

<start>



Free/ Open Content licensing:



Free/ Open Content licensing:

Date: 28.10.09



Free/ Open Content licensing:

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INF 5750



past + present + future

Free/ Open Content licensing:

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Prodromos Tsiavos

INF 5750



past + present + future

Free/ Open Content licensing:

Date: 28.10.09

INF 5750

Prodromos Tsiavos

Universitetet i Oslo





[six points of interest]

[one] Copyright Basics

[six points of interest]

[one] Copyright Basics

[two] Licensing concepts and IPR
management

[six points of interest]

[one] Copyright Basics

[two] Licensing concepts and and IPR
management

[three] anatomy of a licence (GPL)

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[four] flow of rights in GPL

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[five] the CC project

[one] Copyright Basics

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management

[three] anatomy of a licence (GPL)

[six points of interest]

[four] flow of rights in GPL

[five] the CC project

[six] two CC case studies



[one]

Copyright basics

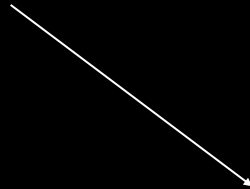
[one]

“Open-source software runs counter to the mission of WIPO, which is to promote intellectual property rights”

“To hold a meeting which has as its purpose to disclaim or waive such rights seems to us to be contrary to the goals of WIPO”

Lois Boland, Director of International Relations for the U.S. Patent and Trademark Office, 2003

•Is FLOSS really contrary to Copyright Law?



•How does Copyright law operate in relation to software?

- **it is not a “natural” way to “protect” software**
- **there has been an extensive debate in the 1980s and early 1990s about whether it is the most appropriate way to support production and innovation of software**

Copyright and Software

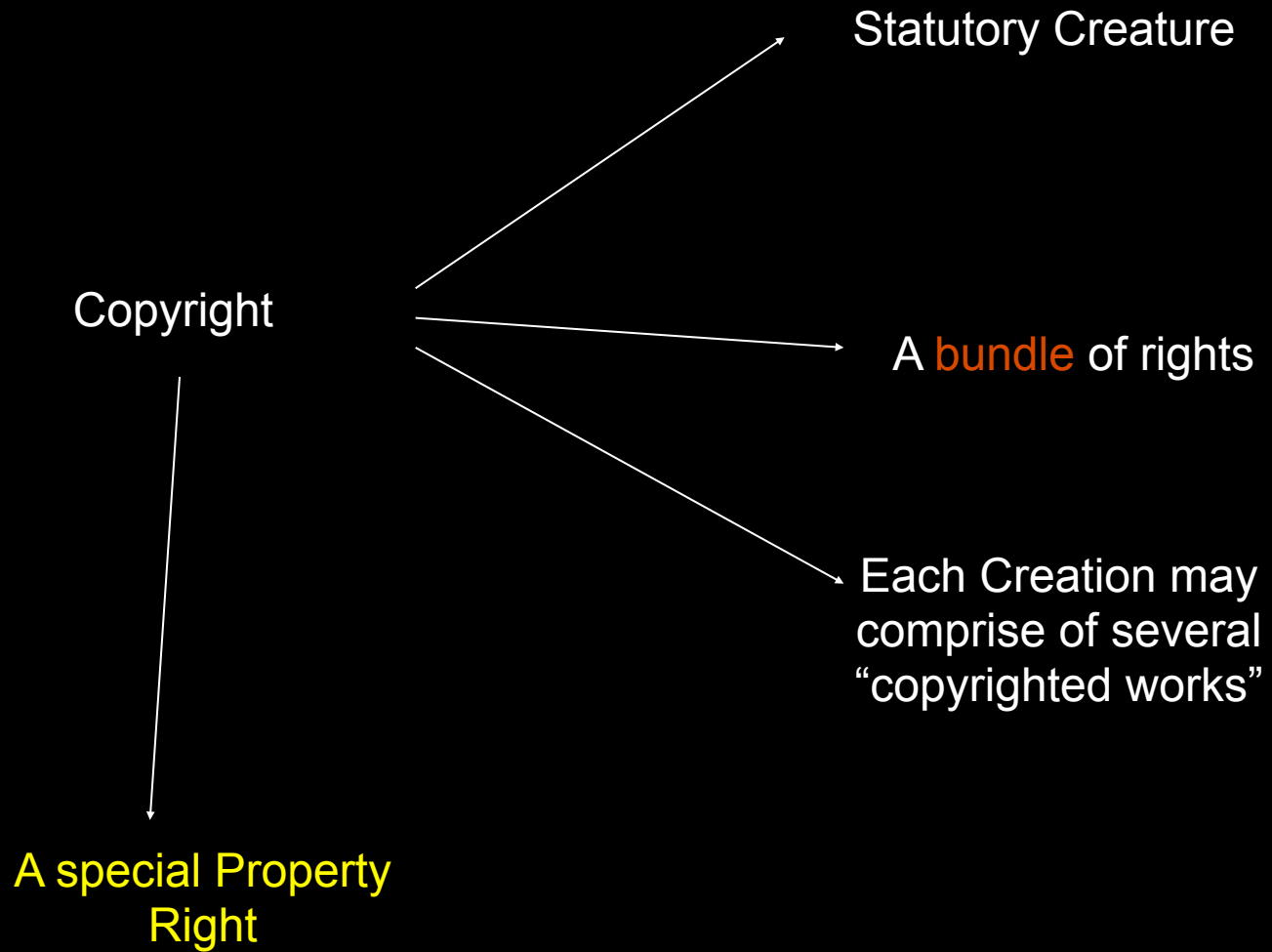
- **it is not a “natural” way to “protect” software**
- **there has been an extensive debate in the 1980s and early 1990s about whether it is the most appropriate way to support production and innovation of software**

- one of the Intellectual property rights (IPR)
- a **limited** property right granted by the state under certain conditions
- a bundle of rights
- an expression of a social agreement on the way in which intellectual production of a certain kind may be fostered
- the outcome of specific historical circumstances

- duration
- idea/expression
- originality

What is
Copyright?

- one of the Intellectual property rights (IPR)
 - a **limited** property right granted by the state under certain conditions
 - a bundle of rights
 - an expression of a social agreement on the way in which intellectual production of a certain kind may be fostered
 - the outcome of specific historical circumstances
- duration
 - idea/expression
 - originality
- 



- **Commercial value is the result of direct exchange between the rights holder and the user**
- **The creator requires incentives in order to innovate**



Such assumptions:

- **are expressed in the Copyright Act**
- **are exercised in licensing agreements that set the specific conditions of creative production and distribution**

Economic Assumptions

- **Commercial value is the result of direct exchange between the rights holder and the user**
- **The creator requires incentives in order to innovate**

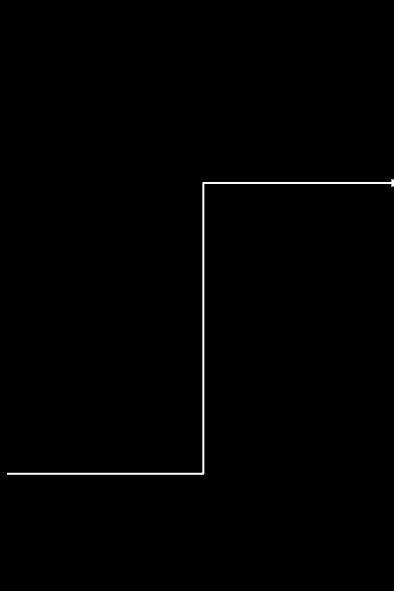


Such assumptions:

- **are expressed in the Copyright Act**
- **are exercised in licensing agreements that set the specific conditions of creative production and distribution**

changed

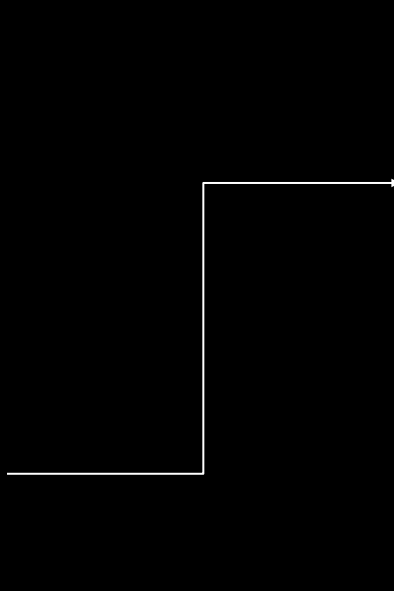
- What if the cost of creative contribution is so low that the problem is not to provide incentives but rather to reduce frictions?
- The Commons Based Peer Production Model
- A different set of issues:
 - Reduce legal and technological friction
 - Introduce decentralized production modes
 - Coordinate with the lowest possible transaction costs

- 
- Legal reform
 - New ways of exercising existing proprietary rights
 - Free/ Open Source Licensing

Economic Assumptions

changed

- **What if the cost of creative contribution is so low that the problem is not to provide incentives but rather to reduce frictions?**
- **The Commons Based Peer Production Model**
- **A different set of issues:**
 - **Reduce legal and technological friction**
 - **Introduce decentralized production modes**
 - **Coordinate with the lowest possible transaction costs**

- 
- **Legal reform**
 - **New ways of exercising existing proprietary rights**
 - **Free/ Open Source Licensing**

(a) Why Copyright

Differentiation between the work and its material carrier

Great cost to produce the work

Low cost to reproduce material carrier

A “public good” or “non-rivalry good”

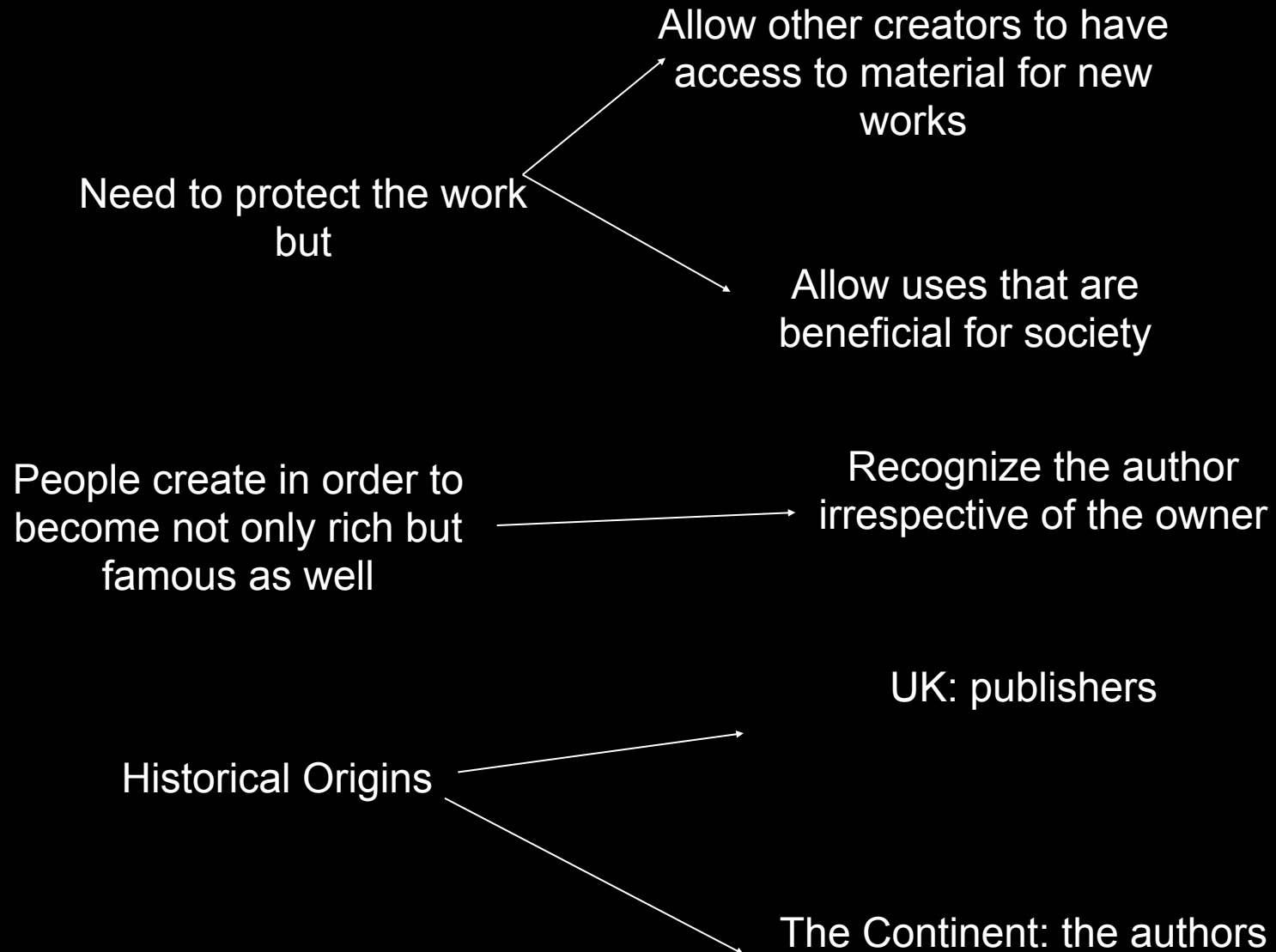
I may enjoy the work without prohibiting others from doing the same

Need to provide incentives to people to create works

A legal system that prohibits reproduction of work/ material carrier with no permission

Technologies that prohibits reproduction of work/ material carrier with no permission

(b) Balancing interests



(c) A special property right

Limited Duration

Life of the author + 70
years

(but tends to be
perpetuated)

Idea/ expression dichotomy

Originality

There is always need to return
something to the public domain
for subsequent creations

Moral Rights

They are perpetual

They always stay with the author

(d) One creation several works



(d) One creation several works

Source Code



(d) One creation several works

Source Code

Documentation



Design Documents



Manuals/ FAQs



(d) One creation several works

Source Code

Documentation

Design Documents

Manuals/ FAQs

Graphic User Interface



(d) One creation several works

Source Code

Documentation

Design Documents

Manuals/ FAQs

Graphic User Interface

Support Tools



(d) One creation several works

Source Code

Documentation

Design Documents

Manuals/ FAQs

Graphic User Interface

Support Tools

Pluggins/ Skins



(d) One creation several works



Source Code

Documentation

Design Documents

Manuals/ FAQs

Graphic User Interface

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(e) One work several rights



(e) One work several rights

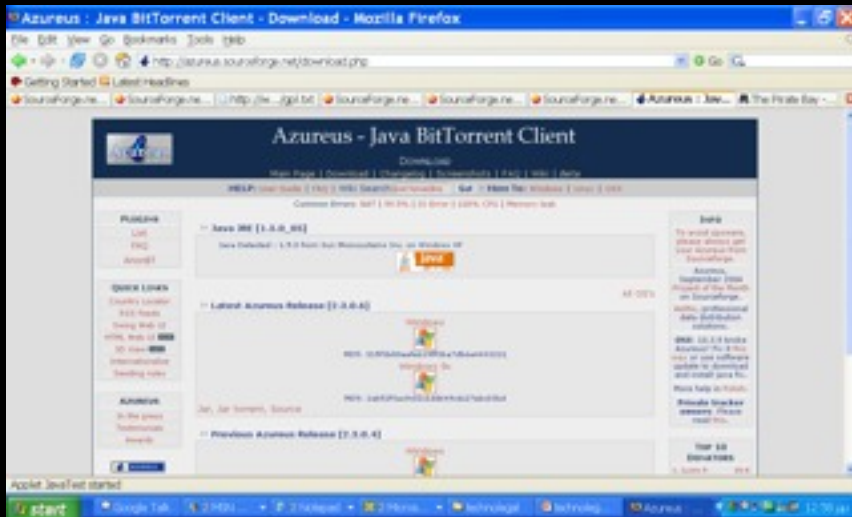
To reproduce



(e) One work several rights

To reproduce

To make available to the public



(e) One work several rights

To reproduce

To make available to the public

To impose technical measures of protection



(e) One work several rights

To reproduce

To make available to the public

To impose technical measures of protection

To make derivative works



(e) One work several rights

To reproduce

To make available to the public

To impose technical measures of protection

To make derivative works

To broadcast



(e) One work several rights

To reproduce

To make available to the public

To impose technical measures of protection

To make derivative works

To broadcast

To prohibit others from distorting the work



(e) One work several rights

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To make available to the public

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To make derivative works

To broadcast

To prohibit others from distorting the work

To be identified as an author



(e) One work several rights



To reproduce

To make available to the public

To impose technical measures of protection

To make derivative works

To broadcast

To prohibit others from distorting the work

To be identified as an author

What is a licence?

Permission by the owner of property to take some act that the owner has the ability to control

What is a sublicense?

A licence granted by a licensee

The right to grant a sublicense must be expressly stated in a licence and will NOT be implied



[two]

Licensing concepts and IPR management

[two]

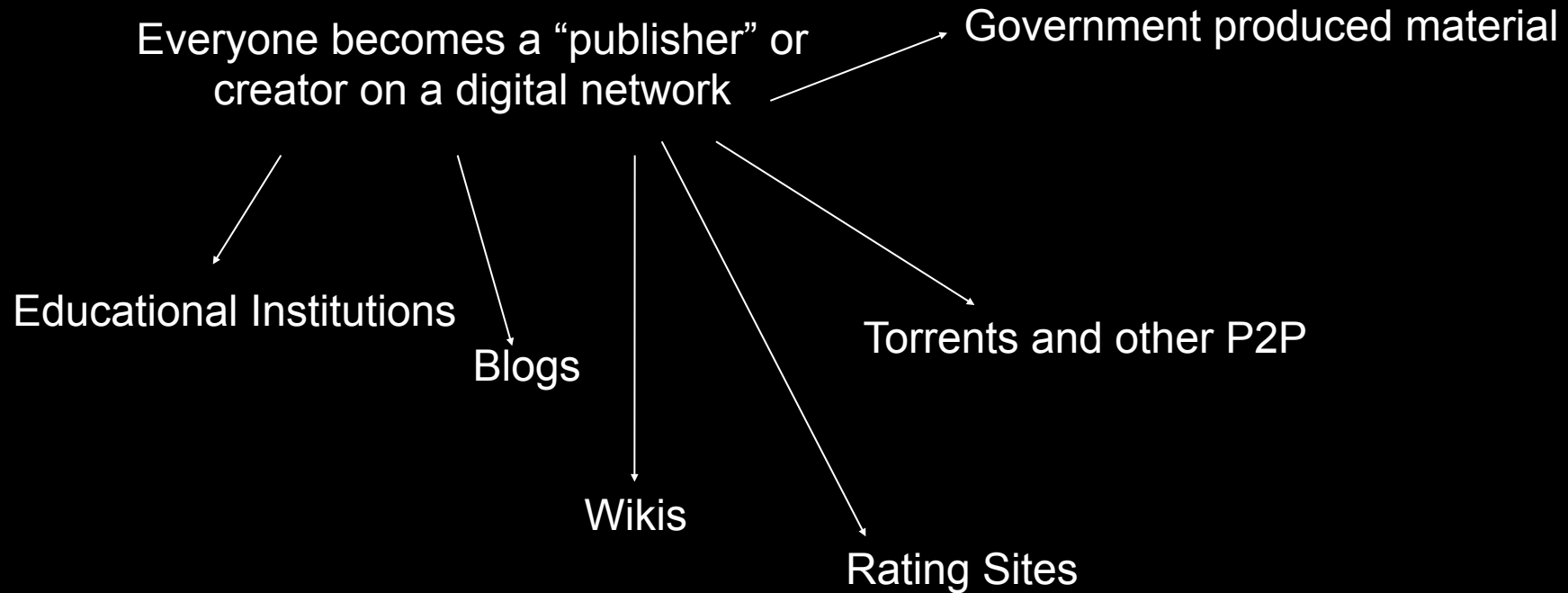
Law referring to the author as an individual

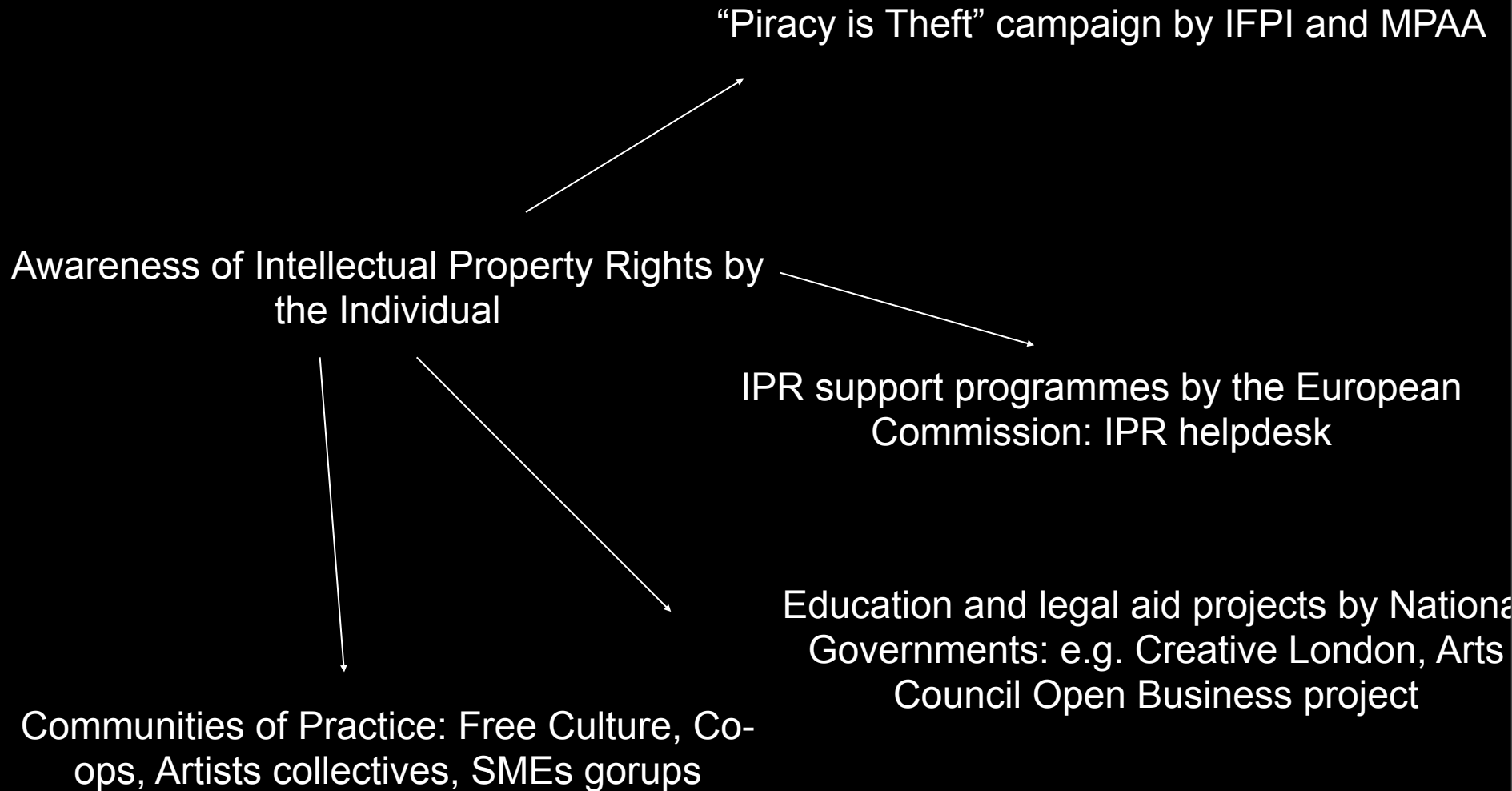
Because of the costs of production publishing and dissemination
There is aggregation of rights and content by intermediaries

