



# CREATIVE COMMONS & PUBLIC LICENCES

## WHAT IS IT ABOUT?!

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CMO OPEN CONTENT, OPEN SCIENCE MANAGER MUNI (BRNO)

OPENAIRE LATVIA: USE OF CREATIVE COMMONS LICENSE FOR RESEARCH AND EDUCATION

# PROGRAM:

1. What are Creative Commons Licenses?
2. Copyright Law Content
3. Discussion

# 1. WHAT ARE CREATIVE COMMONS LICENSES?

# THE KEY MESSAGE!

1. Copyrighted artwork + Creative Commons = Open copyrighted artwork
2. Scientific Article/Scientific Monograph/Creative Research Database etc. = copyrighted artworks in science and education

THE SUBJECT OF COPYRIGHT SHALL BE A LITERARY WORK OR OTHER WORK OF ART OR A SCIENTIFIC WORK WHICH ARE THE UNIQUE OUTCOME OF THE CREATIVE ACTIVITY OF THE AUTHOR AND ARE EXPRESSED IN ANY OBJECTIVELY PERCEIVABLE MANNER INCLUDING ELECTRONIC FORM, PERMANENT OR TEMPORARY, IRRESPECTIVE OF THEIR SCOPE, PURPOSE OR SIGNIFICANCE (HENCEFORTH REFERRED TO AS "WORK").

# WHAT ARE LICENSES AND WHAT IS PUBLIC ABOUT THEM? I.

- LICENSE - AN INSTITUTE BY WHICH THE OWNER OF PROPERTY RIGHTS TO A WORK ALLOWS OTHERS TO WORK WITH THE WORK IN A PARTICULAR WAY

THE AUTHOR HAS:

- PERSONALITY RIGHTS (RIGHT TO AUTHORIZE, PUBLISH A WORK, ...)
- PROPERTY RIGHTS (REPRODUCTION, DISSEMINATION, COMMUNICATION TO THE PUBLIC, ...)



WHAT ARE LICENSES AND WHAT IS PUBLIC ABOUT THEM? II.

## PUBLIC LICENSE

NON-EXCLUSIVE, FREE OF CHARGE, PROVIDED THROUGHOUT THE PERIOD OF WORK PROTECTION TO AN INDEFINITE CIRCLE OF PEOPLE, THE LICENSEES MAY FURTHER DISSEMINATE THE WORK, IT CAN BE OBTAINED IMPLICITLY.

CREATIVE COMMONS, GNU GPL, MIT, BSD, MOZILLA PUBLIC LICENSE ...



## HOW IT ALL BEGAN?

- LAWRENCE LESSIG
- COMMERCIAL CULTURE - WORKS THAT ARE CREATED FOR THE PURPOSE OF SALE OR POSSIBLY SOLD AFTER THEIR CREATION
- NON-COMMERCIAL CULTURE - OTHER WORKS THAT DO NOT MEET THESE CRITERIA WERE NOT ORIGINALLY A DIRECT SUBJECT OF LAW
- ELDRED CASE
- PROTECTION OF WORKS FOR 70 YEARS
- PIRACY?





- NONPROFIT ORGANIZATION, 2001, USA
- A SET OF PUBLIC LICENSES
- ATTEMPT TO SPREAD CULTURE AND CREATIVITY
- COMBINATION OF LICENSING ELEMENTS



