



Europeana Space has received funding from the European Union's ICT Policy Support Programme as part of the Competitiveness and Innovation Framework Programme, under GA n° 621037

Content Space

CC Licence Chooser

“Creative Commons licenses are a useful tool for opening up collections. From the Public Domain Mark and CC0 to the open culture approved licenses of CC BY and CC BY-SA, making the legal status of collections clear is an important part of promoting innovation with heritage.”¹

The basics of Creative Commons licenses are four license elements:

- Attribution – credit the author
- Non-commercial – no commercial use allowed
- No Derivative Works – no remixing of the content
- ShareAlike – share only if you let others remix

These can be used in various combinations. If a content provider intends on making a picture of an artwork from their collection available on the web, not for commercial purposes and having the institution's name mentioned, they could choose a CC-BY-NC license element combination. If they decide to add to the corpus of open available content, they can use a CC-BY-SA variant which credits the author, but informs anyone using the content that if they release their new work which builds upon it, it should also bear a Share-Alike clause. This way the openness is passed downstream.

The benefits of the CC mechanism are manifold. The standardised nature of the licenses makes them compatible and interoperable. They are acknowledged in many countries and available in a multitude of languages. They are both understandable

1. See <https://www.kl.nl/nieuws/creative-commons-glam-booksprint/>

by humans and computers, due to a machine-readable license code that can be integrated into content metadata.

Use of CC is already a widespread practice. Browsing <http://search.creativecommons.org> will guide the reader through a number of search portals or content hubs that hold CC-licensed content. GLAM-content is also widely available, even under the more/most open variants of the license. However, before adding to this content, it is important to think about what it is that should be licensed, and for what purposes. It is necessary to determine whether the content can be put out under a CC-license, for example, whether the necessary rights have been obtained to do so. It is necessary to decide who will be the intended user of the material.

One of the best ways to start is to use material that does not require rights clearance or for which the rights are easy to clear². That might for example be any Public Domain materials held, content with easy-to-find permissions, and work that can be released because it is under the institution's own copyright.

Public domain

Dedicating a work to the public domain, or clearly marking it as being in the public domain means that a user can do anything with it, without having to ask for any kind of permission. CC has two tools that allow for this³:

- The Public Domain Mark⁴: when something is labelled with the PD mark in Europeana, it will also be linked to the Europeana Usage Guidelines for public domain works⁵. These are goodwill-based guidelines that ask to give credit where credit is due, or to show respect for the original work. Although use of PD content is absolutely open, these guidelines address some points that cultural heritage institutions may have concerns about.

2. See presentation by Jessica Coates, Global Network Manager, Creative Commons during the US OpenGLAM Launch (March 2013), available at <http://www.slideshare.net/Jessicacoates/open-access-glam>

3. This is not a dedication. It is a mark. It only marks something that already is in the PD. The dedication is a form of a total waiver, bringing something that is not in the PD into the PD.

4. See <http://creativecommons.org/publicdomain/mark/1.0/>

5. See in full on <http://www.europeana.eu/portal/rights/pd-usage-guide.html>

- The CC0-license (or tool)⁶: if you are entitled as an institution to waive all rights in a digital object, you could apply a CC0 waiver to the material. By applying this waiver, all rights in the content are waived and – like public domain content - can be used by anyone without any restrictions. CC0 can only be applied with the authority of the rights holder.

If works held in a collection are in the public domain because of when they were created, a PD Mark can be used to release digital reproductions of them. The analogy – what is in the PD in the analogue world should stay there in the digital one – is not followed everywhere. However, both Communia⁷ and Europeana⁸ have been advocates for holding this openness in both worlds.

Easy permissions

Before applying a CC-license to a work it is necessary to obtain the necessary rights to do so. The artist who is author of the work, for example, a picture to be digitised by photographing, will need to be contacted, and their permission sought and obtained to allow this use of the picture, and the sharing of the photograph online under a CC license. Sometimes, making direct contact is all that is needed. Explaining the plans for the use of the work, and the reasons for an intention to open up the reproduction, may be all that is necessary to persuade some rights holders.