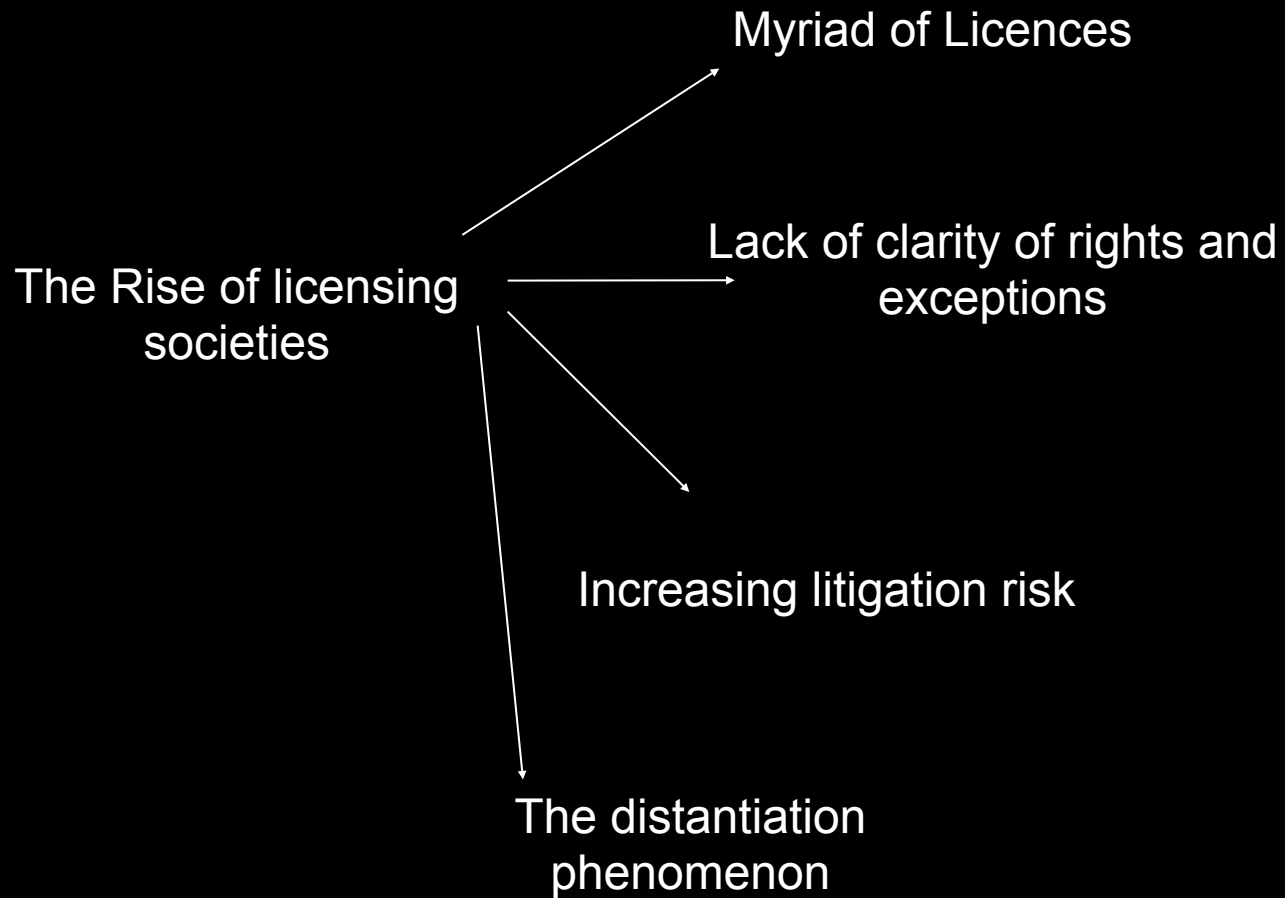
Traditional Model of IPR management

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graph LR; A[Traditional Model of IPR management] --> B[Law referring to the author as an individual]; A --> C[Because of the costs of production publishing and dissemination  
There is aggregation of rights and content by intermediaries]; A --> D[A wide range of uses either outside the scope of copyright law  
(e.g. reading a book) or within Fair Use exceptions];
```

A wide range of uses either outside the scope of copyright law
(e.g. reading a book) or within Fair Use exceptions







Cultivate your own ecology of regulation



Reference Farm

On the Four modalities of regulation

Lessig, L. (1998). "The New Chicago School." Journal of Legal Studies 27(June): 661-691.

On the use of copymarks

On current licensing issues

Jon Bing (2004): Copymarks: A suggestion for simple management for copyrighted material International Review of Law, Computers & Technology; Routledge, part of the Taylor & Francis Group (18:3) November pp 347-374

On Creative Commons

Prodromos Tsiavos(2007): Cultivating Creative Commons: From Creative Regulation to the Regulatory Commons <http://www.lse.ac.uk/collections/informationSystems/pdf/theses/tsiavos.pdf>

Peter Schønning (2000): Copyright Licensing on the Internet; ALAI 2000, Stockholm June 18-20 (PDF)



[three]

Anatomy of a licence (GPL)

[three]

All Rights Reserved (or closed) vs. Free/ Open Source Licences

- Both are based on ownership of intellectual property
- Both grant certain rights and retain others
- Both are governed by the same laws
- Both may include provisions which may be incompatible with the obligations of other licences
- Licence obligations can be incompatible, but the issue is whether the obligations are triggered

FOSS Typology I

Attribution Licenses – compliance is easy

- BSD, MIT, Apache

Weak Copyleft licenses – more challenging

- Mozilla
- EPL
- CDDL

Strong Copyleft licenses: most challenging

- GPL (GPLv2 differs from GPLv3)
- LGPL (LGPLv2 differs from LGPLv3)
- AGPL

FOSS Typology II

Restrictive (aka Copyleft, reciprocal)

Requires licensor to make improvements or enhancements available under similar terms

Example is the GPL: Licensee must distribute “work based on the program” and cause such works to be licensed at no charge under the terms of the GPL

Permissive

Modifications/enhancements may remain proprietary

Distribution in source code or object code permitted provided copyright notice & liability disclaimer are included and contributors’ names are not used to endorse products

Examples: Berkeley Software Distribution (BSD), Apache Software License

Single User License

Apple
Lucent

Other: Zlib/libpng

The General Public Licence



© Nicolas P. Rougier (2007) www.loria.fr/.../GnuTuxSoftRevolution-v1.jpg

FOSS Timeline

1984 -The GNU Project at MIT, Richard Stallman, and the Free Software Foundation

1991 -LinusTorvaldsreleases first Unix-like kernel; combines it with GNU software to form first release of Linux operating system

1994 -Red Hat is founded to distribute and support Linux commercially

1995 -A community of developers start work on the Apache Web Server

1997 -The Cathedral and the Bazaar is published by Eric Raymond

1998 -The term "Open Source" is coined, the Open Source Initiative (a non-profit organization) is formed

The GPL case

- Time: 1984
- Place: MIT
- Context: Printing out material
- Human Actors: Richard Stallman (software developer), Eben Moglen (Lawyer)
- Source of problem: disparity between working practices/ social ethos and Copyright Law
- Solution: the General Public Licence (Free/ Open Source Software)
- Source: Stallman, R. M. (2002). Why Software Should Not Have Owners. Free Software, Free Society: Selected Essays of Richard M. Stallman. J. Gay, GNU Press: 224.

A four modalities of regulation approach

- Social norms incompatible with the law
- Software tools to support practices (From Mailing Lists, Bulletin Board Systems and floppy disks to Concurrent Version Systems and Sourceforge)
- Non-direct exchange based
- Contracts following practice
- A techno-legal phenomenon

Open Source Definition

1. Free Redistribution
2. Program must include Source Code and must allow distribution in source code as well as compiled form.