# CREATIVE COMMONS LICENSE ELEMENTS: ELEMENTS DETERMINING THE SCOPE OF COMPETENCIES

- **RIGHT TO SHARE THE WORK:** THIS SYMBOL IS COMMON TO ALL TYPES OF CC LICENSES. IT STATES THAT THE LICENSED WORK **CAN BE DISSEMINATED**, IE. COPY, DISTRIBUTE AND COMMUNICATE TO THE PUBLIC. AT THE SAME TIME, THE WORK CAN BE INCLUDED IN A COLLECTIVE WORK (EG A MAGAZINE, A COLLECTION) AND, AS A PART, IT CAN BE DISTRIBUTED IN UNCHANGED FORM.
- **RIGHT TO EDIT THE WORK (REMIX).** THE LICENSE WITH THIS SYMBOL ENTITLES THE USER TO MODIFY OR REPLENISH THE WORK. IT ALSO ALLOWS THE WHOLE OF THE LICENSED WORK OR ITS PART TO BE PROCESSED WITH ANOTHER PIECE OF WORK. EXAMPLES OF EDITS INCLUDE, FOR EXAMPLE, DRAMATIZATION, TRANSLATION, DIGITAL PHOTO EDITING, MUSIC, OR REMIXING OF MUSIC TRACKS.

# CC LICENSING ELEMENTS: ELEMENTS DEFINING THE CONDITIONS TO BE RESPECTED

- **SPECIFY THE ORIGIN (ATTRIBUTION).** WHENEVER YOU DISTRIBUTE THE LICENSED WORK OR ITS MODIFICATION, IT IS NECESSARY TO INCLUDE THE DATA ABOUT THE AUTHOR AND THE WORK IN THE MANNER SPECIFIED BY THE AUTHOR. IF THE AUTHOR DID NOT SPECIFY THE MEANS OF NAMING THAT INFORMATION, AT LEAST HIS OR HER NAME (OR A PSEUDONYM IF IT APPEARS), THE TITLE OF THE WORK, THE LINK TO THE WORK, AND THE REFERENCE TO THE ORIGINAL CREATIVE COMMONS LICENSE MUST BE GIVEN. IF YOU ARE DISTRIBUTING A MODIFIED WORK, YOU SHOULD ALSO SPECIFY HOW YOU MODIFIED THE WORK.
- **KEEP YOUR LICENSE (SHARE ALIKE).** IF YOU MODIFY THE LICENSED WORK IN ANY WAY, YOU HAVE THE OBLIGATION TO ISSUE THE RESULT OF YOUR WORK UNDER THE SAME OR COMPATIBLE LICENSE. FOR EXAMPLE, IF YOU MODIFY A PHOTO THAT IS SUBJECT TO THE CC-BY-SA LICENSE (SEE LICENSE TYPES), THE SAME CC-BY-SA LICENSE TYPE MUST BE USED FOR THIS MODIFIED PHOTO.

# THERE IS MORE..

- **DO NOT USE THE WORK COMMERCIALY (NONCOMMERCIAL)** THIS FEATURE ALLOWS YOU TO HANDLE THE WORK FOR **NON-COMMERCIAL PURPOSES ONLY**. THIS MEANS THAT THERE IS NO FINANCIAL GAIN IN THE DISTRIBUTION OF THE WORK. NON-COMMERCIAL USE IS ALSO CONSIDERED TO BE A EXCHANGE OF WORK FOR OTHERS (EG THROUGH EXCHANGE NETWORKS).
- **DO NOT MODIFY (FROM NO DERIVATIVES)**. THIS ELEMENT **PROHIBITS YOU FROM MODIFYING A WORK** (THAT IS, MODIFYING OR SUPPLEMENTING THE WORK, OR PROCESSING IT IN WHOLE OR IN PART WITH ANOTHER WORK). THIS IS THE OPPOSITE OF THE "EDIT RIGHT" LICENSING FEATURE, WHICH PERMITS EDITING OF THE WORK. THEREFORE, THESE TWO ELEMENTS DO NOT APPEAR TOGETHER IN ANY CC LICENSE.

# Creative Commons Licenses



**Attribution**  
by

You let others copy, distribute, display, and perform your copyrighted work — and derivative works based upon it — but only if they give credit the way you request.



**Share Alike**  
sa

You allow others to distribute derivative works only under a license identical to the license that governs your work.



