

Creative Commons

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WHAT IS "CREATIVE COMMONS?"

The term "Creative Commons" ("CC") is frequently used to refer to a set of legal copyright licenses. The licenses are created by the Creative Commons non-profit organization as an alternative to the typical "all rights reserved" copyright licenses.¹ These licenses allow for the free use and reproduction of content with attribution. They were first created by Lawrence Lessig and a group of others in 2002 in response to the Copyright Term Extension Act, which extended the US copyright period.² The licenses meet US and international copyright law standards.³ For more detailed information on the CC licenses, please see "Creative Commons: An Explainer" by Kincaid C. Brown.⁴

IMPLICATIONS AND APPLICATIONS

Creative Commons licenses allow users to access, use, and reproduce digital content without the complications of "all rights reserved" copyright status. They can be a useful tool for students, scholars, and people creating other projects who may not have the budgets to pay for use of copyrighted materials. In addition, Creative Commons licenses can help libraries and other institutions provide wider access to materials (e.g., [Harvard Digital Collections](#)). However, Yi Ding outlines the limitations of Creative Commons licenses – the oversimplification of the Creative Commons organization's descriptions of using the licenses, the irrevocability of the licenses, and the fuzziness of what is meant by the "non-commercial" language.⁵ These limitations have played out in several lawsuits and other controversies.⁶

Despite their limitations, Creative Commons licenses are now considered to be a best practice by the Directory of Open Access Journals, and are heavily used in other open education/open access projects.⁷ I think that Creative Commons licenses are here to stay. They are critical to helping make more content accessible, and to making the world of copyright somewhat easier to navigate since it seems unlikely that many users will use CC content in a way that falls into a gray area. I hope that Creative Commons licenses and the organization's other public domain tools will become subjects of further research in the LIS field, particularly as digital content becomes even more pervasive in libraries and universities in our pandemic and post-pandemic worlds.

Images from: "Attribution 4.0 International (CC by 4.0)," Creative Commons, accessed February 13, 2021, <https://creativecommons.org/licenses/by/4.0/>.

¹ "About the Licenses," Creative Commons, accessed February 9, 2021, <https://creativecommons.org/licenses/>.

² Creative Commons, *Creative Commons for Educators and Librarians* (Chicago: ALA Editions, 2020), 3-4, <https://drive.google.com/file/d/1w2Kz8c7xpf-fRlqRvkUjat9drSRlZMRG/view>.

³ "Is Creative Commons against copyright?," Frequently Asked Questions, Creative Commons, accessed February 12, 2021, <https://creativecommons.org/faq/#is-creative-commons-against-copyright>.

Heather Seibert, Rachel Miles, and Christina Geuther, "Navigating 21st-Century Digital Scholarship: Open Educational Resources (OERs), Creative Commons, Copyright, and Library Vendor Licenses," *The Serials Librarian* 76, nos. 1-4 (2019), 104, <https://doi.org/10.1080/0361526X.2019.1589893>.

⁴ Kincaid C. Brown, "Creative Commons: An Explainer," *The Computer & Internet Lawyer* 35, no. 12 (December 2018), <https://ezproxy.simmons.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=buh&AN=133202247&site=eds-live&scope=site>.

⁵ Yi Ding, "Is Creative Commons a Panacea for Managing Digital Humanities Intellectual Property Rights?," *Information Technology and Libraries* 38, no. 3 (2019), 36-39, <https://doi.org/10.6017/ital.v38i3.10714>.

⁶ Here are two examples: David Crotty, "More Creative Commons Confusion: When Does NC Really Mean 'Non-Commercial'?", *The Scholarly Kitchen*, last updated March 13, 2015, <https://scholarlykitchen.sspnet.org/2015/03/13/more-creative-commons-confusion/>;

The Law Office of Joy R Butler, "Proof that using Creative Commons material is not risk-free," *Lexology*, last updated October 12, 2015, <https://www.lexology.com/library/detail.aspx?g=1a0770bf-ae7f-4206-a352-ca5d5657414d>.

⁷ Ding, "Is Creative Commons a Panacea for Managing Digital Humanities Intellectual Property Rights?," 36; Seibert, Miles, and Geuther, "Navigating 21st-Century Digital Scholarship," 104.