3. Must Allow Modifications and Derived Works
4. Integrity of the Author's Source Code
5. No Discrimination Against Persons or Groups
6. No Discrimination Against Fields of Endeavor
7. Distribution of License – no additional license can be required of others who redistribute the program
8. License Must Not Be Specific to a Product
9. License Must Not Restrict Other Software
10. License Must Be Technology-Neutral – not predicated on any individual technology

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Free Software Download

IssueTaskProject tracker. As used by NASA, GE, 3M. Free 30-day eval.
www.atlassian.com/jira

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www.timelog.com

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SF.net

Projects

My Page

Help

Home About Supporters Blog Site News Create Project Subscribe Newsletter Compile Farm

SF.net > Welcome



SourceForge.net

Create, Participate, Evaluate

Project of the Month

NIliberate

SourceForge.net Changes

What's changed and will change next

Registered Projects: 106,861 Registered Users: 1,106,515

Project News

phpBMS v0.61 Released

11/29/05 06:44 - phpBMS

phpBMS is a PHP, MySQL based billing, scheduling, and client management system. Features include PDF generation for printing, mass e-mailing to clients, repeatable task and event handling, and quote/order/invoice tracking.

[Read More >](#)

Wiki 0.5.0 released

11/29/05 06:43

Open Babel 2.0.0 Released

11/29/05 06:43

[ANN] Eclipse Checkstyle Plugin 4.0.0 final released

11/29/05 06:42

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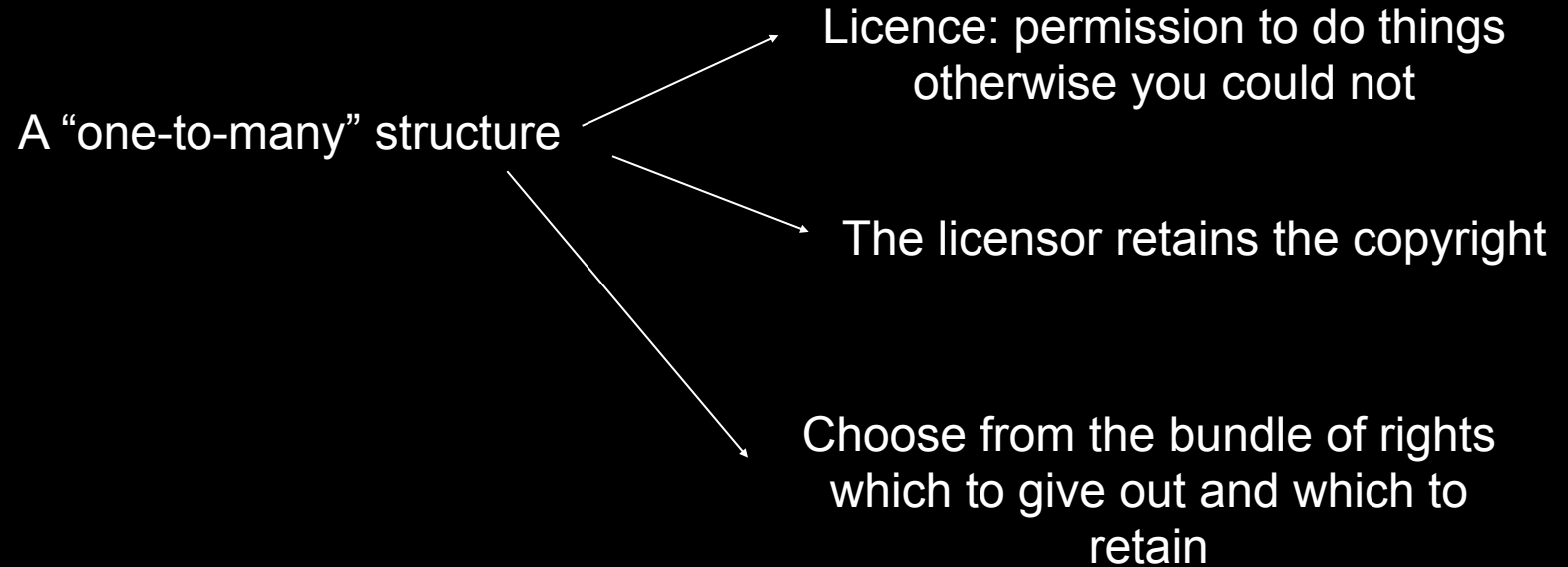
www.m7.com

Share Outlook with a team

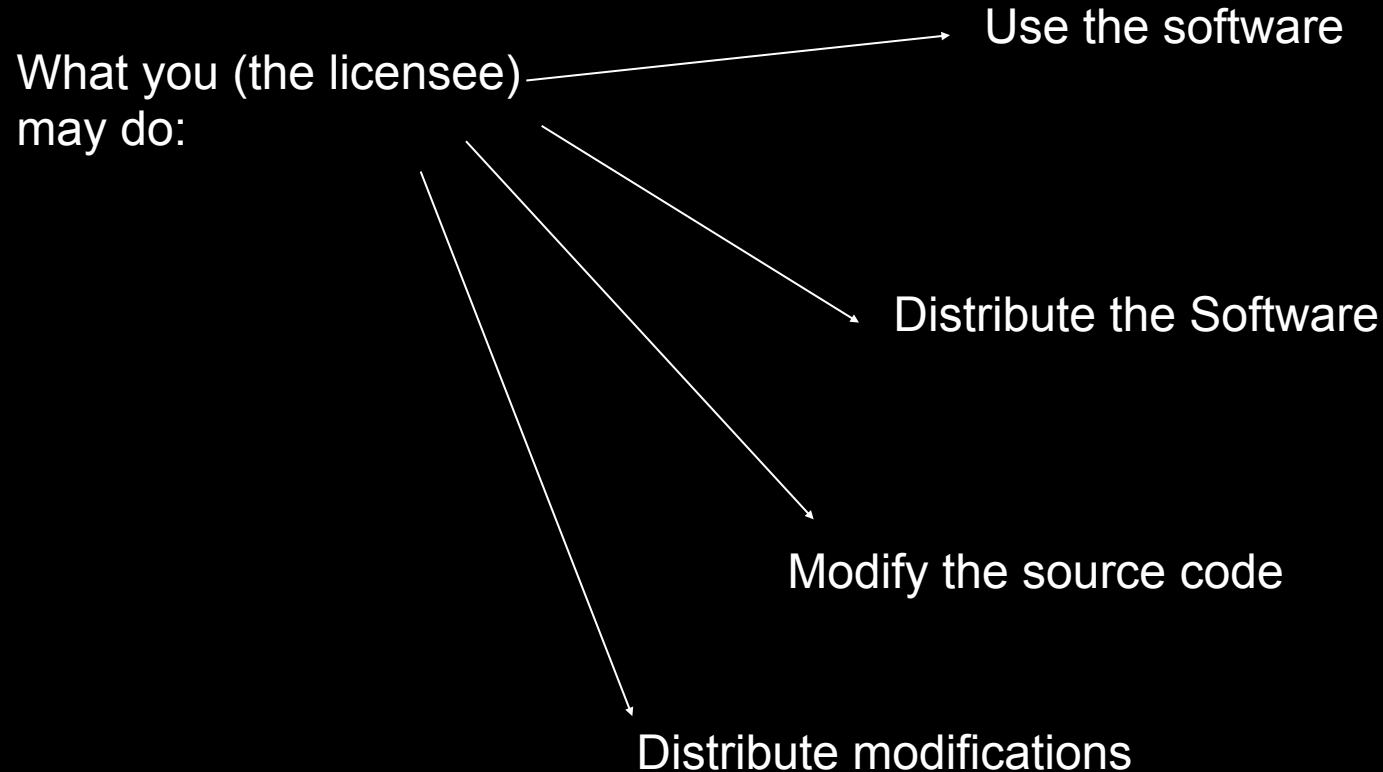
Groupware without Exchange Shared contacts, calendar, email.

www.publicshareware.com

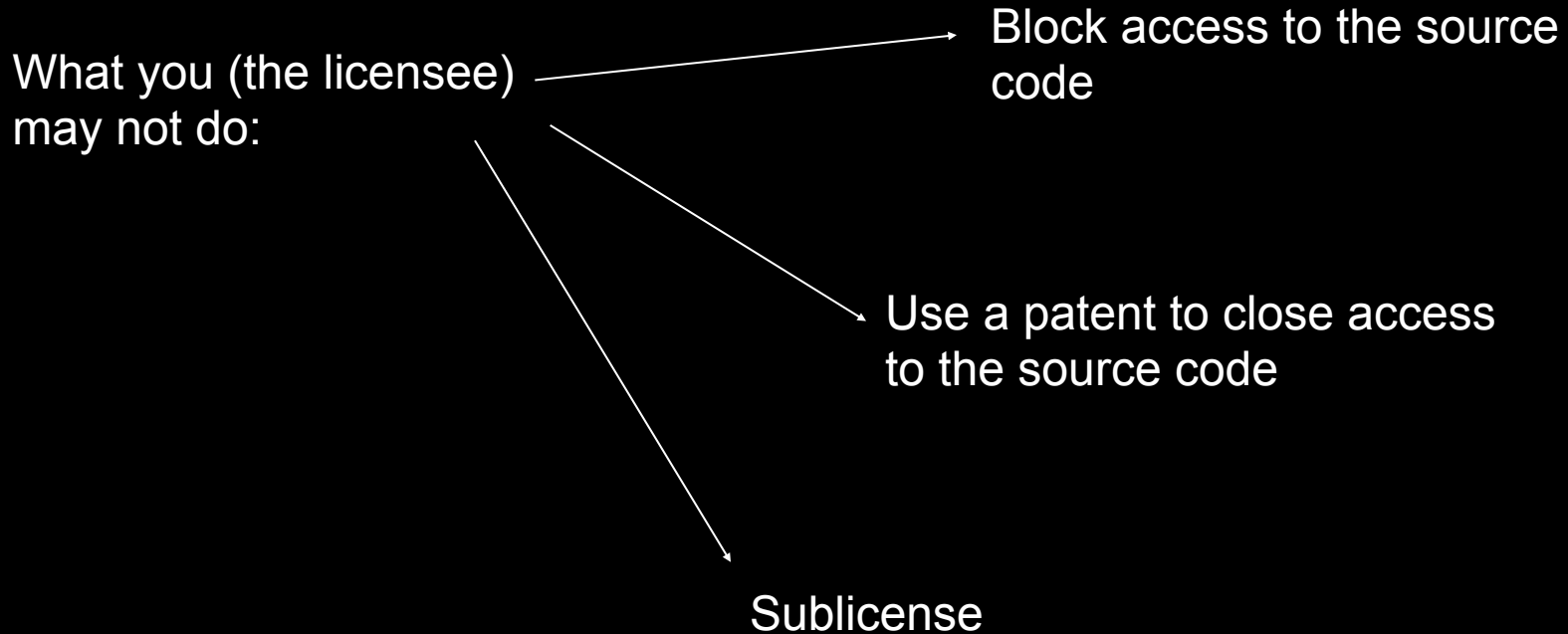
Basic Licence Features I



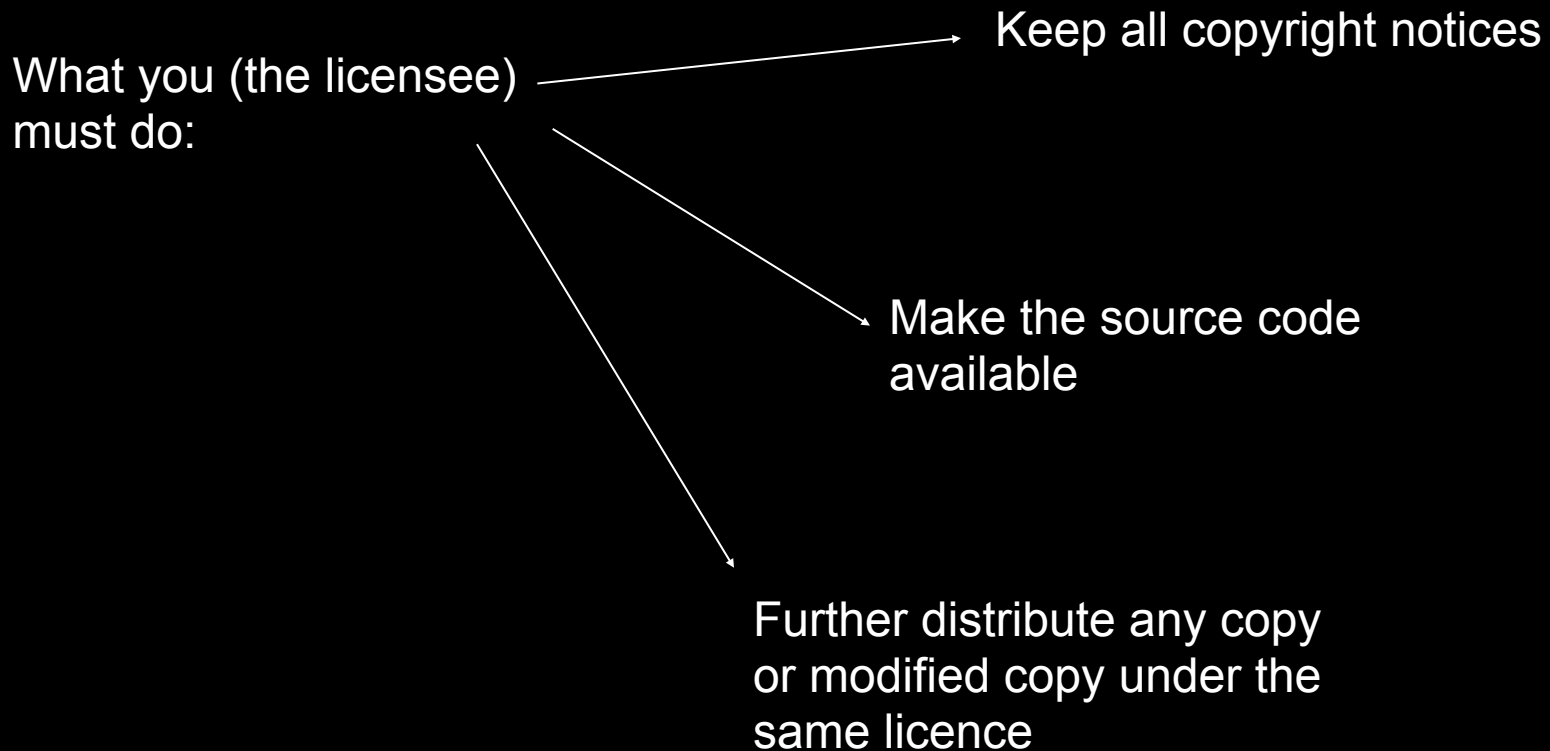
Basic licensing features II



Basic licensing features III

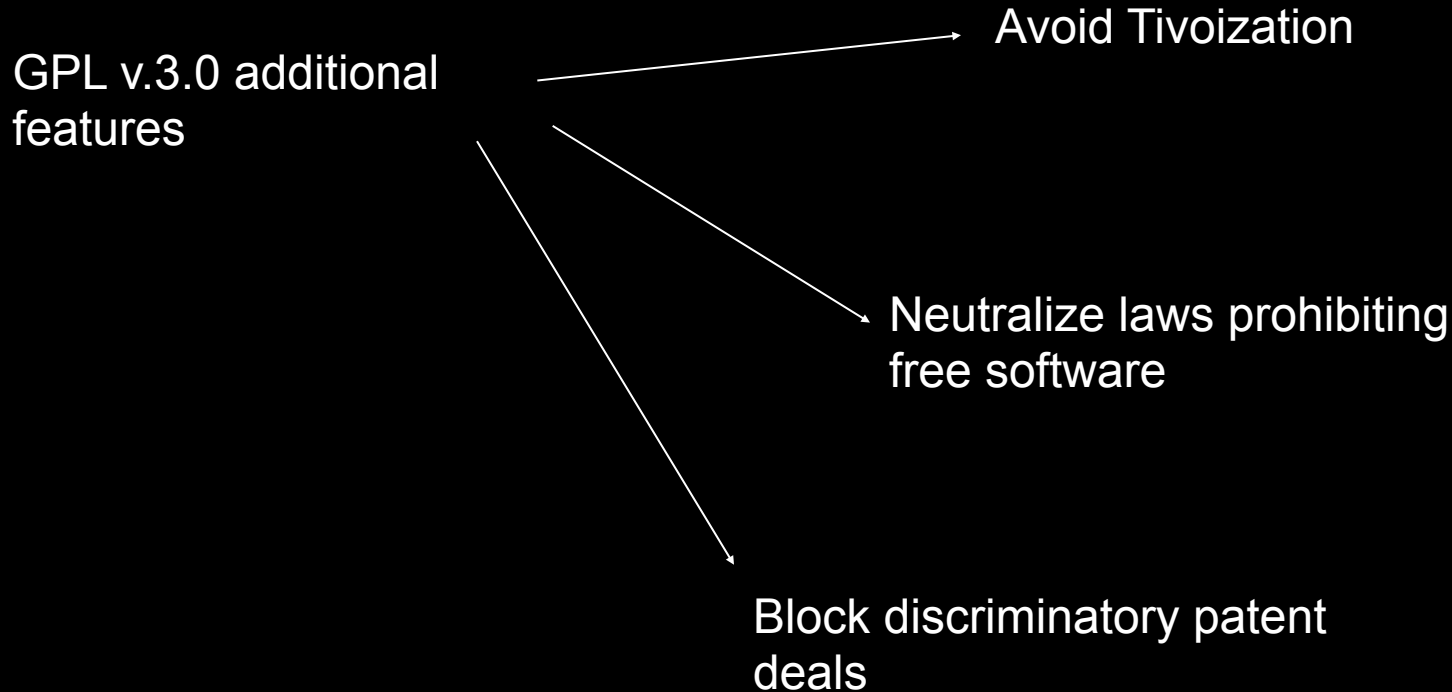


Basic licensing features IV



Basic licensing features V

GPL v.3.0



GPL v.3.0 [neutralization]

- **If someone uses GPL v.3.0 to write code that implements DRM, then such code is not deemed as “an effective protection measure”**
- **As a result, if you “break” that code, the DRM-related clauses are not activated**

GPL v.3.0 [anti-tivoization]

- **requiring the distributor of a device using GPLed software to provide you with whatever information or data necessary to install modified software on the device.**
- **distributors are still allowed to use cryptographic keys and are required to disclose one only for the purpose of modifying the GPLed code**

GPL v.3.0 [anti-patent]

- **requiring the distributor of a GPLed software to provide the licensee with all patent licences necessary to exercise the rights GPL has granted to them**

GPL v.3.0 [Licence compatibility]

- **opening up compatibility with licences containing only minor restrictions**
- **clarifying compatibility with other licences**

GPL v.3.0 [source code (sc) provisions]

- **keep intact existing provisions requiring dissemination of source code**
- **provide instructions rather than the sc itself**
- **special provisions for BitTorrent users (obligations applicable only for the initiator of the torrent)**
- **combination with GPL-incompatible libraries possible**

GPL v.3.0 [terminology and compliance]

- **use of the term “convey” instead of “distribute” in order to avoid terminology issues with non-US – like legal systems**
- **compliance using the CC-compliance labs**
- **if violation occurs, rights may be restored once the violation stops; alternative procedure in case the rights-holder contacts you directly**

Enforcement issues I*

-general

- gpl-violations.org starting in 2004

- District Court of Munich: Welte ./ Sitecom (GPL)

- Court of Appeals for the Federal District (2008):
Jacobsen ./ Katzer (Artistic License)

Principal Proceedings and Preliminary Injunctions

- Copyright infringement or breach of contract

- Article 9 Directive 2004/48/EC: „Provisional and precautionary measures“

- Jacobsen ./ Katzer: „condition“ or „covenant“

- Welte ./ Sitecom: „condition“ or „implied restriction“