**Non-Commercial**  
nc

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



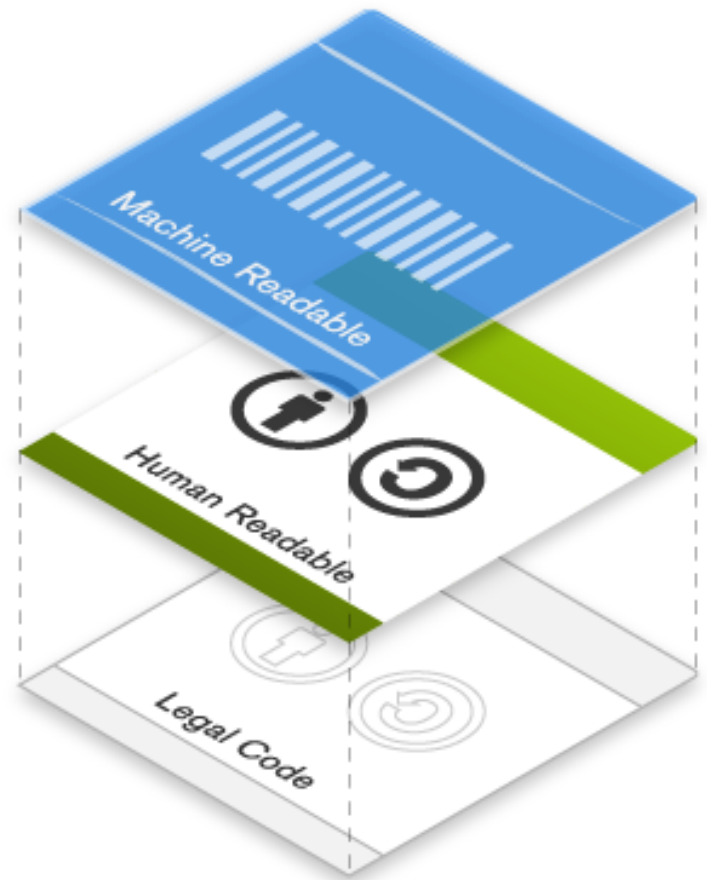
**No Derivative Works**  
nd

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



# "LAYERS" OF CC LICENSES

- MACHINE-READABLE VERSION
- PEOPLE'S VERSION
- LEGAL ARRANGEMENT



[HTTPS://CREATIVECOMMONS.ORG/LIC  
ENSES/BY/4.0/](https://creativecommons.org/licenses/by/4.0/)



# TYPES OF CC LICENSES





## NEW VERSION 4.0

- NO PORTING
- ANONYMITY, IF REQUIRED
- EXCLUSION OF SUPPORT
- 30 DAYS TO REMEDY THE VIOLATION

CZECH VERSION VERSION 4.0

[HTTPS://META.WIKIMEDIA.ORG/WIKI/CREATIVE\\_COMMONS\\_EN/4.0](https://meta.wikimedia.org/wiki/Creative_Commons_EN/4.0)

HOW MANY WORKS IS  
LICENSED WITH CREATIVE COMMONS?

>1,2 BILLION



<https://stateof.creativecommons.org/>

## 2. COPYRIGHT LAW CONTEXT

LICENSOR

# WHAT DOES CREATIVE COMMONS ALLOW TO THE LICENSOR?

- SHARE A WORK ON TERMS THAT THEY THEMSELVES DESIGNATE AND AT THE SAME TIME STAND ON THE BASIS OF COPYRIGHT
  - IT'S A SUPERSTRUCTURE OF COPYRIGHT -> SOME RIGHTS RESERVED
  - SHARE THE WORK UNDER THE TERMS OF THE AUTHOR
- [HTTP://CREATIVECOMMONS.ORG/CHOOSE/?LANG=EN](http://creativecommons.org/choose/?lang=en)

