation, as the licenses no longer had this freedom in common.^[16] Creative Commons have since retired these licenses, and no longer recommends their use ^[17], and in

recent times the FSF and CC organisations have regained confidence in one another, as is shown by the GFDL v1.3, which allows wikis such as Wikipedia to transfer to the CC-BY-SA v3.0 license [18].

Photographers

Freelance photographer Dan Heller claimed that the licenses are created in such a way that if the work was licensed in CC by someone altering the copyright notice of the original work, then the licensee will be held liable to copyright infringement damages, even though the downstream licensees were fooled by original perpetrators, which increases legal risk for CC licensee.[19][20] Furthermore, copyright holder of the registered copyrighted works can game the CC system by withdrawing CC licenses and erase evidence of the issuing such licenses, then sue people who use the copyrighted works.[21] One could argue however, that this would be a limitation of the media upon which the content is stored, not the license itself. One recent development in response to this problem has been the launch of the ImageStamper website.[22] ImageStamper keeps dated, independently verified copies of license conditions associated with creative commons images on behalf of its users.[23] The site is currently being extended to support other media types.

Ad controversy

In 2007, Virgin Mobile launched a bus stop ad campaign promoting their cellphone text messaging service using the work of amateur photographers who uploaded their work to Flickr using a Creative Commons-by (Attribution) license. Users licensing their images this way freed their work for use by any other entity, as long as the original creator was attributed credit, without any other compensation required. Virgin upheld this single restriction by printing a URL leading to the photographer's Flickr page on each of their ads. However, one picture, depicting 15 year-old Alison Chang at a fund-raising carwash for her church,[24] caused some controversy when she sued Virgin Mobile. The photo was taken by Alison's church youth counselor, Justin Ho-Wee Wong, who uploaded the image to Flickr under the Creative Commons license.[24]

See also

- BSD license
- Copyleft
- Copyright
- Creative Commons International
- Free content
- Free software license
- GNU
- Model release. Images of individuals used for advertising, and sometimes other commercial uses, may need those individuals' consent.
- Non-commercial educational
- Open content
- Software licensing

References

- [1] Baseline rights and restrictions in CC licenses
- [2] Creative Commons International
- [3] Creative Commons Licenses
- [4] Creative Commons Attribution 3.0 United States License
- [5] (Creative Commons Code)
- [6] (Creative Commons)
- [7] <http://creativecommons.org/press-releases/entry/7919>
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- [18] GFDL 1.3 FAQ
- [19] The Creative Commons and Photography
- [20] Follow-up: Creative Commons and Photography
- [21] Gaming the Creative Commons for Profit
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- [23] Creative Commons News: ImageStamper
- [24] ^ "Use My Photo? Not Without Permission.". *New York Times*. <http://www.nytimes.com/2007/10/01/technology/01link.html>. Retrieved on 2007-09-25. "One moment, Alison Chang, a 15-year-old student from Dallas, is cheerfully goofing around at a local church-sponsored car wash, posing with a friend for a photo. Weeks later, that

photo is posted online and catches the eye of an ad agency in Australia, and the altered image of Alison appears on a billboard in Adelaide as part of a Virgin Mobile advertising campaign."

Bibliography

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