*Till Jaeger (2008) *Enforcing CC licenses – Any problems to Anticipate?* Nordic Cultural Commons Conference, Royal Institute of Technology, Stockholm, 22 October 2008

Enforcement issues II*

-Who has the right of action?

-Copyright holder - Art. 4 a) Enforcement Directive

-Other rightholders (exclusive license?) - Art. 4 b)

-Cooperative works: one coauthor may claim to cease and desist for all coauthors

-CC: (-), except own works

*Till Jaeger (2008) *Enforcing CC licenses – Any problems to Anticipate?* Nordic Cultural Commons Conference, Royal Institute of Technology, Stockholm, 22 October 2008

Enforcement issues III*

-Damages and Strategy

Claim for Damages

Problem 1: cooperative works

- Is it allowed that one coauthor claims damages for his part?
- Is it allowed that one coauthor claims damages for all other coauthors?

Problem 2: How to qualify and quantify a damage?

- „Royaltyfree“ as a handicap?
- Dual licensing

Strategy

- Intentional or unintentional violation?
- Private letter or lawyer's cease and desist letter
- Deadline for a preliminary injunction?

*Till Jaeger (2008) *Enforcing CC licenses – Any problems to Anticipate?* Nordic Cultural Commons Conference, Royal Institute of Technology, Stockholm, 22 October 2008

Enforcement issues IV*

-References

- www.ifross.org
- [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0048R\(01\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0048R(01):EN:HTML)
- <http://www.rosenlaw.com/BadFactsMakeGoodLaw.pdf>
- <http://www.law.ed.ac.uk/ahrc/script-ed/issue4/GPLcase.asp>

*Till Jaeger (2008) *Enforcing CC licenses – Any problems to Anticipate?* Nordic Cultural Commons Conference, Royal Institute of Technology, Stockholm, 22 October 2008

The BSD vs. GPL vs. dual licensing (OMII and Trolltech cases)

- BSD does not contain any copyleft arrangements
- BSD is more popular with the commercial sector and a part of the US academic sector
- Dual licensing (GPL + licensing to a single entity) may be a more attractive option if you are a software development company (Trolltech Nokia)
 - <http://arstechnica.com/news.ars/post/20080128-nokia-buys-trolltech-will-become-a-patron-of-kde.html>
- BSD may be a more attractive option if you are selling services and you have a really good link with the community (Open Middleware Infrastructure Institute, UK)
 - <http://www.omii.ac.uk/>



[four]

Flow of rights in a GPL
scenario

[four]

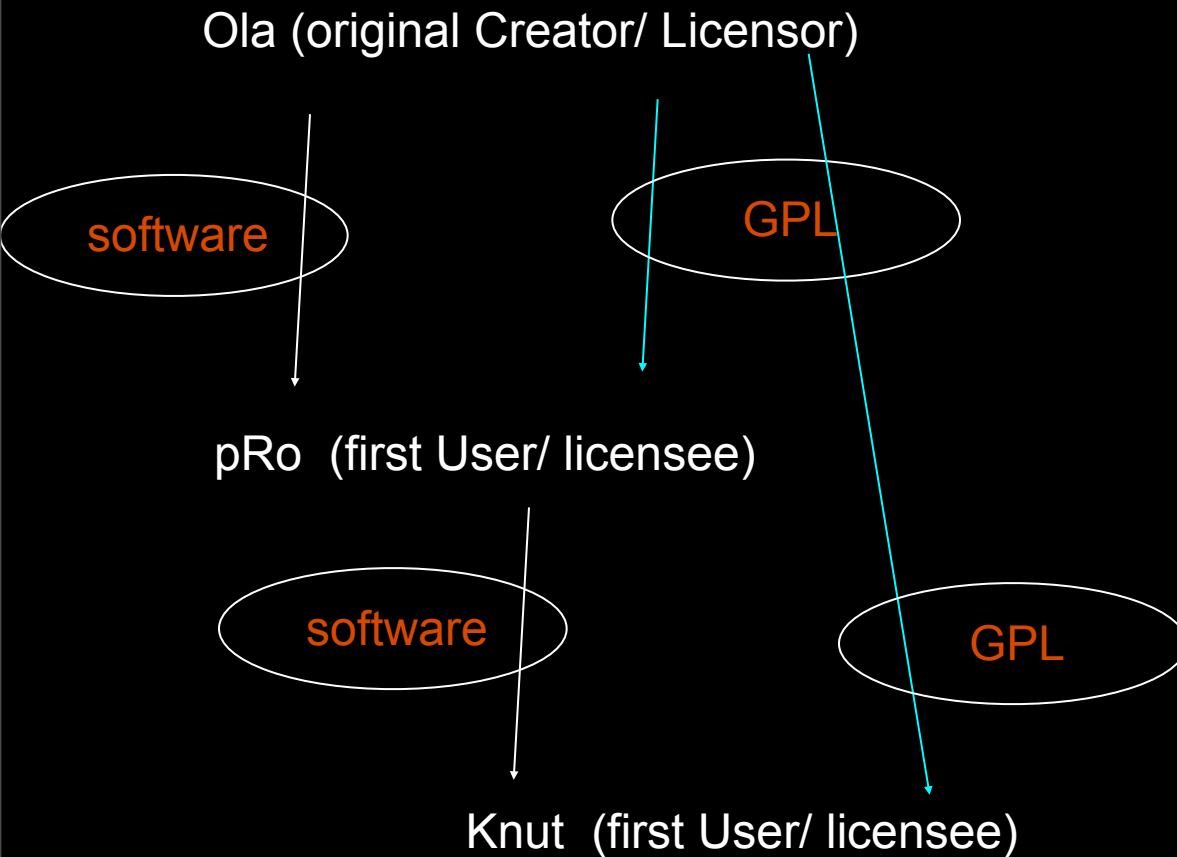
Three flows to be noticed

Digital Copies

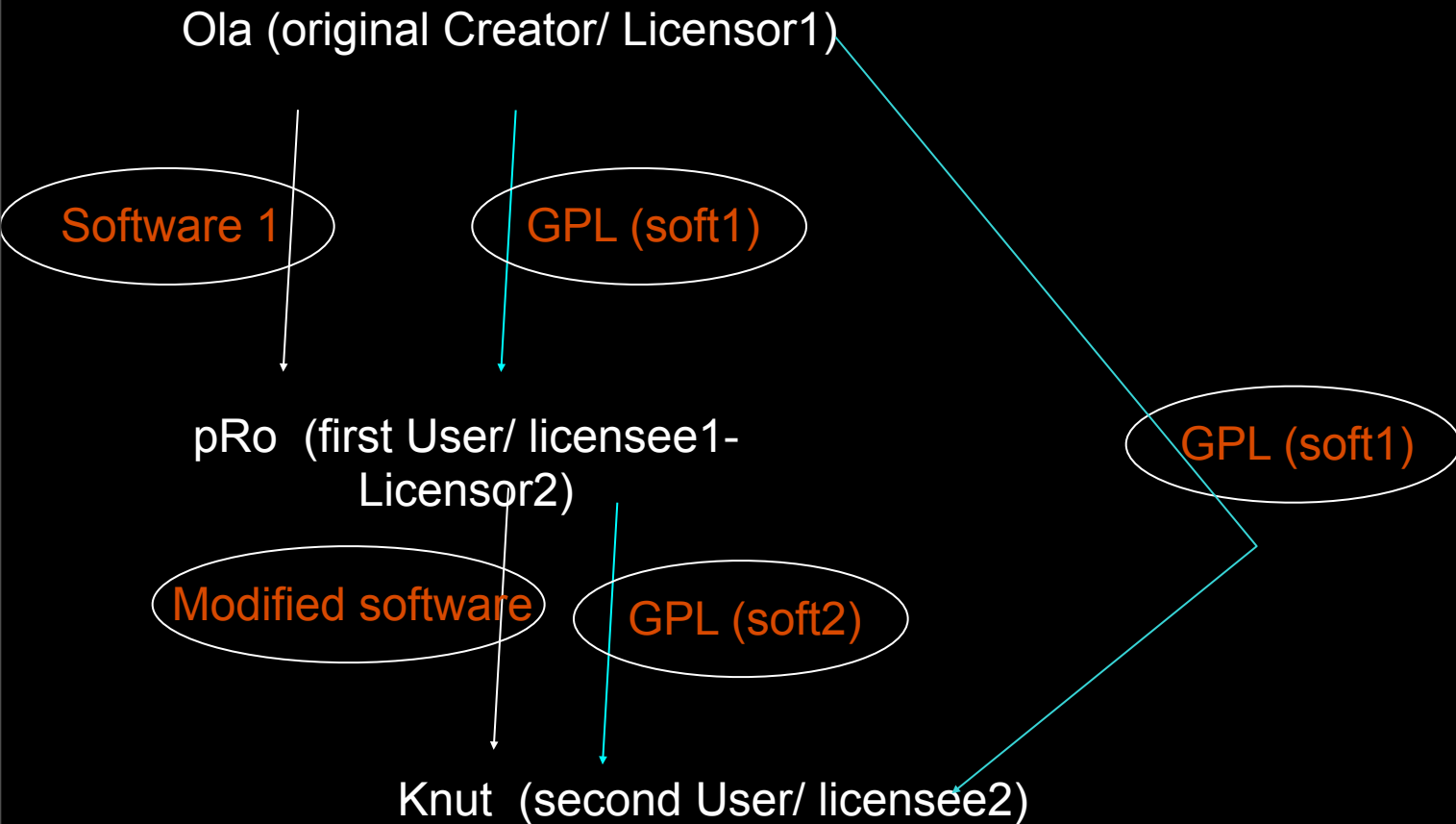
Rights

Services

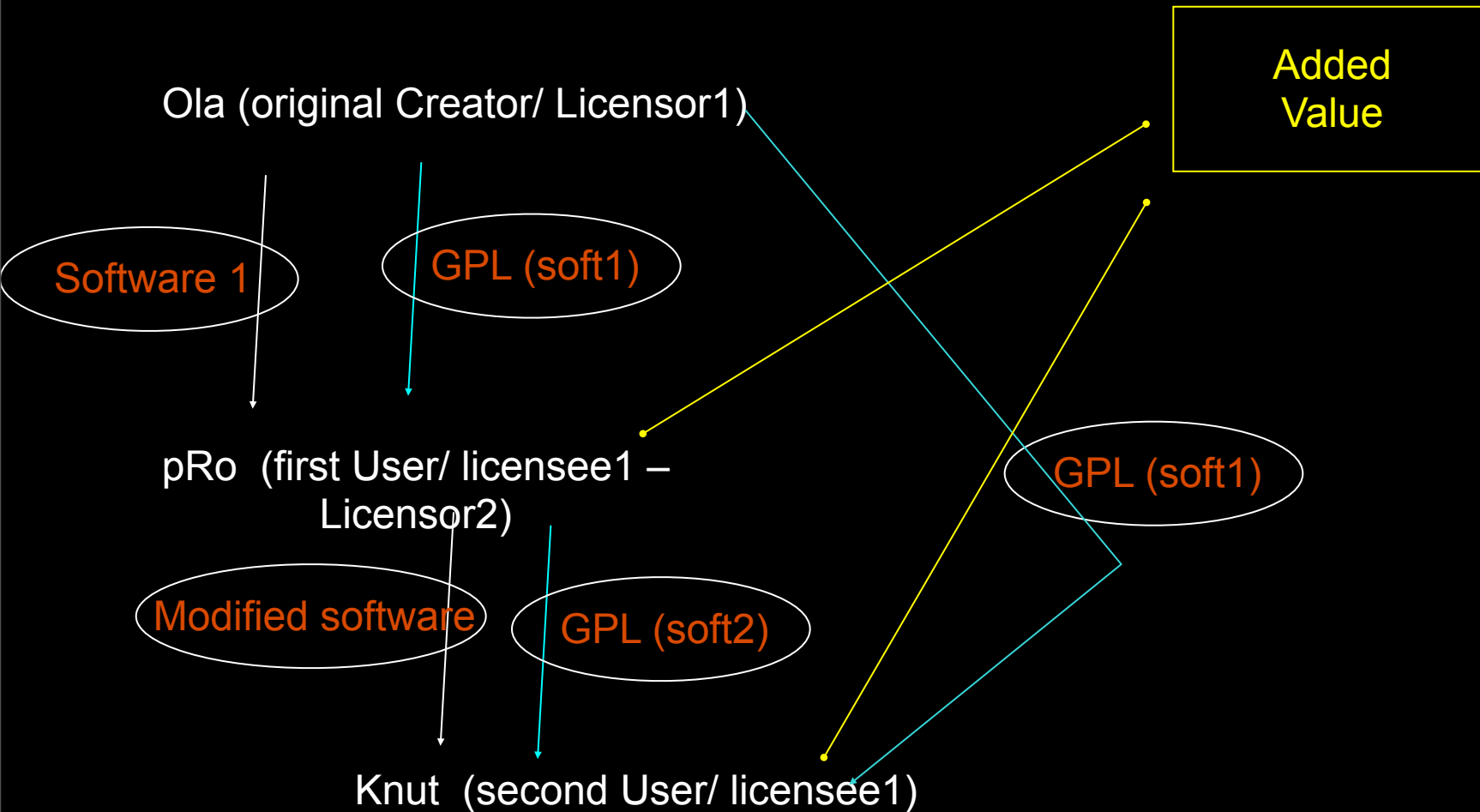
An open source/ content copy/ distribution scenario

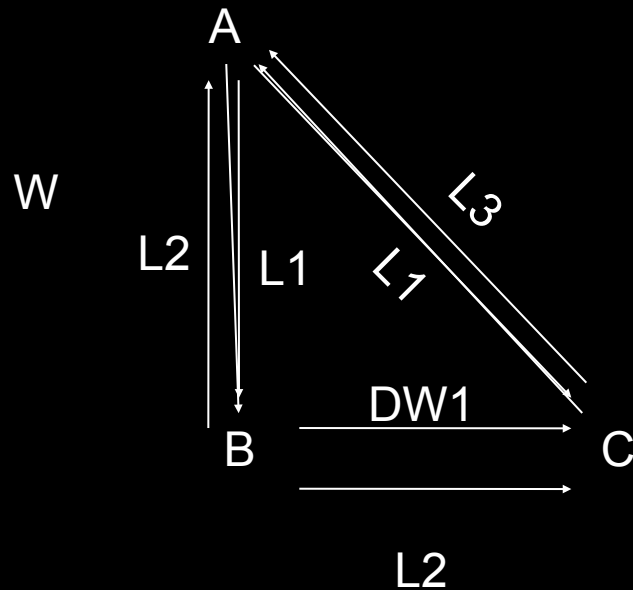


An open source/ content modification scenario



Value?

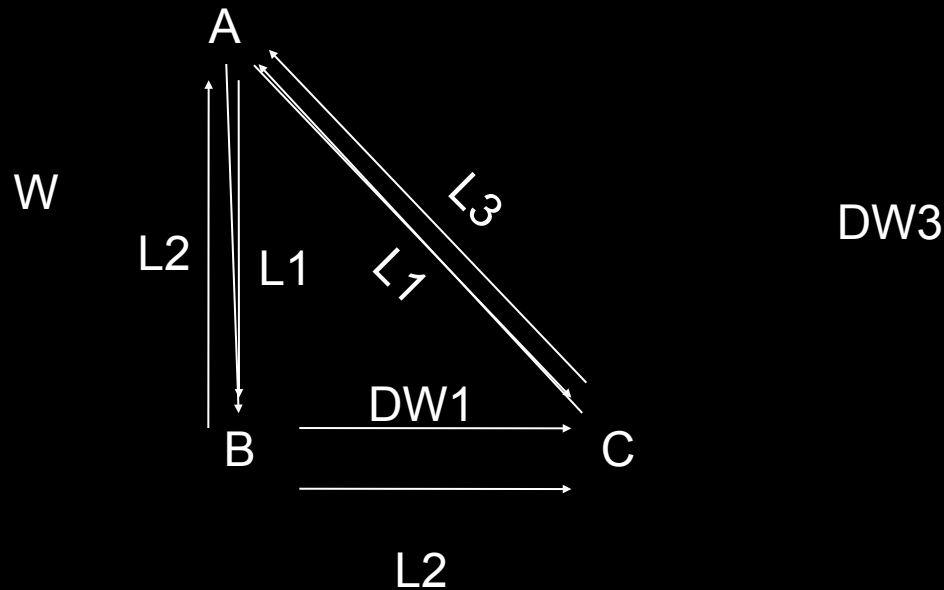




- A: licensor of original work
- B,C: licensees regarding original work
- C (L1/L2), A (L2/L3): licensees for the Derivative works (different licences)
- W: Work
- DW1, DW2, DW3: Derivative Works
- L1, L2, L3: Different GPL licences

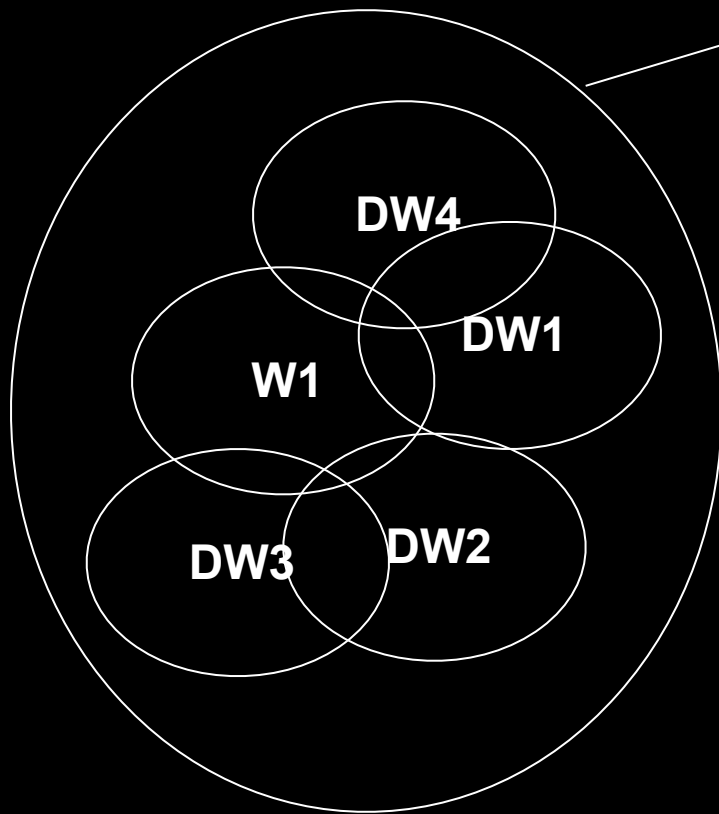
In each GPL transaction the creator of a work or the contributor becomes a licensor and the recipient of the work a licensee. The licensee becomes a licensor with respect to any subsequent contribution. The subsequent derivative works are thus constantly re-licensed in what we may describe as a *licensing mash*.

A diagrammatic presentation of the licensing relationships in a 3 person GPL scenario



- A: licensor of original work
- B,C: licensees regarding original work
- C (L1/L2), A (L2/L3): licensees for the Derivative works (different licences)
- W: Work
- DW1, DW2, DW3: Derivative Works
- L1, L2, L3: Different GPL licences

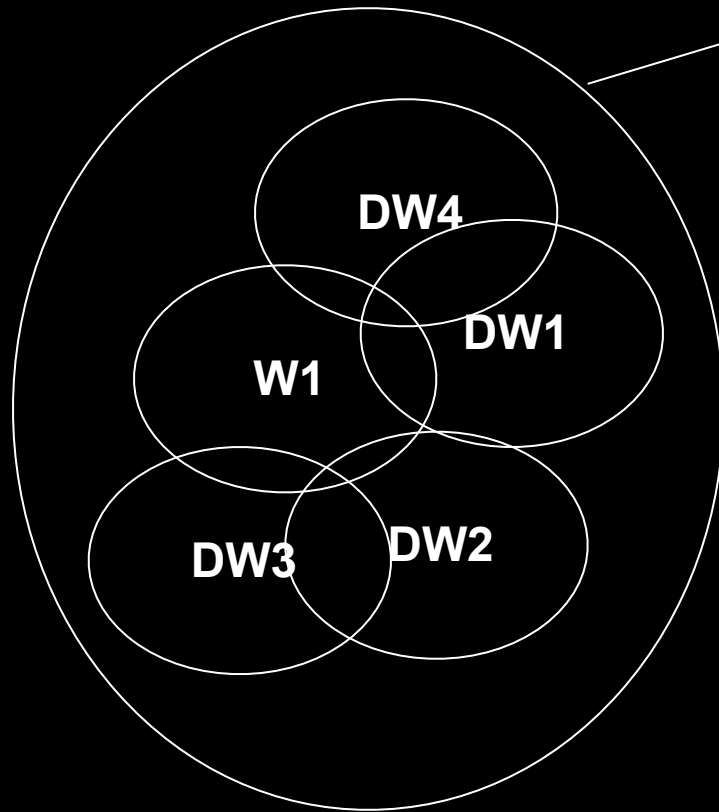
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The constantly
expanding
derivative work

- W: the original work
- DW1, DW2, DW3, DW4:
derivative works based
on the original work
and each other

A diagrammatic presentation of a GPL based derivative work development



The constantly
expanding
derivative work

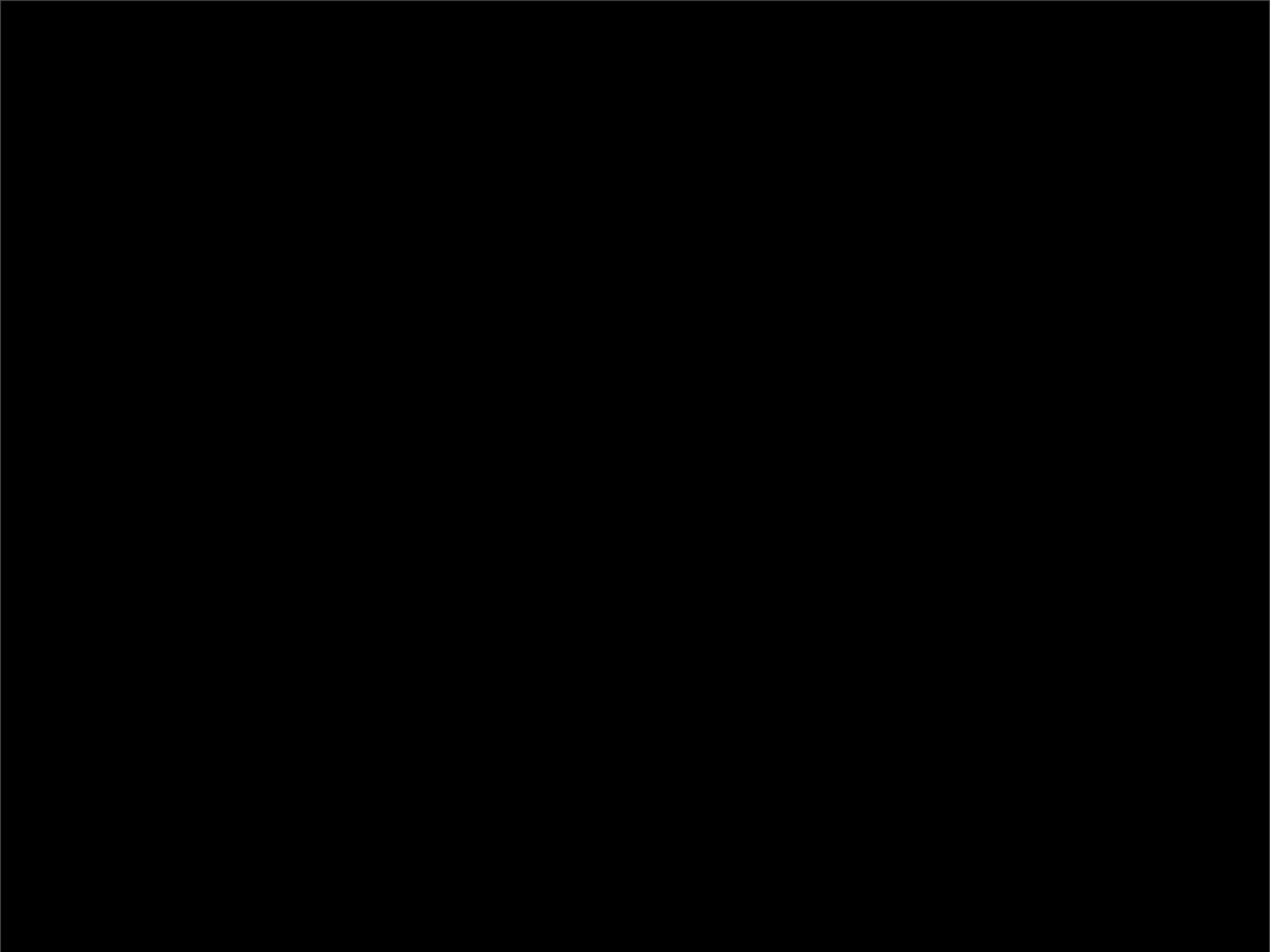
- W: the original work
- DW1, DW2, DW3, DW4:
derivative works based
on the original work
and each other



[five]

The Creative Commons project

[five]



[chronicle]

Founded 2001

[chronicle]

Founded 2001

[chronicle]

By:

Founded 2001

[chronicle]