# HOW DO I USE CREATIVE COMMONS LICENSES?

- IS THE MATERIAL YOU WANT TO LICENSE SUBJECT TO COPYRIGHT?
- DO YOU OWN THE MATERIAL YOU WANT TO LICENSE?
- ARE YOU ENTITLED TO LICENSE IT?
- ARE YOU AWARE THAT CC LICENSES ARE IRREVOCABLE?
- YOU CAN NOT INFLUENCE THE COPY ON THE INTERNET
- ARE YOU REPRESENTED BY A COLLECTIVE MANAGEMENT ORGANISATION?
- BY GRANTING THE LICENSE TO THE EXTENT POSSIBLE, YOU WAIVE THE ROYALTY RIGHTS FOR THE LICENSEE'S EXERCISE OF RIGHTS

# EMPLOYEE AND SCHOOL WORK:

## EMPLOYEE WORK

- THE COPYRIGHT IS EXERCISED BY THE EMPLOYER UNLESS OTHERWISE AGREED
- WHICH WORKS? WORKS CREATED TO MEET THE OBLIGATIONS ARISING FROM THE EMPLOYMENT RELATIONSHIP
- THE AUTHOR IS DEEMED TO HAVE AGREED TO PUBLISH, MODIFY, PROCESS, INCLUDING TRANSLATE, LINK TO ANOTHER WORK, INCORPORATE INTO A COLLECTIVE WORK, AND TO PLACE THE WORK IN PUBLIC UNDER HIS OWN NAME, UNLESS OTHERWISE AGREED

## SCHOOL WORK

- PERSONALITY AND PROPERTY RIGHTS HAVE THE AUTHOR - PUPIL OR THE STUDENT
- UNDER NORMAL CONDITIONS, THE SCHOOL HAS THE RIGHT TO CONCLUDE A LICENSE AGREEMENT TO USE THE SCHOOL WORK. IF THE AUTHOR OF SUCH A WORK REFUSES TO GRANT PERMISSION WITHOUT A VALID REASON, THOSE PERSONS MAY SEEK COMPENSATION FOR THE LACK OF EXPRESSION OF HIS WILL IN COURT.
- UNLESS OTHERWISE AGREED, THE AUTHOR OF THE WORK OF A SCHOOL MAY USE OR GRANT HIS WORK ANOTHER LICENSE UNLESS IT IS INCONSISTENT WITH THE LEGITIMATE INTERESTS OF THE SCHOOL OR SCHOOL OR EDUCATIONAL ESTABLISHMENT.
- THE SCHOOL IS ENTITLED TO REQUIRE THE AUTHOR TO CONTRIBUTE APPROPRIATELY TO THE COSTS INCURRED BY THE AUTHOR FOR THE CREATION OF THE WORK.



# HOW DO I EXPRESS THAT THE WORK IS AVAILABLE UNDER CREATIVE COMMONS?

## HOW DO I REPRESENT A WORK UNDER A PUBLIC LICENSE?

THIS WORK, ENTITLED "FLUFF ON THE ROCK" BY LUCIE STRAK, IS AVAILABLE UNDER CREATIVE COMMONS BY 4.0 INTERNATIONAL. THE LICENSE TERMS ARE AVAILABLE AT [HTTPS://CREATIVECOMMONS.ORG/LICENSES/BY/4.0/LEGALCODE](https://creativecommons.org/licenses/by/4.0/legalcode). WHILE PRESERVING THESE TERMS AND CONDITIONS, AND ABOVE ALL, INDICATING THE ORIGIN OF THE WORK, YOU ARE ENTITLED TO DISTRIBUTE, EDIT, EVEN COMMERCIALY.