By:

James Boyle

Founded 2001

[chronicle]

By:

James Boyle

Michael Carroll

Founded 2001

[chronicle]

By:

James Boyle

Michael Carroll

Lawrence Lessig

Founded 2001

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By:

James Boyle

Michael Carroll

Lawrence Lessig

Hal Abelson

Founded 2001

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By:

James Boyle

Michael Carroll

Lawrence Lessig

Hal Abelson

Eric Saltzman

Founded 2001

[chronicle]

By:

James Boyle

Michael Carroll

Lawrence Lessig

Hal Abelson

Eric Saltzman

Eric Eldred

Founded 2001

1st Project: December 2002

[chronicle]

By:

James Boyle

Michael Carroll

Lawrence Lessig

Hal Abelson

Eric Saltzman

Eric Eldred

Founded 2001

1st Project: December 2002

Initiation: Berkman/ Harvard

[chronicle]

By:

James Boyle

Michael Carroll

Lawrence Lessig

Hal Abelson

Eric Saltzman

Eric Eldred

Founded 2001

1st Project: December 2002

Initiation: Berkman/ Harvard

Housed @ Stanford Law School

[chronicle]

By:

James Boyle

Michael Carroll

Lawrence Lessig

Hal Abelson

Eric Saltzman

Eric Eldred



[objective]

2estabilsh middle ground

[objective]

2estabilsh middle ground

[objective]

between

2estabilsh middle ground

[objective]

copyright extremism

between

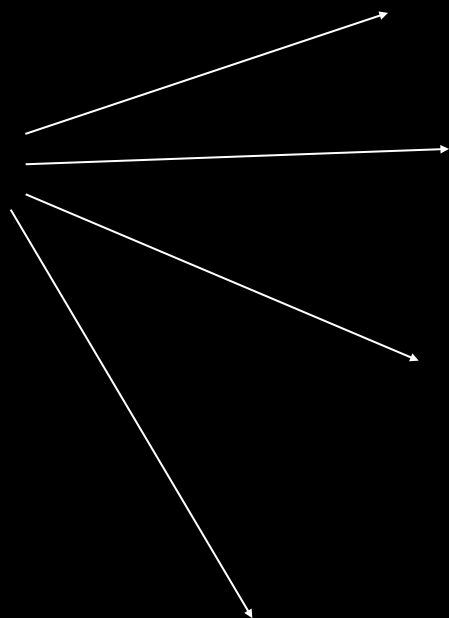
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[objective]

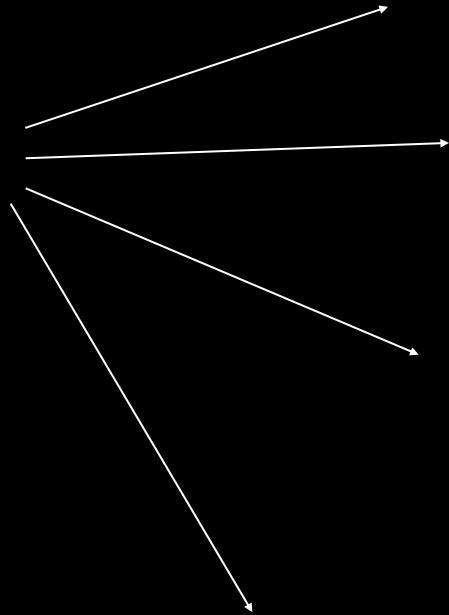
copyright extremism

between

copyright anarchy

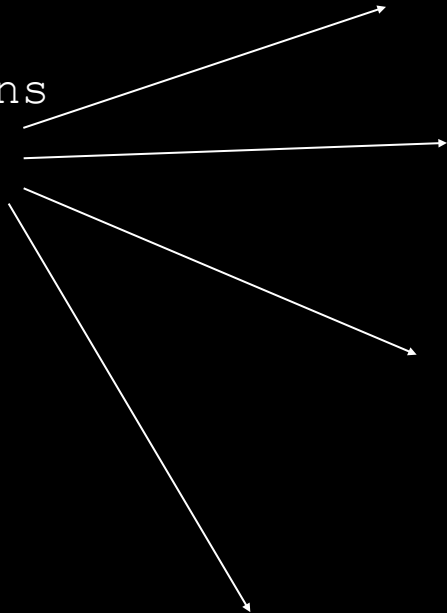


What is Creative Commons?

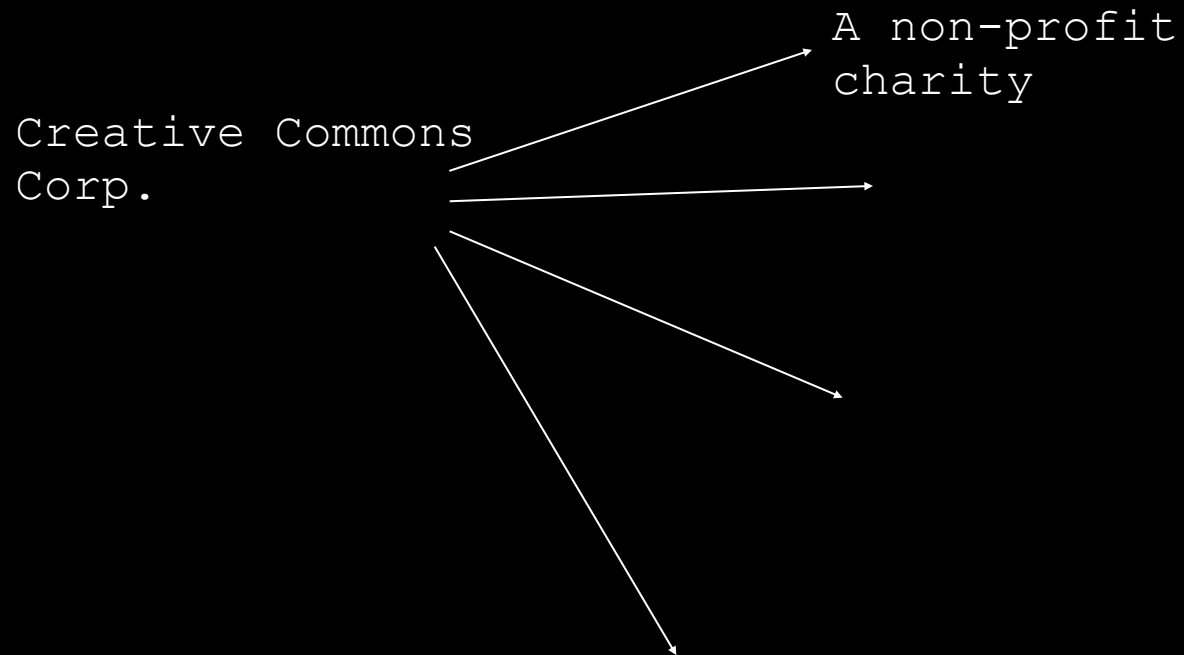


What is Creative Commons?

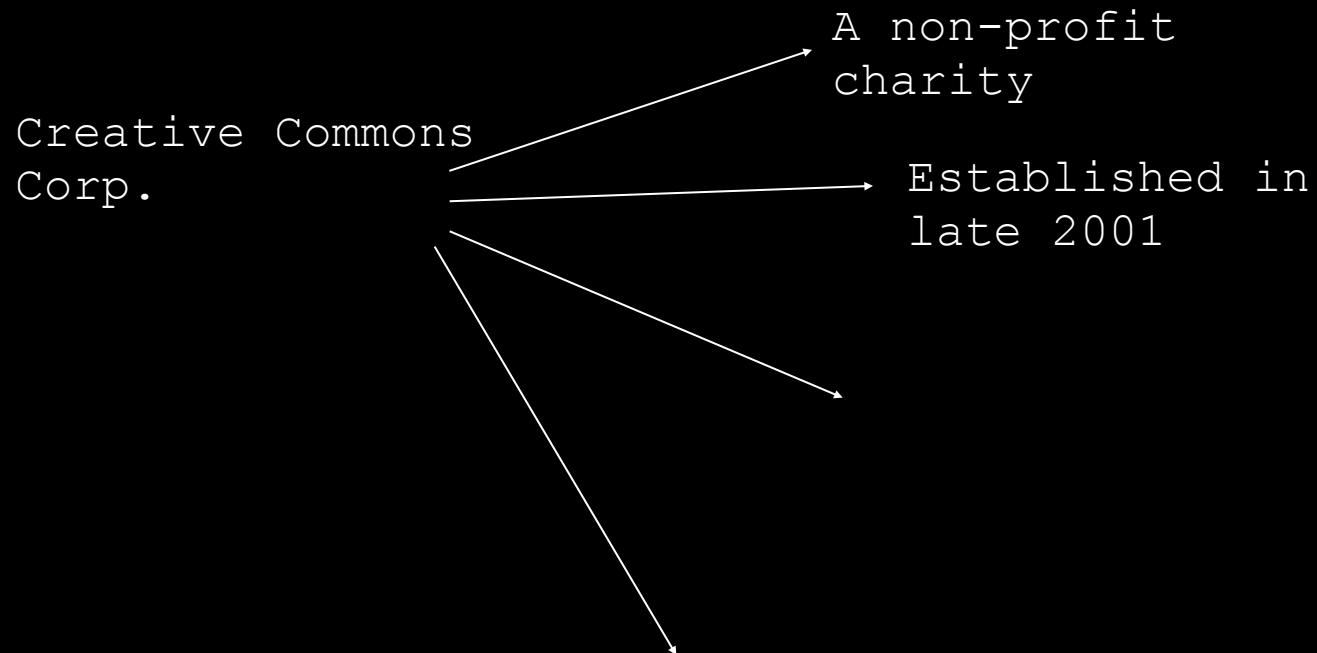
Creative Commons
Corp.



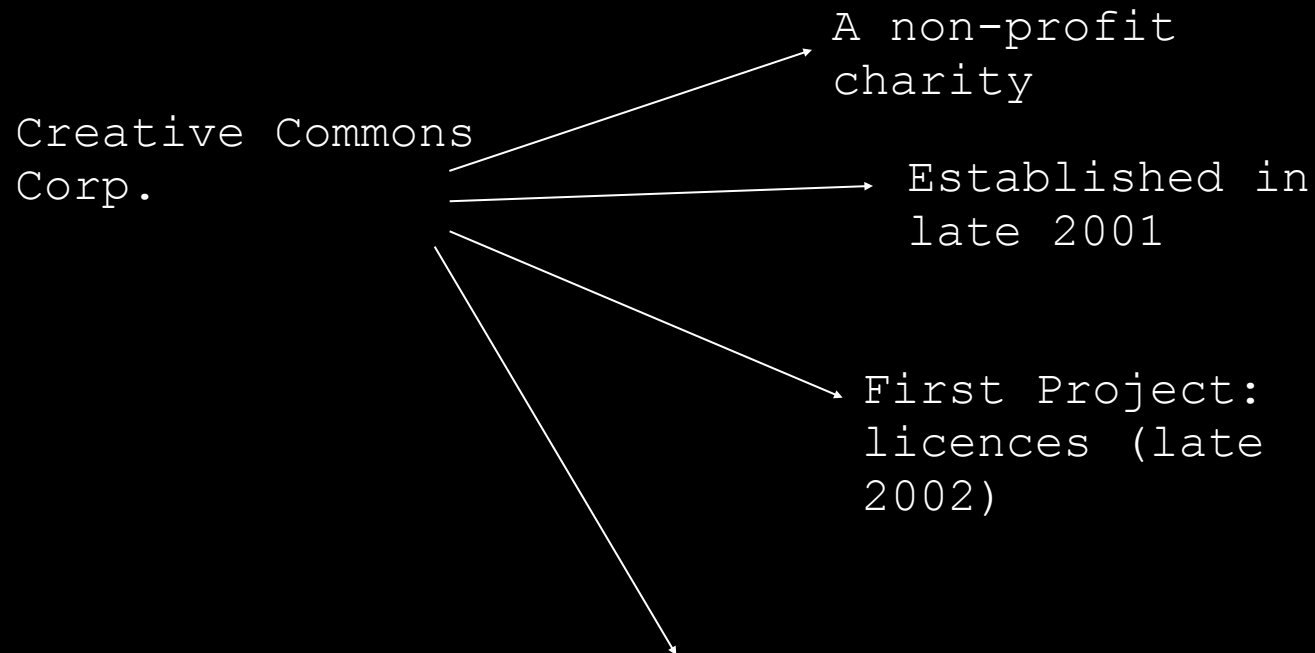
What is Creative Commons?



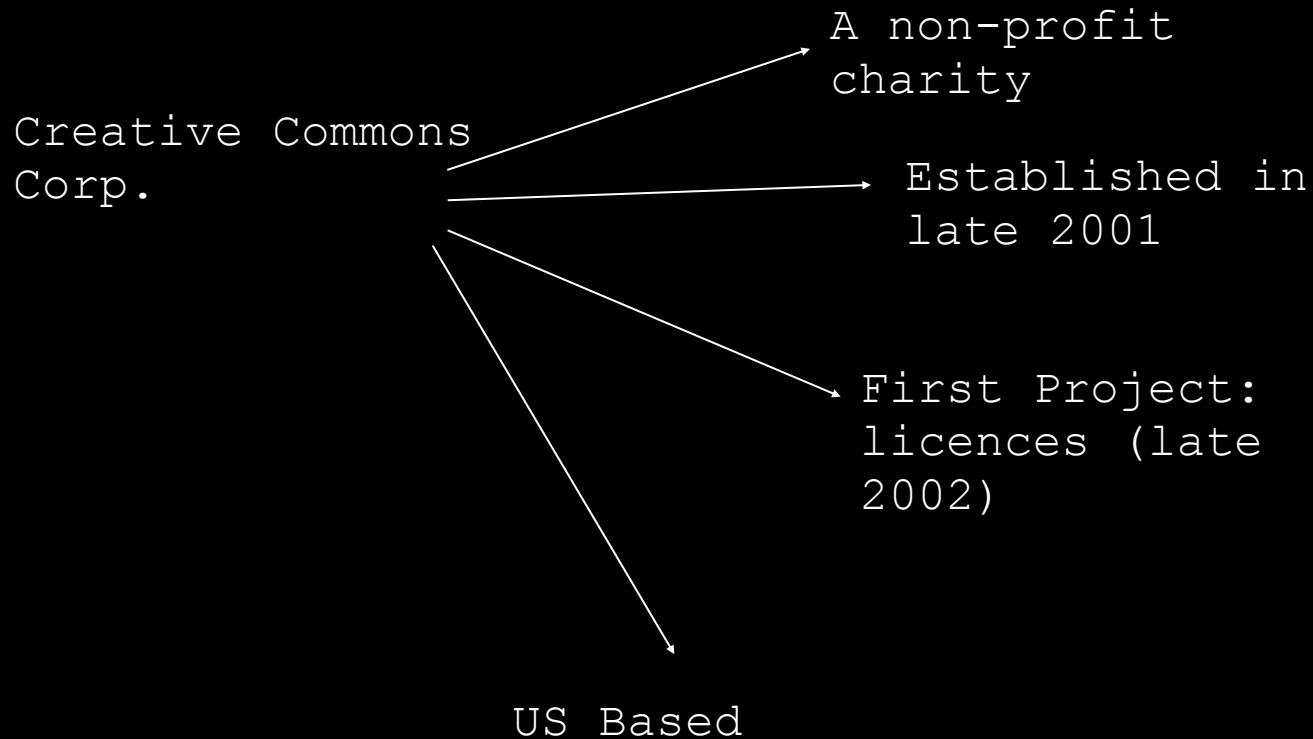
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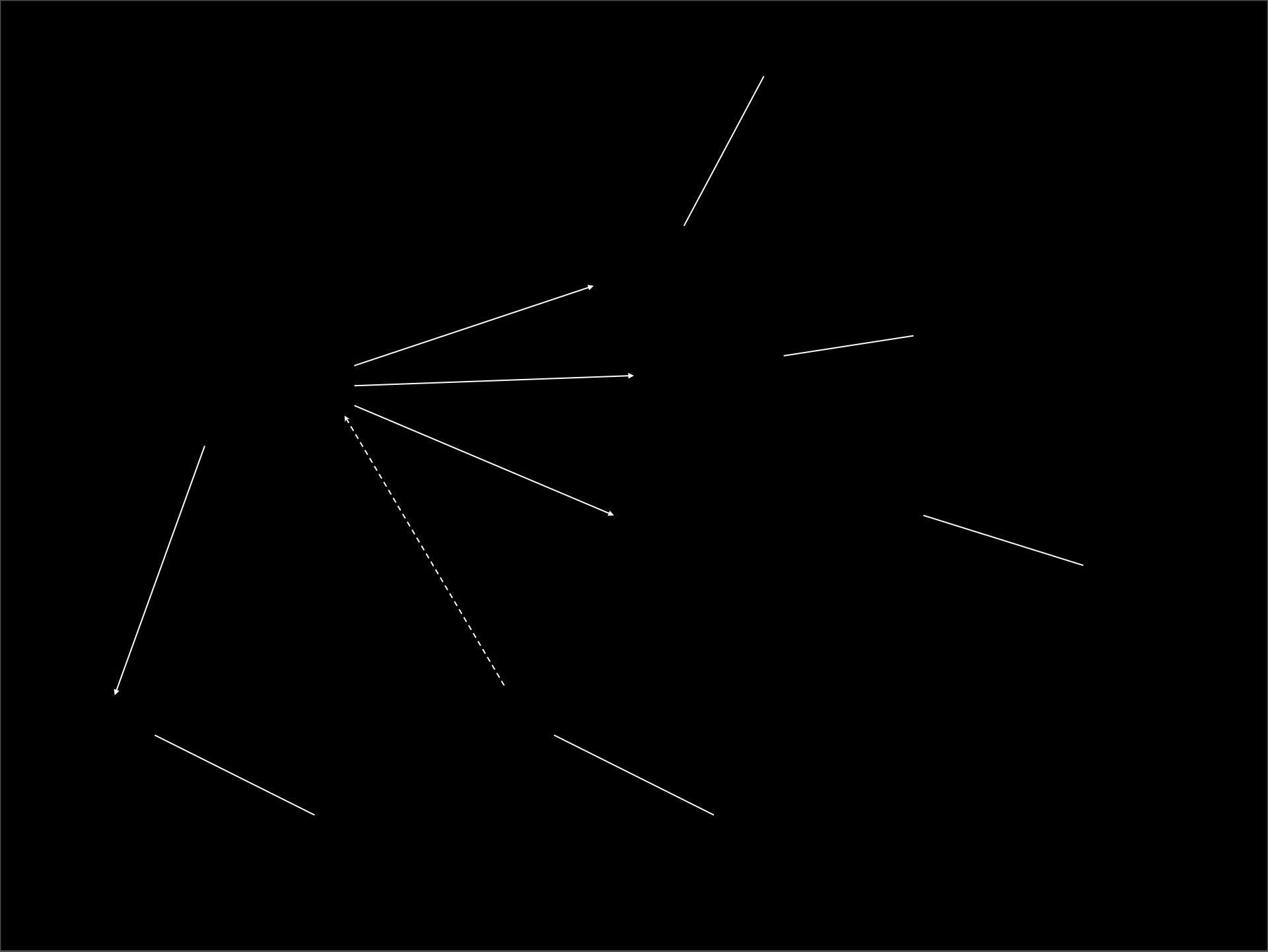


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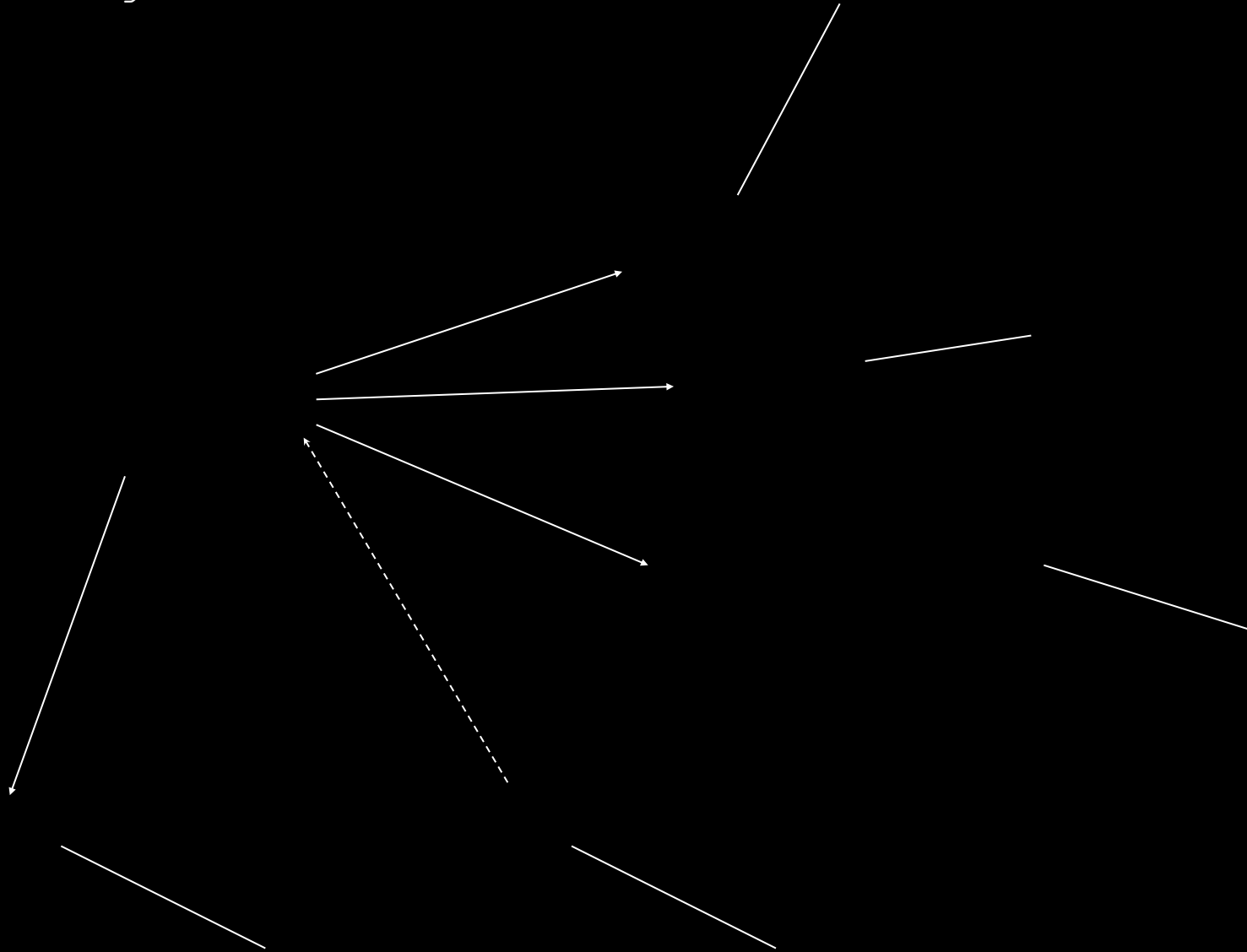


What is Creative Commons?





The CC Organizational Web

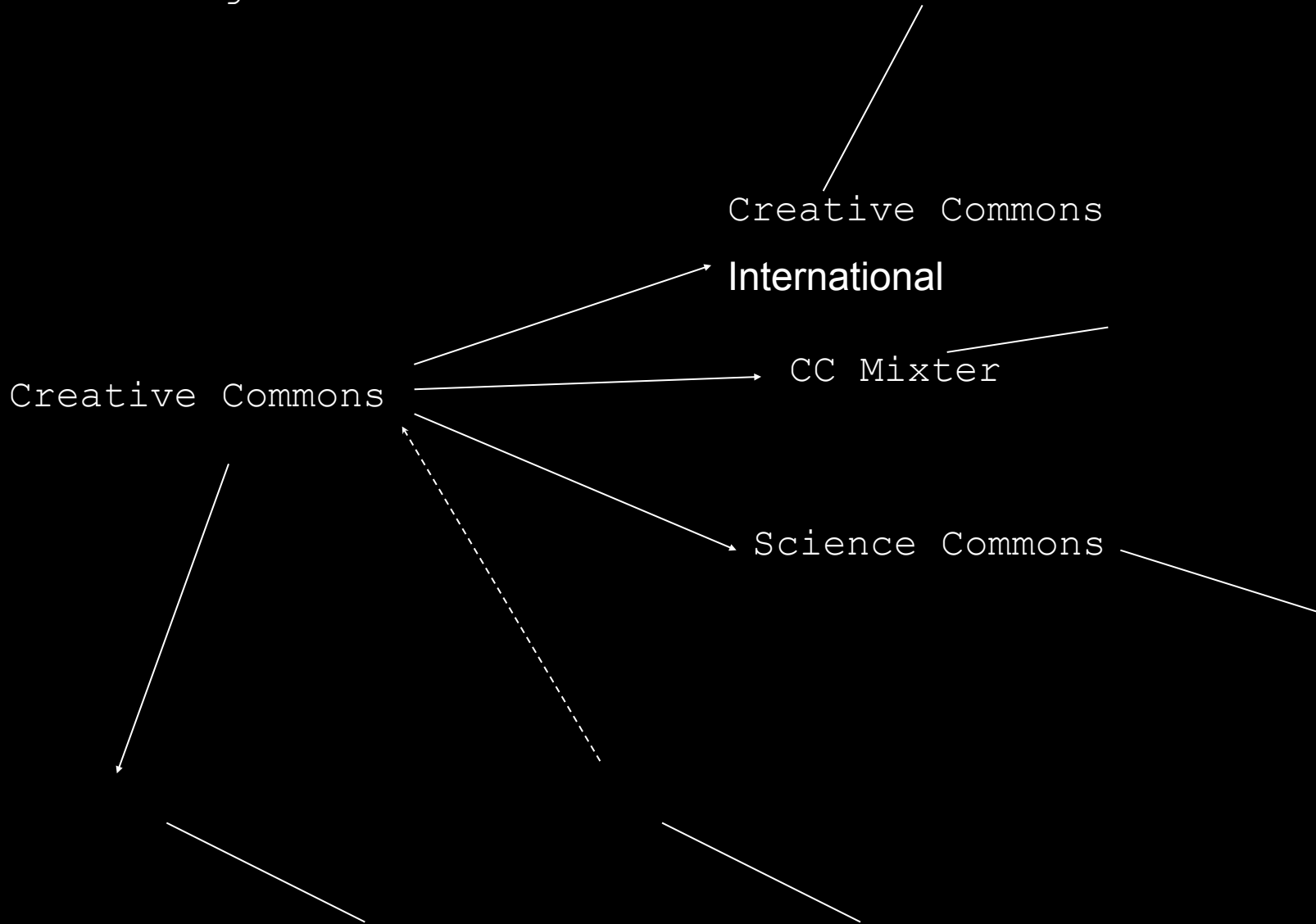


Wednesday, 28 October 2009

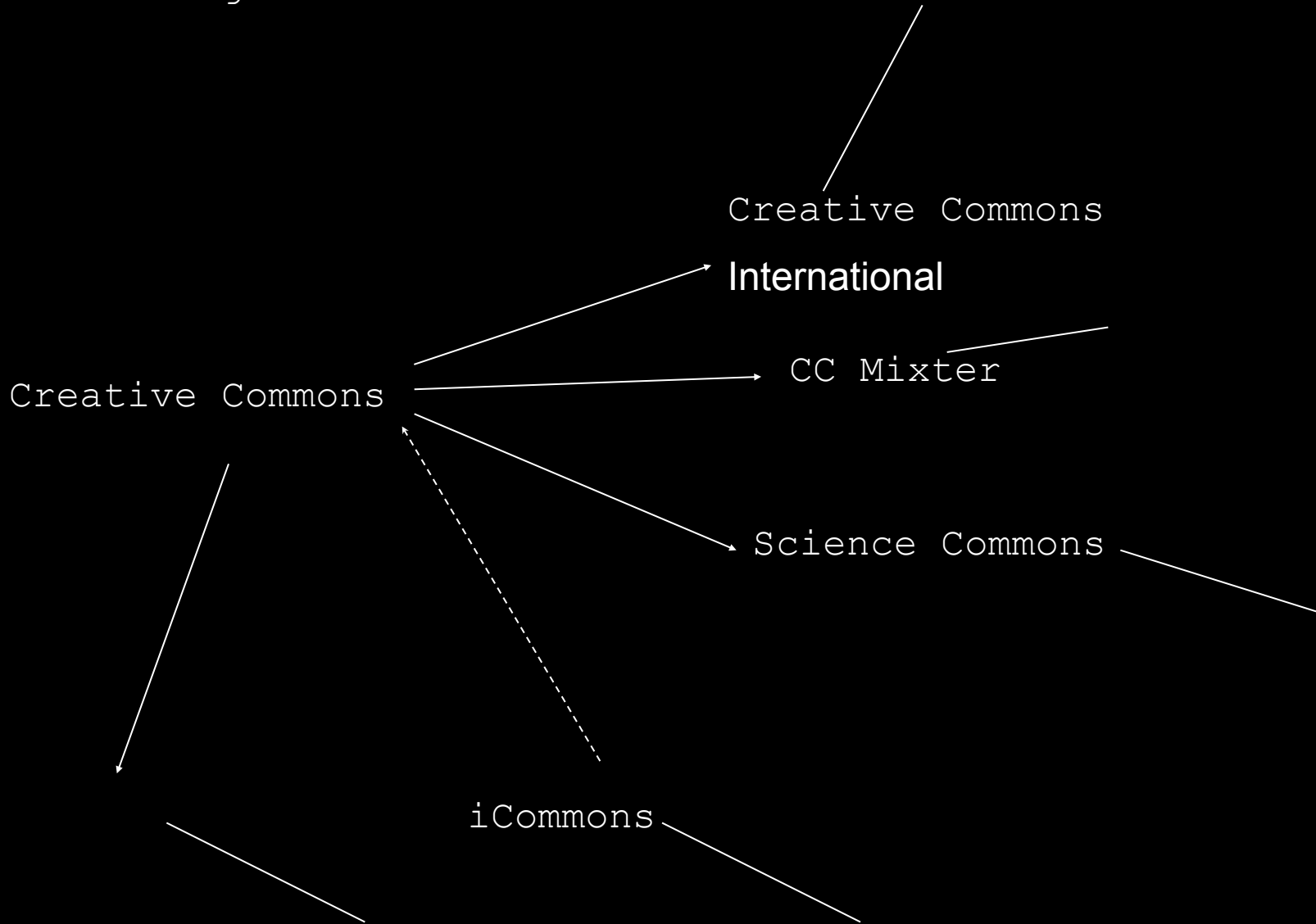
Creative Commons

Wednesday, 28 October 2009

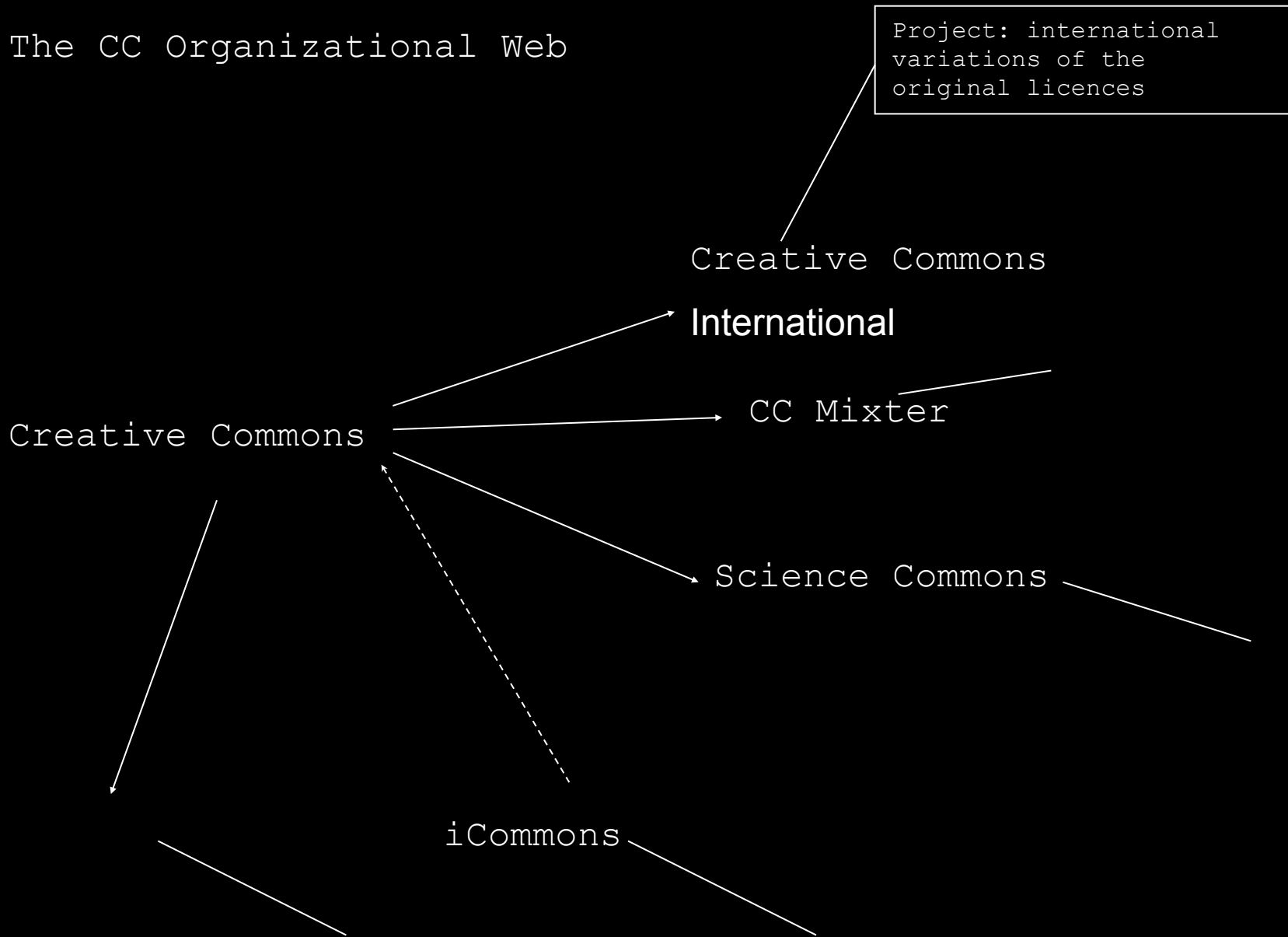
The CC Organizational Web



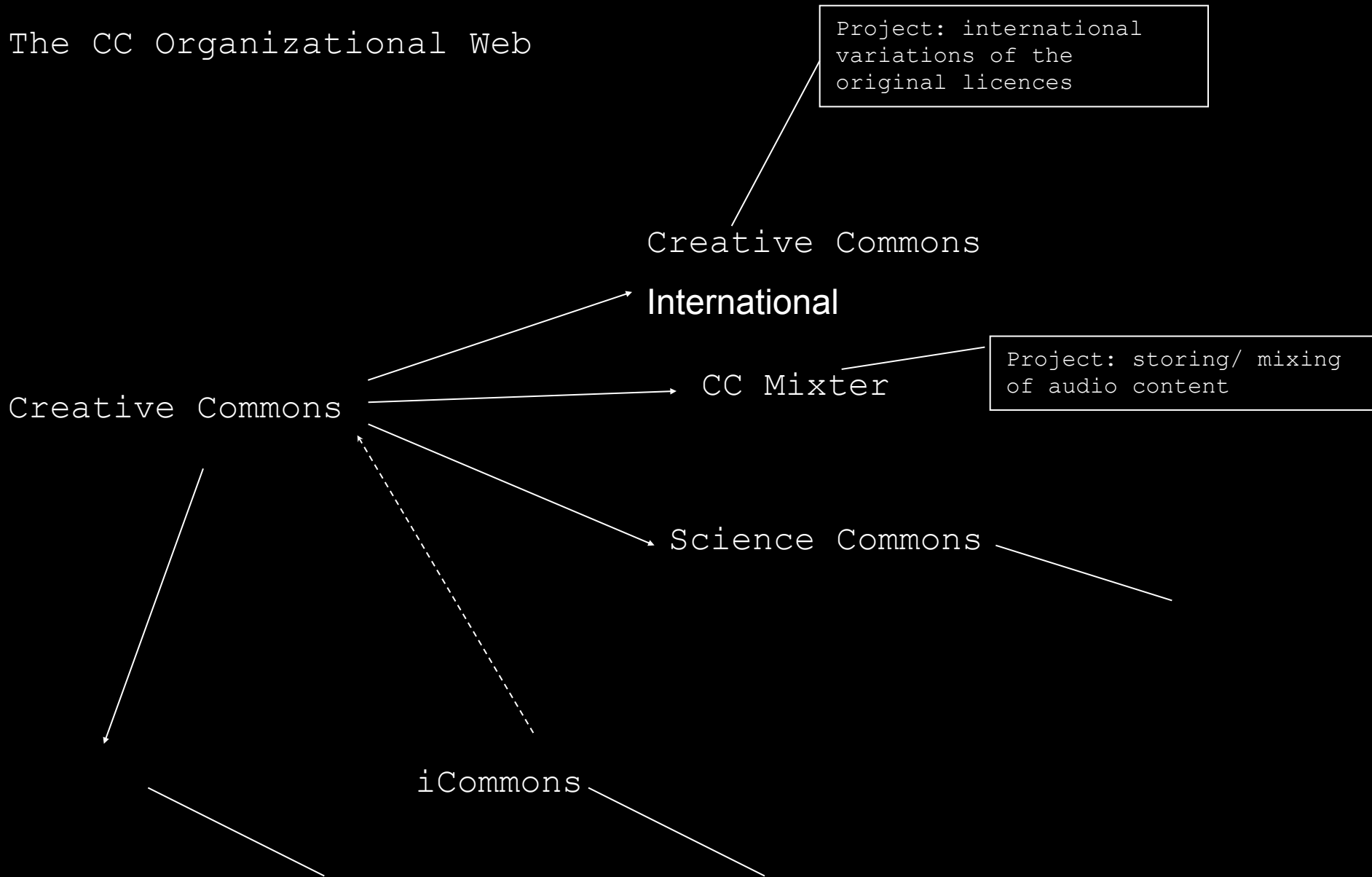
The CC Organizational Web



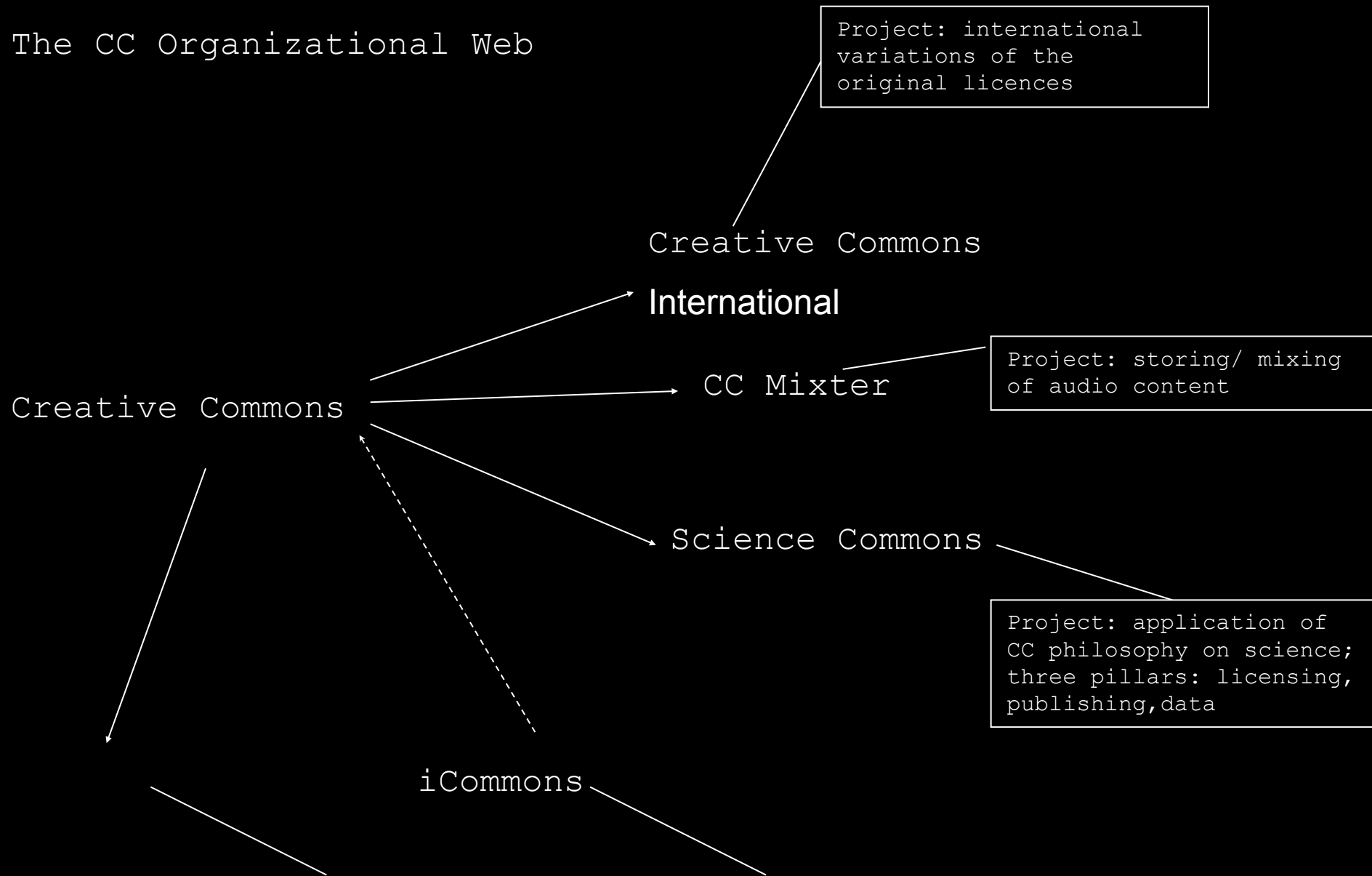
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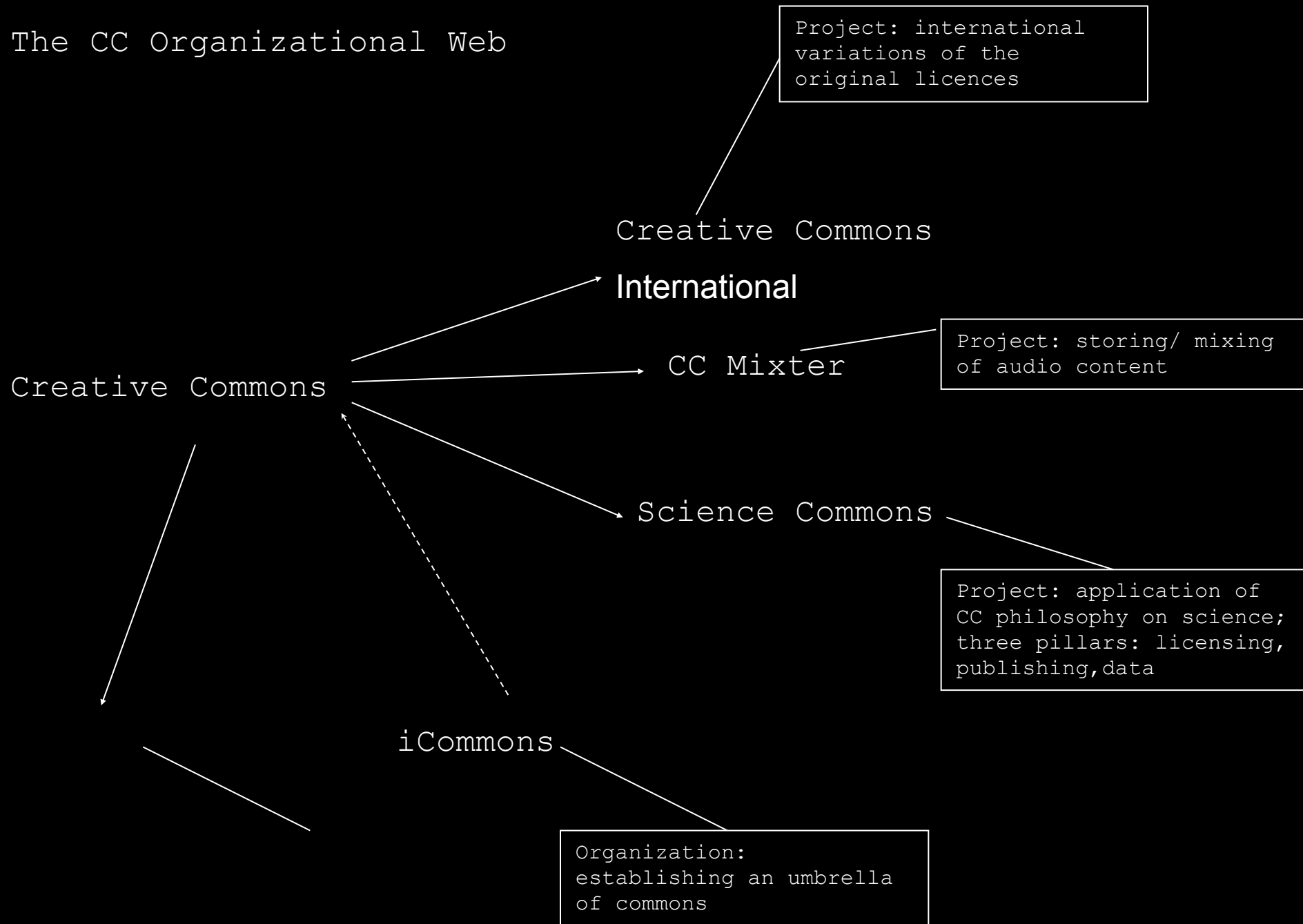
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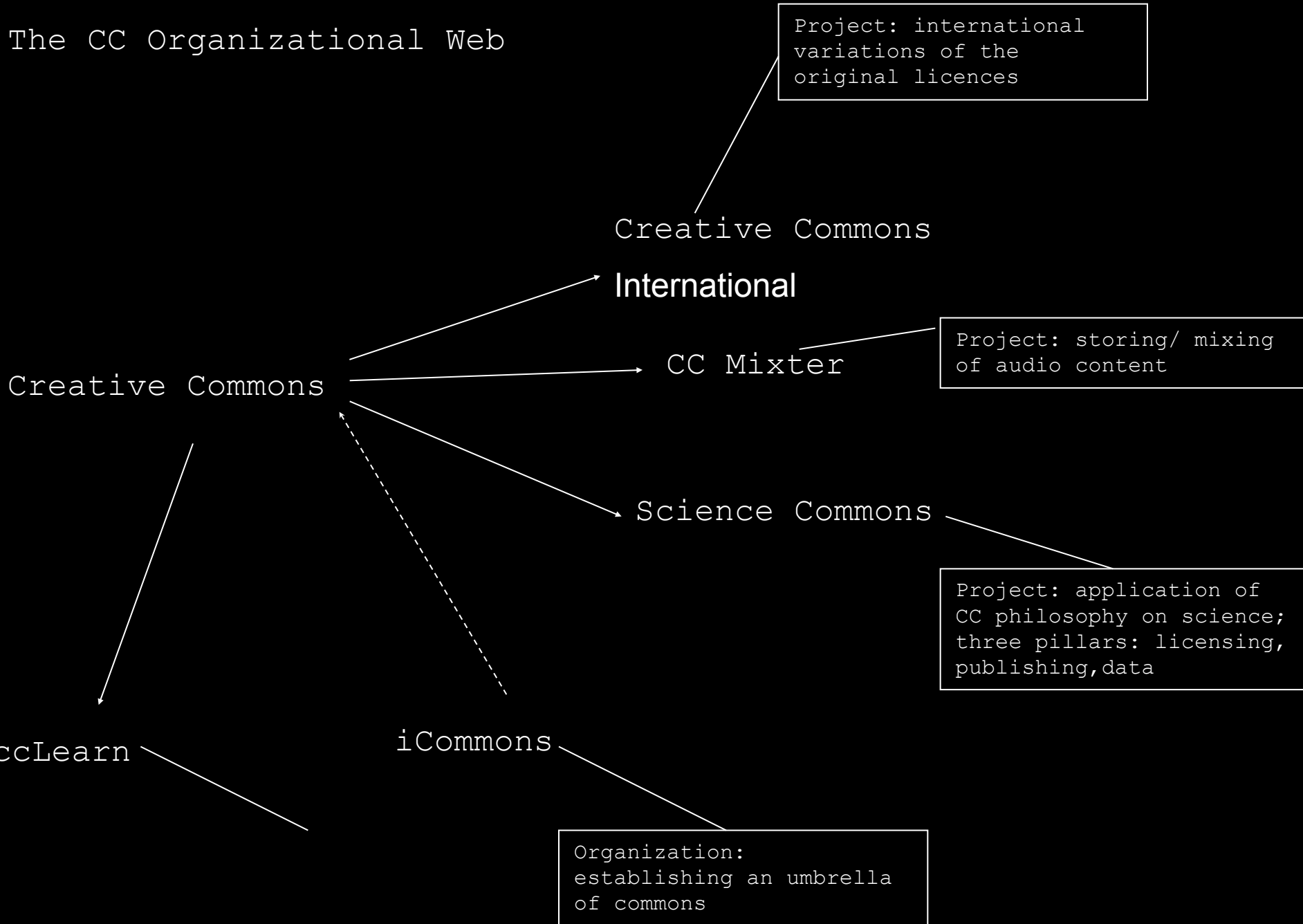
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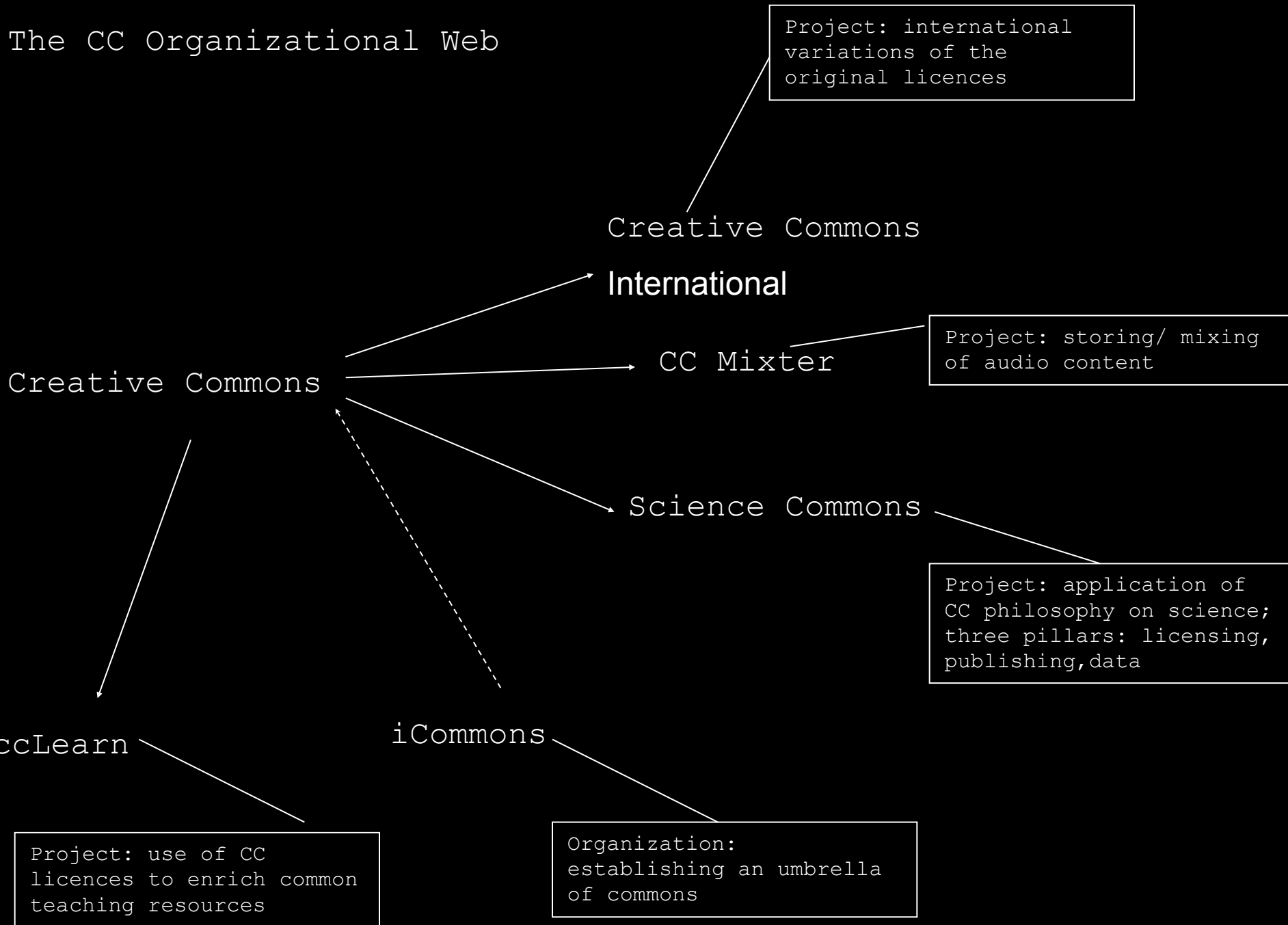
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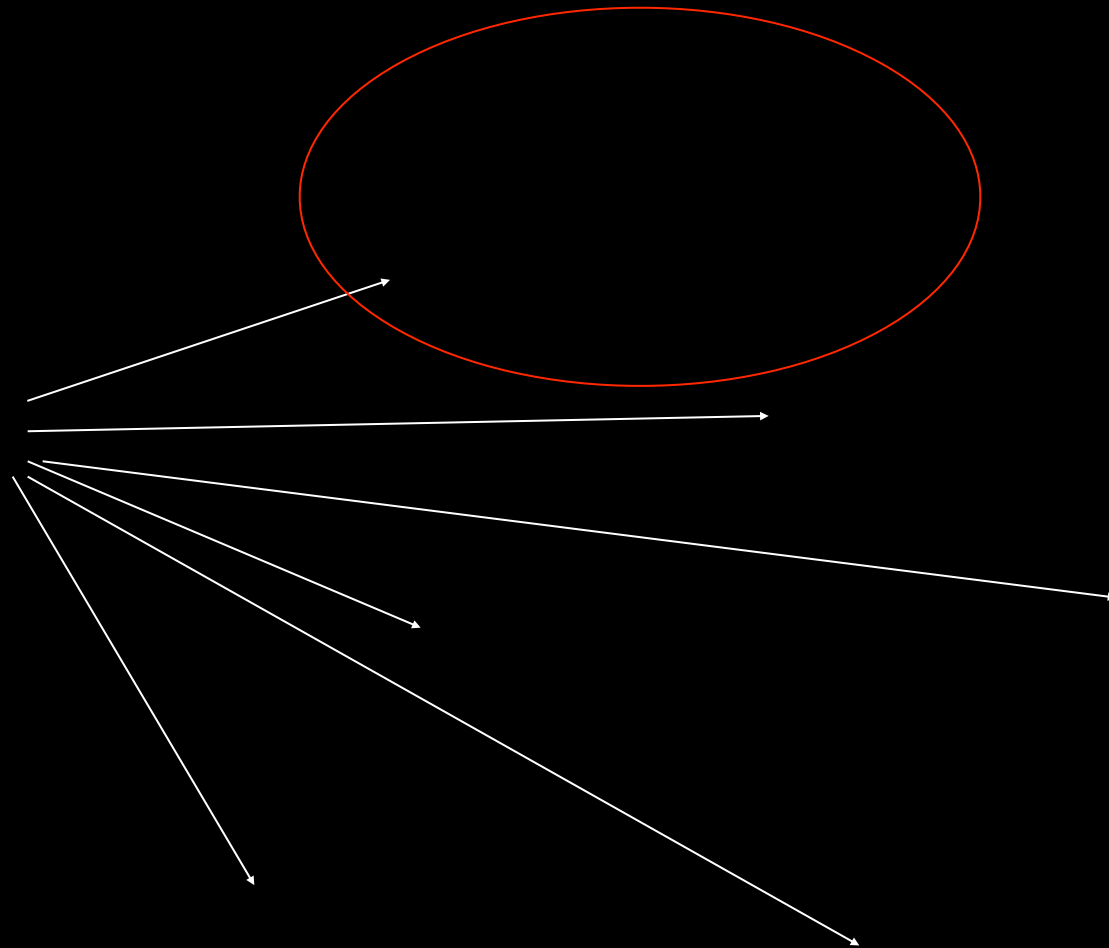


The CC Organizational Web

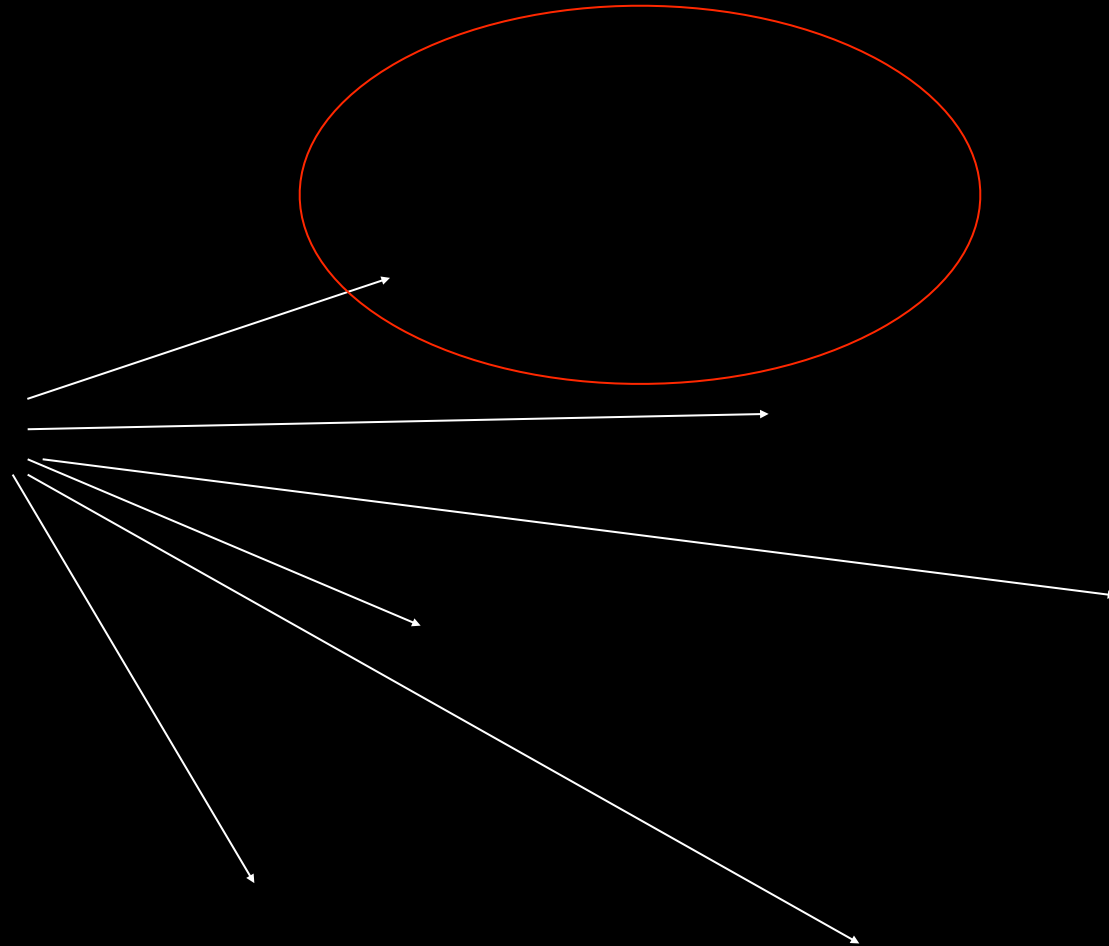


The CC Organizational Web

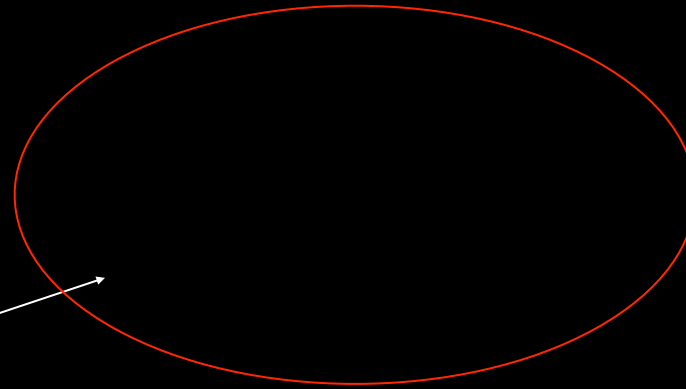




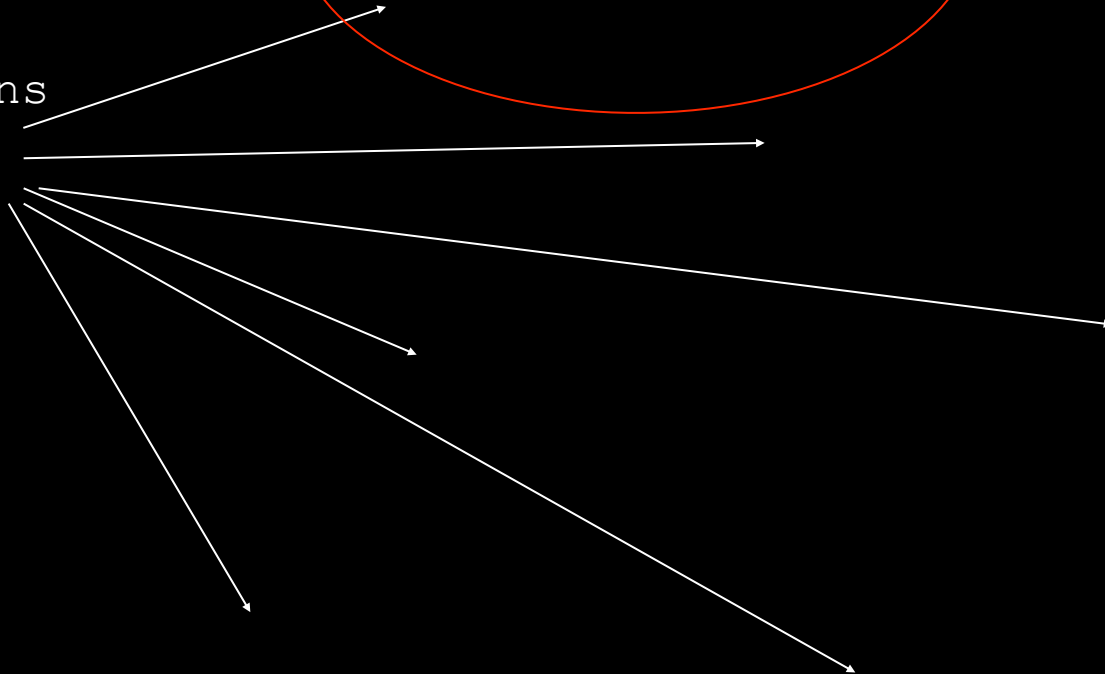
Licence Species



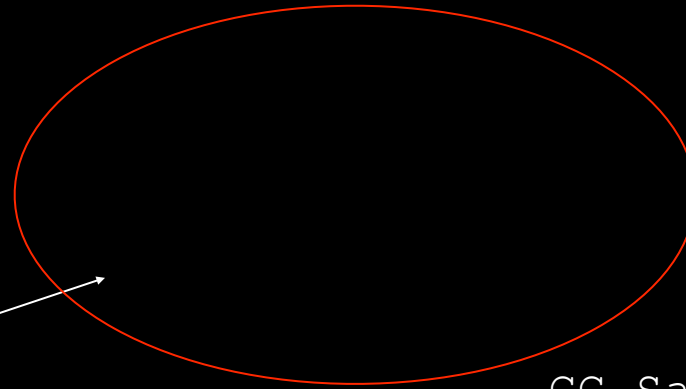
Licence Species



Creative Commons
Licences

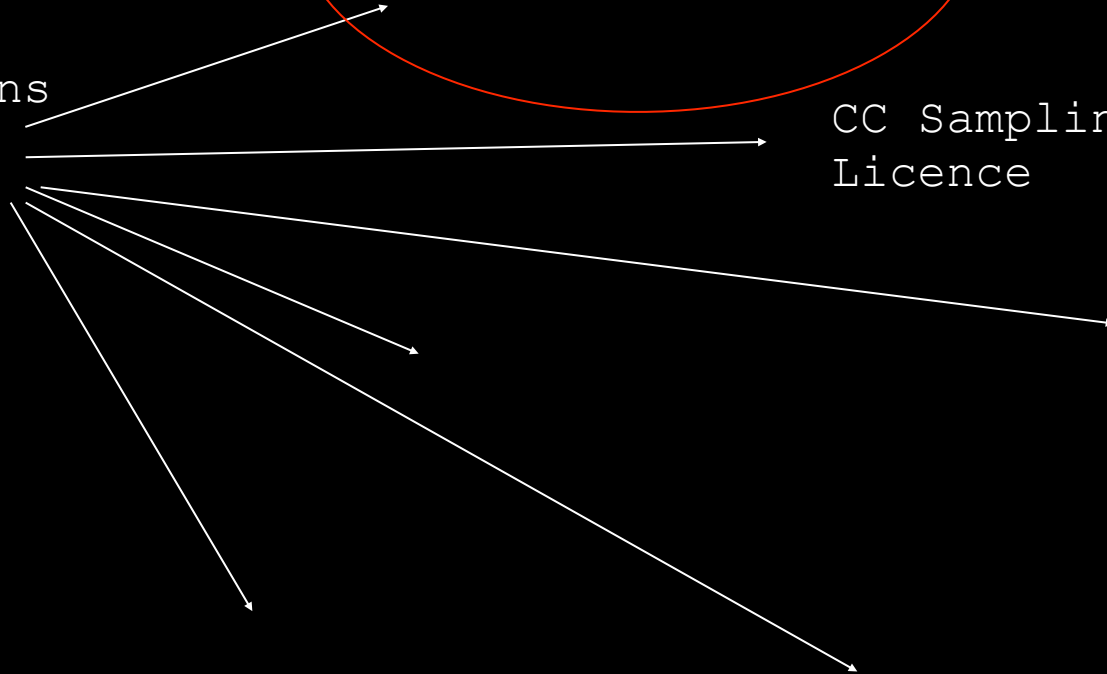


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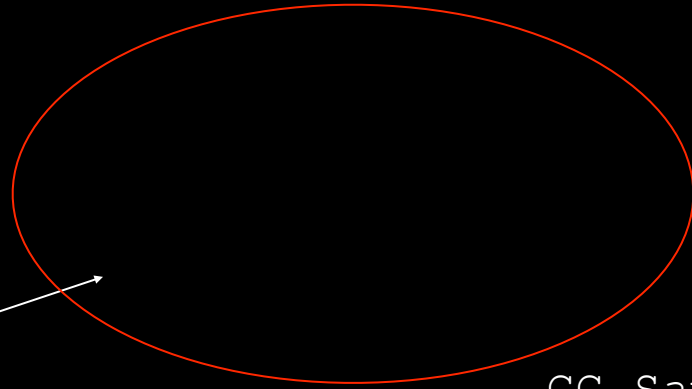


Creative Commons
Licences

CC Sampling
Licence



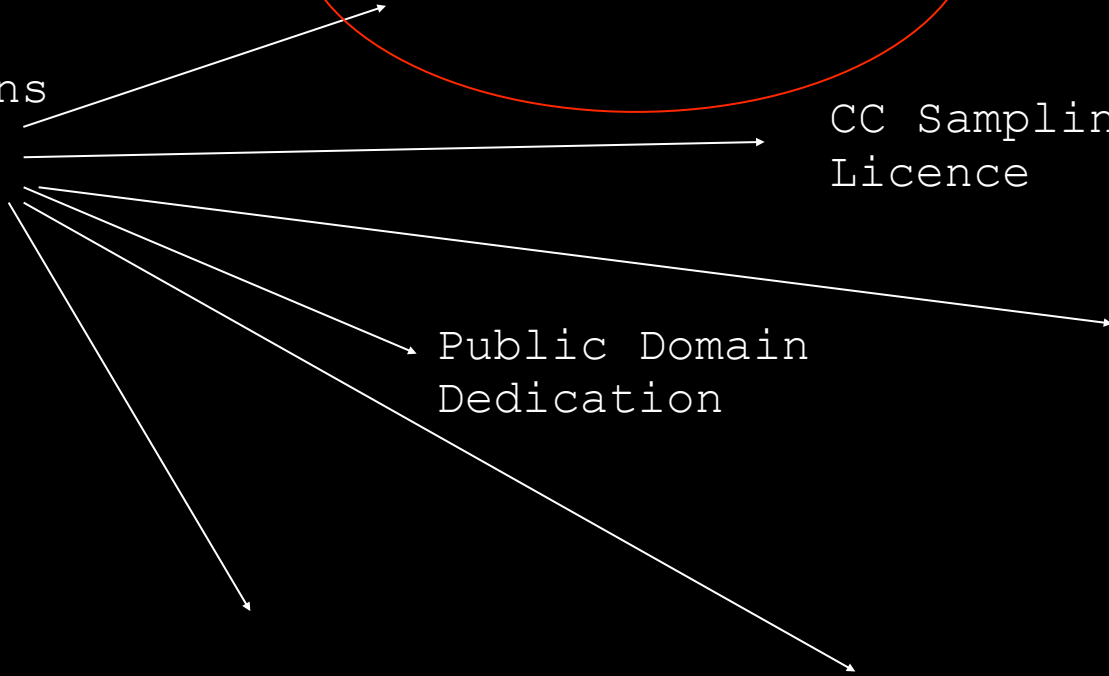
Licence Species



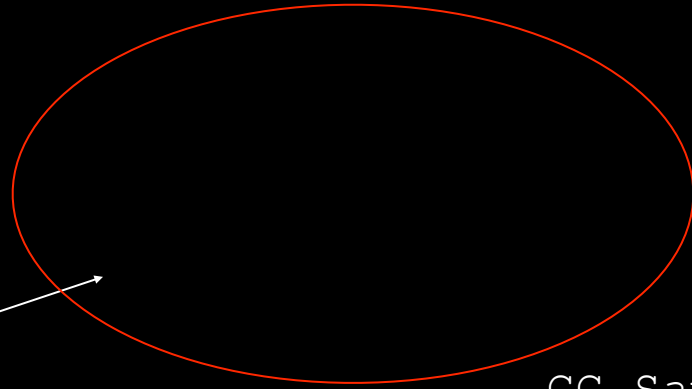
Creative Commons
Licences

CC Sampling
Licence

Public Domain
Dedication



Licence Species

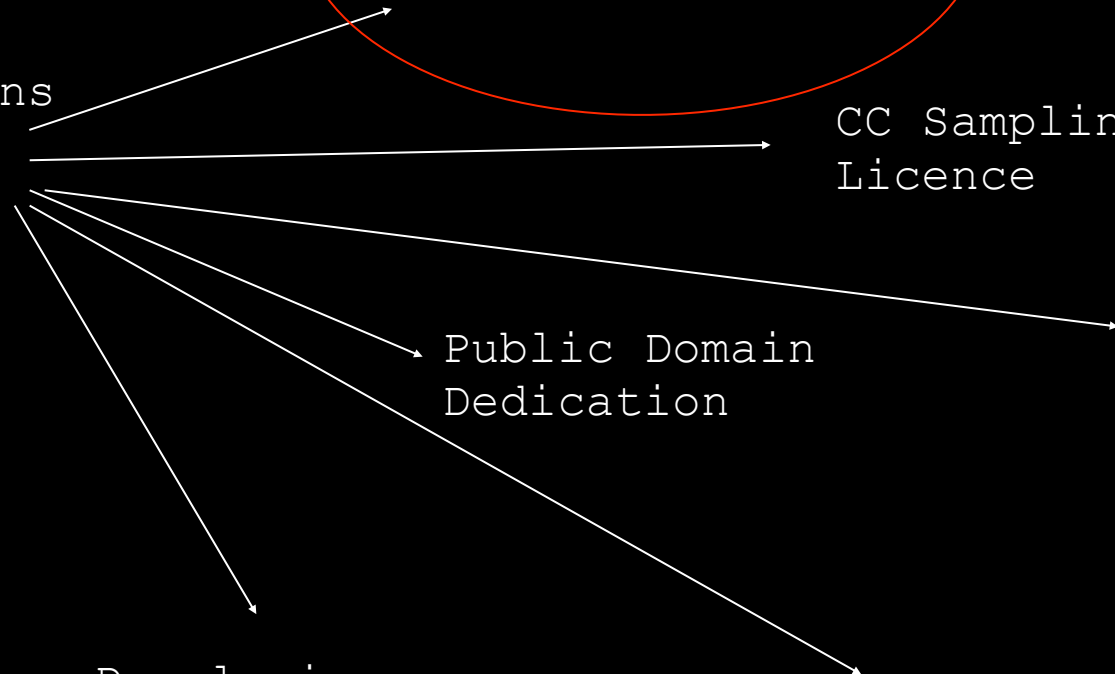


Creative Commons
Licences

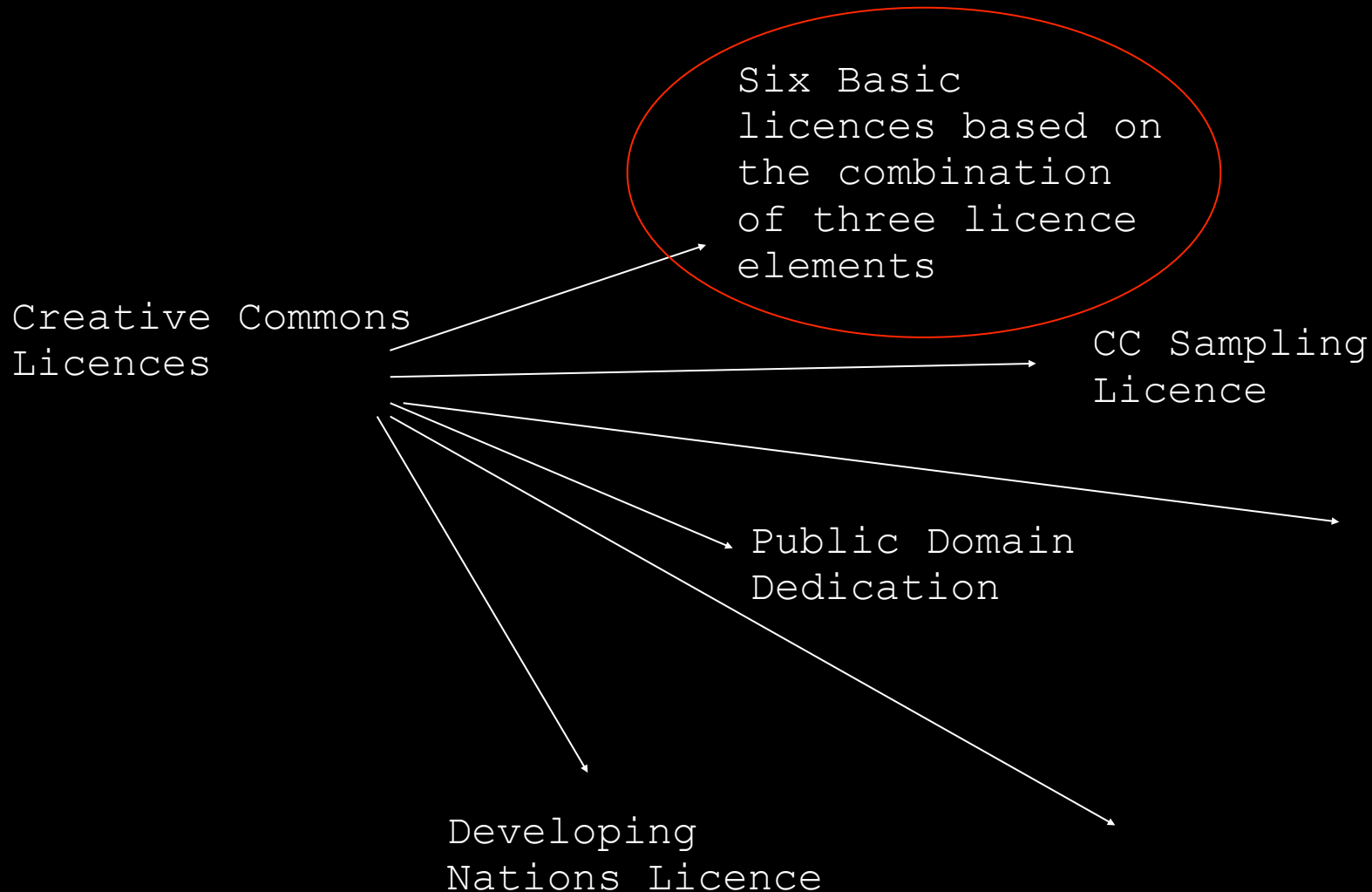
CC Sampling
Licence

Public Domain
Dedication

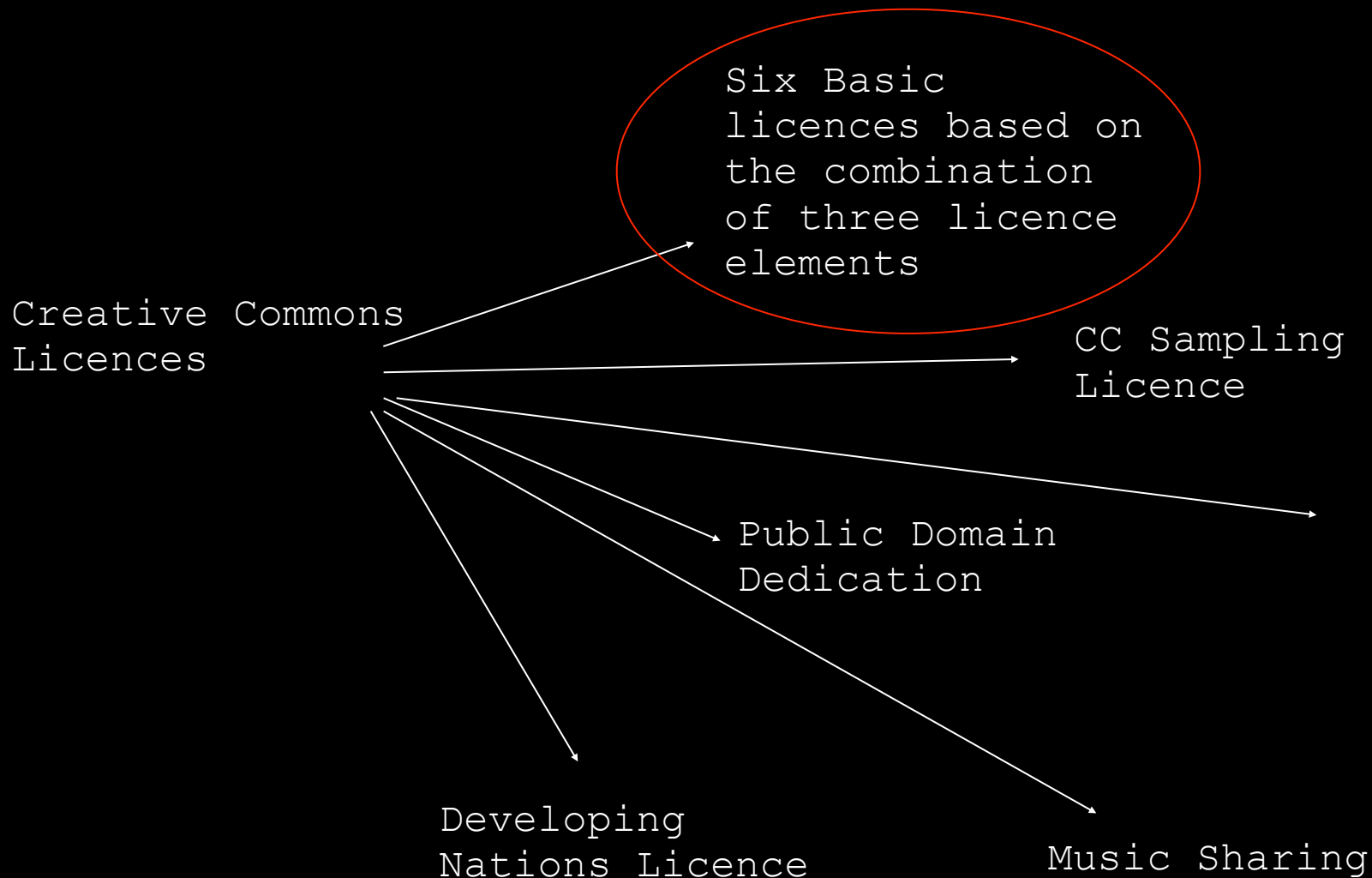
Developing
Nations Licence



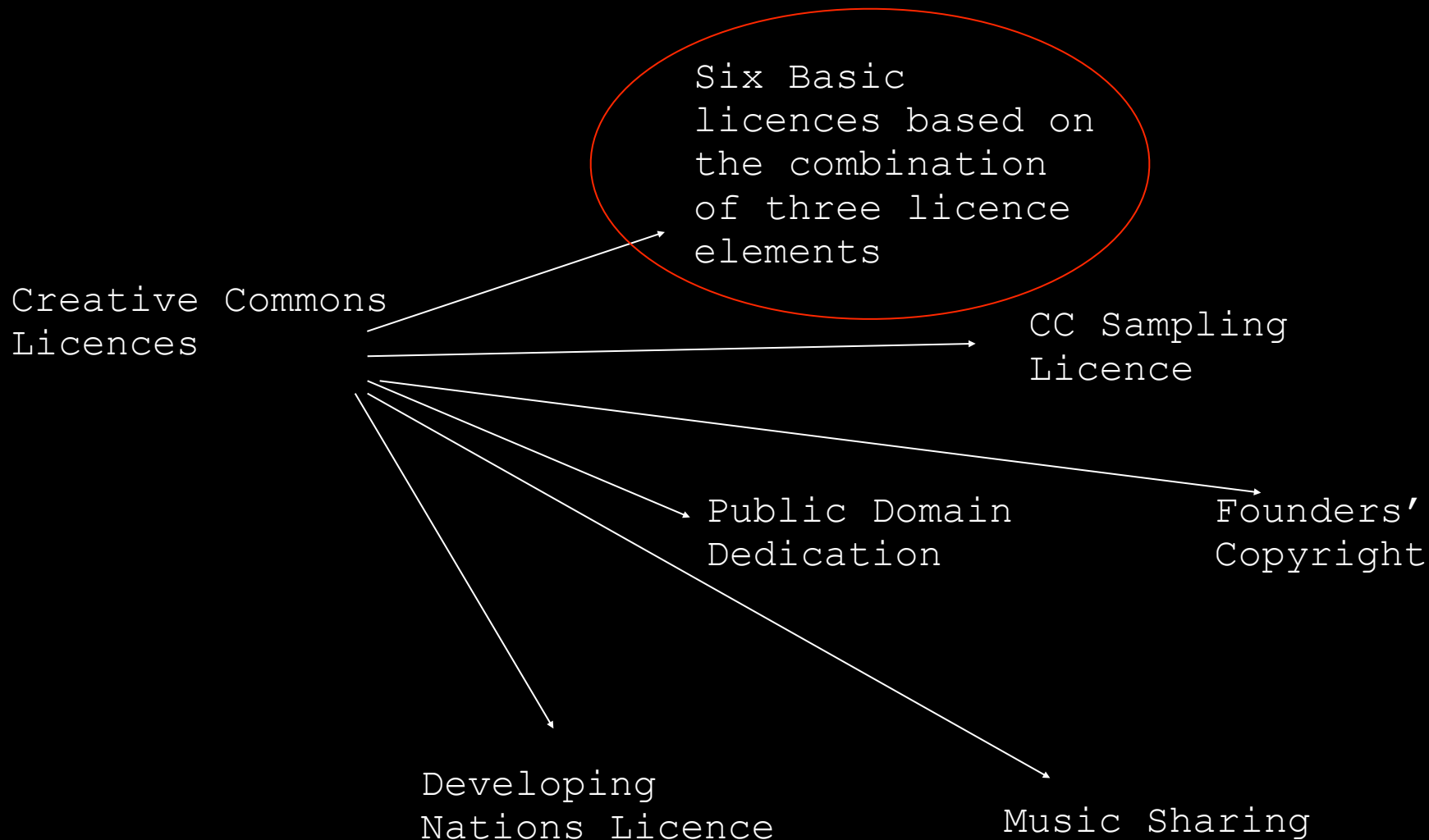
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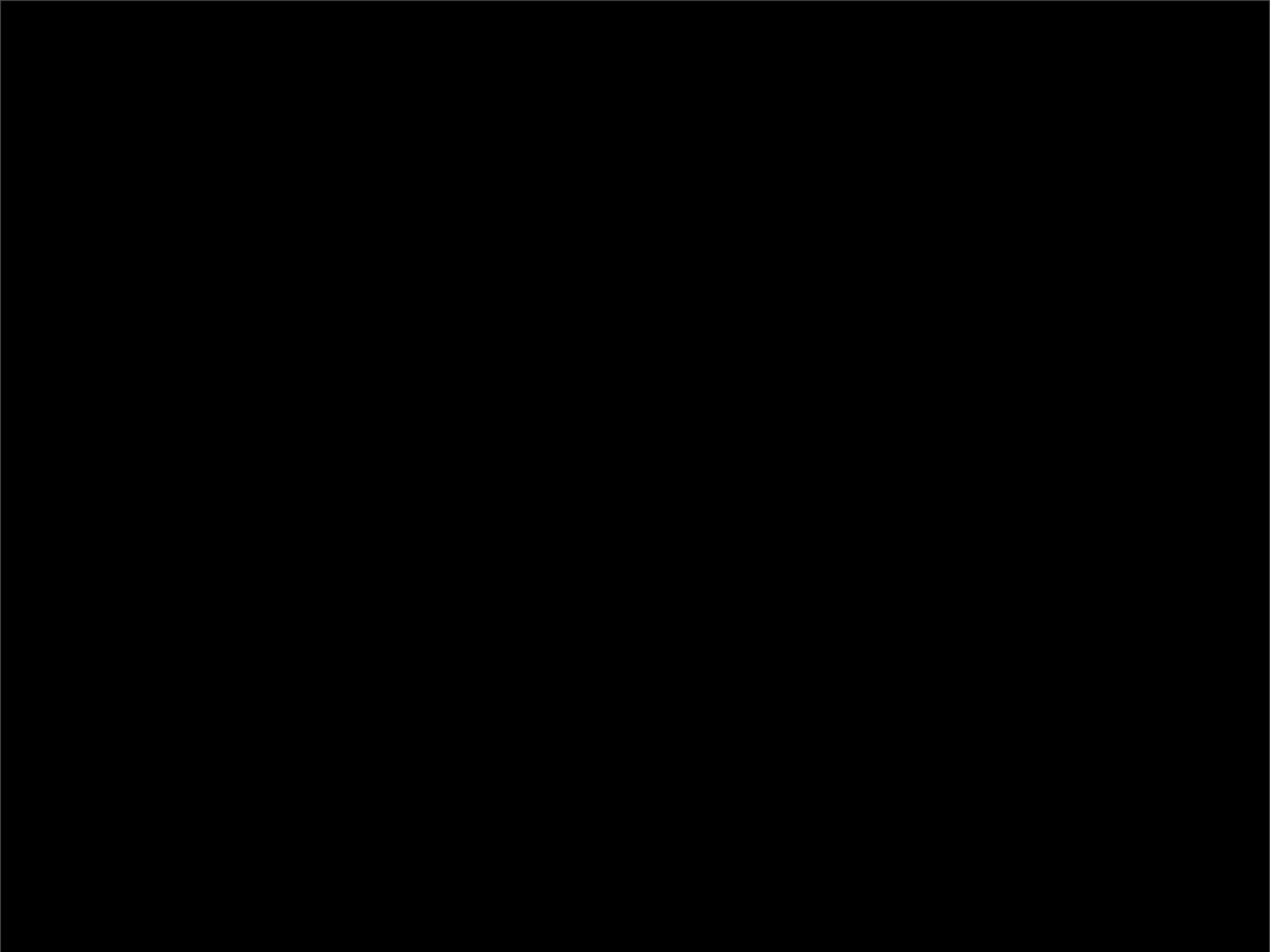


Licence Species



Licence Species





[hybrid]

The General Public Licence [Free/
Open Source Software]:

ShareAlike

Derivative

[hybrid]

The General Public Licence [Free/
Open Source Software]:

ShareAlike

Derivative

[hybrid]

Shareware

No Commercial Use

The General Public Licence [Free/
Open Source Software]:

ShareAlike

Derivative

Other

Remix

[hybrid]

Shareware

No Commercial Use



[three expressions]

[1]

[three expressions]

[1]

Human-Readable: Commons Deed

[three expressions]

[1]

Human-Readable: Commons Deed

[2]

[three expressions]

[1]

Human-Readable: Commons Deed

[2]

Lawyer-Readable: Legal Code

[three expressions]

[1]

Human-Readable: Commons Deed

[2]

Lawyer-Readable: Legal Code

[three expressions]

[3]

[1]

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[2]

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[three expressions]

[3]

Machine-Readable: Meta Data

[1]

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[2]

Lawyer-Readable: Legal Code

[three expressions]



[3]

Machine-Readable: Meta Data

[1]

Human-Readable: Commons Deed

[2]

Lawyer-Readable: Legal Code

[three expressions]



Logo + Link

[3]

Machine-Readable: Meta Data

[1]

Human-Readable: Commons Deed

[2]

Lawyer-Readable: Legal Code

[three expressions]



Logo + Link

[3]

Machine-Readable: Meta Data

[1]

Human-Readable: Commons Deed

[2]

Lawyer-Readable: Legal Code

[three expressions]



Logo + Link

[3]

Machine-Readable: Meta Data

[1]

Human-Readable: Commons Deed

[2]

Lawyer-Readable: Legal Code

[three expressions]



Logo + Link

[3]

Machine-Readable: Meta Data



schematic

schematic





logos

logos



logos



Attribution

logos



Attribution

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Attribution



No Commercial Use

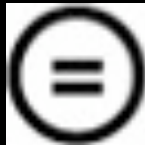
logos



Attribution



No Commercial Use



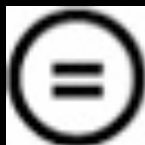
logos



Attribution



No Commercial Use



No Derivative Works

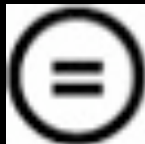
logos



Attribution



No Commercial Use



No Derivative Works



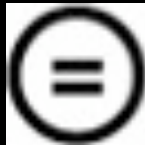
logos



Attribution



No Commercial Use

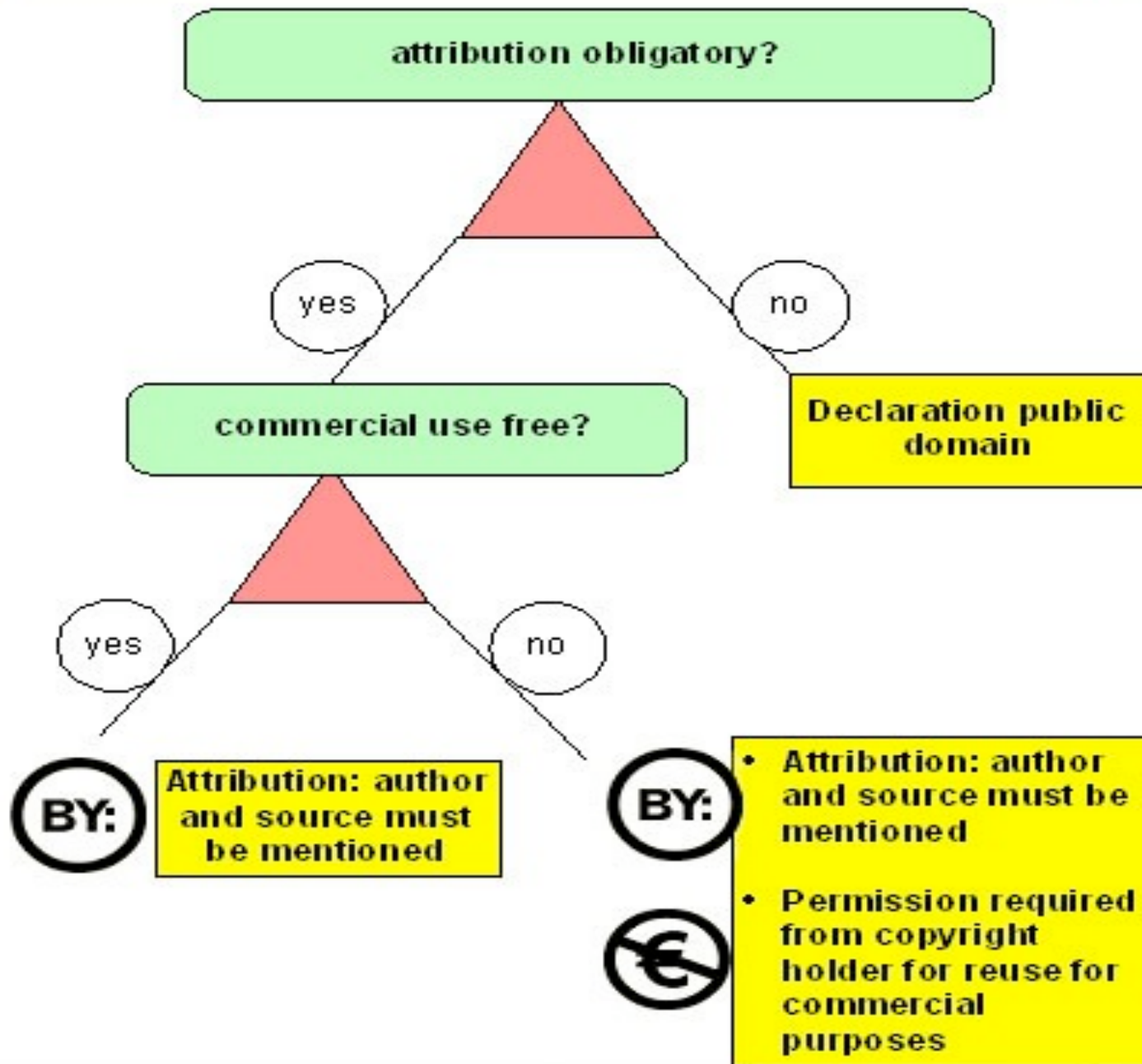


No Derivative Works

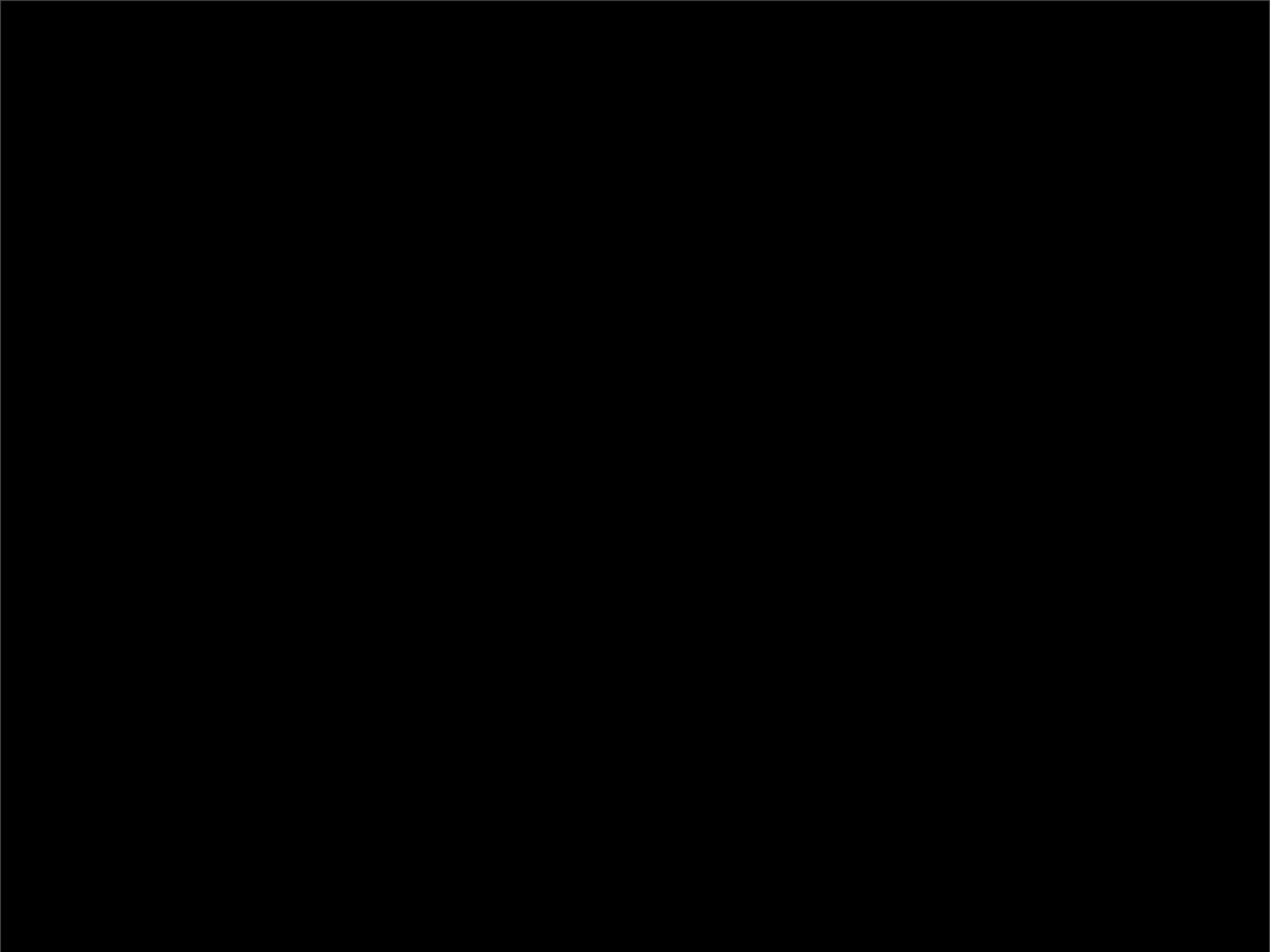


Share Alike

Decision tree Creative Commons licenses



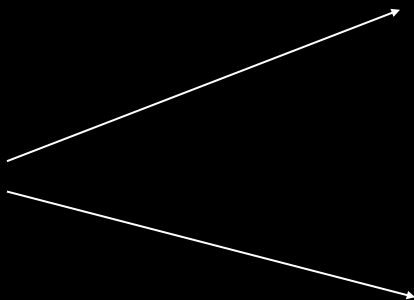
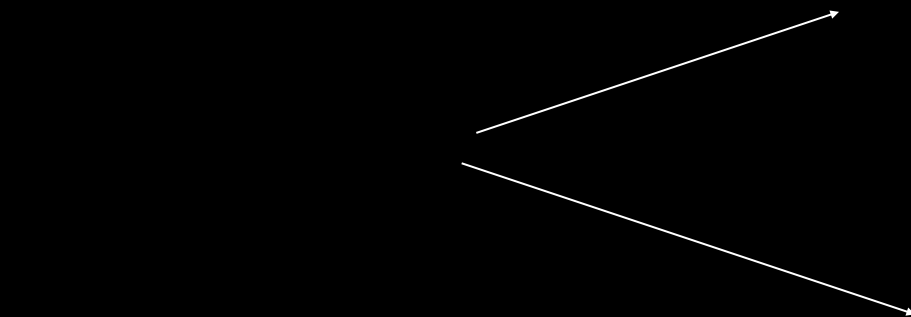
Source: Esther Hoorn (2005) Repositories, Copyright and Creative Commons for Scholarly Communication, <http://www.ariadne.ac.uk/issue45/hoorn/#11>



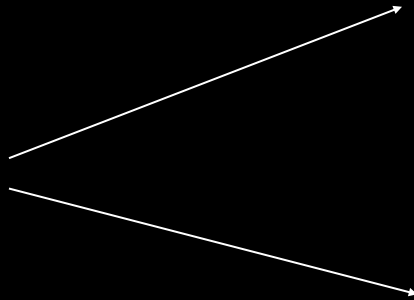
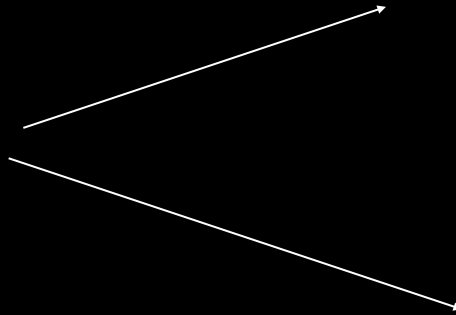
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Creative Common licensing operation

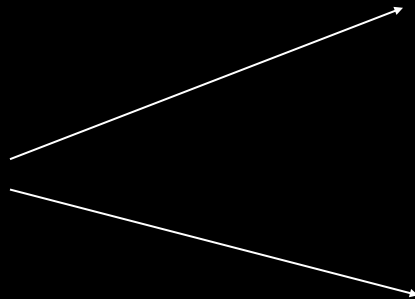
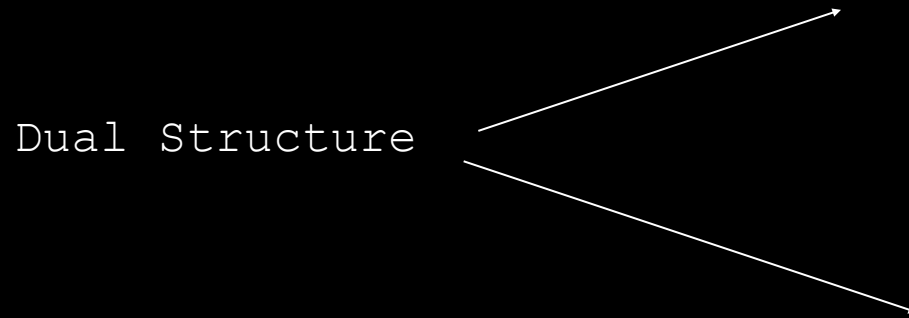
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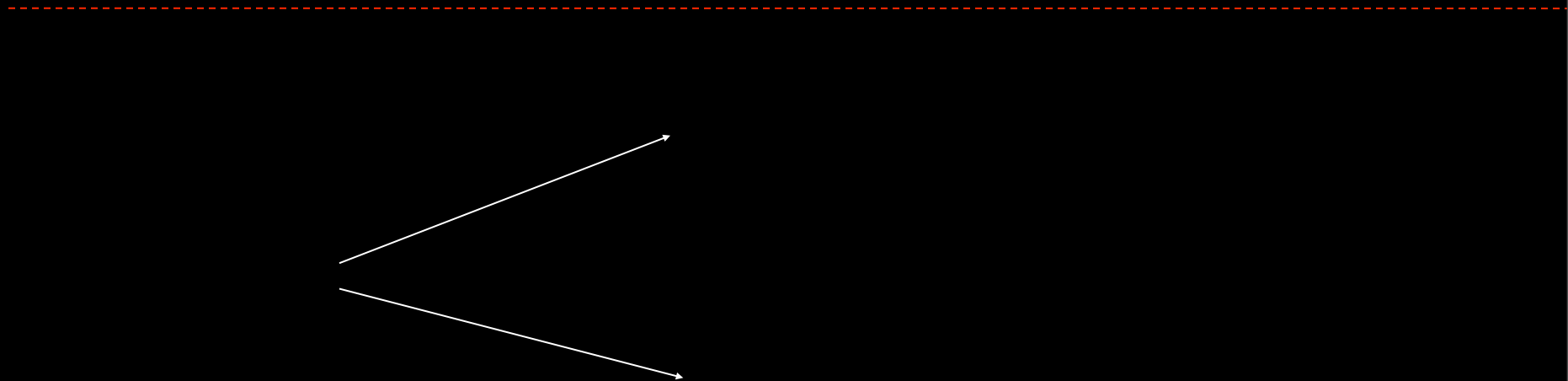
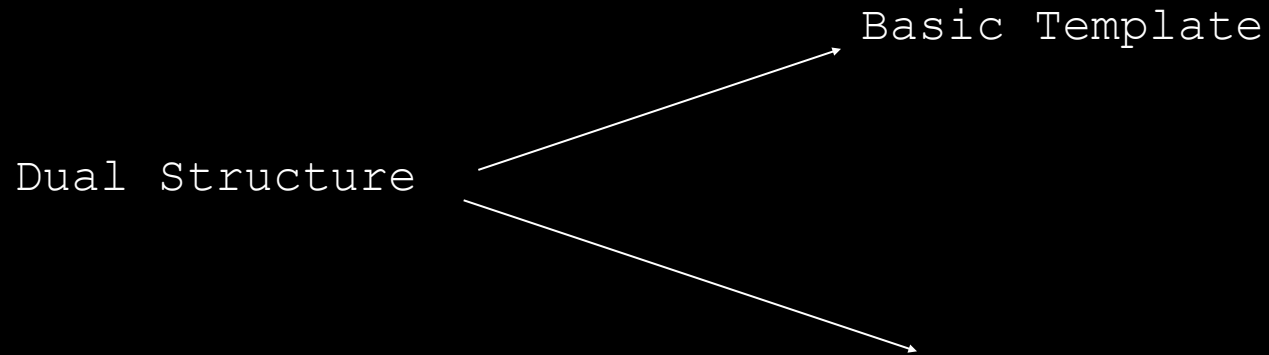
Understanding the operation
of the licences



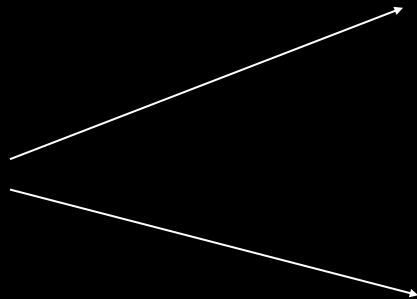
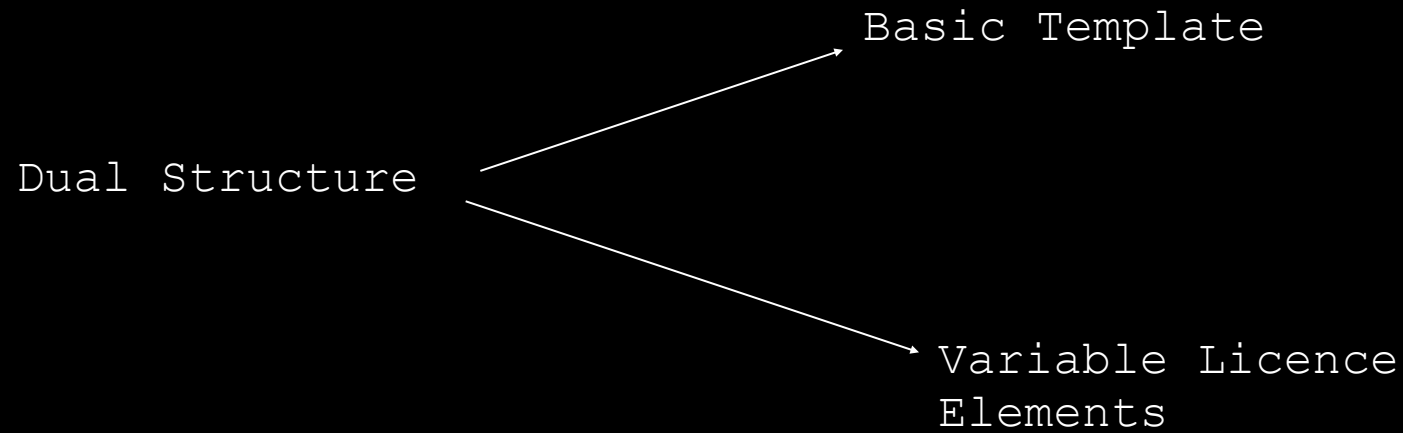
Understanding the operation of the licences



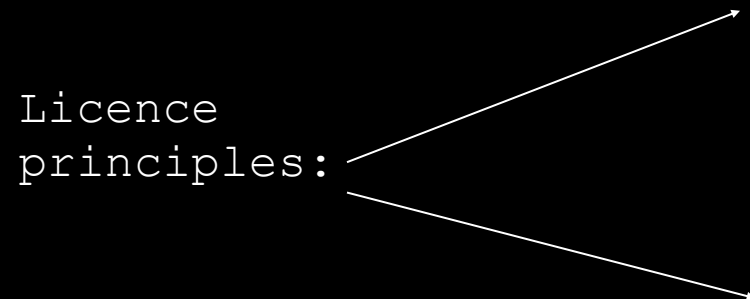
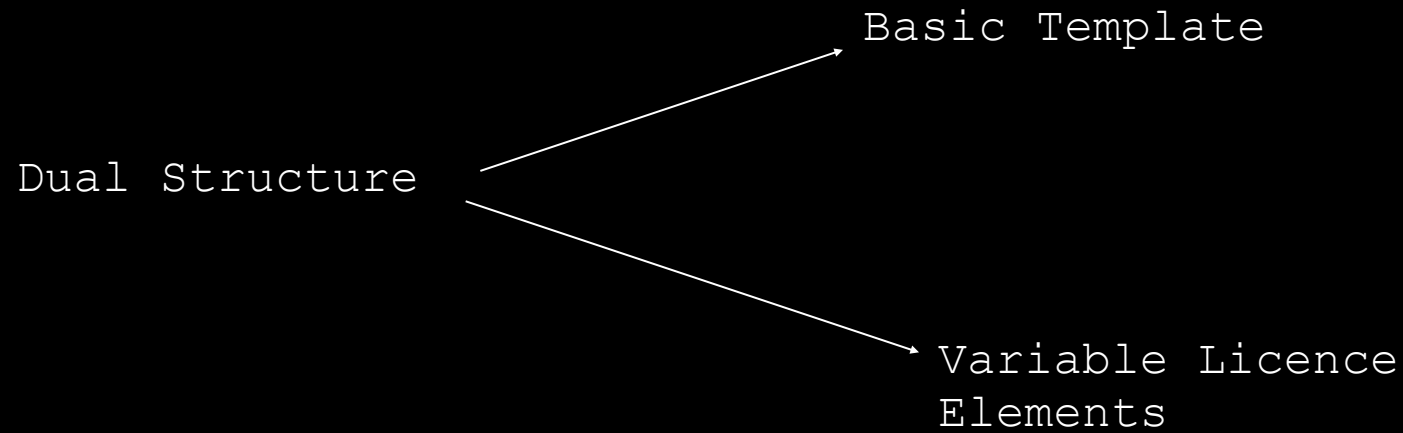
Understanding the operation of the licences



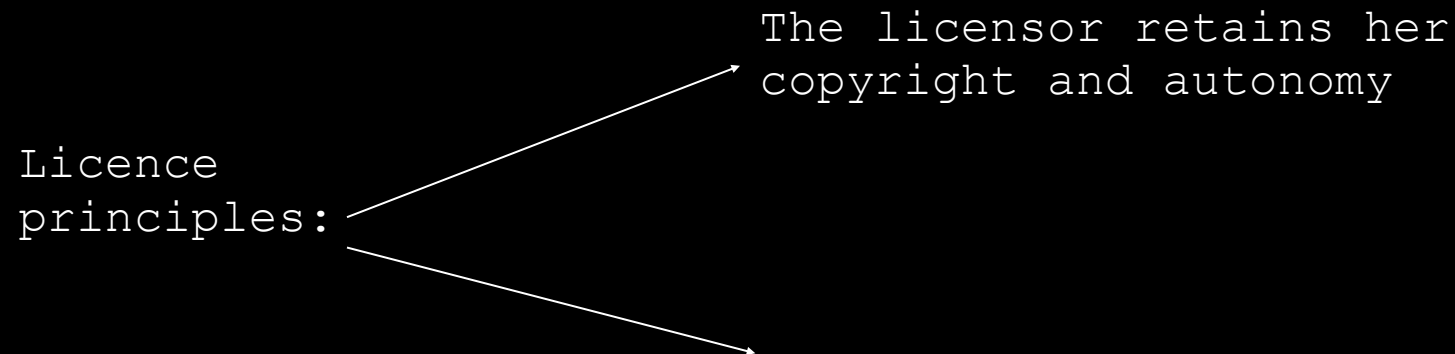
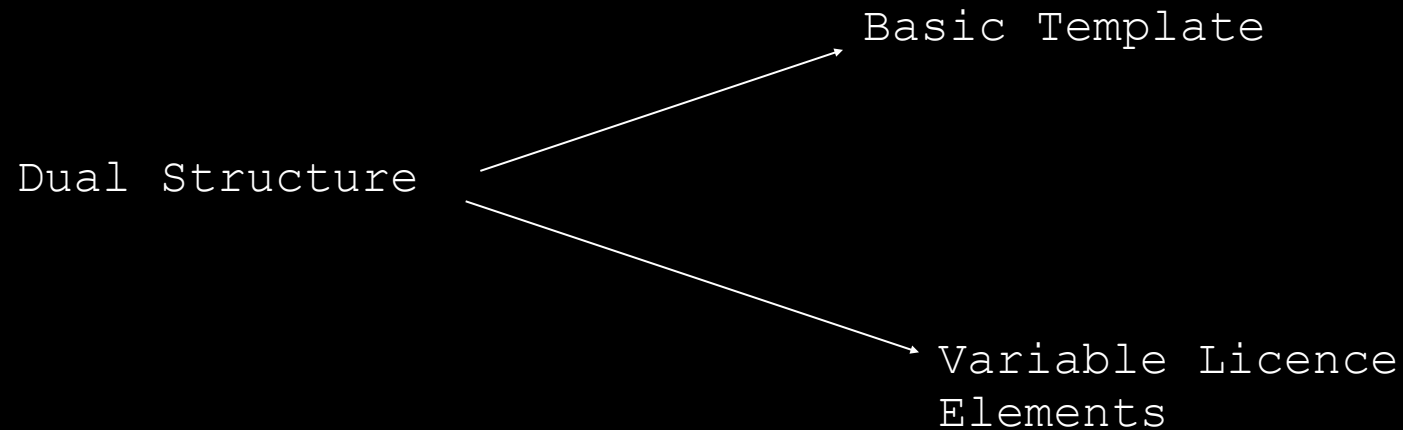
Understanding the operation of the licences



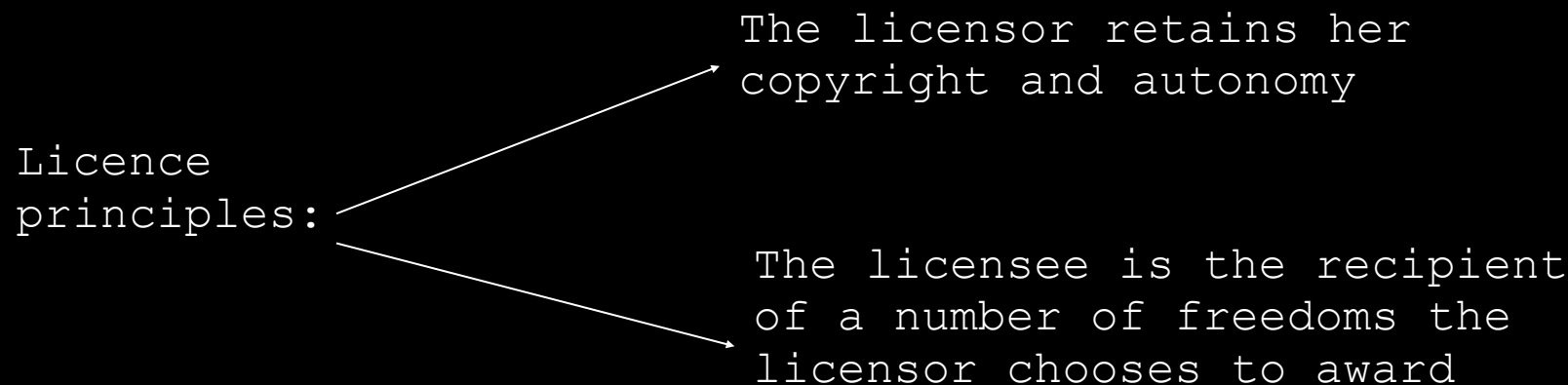
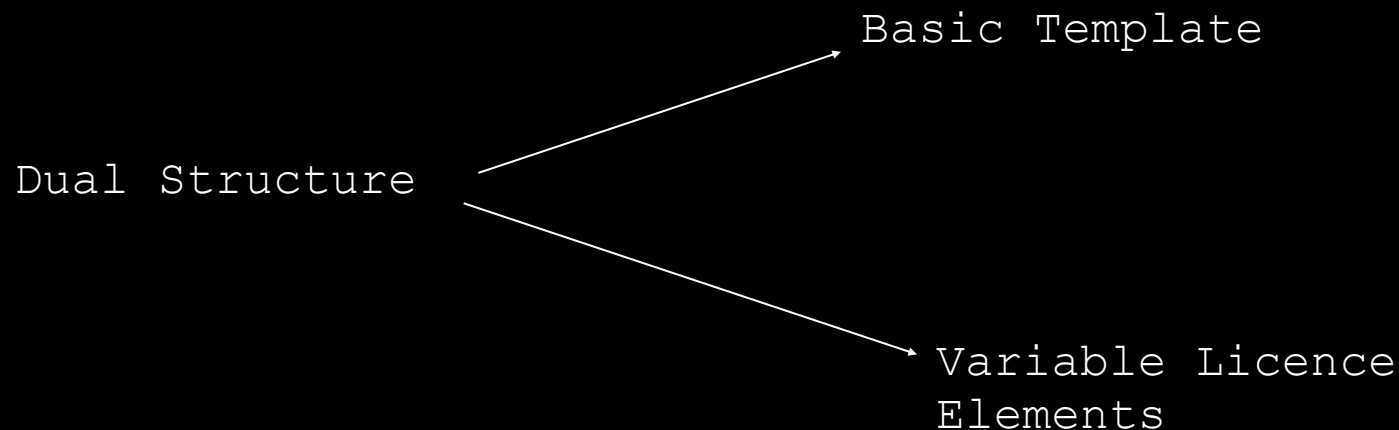
Understanding the operation of the licences

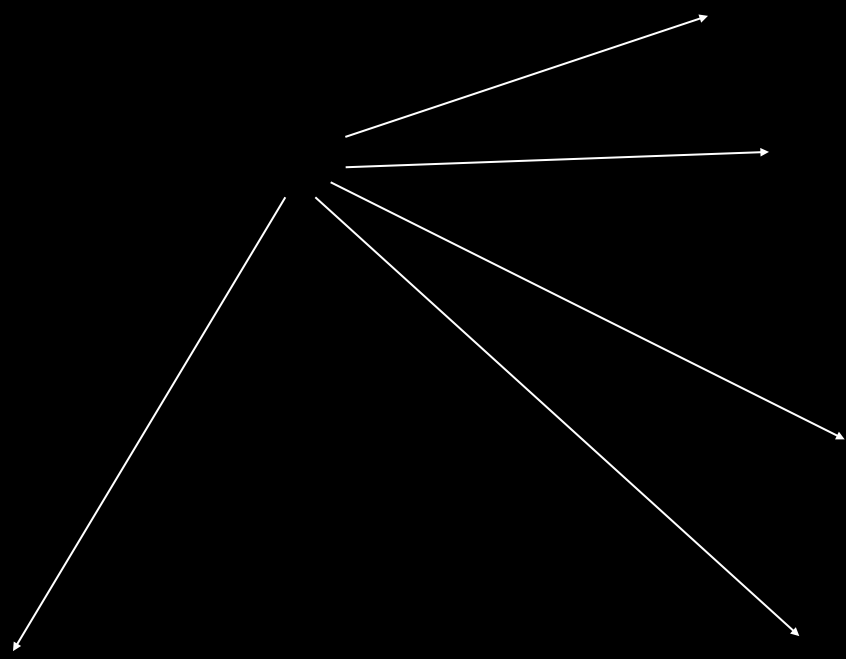


Understanding the operation of the licences

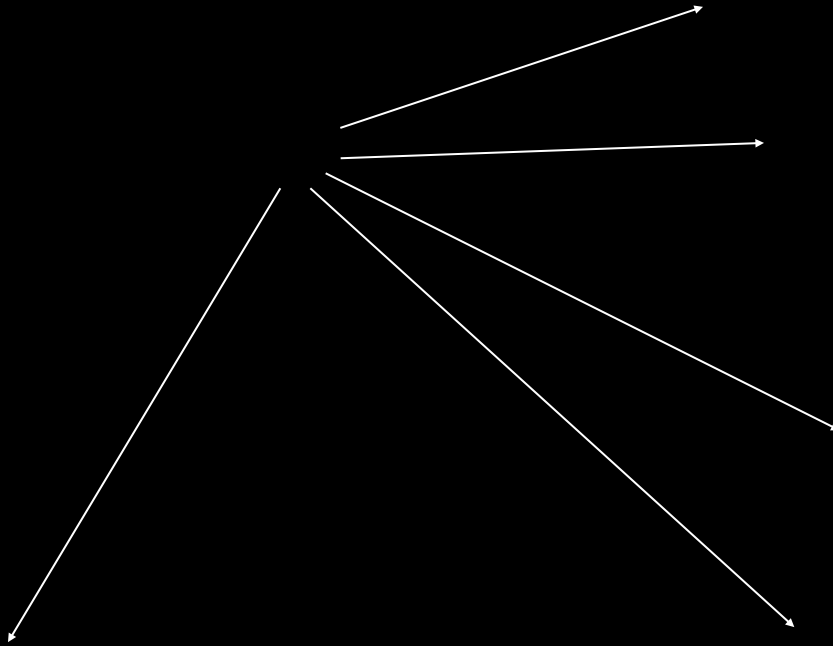


Understanding the operation of the licences

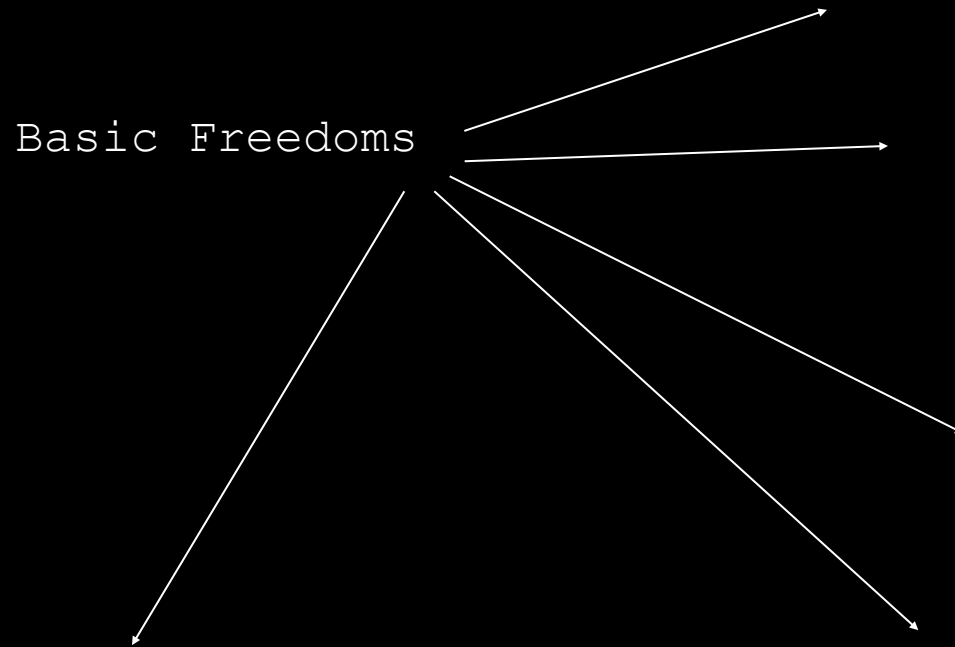




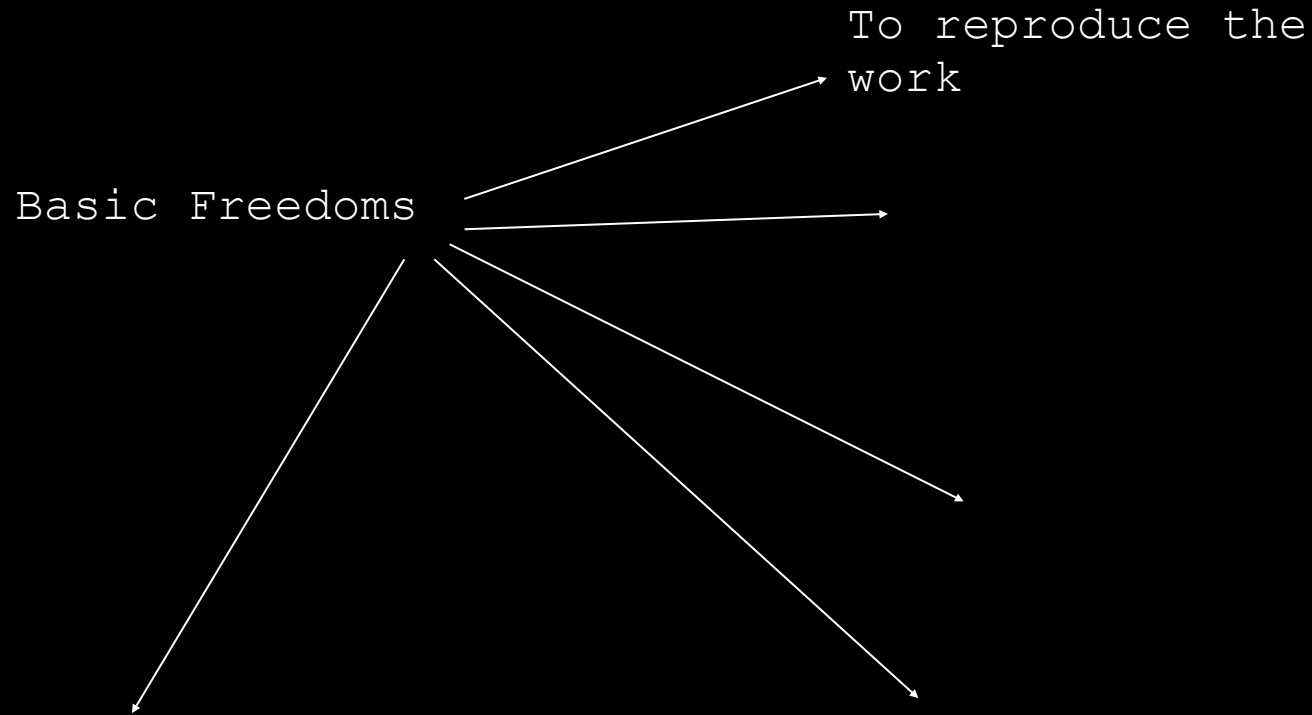
The operation of the basic
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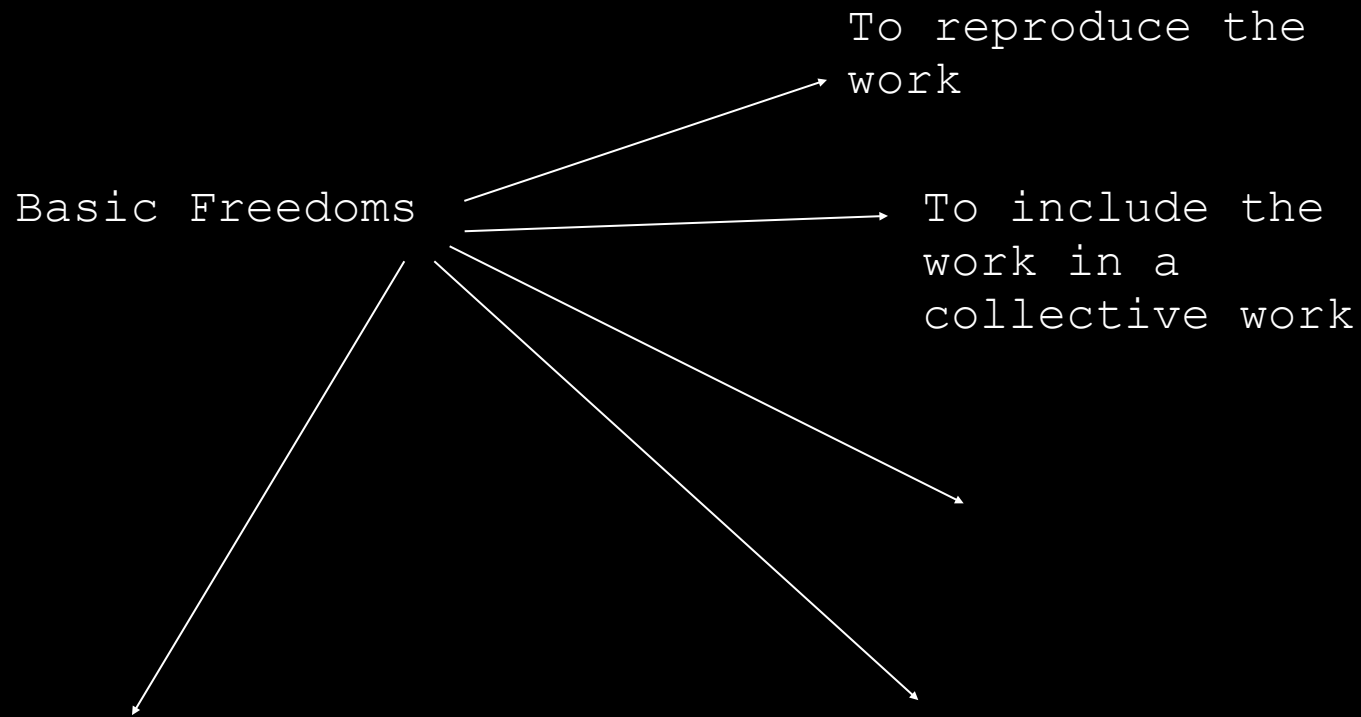
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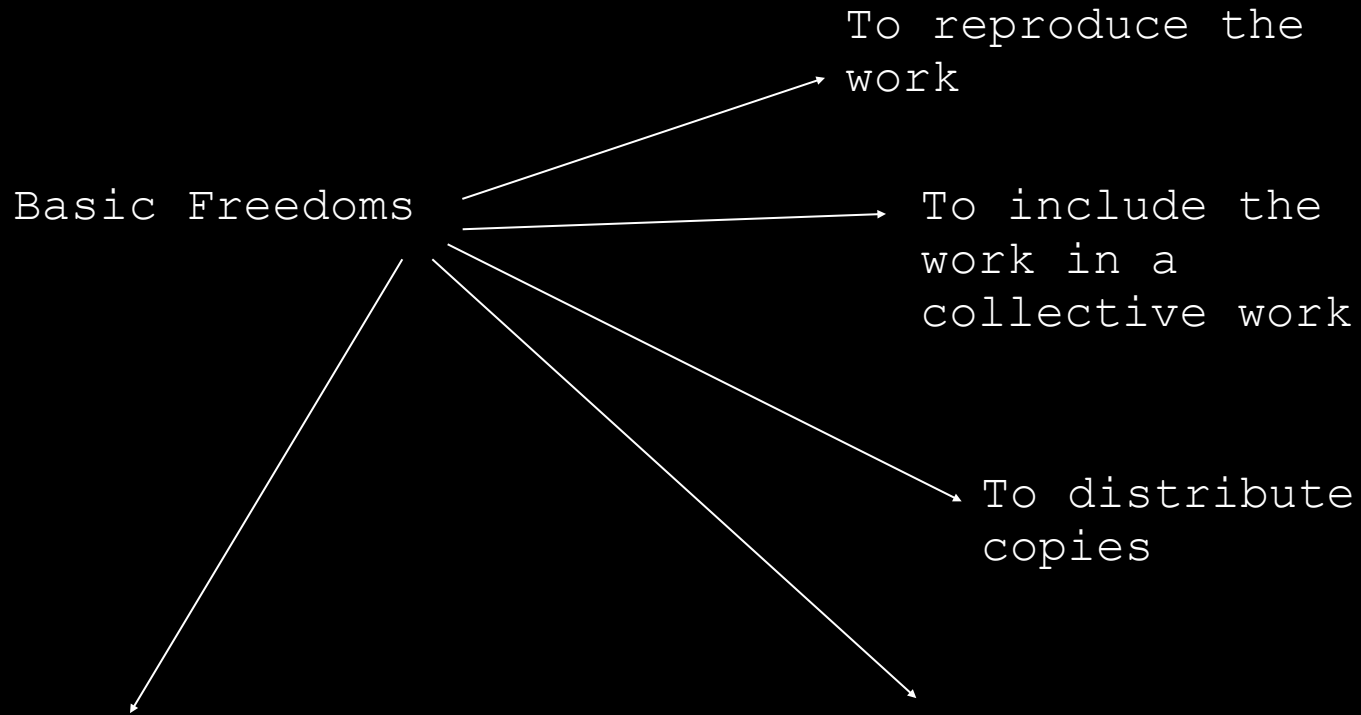
The operation of the basic template I (freedoms)



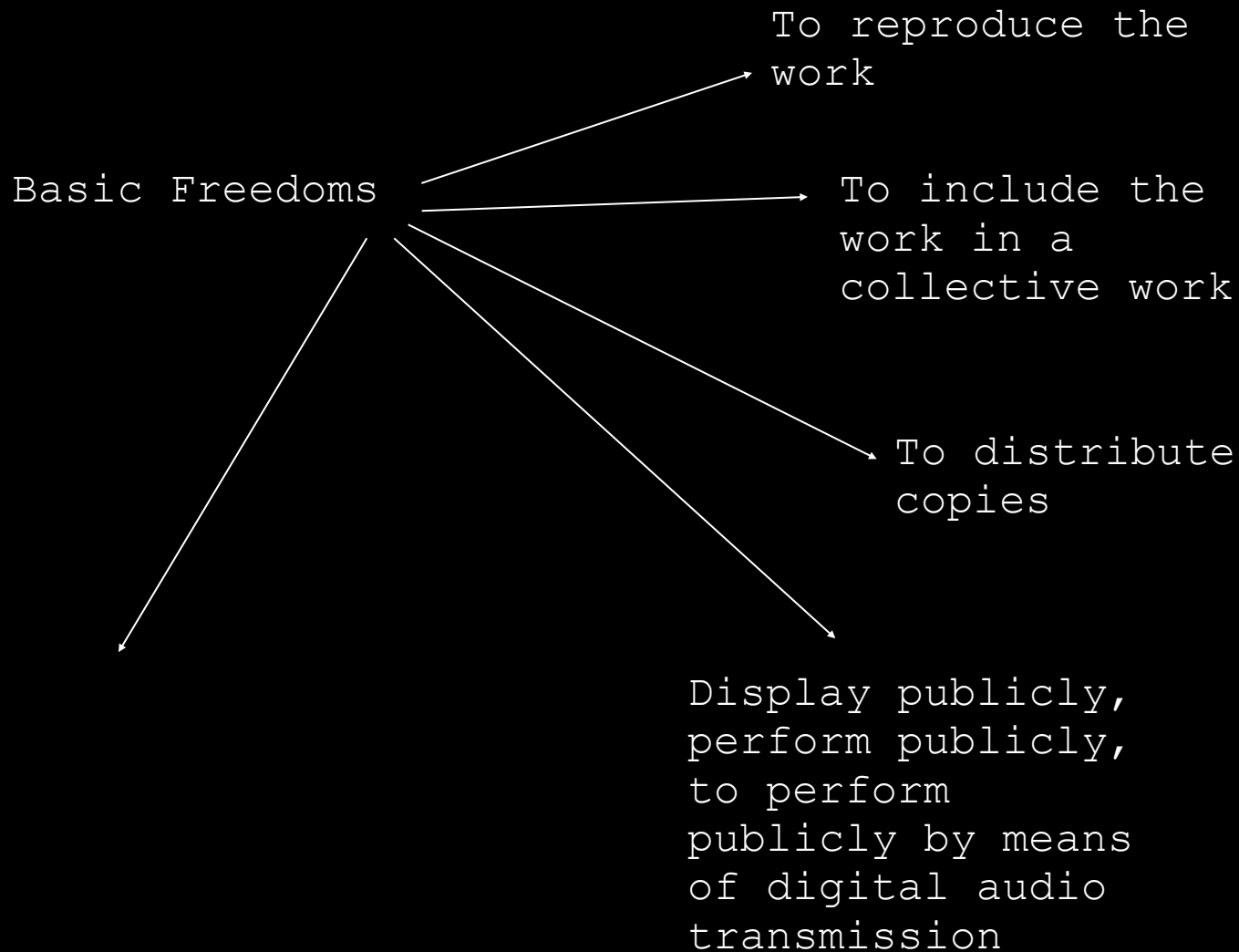
The operation of the basic template I (freedoms)



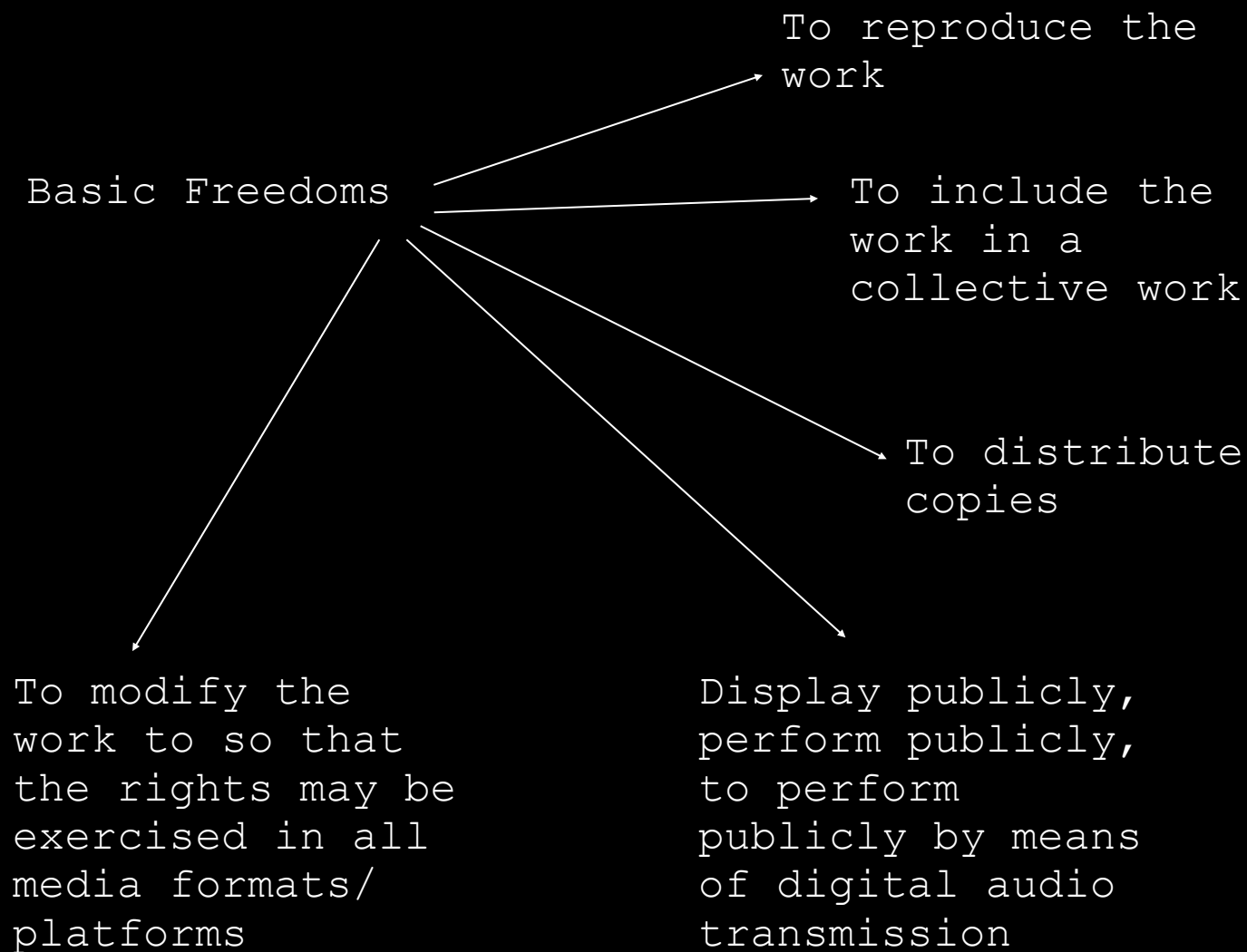
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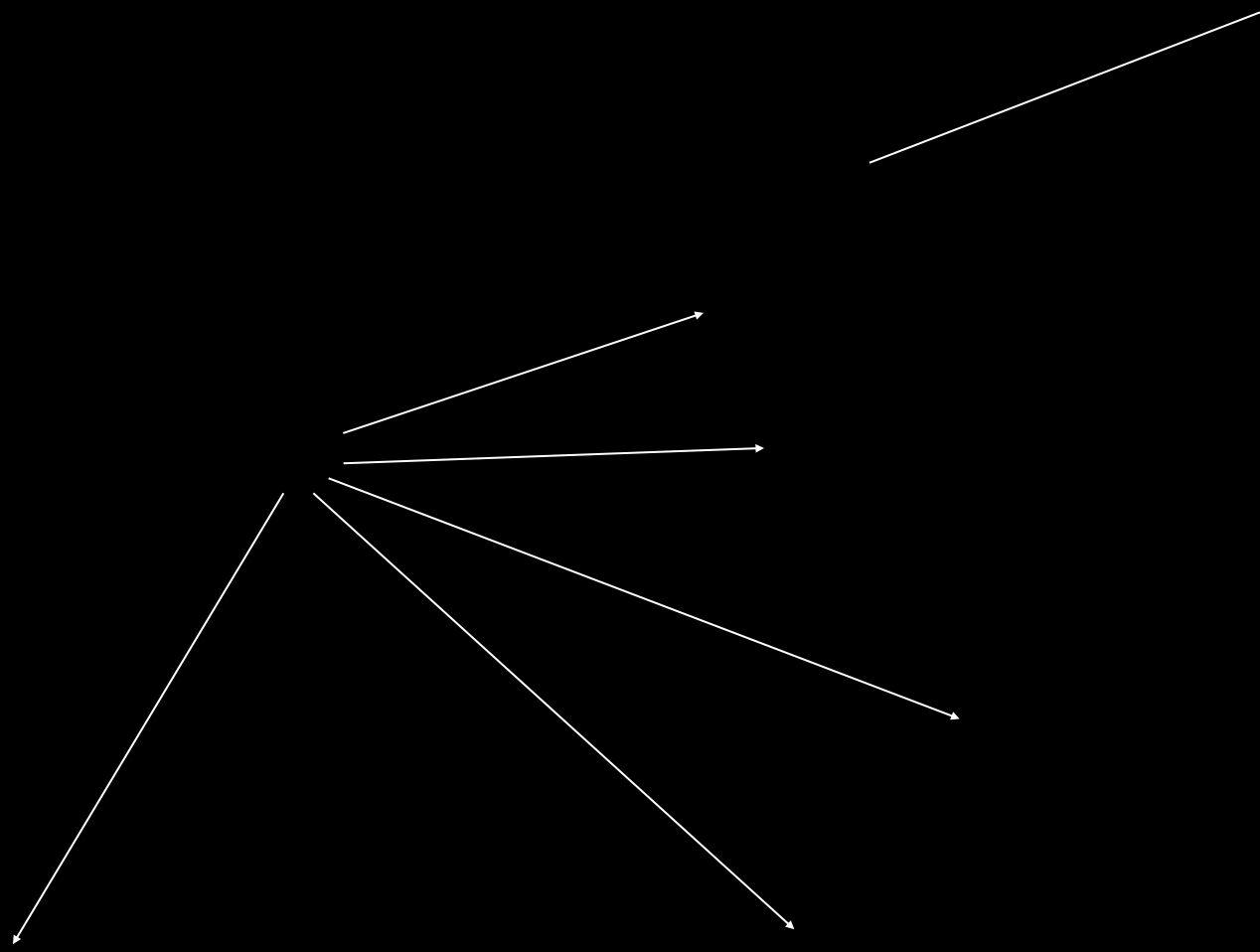


The operation of the basic template I (freedoms)

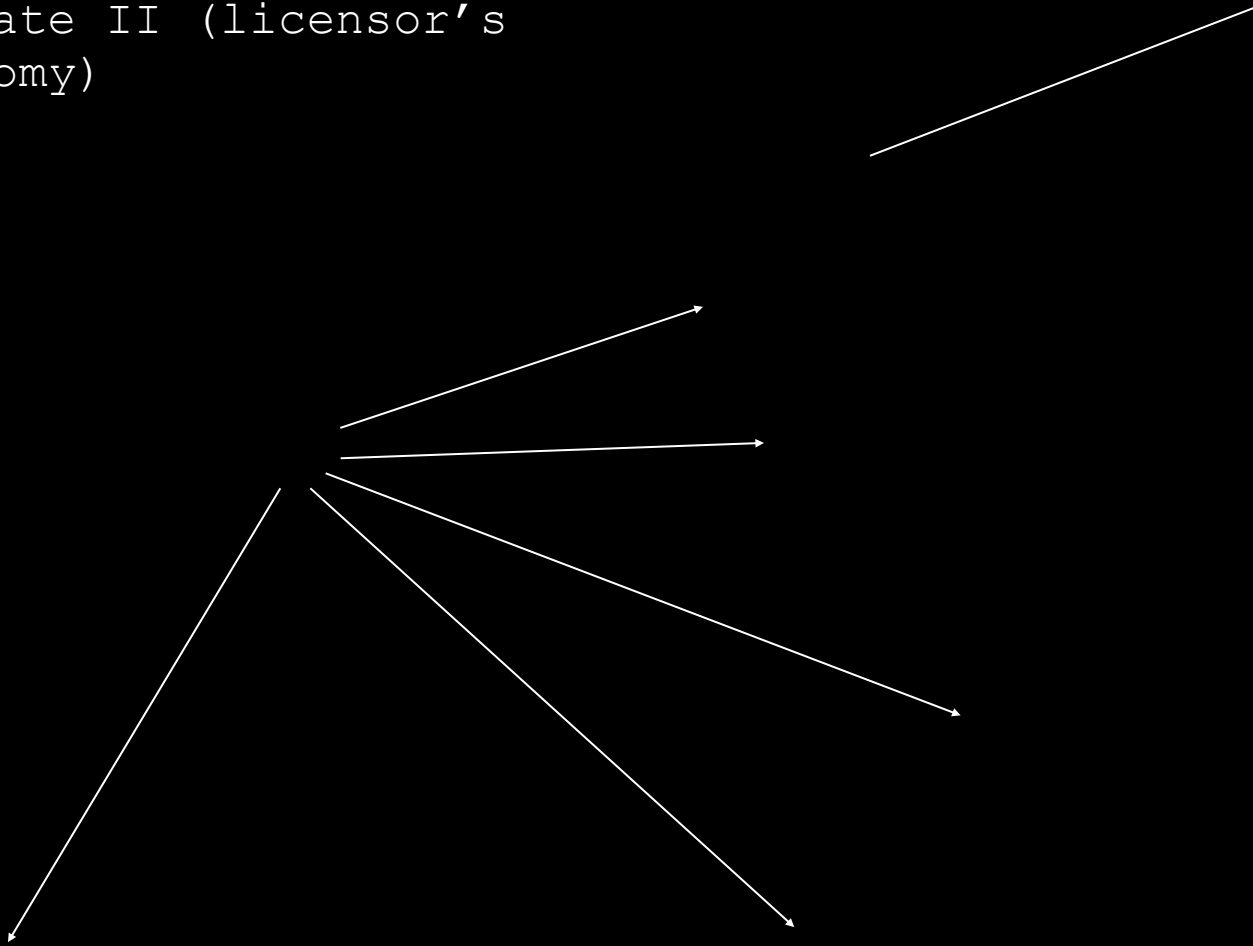


The operation of the basic template I (freedoms)



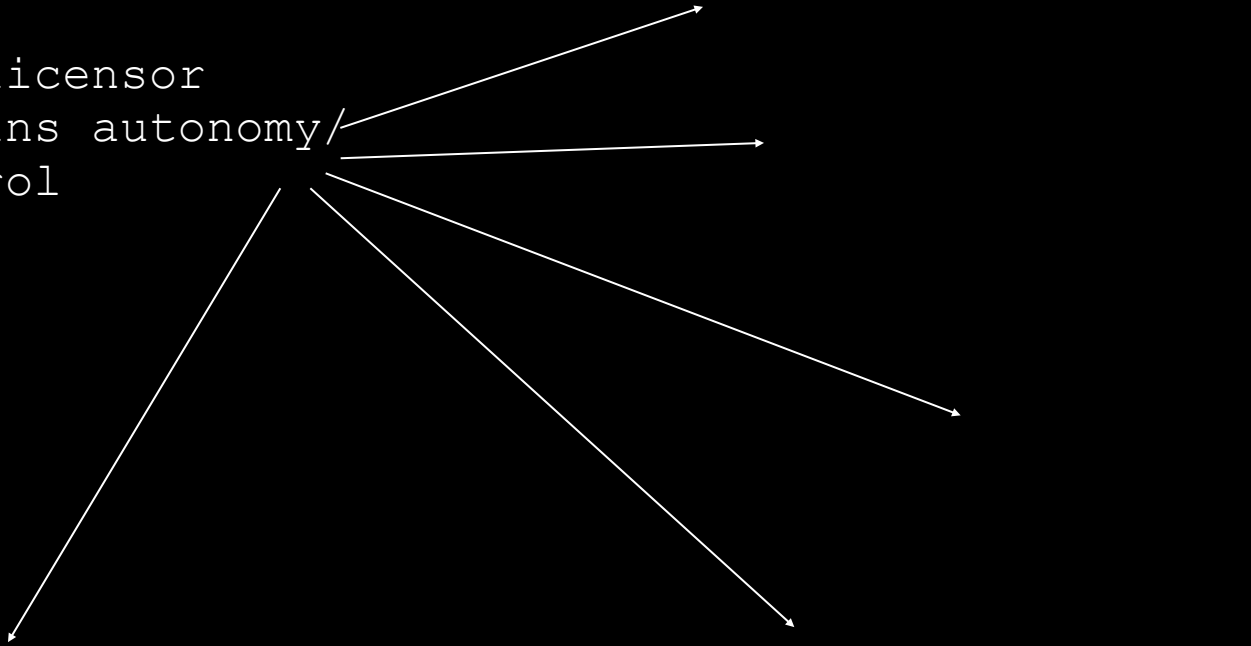


The operation of the basic
template II (licensor's
autonomy)



The operation of the basic
template II (licensor's
autonomy)

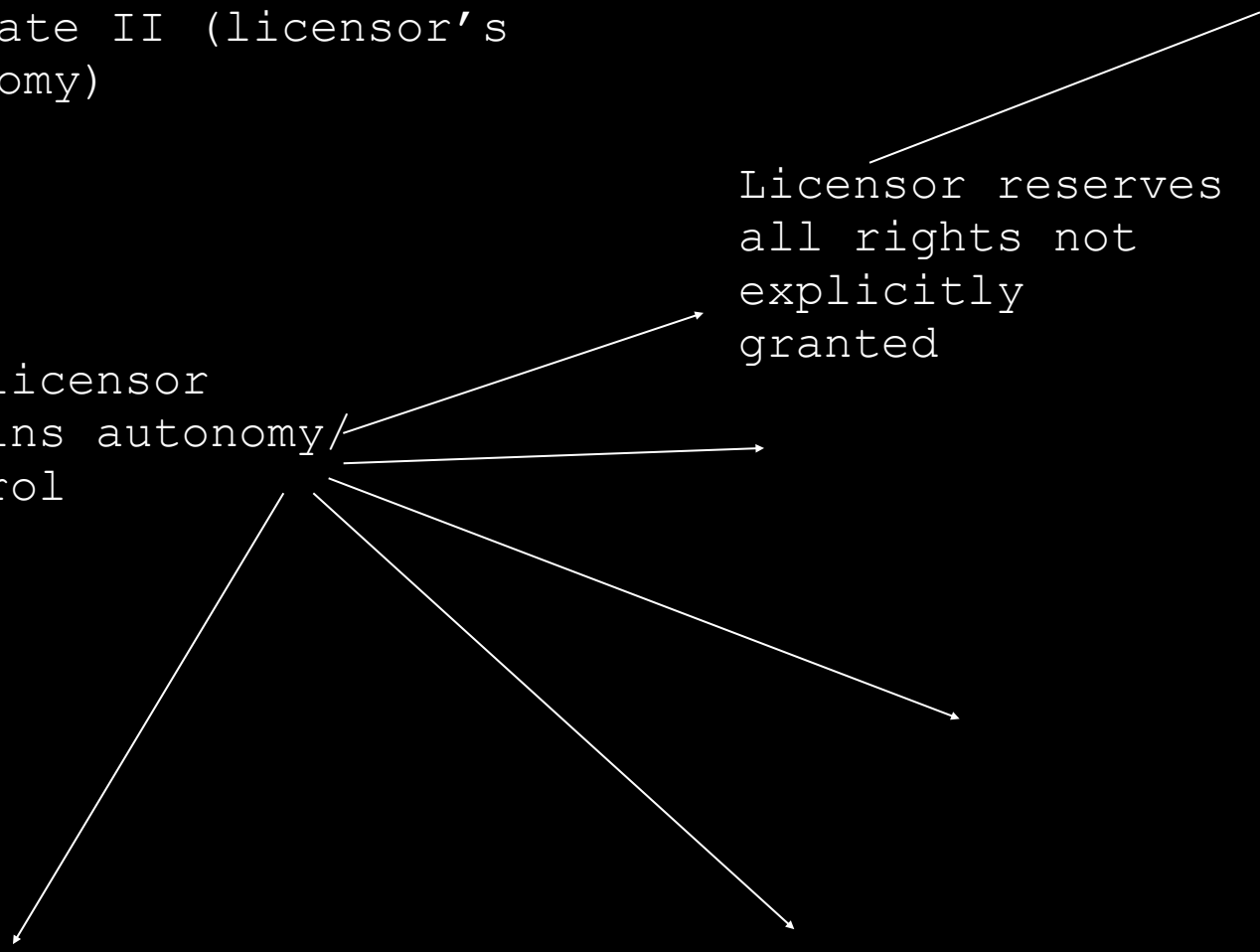
The licensor
retains autonomy/
control



The operation of the basic
template II (licensor's
autonomy)

The licensor
retains autonomy/
control

Licensor reserves
all rights not
explicitly
granted