# COMPLICATED?!

- 1) FLUFF ON THE ROCK BY LUCIE STRAKOVÁ IS AVAILABLE UNDER THE CC BY 4.0 INTERNATIONAL LICENSE  
[HTTPS://CREATIVECOMMONS.ORG/LICENSES/BY/4.0/LE GALCODE](https://creativecommons.org/licenses/by/4.0/le-galcode).
- 2) FLUFF ON THE ROCK LUCIE STRAKOVÁ, CC BY 4.0 INTERNATIONAL  
[HTTPS://CREATIVECOMMONS.ORG/LICENSES/BY/4.0/LE GALCODE](https://creativecommons.org/licenses/by/4.0/le-galcode).
- 3) FLUFF ON THE ROCK, LUCIE STRAKOVÁ,  
[HTTPS://CREATIVECOMMONS.ORG/LICENSES/BY/4.0/LE GALCODE](https://creativecommons.org/licenses/by/4.0/le-galcode).
- 4) AVAILABLE UNDER  
[HTTPS://CREATIVECOMMONS.ORG/LICENSES/BY/4.0/LE GALCODE](https://creativecommons.org/licenses/by/4.0/le-galcode).
- 5) FROM XOXO UNDER  
[HTTPS://CREATIVECOMMONS.ORG/LICENSES/BY/4.0/LE GALCODE](https://creativecommons.org/licenses/by/4.0/le-galcode).



ALL VARIANTS ARE POSSIBLE!



... IT DEPENDS ONLY ON THE WILL OF THE PROVIDER, WHAT INFORMATION HE WANTS  
TO MENTION IN THE WORK.



... THE REASONABLE WILL OF THE PROVIDER.

LICENSEE



IF I WORK WITH AUTHOR'S  
WORKS, IS IT ALWAYS A USE IN  
THE SENSE OF THE COPYRIGHT  
ACT?



# QUOTATION

QUOTE § 31 AUTZ

(1) WHO DOES NOT INTERFERE WITH COPYRIGHT

(A) USE, TO A REASONABLE EXTENT, EXTRACTS FROM PUBLISHED WORKS BY OTHER AUTHORS IN ITS WORK,

(B) USE EXCERPTS FROM THE WORK OR SMALL WORKS FOR THE PURPOSES OF CRITICISM OR REVIEW RELATING TO SUCH WORK, SCIENTIFIC OR PROFESSIONAL WORK, AND SUCH USE SHALL BE IN ACCORDANCE WITH HONEST PRACTICES AND TO THE EXTENT REQUIRED FOR A PARTICULAR PURPOSE,

(C) USE THE WORK FOR TEACHING PURPOSES FOR ILLUSTRATIVE PURPOSES OR FOR SCIENTIFIC RESEARCH WHICH IS NOT INTENDED TO ACHIEVE DIRECT OR INDIRECT ECONOMIC OR COMMERCIAL ADVANTAGE AND DOES NOT EXCEED THE EXTENT CONSISTENT WITH THE INTENDED PURPOSE;

THE NAME OF THE AUTHOR, IF THE WORK IS NOT ANONYMOUS, OR THE NAME OF THE PERSON UNDER WHOSE NAME THE WORK IS MADE PUBLIC, THE NAME OF THE WORK AND THE SOURCE MUST ALWAYS BE MENTIONED.



Marina del Castell

## REPRODUCTION FOR PERSONAL USE

- IT MUST BE AN ALREADY PUBLISHED WORK AND NON-COMMERCIAL USE
- DOES NOT APPLY TO COMPUTER PROGRAMS, NOTES, ARCHITECTURAL WORKS, ELECTRONIC DATABASES

# HOW TO CORRECTLY INDICATE THE ORIGIN OF THE WORK?

- **THE TITLE OF THE WORK:** IF THE TITLE IS KNOWN, IT MUST BE MENTIONED. ASSUMING IT IS NOT, IT IS NOT AN OBSTACLE TO CORRECTLY INDICATING THE ORIGIN.
- **AUTHOR OF THE WORK:** THE AUTHOR MUST ALWAYS BE MENTIONED, UNLESS OTHERWISE STATED. WHEN NAMING THE AUTHOR'S NAME, IT IS NECESSARY TO FOLLOW HIS WISHES (INCLUDING OTHER INFORMATION, EG WHERE THE WORK WAS FIRST PUBLISHED). IF THE AUTHOR DOES NOT WANT TO BE LISTED THEN IT CAN NOT BE SAID. IF THE AUTHOR PERFORMS, FOR EXAMPLE, UNDER A PSEUDONYM OR A NICKNAME, YOU CAN (AND DO) MENTION THIS.
- **SOURCE:** SO THE LINK FROM WHERE THE WORK WAS ACQUIRED. USUALLY, THIS WILL BE THE URL LINK (THE INTERNET ADDRESS) FROM WHICH THE WORK WAS ACCESSED.
- **LICENSE:** THE CREATIVE COMMONS LICENSE NAME AND LINK TO ITS TERMS - IT IS NOT ENOUGH TO STATE THAT IT IS A CREATIVE COMMONS LICENSE, IT IS NECESSARY TO STATE WHICH ONE (VERSION AND VERSION) AND ONCE AGAIN TO PROVIDE A REFERENCE URL TO IT.



# HOW TO CORRECTLY STATE THE ORIGIN OF THE WORK?

1)

THE WORK "MEGA COOL RAT", AVAILABLE FROM  
[HTTPS://WWW.FLICKR.COM/PHOTOS/106178443@N04/10411024235/IN/SET-72157636812831923](https://www.flickr.com/photos/106178443@N04/10411024235/in/set-72157636812831923), BY  
LUCIE STRAKOVÁ, IS SUBJECT TO THE CC BY-NC 2.0  
GENERIC LICENSE, THE FULL THE TERMS OF THE  
LICENSE TERMS ARE AVAILABLE AT  
[HTTPS://CREATIVECOMMONS.ORG/LICENSES/BY-NC/2.0/LEGALCODE](https://creativecommons.org/licenses/by-nc/2.0/legalcode)

2)

MEGA COOL RAT BY LUCIE STRAKOVÁ UNDER CC BY-NC  
2.0



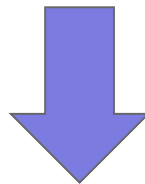
WATCH OUT FOR OFF-LINE ART!

## WHAT TO WATCH OUT FOR?

- BY USING THE WORK, YOU MAY NOT IMPUTE TO THIRD PARTIES THE PRESUMPTION THAT THE LICENSEE (S) SPONSORS, SUPPORTS OR IS IN ANY WAY CONNECTED WITH YOU IN ANY OTHER WAY. THIS, TOGETHER WITH THE POSSIBILITY OF REQUESTING NON-DISCLOSURE OF ORIGIN, ENSURES THAT THE AUTHOR IS NOT ASSOCIATED WITH THE USES OF THE WORK HE DOES NOT AGREE WITH.
- TO INDICATE THE ORIGIN AS STATED ABOVE, YOU MUST ALWAYS HAVE THE WORK DISTRIBUTED TO THE PUBLIC. IF YOU USE THE WORK ONLY FOR YOUR PERSONAL PURPOSES AND YOU ARE NO LONGER MAKING IT AVAILABLE TO ANYONE, YOU DO NOT NEED TO PROVIDE IT WITH THE ORIGIN INFORMATION.

# WHERE TO SEARCH FOR CC WORKS?

- MAGNATUNES.COM
- ARCHIVE.ORG
- FLICKR.COM
- CREATIVEARCHIVE.BBC.CO.UK
- CRAPHOUND.COM
- JAMENDO.COM
- COMMONS.WIKIMEDIA.ORG
- WIKI.CREATIVECOMMONS.ORG/FILMS



[HTTP://SEARCH.CREATIVECOMMONS.ORG/](http://search.creativecommons.org/)

IF YOU ARE LOOKING FOR CREATIVE COMMONS LICENSED WORKS, A GOOD STARTING POINT IS CC SEARCH.

PHOTOGRAPHS EXPOSED UNDER CC LICENSES CAN BE FOUND, FOR EXAMPLE, ON FLICKR. GOOGLE ALSO ALLOWS SEARCH BY LICENSING, BUT IT IS NOT A CREATIVE COMMONS LICENSE, BUT A VARIETY OF LICENSES THAT MEET THOSE REQUIREMENTS.