```
graph LR; A[The licensor retains autonomy/control] --> B[Licensor reserves all rights not explicitly granted]; A --> C[ ]; A --> D[ ]; A --> E[ ]; A --> F[ ]
```

The operation of the basic
template II (licensor's
autonomy)

The licensor
retains autonomy/
control

Licensor reserves
all rights not
explicitly
granted

No sublicensing
is allowed

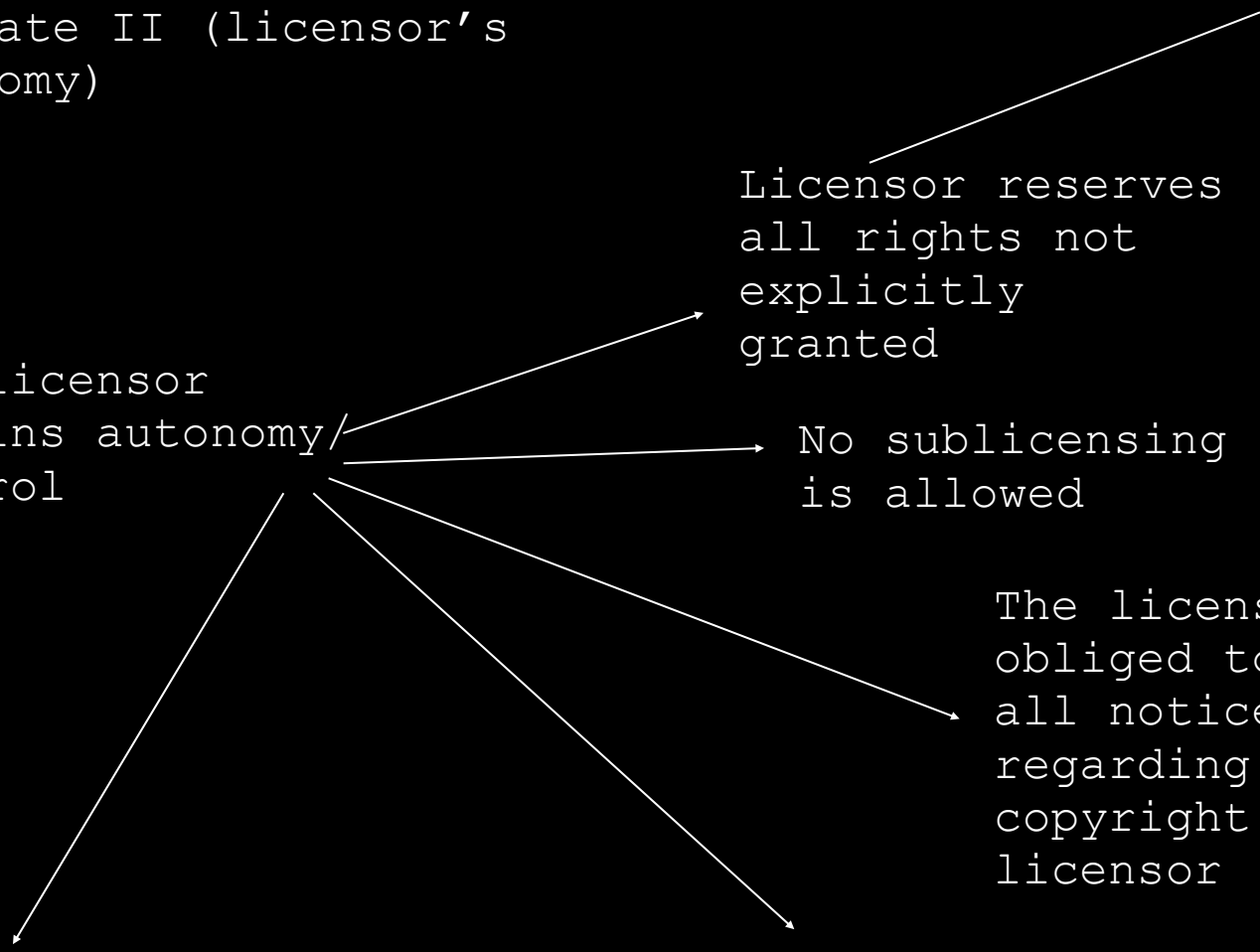
The operation of the basic
template II (licensor's
autonomy)

The licensor
retains autonomy/
control

Licensor reserves
all rights not
explicitly
granted

No sublicensing
is allowed

The licensee is
obliged to carry
all notices
regarding the
copyright of the
licensor



The operation of the basic
template II (licensor's
autonomy)

The licensor
retains autonomy/
control

Licensor reserves
all rights not
explicitly
granted

No sublicensing
is allowed

The licensee is
obliged to carry
all notices
regarding the
copyright of the
licensor

The licensee is
obliged to
attribute the
original author

The operation of the basic
template II (licensor's
autonomy)

The licensor
retains autonomy/
control

Licensor reserves
all rights not
explicitly
granted

No sublicensing
is allowed

The licensee is
obliged to carry
all notices
regarding the
copyright of the
licensor

The licensee cannot
impose any additional
legal restriction or
obstruct the
dissemination of the work
(e.g. using Digital
Rights Management)

The licensee is
obliged to
attribute the
original author

The operation of the basic
template II (licensor's
autonomy)

The Licensor may
license the work
under different
terms and
conditions

The licensor
retains autonomy/
control

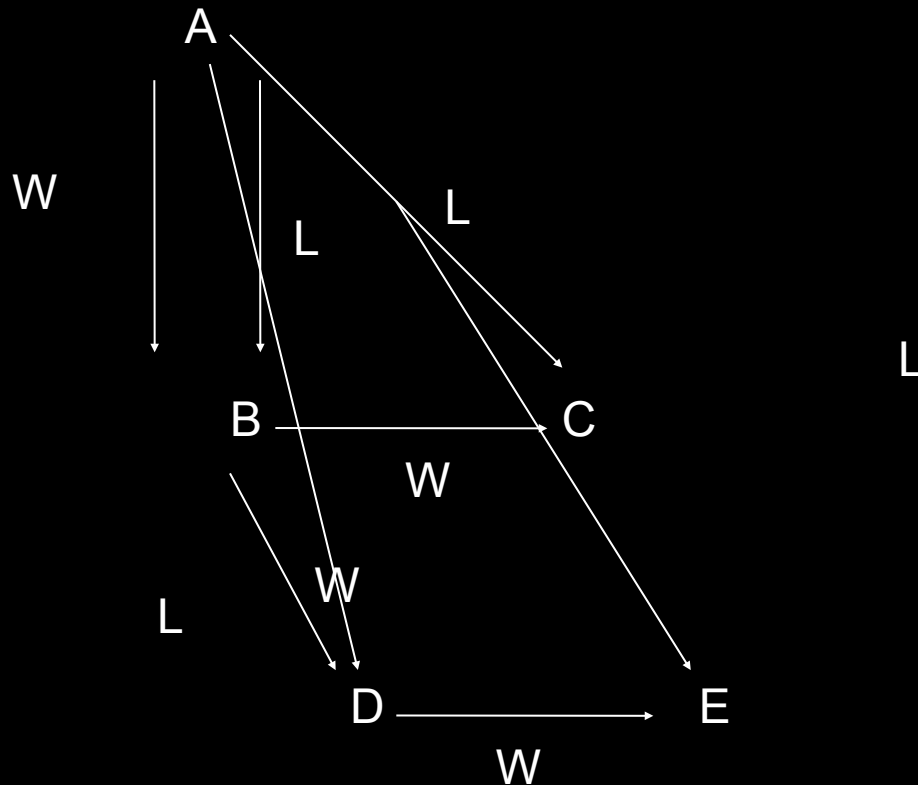
Licensor reserves
all rights not
explicitly
granted

No sublicensing
is allowed

The licensee is
obliged to carry
all notices
regarding the
copyright of the
licensor

The licensee cannot
impose any additional
legal restriction or
obstruct the
dissemination of the work
(e.g. using Digital
Rights Management)

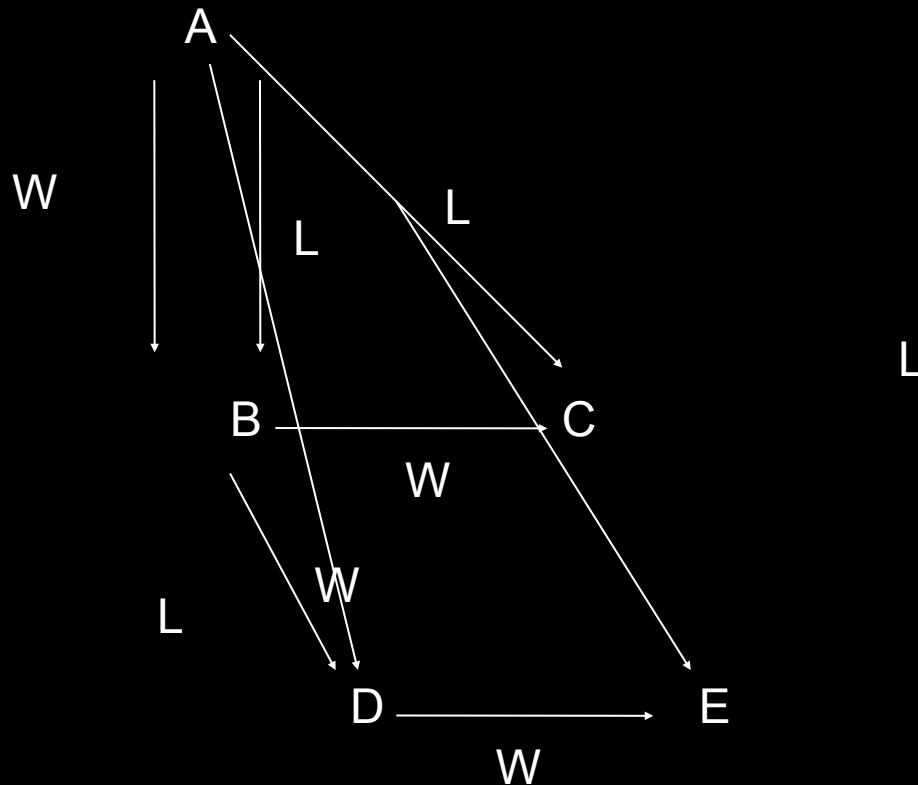
The licensee is
obliged to
attribute the
original author



- A: licensor
- B, C, D, E: licensees
- W: Work
- L: A CC licence

The CC licence is always awarded directly from the Licensor to the recipient of the work. NOT through any of the licensees that merely operate as carriers of the work

A diagrammatic presentation of the operation of the licence's basic template



- A: licensor
- B, C, D, E: licensees
- W: Work
- L: A CC licence

The CC licence is always awarded directly from the Licensor to the recipient of the work. NOT through any of the licensees that merely operate as carriers of the work

- It refers to the derivative works
- When the licensor creates a derivative work, she has to further license it under the same terms and conditions as the work it was based upon
- Particularly relevant when multiple authors create a work in a virtual environment (e.g. wikis, sampling sites)

The ShareAlike element

- It refers to the derivative works
- When the licensor creates a derivative work, she has to further license it under the same terms and conditions as the work it was based upon
- Particularly relevant when multiple authors create a work in a virtual environment (e.g. wikis, sampling sites)

The ShareAlike element



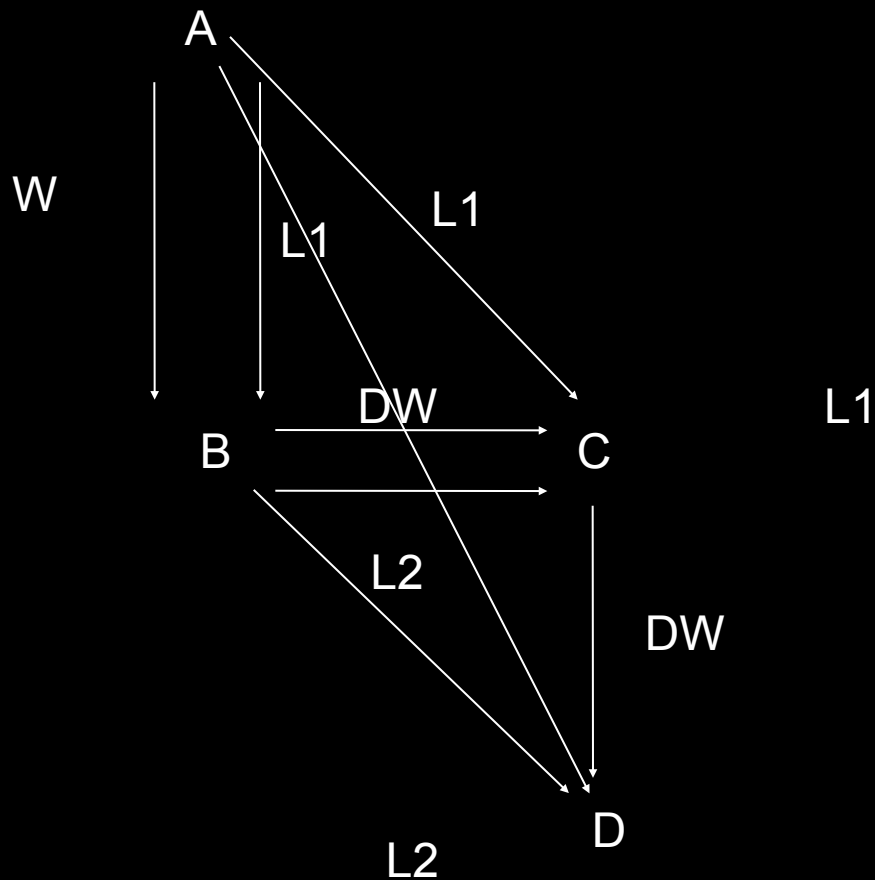
- It refers to the derivative works
- When the licensor creates a derivative work, she has to further license it under the same terms and conditions as the work it was based upon
- Particularly relevant when multiple authors create a work in a virtual environment (e.g. wikis, sampling sites)

The ShareAlike element



Share Alike

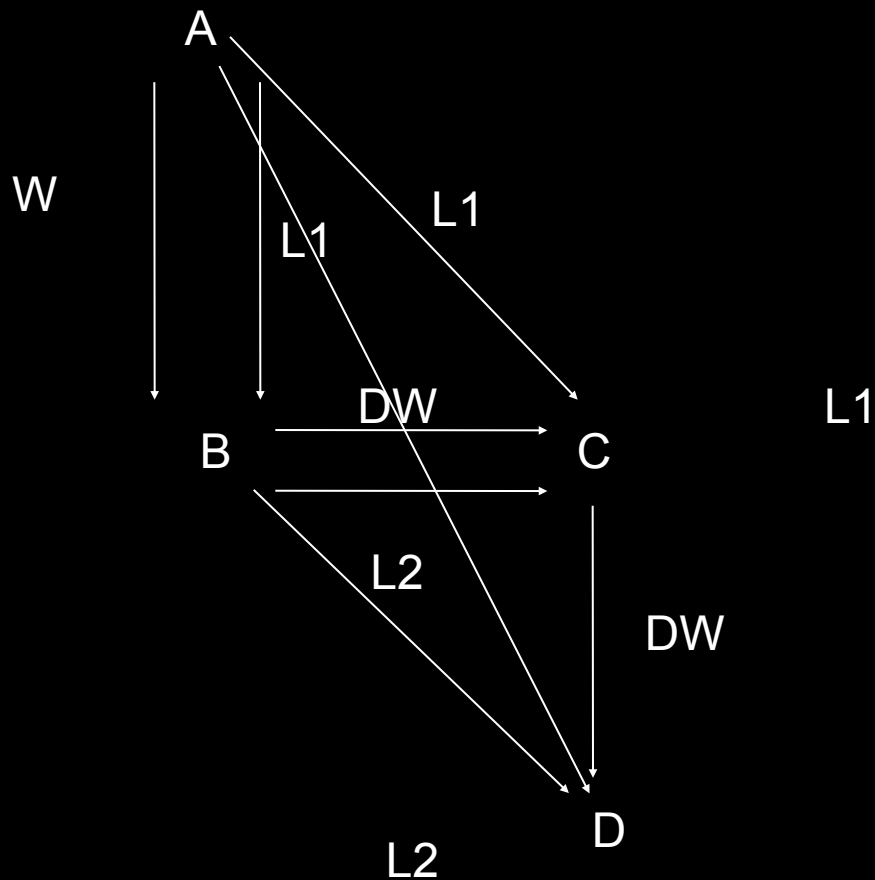
- It refers to the derivative works
- When the licensor creates a derivative work, she has to further license it under the same terms and conditions as the work it was based upon
- Particularly relevant when multiple authors create a work in a virtual environment (e.g. wikis, sampling sites)



- A: licensor for original work
- B, C, D, E: licensees for original work
- C, D: licensees for the Derivative work
- W: Work
- DW: Derivative Work
- L1, L2: CC_SA licences

The creator of the derivative work (DW) becomes a licensor with respect to the DW and the same licensing structure as the one described in the basic template applies. The original work is always licensed with the DW and still links with the original author.

A diagrammatic presentation of the operation
of the Share Alike element



- A: licensor for original work
- B, C, D, E: licensees for original work
- C, D: licensees for the Derivative work
- W: Work
- DW: Derivative Work
- L1, L2: CC_SA licences

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- As of 03.11.08, the CC_BY_SA and GFDL licences are compatible
- Wikipedia transition
- Huge step in reducing fragmentation of the commons
- URL: <http://creativecommons.org/weblog/entry/10443>

The ShareAlike element and the GFDL licence

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[six]

Two CC Case
studies

[six]



(a)wide and shallow DW: Sampling sites.

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Tate d_cultuRe : d0wnloAd_saMple+cuT-uP: cultuRe

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Welcome to ccMixer

Sampling, Mashing, Sharing

This is a community music site featuring remixes licensed under **Creative Commons**, where you can listen to, sample, mash-up, or interact with music in whatever way you want.




Remixers If you're into sampling, remixing and mash-ups grab the **sample packs** and **a cappellas** for download and you can upload your version back into ccMixer, for others to enjoy and re-sample. All legal.

Podcasters, directors and music lovers If you're into music, browse this site to hear some of the **great remixes** people have built from sampling music on this site, all licensed for use under Creative Commons license.


Fort Minor Contest Winner!

Congratulations to **marc kaschke** our Fort Minor Remix Contest Grand Prize Winner for his remix "**Remember the Name (Kaschke & Mauer Remix)**"



marc will be awarded a new Technics SL-1200MK5 turntable, courtesy of Warner Bros. Records and Machine Shop Recordings.

[More information about the Fort Minor contest...](#)

 thefreesoundproject


ccMixer has teamed up with the **freesound project** to share information about freesound's **20,000 samples** and track remixes across the two sites. It's all part of the Creative Commons Sample Pool and therefore available to all remixers, safe, legal and sane.

Check out our freesound support, **new sample packs** and the new **samples browser** that makes it easy to find all the CC licensed samples by the Beastie Boys, Fort Minor, Chuck D., My Morning Jacket, Theivery Corp., DJ Dolores and Cibelle and hundreds more...


[All about samples at ccMixer...](#)

Crammed Discs

Crammed Discs artists Cibelle, DJ Dolores, and Apollo Move are offering some of their new music under a CC BY-NC 2.5 license, so that producers worldwide can use the tracks in remixes and new compositions. Nine winning remixes will appear on a Crammed/ccMixer remix compilation, to be sold online through digital music stores.



[More information about the Crammed Discs contest...](#)

 The text of this site is licensed under a **Creative Commons Attribution-NonCommercial 2.5 License**. This site uses **ccHost**, licensed under **CC-GNU-GPL**, which is a product of the **ccTools** project and uses **GetID3** and **PHPTal**. By using this site, you agree to our **Terms of Use** and **Privacy Policy**. Contact: **site administrator**.

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Chapter 5.16

EN

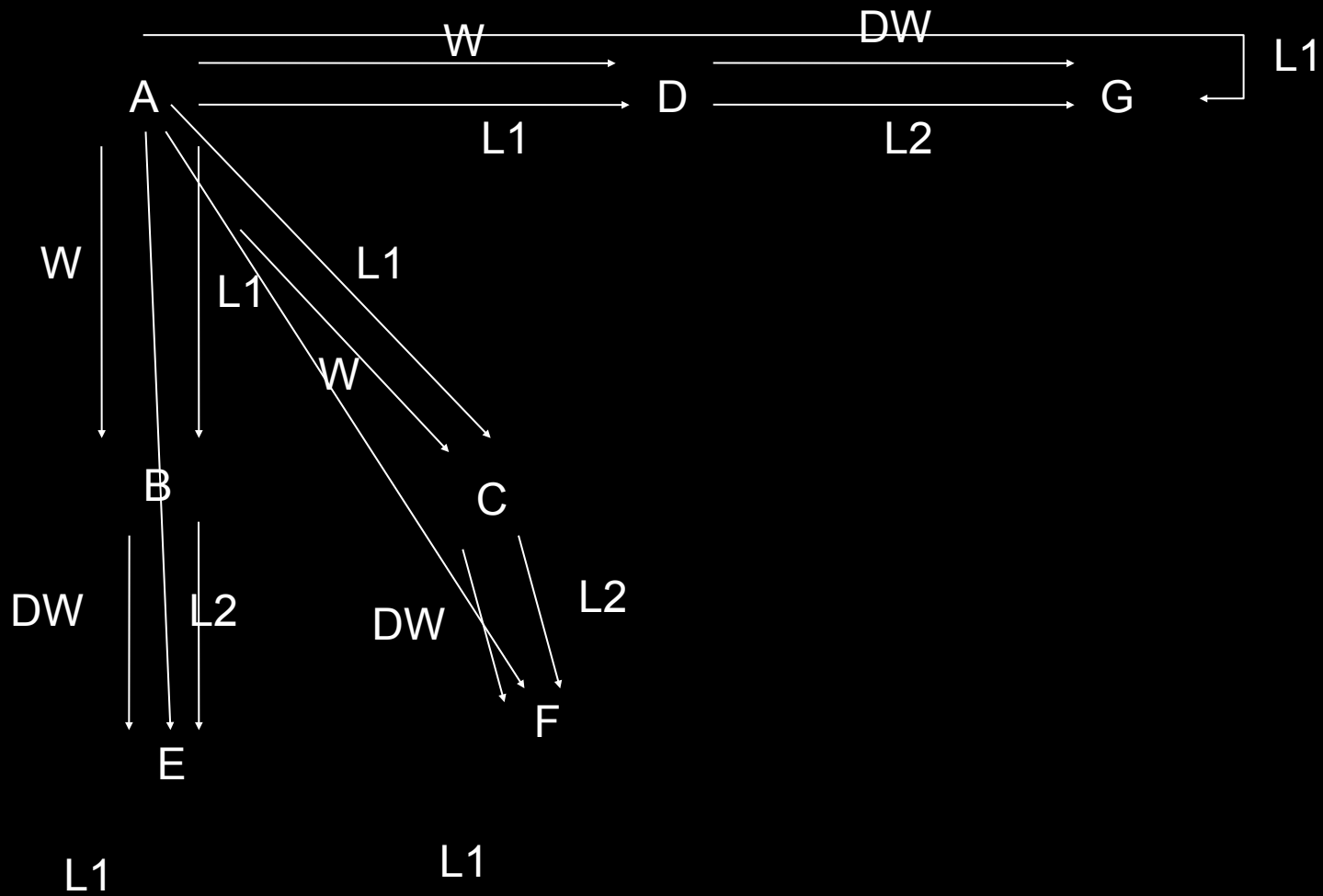
07:24

Wednesday, 28 October 2009

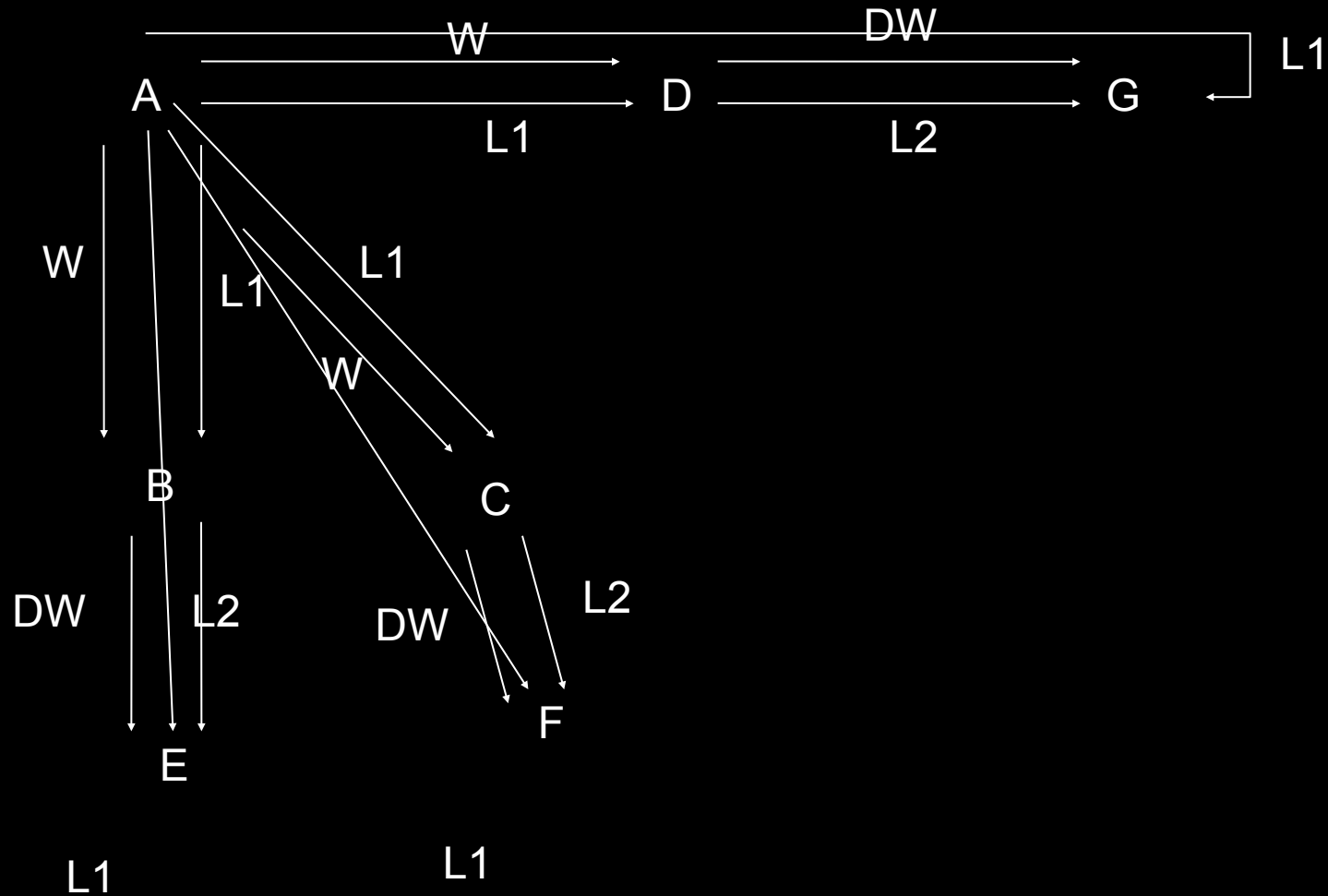
- Multiple creators contribute **distinct** works in a common repository
- The works are used to produce derivative works that are also contributed to the repository
- There are **few cycles** of derivative works (average: up to three cycles) [shallow]
- The **same work** is being used by many authors to produce **multiple different** derivative works [wide]

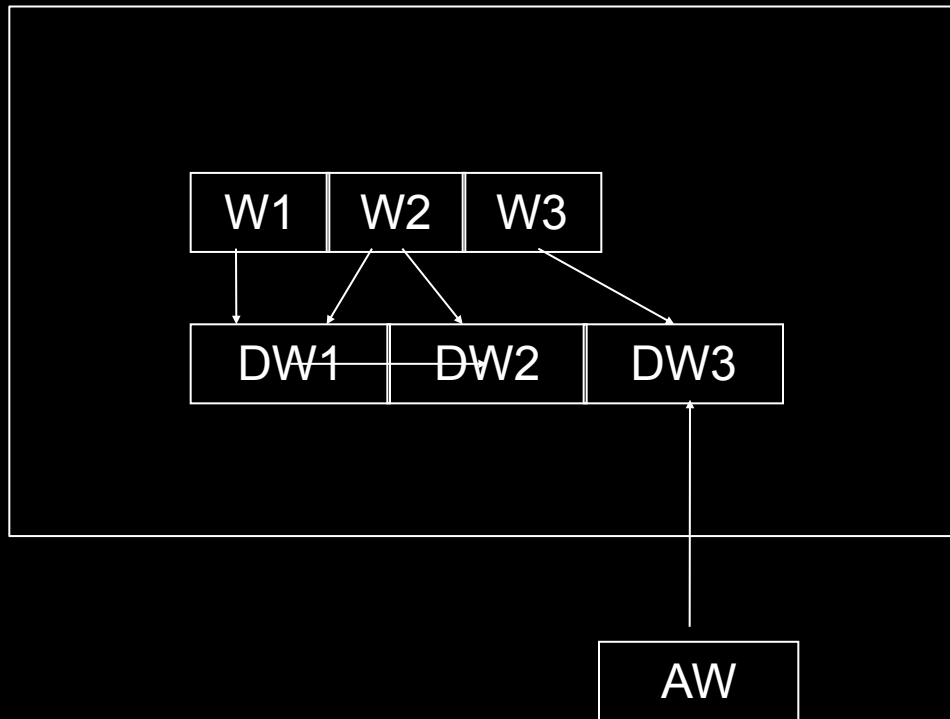
Case study abstraction

- Multiple creators contribute **distinct** works in a common repository
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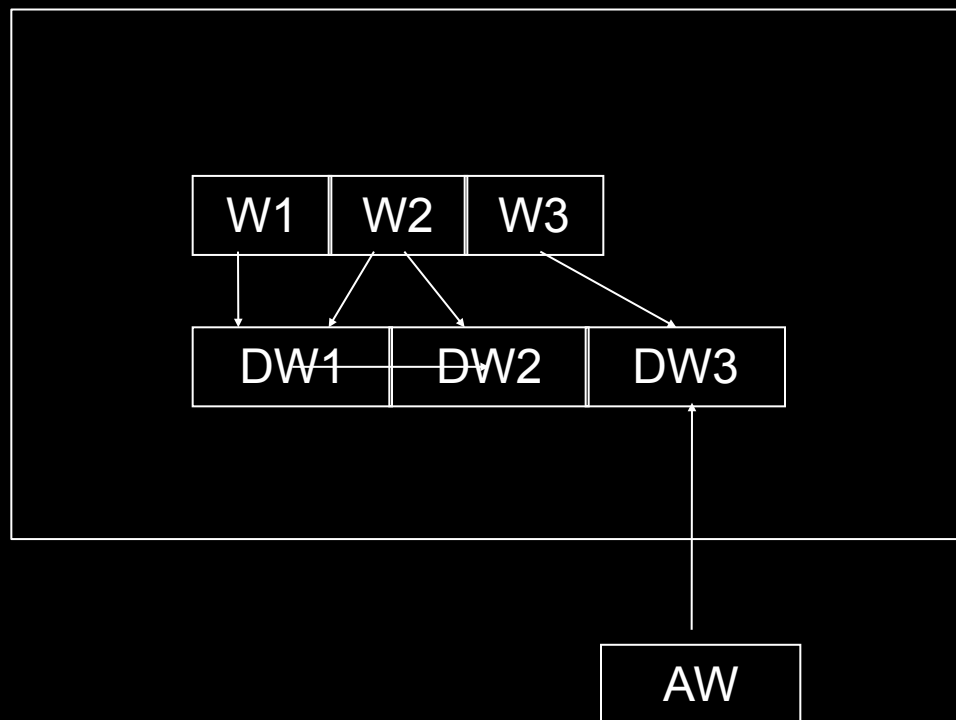
A diagrammatic presentation of the Wide and Shallow DW model (creator focused)





- W1, W2, W3:
works included in
the sampling
site.
- DW1, DW2, DW3:
derivative works
- AW: Alien Work,
i.e. not included
in the sampling
site but used
together with one
of the works
included in the
site to produce a
DW that will be
included in the
site

A diagrammatic presentation of the Wide and Narrow DW model (work focused)



- W1, W2, W3: works included in the sampling site.
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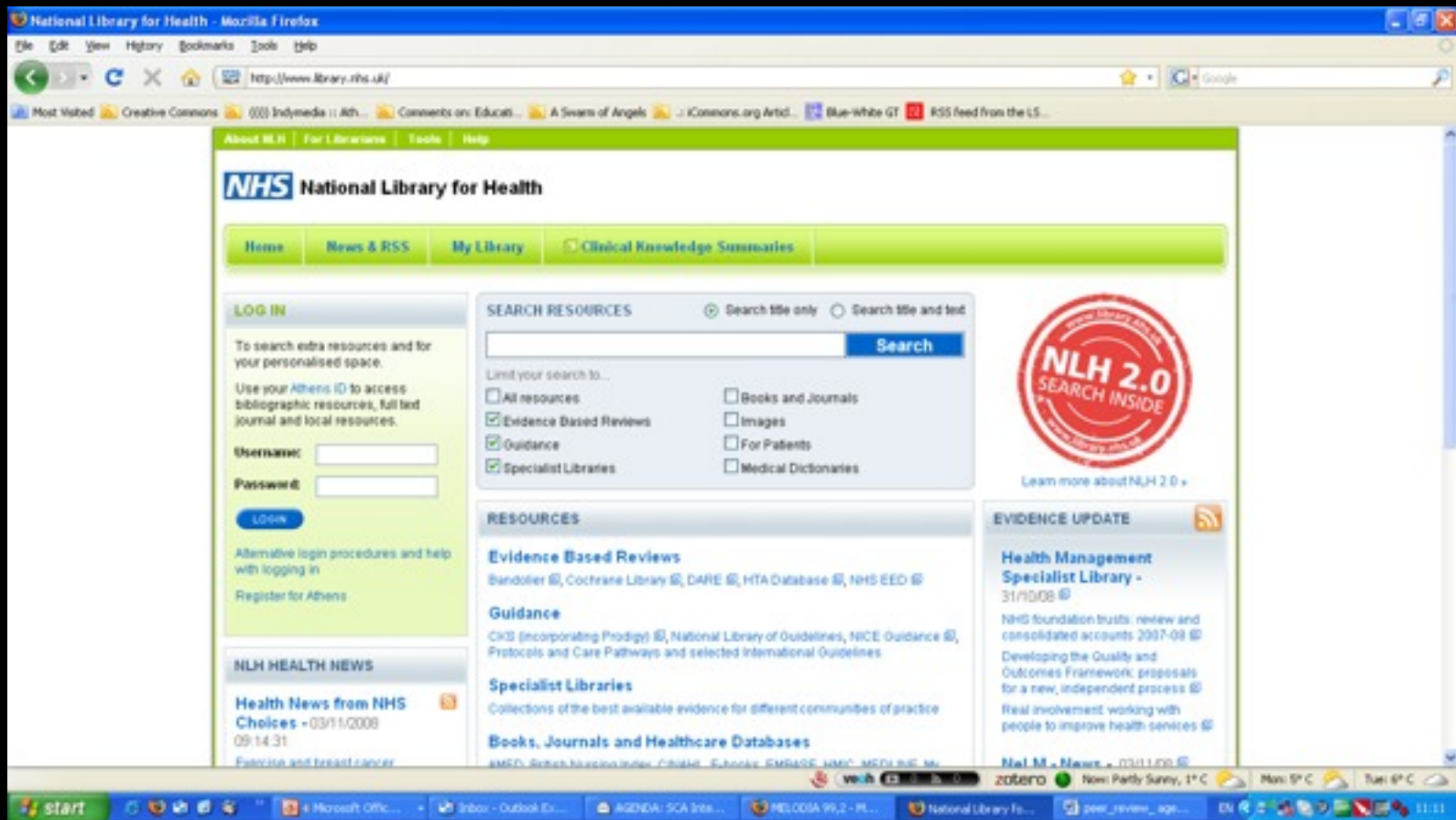
(b) Narrow and deep DW: Wiki sites.

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National Library for Health eLearning Object Repository (LOR)

Case Highlights V:

National Library for Health eLearning Object Repository (LOR)



- Multiple creators offer multiple **contribution** that often cannot be identified as a distinct works towards the completion of a single work The works are used to produce derivative works that are also contributed to the repository
- There are **many cycles** of change that lead to a single work; the work is produced through multiple successive contributions to a single item [deep]
- Variations (derivative works) of the **single** initial work are constantly updated to produce the end result [narrow]

Case study abstraction

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Key value types/ objectives

- reducing redundancy in the production of content
- recycling content within communities
- incremental development and innovation

IPR Case profile

- clearance is pushed to the end user
 - [Gallery]: end-user oriented
 - [Repurpose]: through schools and teachers
- CC licences are used for dissemination of the content
- issues of conflict between CC licences and employment contracts
- Issues of Prior Informed Consent, confidentiality and data protection
- Licence pollution issues: it is not clear what will happen with mutually incompatible CC licences

Recommendations

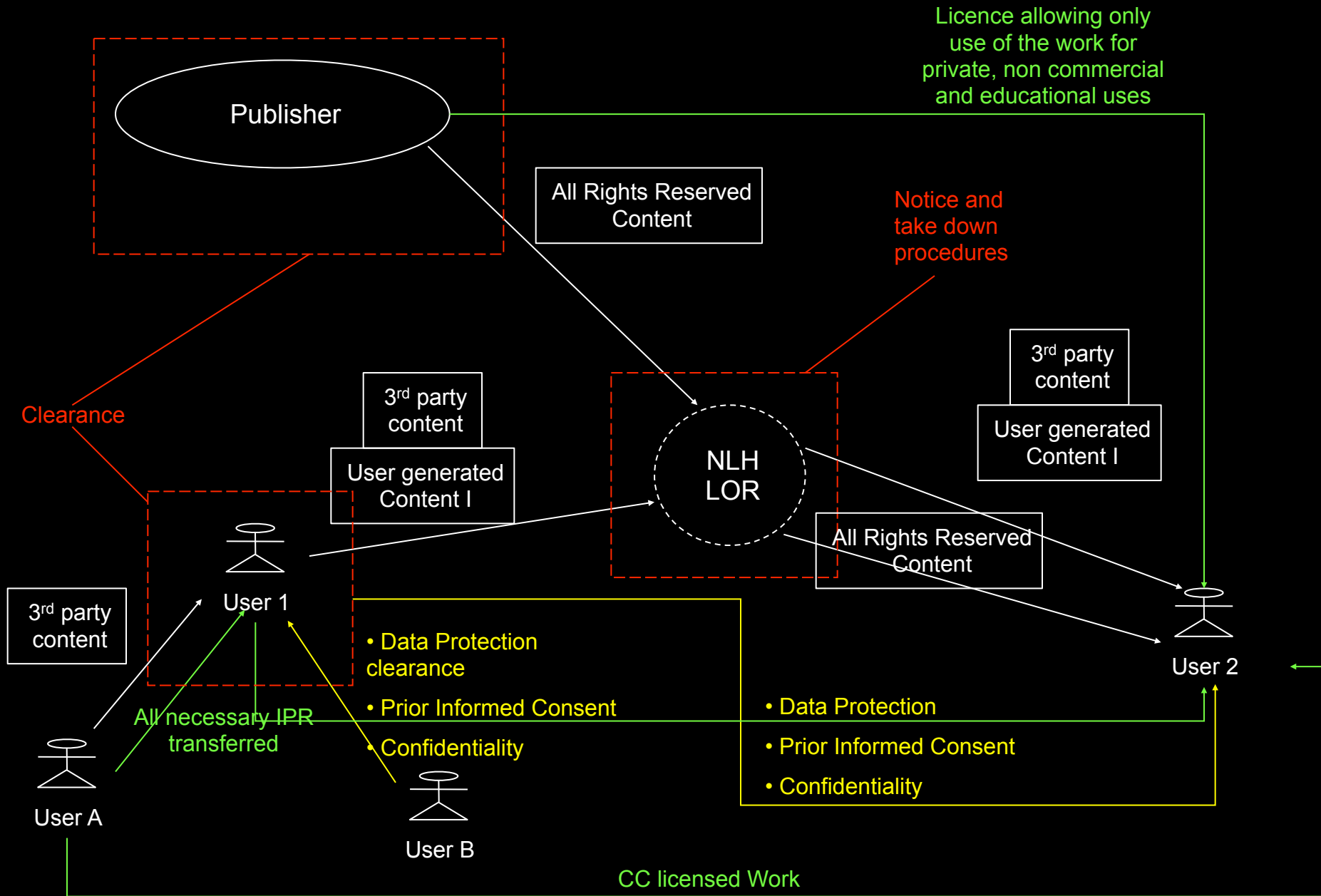
- Need to track the re-purposed material
- Assessing the risk-mitigation strategies
- Are the CC licences the most appropriate ones?

IPR management styles

“transparent model + licence mash model”:

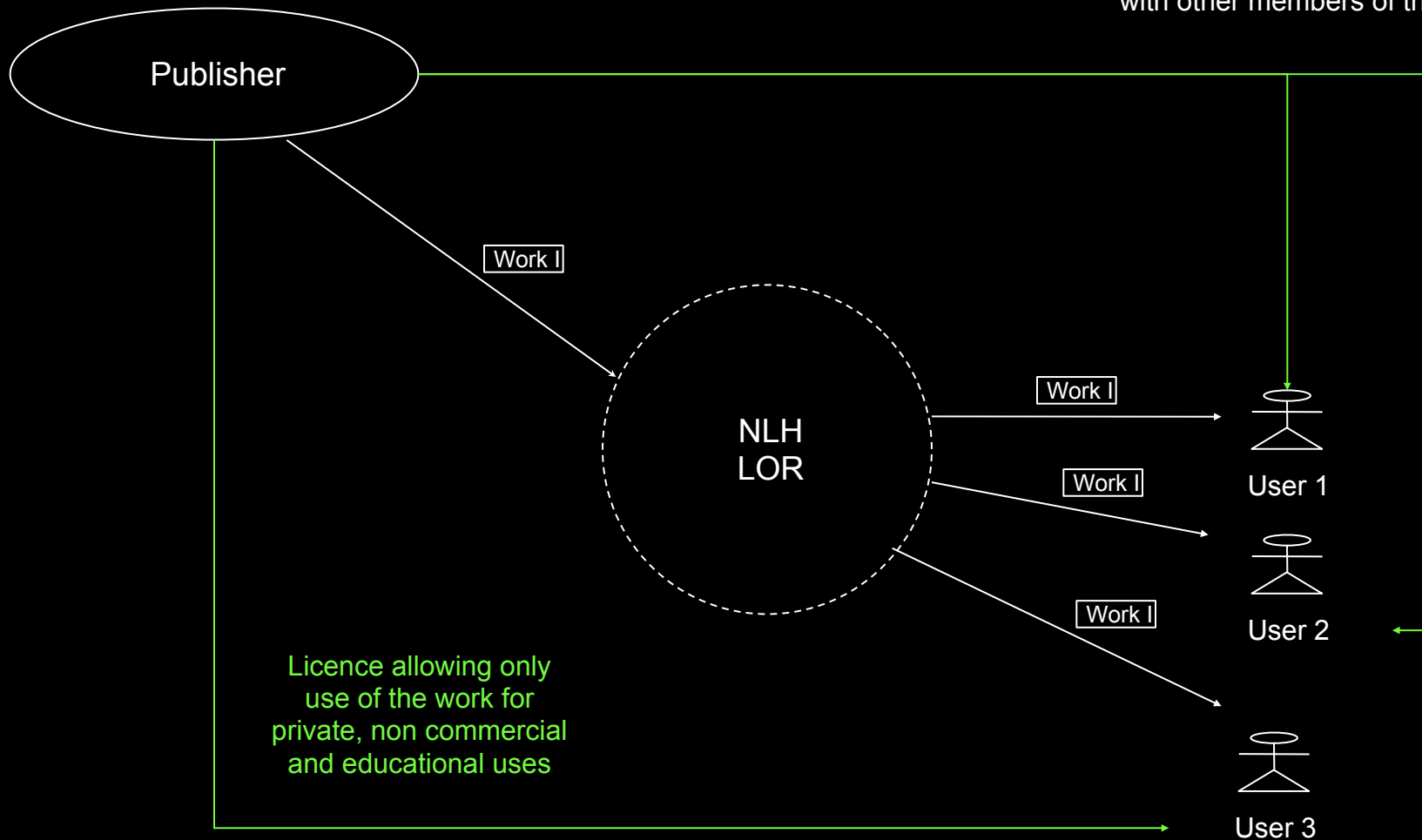
- The managing organization never acquires any rights, but only provides a platform.
- The rights are directly transferred between the users.
- The value comes from value added services not content
- Standardized licences (CC) are used
- The content is constantly re-mixed and after a point a “licence mash” is produced

Flows of works (pre-clearance view)



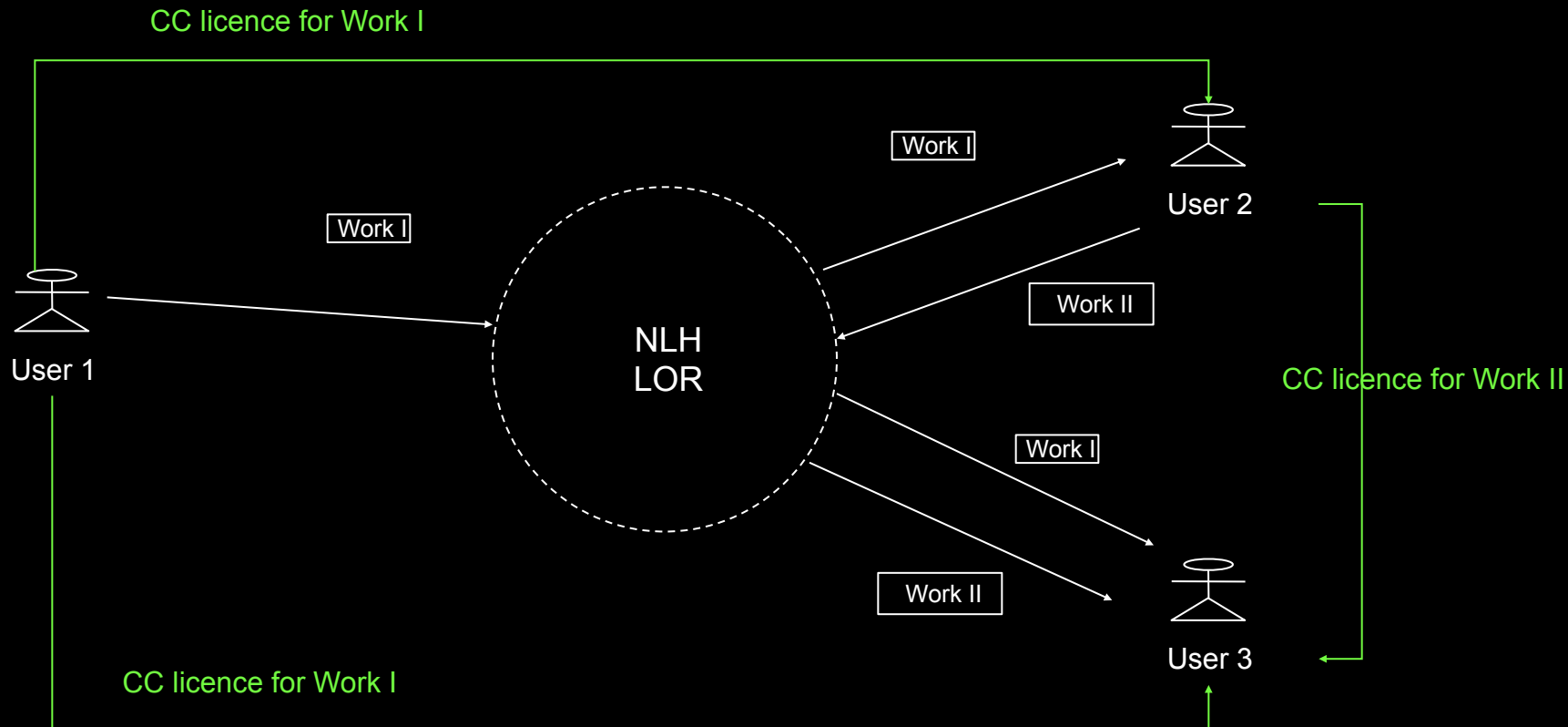
Flows of rights and works (commercial licence view)

- No rights are transferred to NLH LOR
- The publisher directly licenses the work to the end user
- The work is deposited once and then may be downloaded multiple times
- The end user cannot share the work with other members of the community



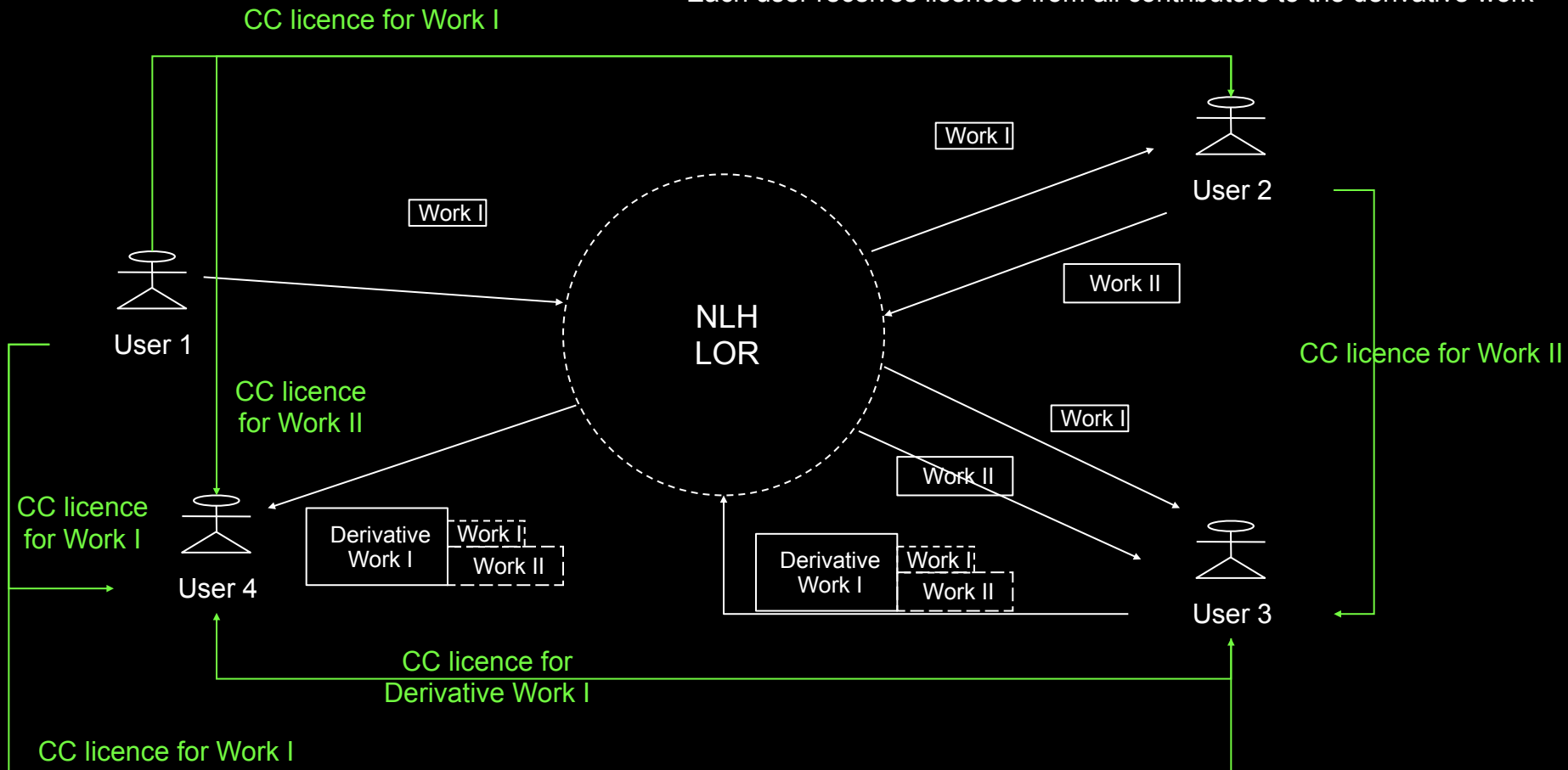
Flows of rights and works (Creative Commons basic template licence view)

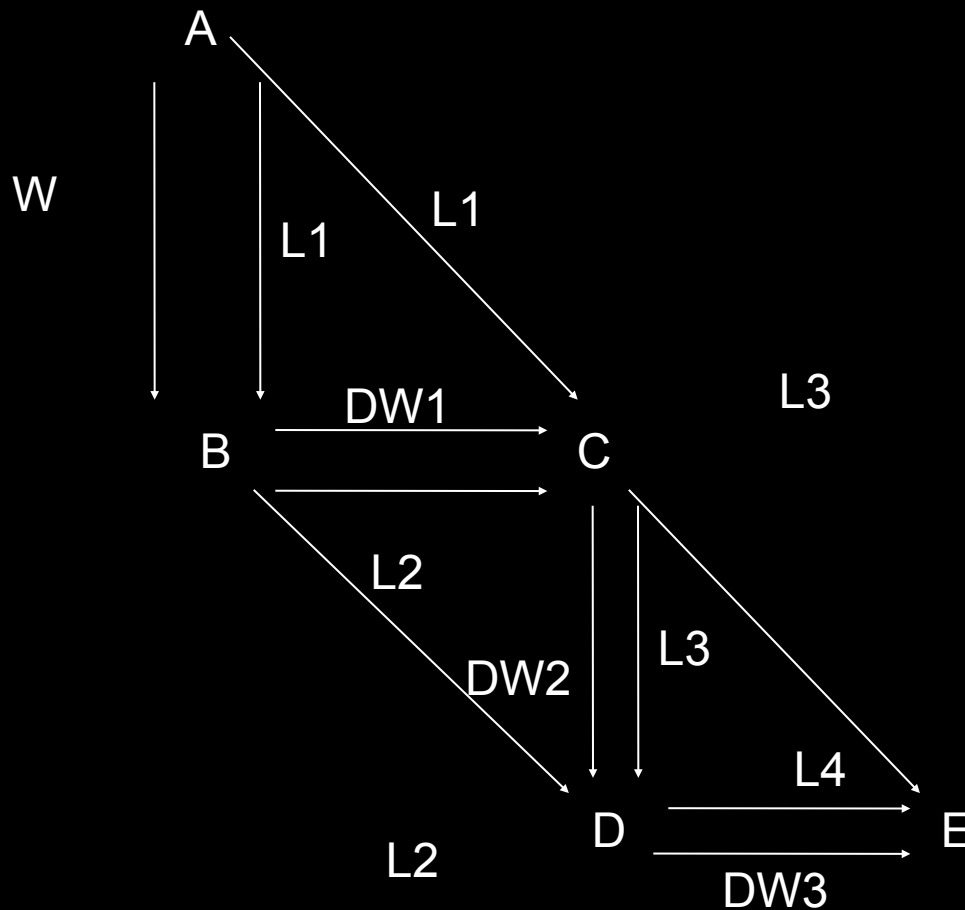
- No rights are transferred to NLH LOR
- The authors directly license the works to the users of the work
- The work is deposited once and then may be downloaded multiple times
- The end user may share the work with other members of the community but only through the repository



Flows of rights and works (Creative Commons Share Alike licence view)

- No rights are transferred to NLH LOR
- The authors directly license the works to the users of the work/ derivative work
- The work is deposited once and then may be downloaded multiple times
- Derivative works are produced outside NLH LOR platform and then uploaded
- The end user may share the work with other members of the community but only through the repository
- Each user receives licences from all contributors to the derivative work

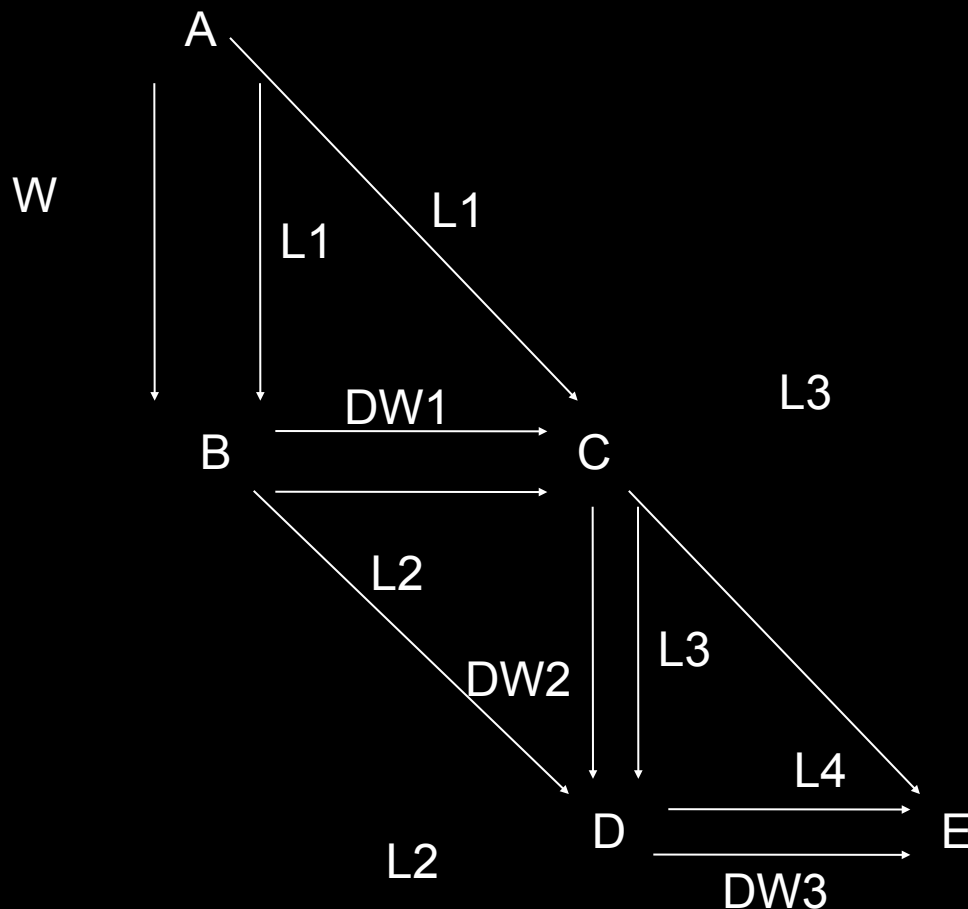




- A: licensor for original work
- B,C: licensees for original work
- C (L1/L2), D (L2/L3), E (L3/L4): licensees for the Derivative works (different licences)
- W: Work
- DW1, DW2, DW3: Derivative Works
- L1, L2, L3, L4: CC_SA licences with the same licence elements

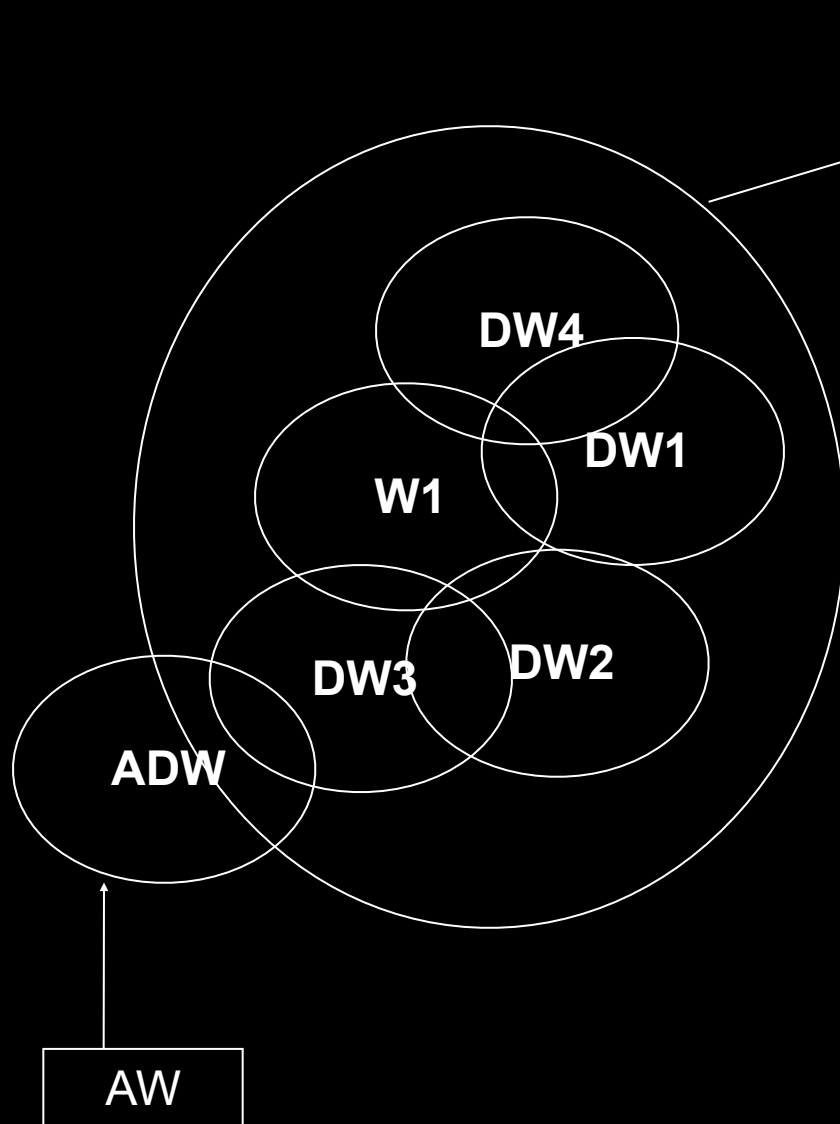
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A diagrammatic presentation of the Deep and Narrow DW model (creator focused)



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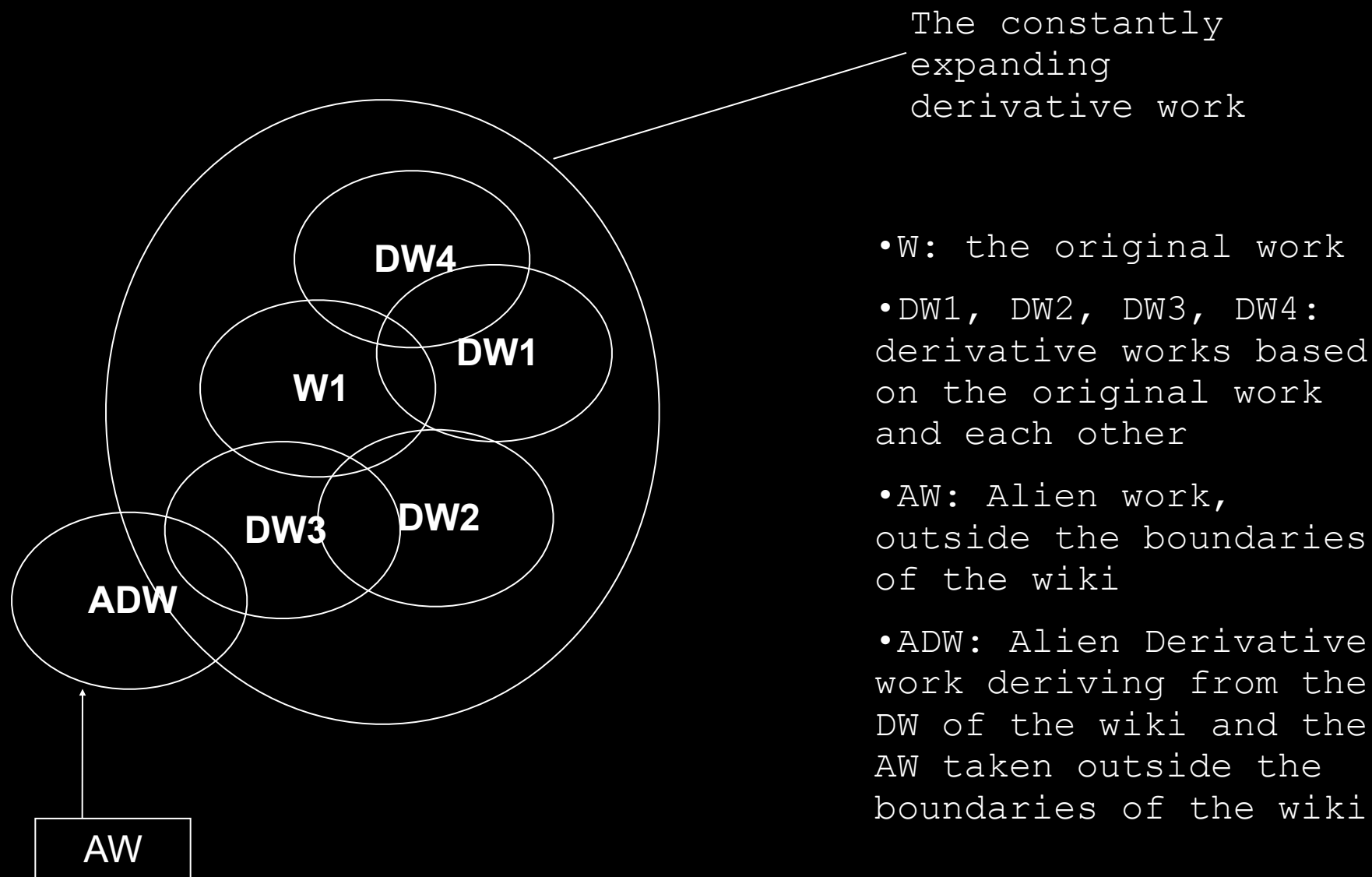
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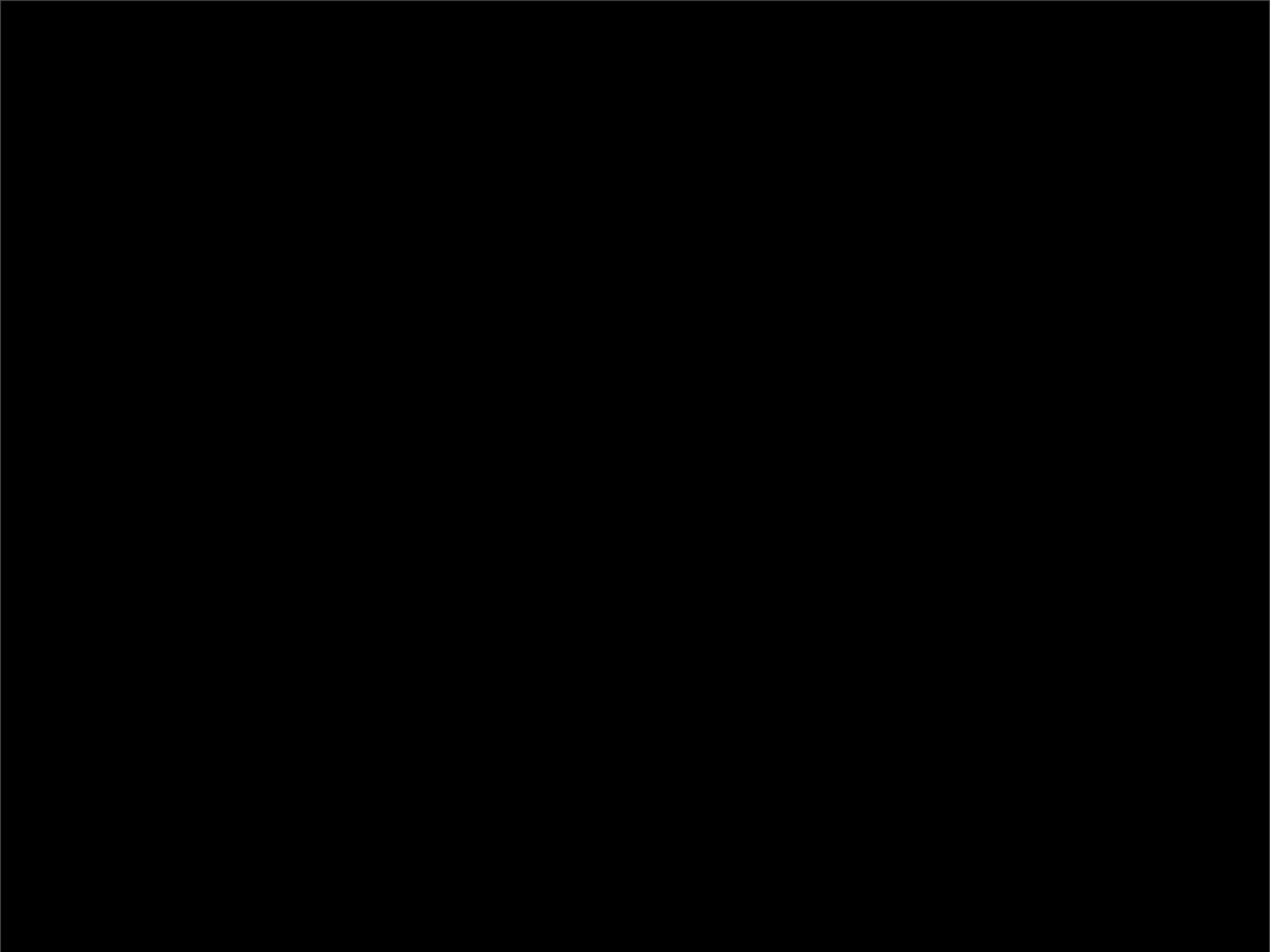


The constantly
expanding
derivative work

- W: the original work
- DW1, DW2, DW3, DW4: derivative works based on the original work and each other
- AW: Alien work, outside the boundaries of the wiki
- ADW: Alien Derivative work deriving from the DW of the wiki and the AW taken outside the boundaries of the wiki

A diagrammatic presentation of the Deep and Narrow DW model (work focused)





[closing remarks]

The term knowledge is taken to include:

- 1. Content such as music, films, books**
- 2. Data be it scientific, historical, geographic or otherwise**
- 3. Government and other administrative information**

<http://opendefinition.org/1.0/>

The Open Knowledge definition I (definition)

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<http://opendefinition.org/1.0/>

- 1. Access**
- 2. Redistribution**
- 3. Reuse**
- 4. Absence of Technological Restrictions**
- 5. Attribution**
- 6. Integrity**
- 7. No discrimination against persons or groups**
- 8. Distribution of licence**
- 9. Package specific licence**
- 10. Licence must not restrict the distribution of other works**

<http://opendefinition.org/1.0/>

The Open Knowledge definition II (conditions)

- 1. Access**
- 2. Redistribution**
- 3. Reuse**
- 4. Absence of Technological Restrictions**
- 5. Attribution**
- 6. Integrity**
- 7. No discrimination against persons or groups**
- 8. Distribution of licence**
- 9. Package specific licence**
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<http://opendefinition.org/1.0/>

The Open Service Definition provides a definition of 'open' applicable to Software as a Service (SaaS):

"a software application delivery model where a software vendor develops a web-native software application and hosts and operates (either independently or through a third-party) the application for use by its customers over the Internet. Customers do not pay for owning the software itself but rather for using it. They use it through an API accessible over the Web and often written using Web Services or REST."

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An open service is one:

- 1. Whose data is open as defined by the open knowledge definition (<http://opendefinition.org/1.0/>) with the exception that where the data is personal in nature the data need only be made available to the user (i.e. the owner of that account).**
- 2. Whose source code is:**
 - Free/Open Source Software (that is available under a license in the OSI or FSF approved list -- see note 3).**
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`</start>`

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