# OPEN EDUCATION RESOURCES

CC Search



Open Knowledge Repository



Open Tapestry



PLOS



Internet Archive



OER Commons



DATA?

ANY OTHER QUESTIONS?

THANK YOU FOR YOUR  
ATTENTION!!

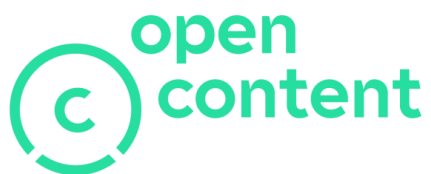
JIRKA@OPENCONTENT.CZ

# CREATIVE COMMONS CZECH REPUBLIC

- CREATIVE COMMONS CZECH REPUBLIC
- COLLABORATION OF MU, IURE, NTL
- PUBLIC LEAD
- LEGAL LEAD
- NATIONAL COORDINATION ---> OPEN CONTENT
- AFFILIATES
- GLOBAL NETWORK + REGIONAL COORDINATION







## HELPFUL LINKS AND RESOURCES

CREATIVE COMMONS CZECH REPUBLIC  
OPEN CONTENT

CREATIVE COMMONS ČR

[WWW.CREATIVECOMMONS.CZ](http://WWW.CREATIVECOMMONS.CZ)

CREATIVE COMMONS GLOBAL

[HTTP://CREATIVECOMMONS.ORG/](http://CREATIVECOMMONS.ORG/)

VEŘEJNÉ LICENCE V ČESKÉ REPUBLICE

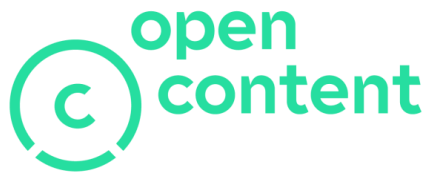
[HTTP://IS.MUNI.CZ/REPO/1203341/MYSKA\\_ET\\_AL.\\_-\\_VEREJNE\\_LICENCE\\_2.0\\_-\\_ONLINE.PDF](http://IS.MUNI.CZ/REPO/1203341/MYSKA_ET_AL._-_VEREJNE_LICENCE_2.0_-_ONLINE.PDF)

VEŘEJNÉ LICENCE

[HTTP://SCIENCE.LAW.MUNI.CZ/KNIHY/MONOGRAFIE/MYSKA\\_VEREJNE\\_LICENCE\\_GACR.PDF](http://SCIENCE.LAW.MUNI.CZ/KNIHY/MONOGRAFIE/MYSKA_VEREJNE_LICENCE_GACR.PDF)

LICENCE CREATIVE COMMONS V ČESKÉM PRÁVNÍM ŘÁDU

[HTTPS://IS.MUNI.CZ/AUTH/TH/348292/PRAVF\\_M/LICENCE\\_CREATIVE\\_COMMONS\\_V\\_CESKEM\\_PRAVNIM\\_RADU.PDF](https://IS.MUNI.CZ/AUTH/TH/348292/PRAVF_M/LICENCE_CREATIVE_COMMONS_V_CESKEM_PRAVNIM_RADU.PDF)



## ATTRIBUTIONS

[1] SIMONA R, CAT-EYES-VIEW-FACE-ANIMAL-HOME,

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[HTTPS://PIXABAY.COM/EN/CAT-EYES-VIEW-FACE-ANIMAL-HOME-179842/](https://pixabay.com/en/cat-eyes-view-face-animal-home-179842/)

[2] TYLER STEFANICH, CREATIVE COMMONS SWAG CONTEST,

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[HTTP://WWW.FLICKR.COM/PHOTOS/21907270@N05/2117607887/](http://www.flickr.com/photos/21907270@N05/2117607887/)

[3] TARGUT, CAT CLOSE-UP,

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[HTTP://WWW.FREESTOCKPHOTOS.BIZ/STOCKPHOTO/17885](http://www.freestockphotos.biz/stockphoto/17885)

[4] YUMI KIMURA, SO HAPPY SMILING CAT,

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