Your own institution

Often materials to be licensed are produced within the employment of an institution. If an employee is a photographer digitising sculptures, there needs to be a clause in her employment contract allowing the employer to license the pictures in any way they want. Other departments might hold valuable information that can be freely licensed, for example, an educational department's school package, curators' articles, or the institutions own website contents. It would be easy to obtain the necessary rights for these, and using them would be the simplest way of making available open materials.

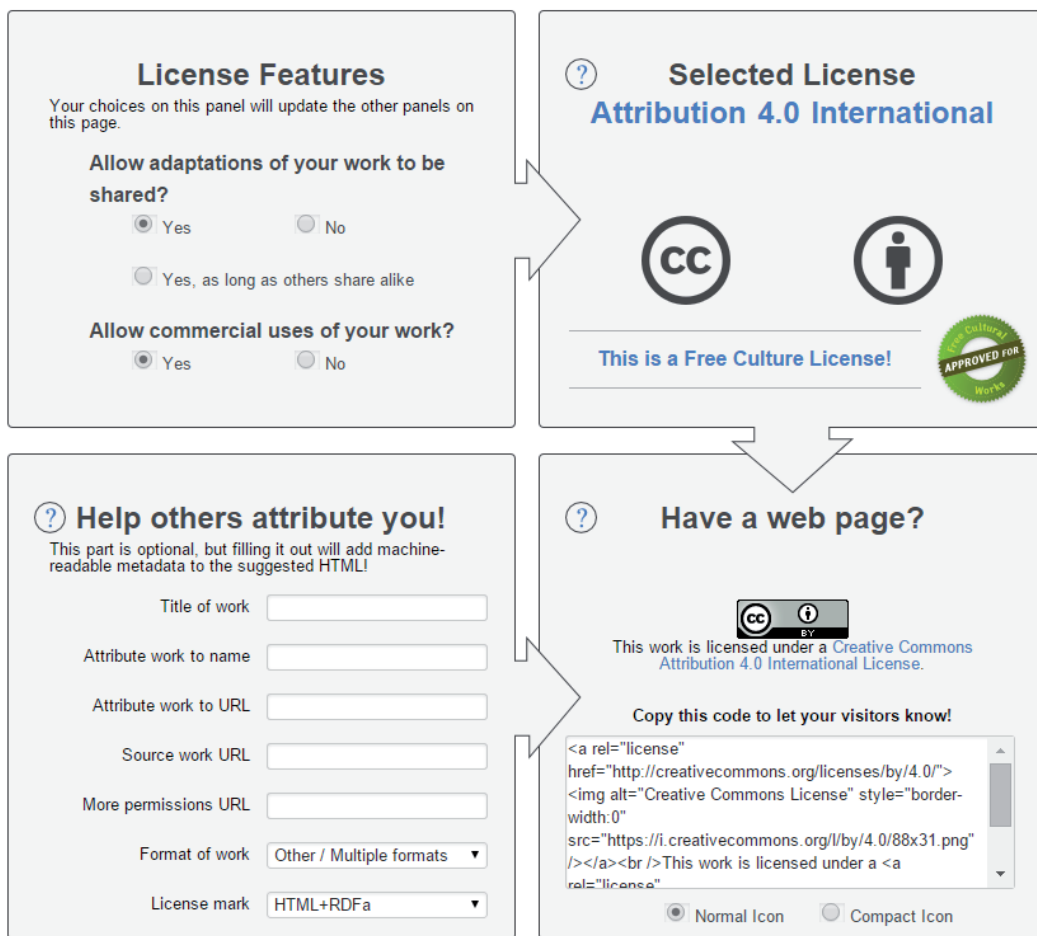
6. See <http://creativecommons.org/publicdomain/zero/1.0/>

7. See <http://www.communia-association.org/2012/12/05/communia-positive-agenda-for-the-public-domain/>

8. See <http://pro.europeana.eu/pro-blog/-/blogs/2235116>

Once the whole picture of intended re-use is clear, an institution is ready to choose the right license for their purposes. Should they wish to be visible on Wikipedia, content must be uploaded to the Wikimedia repository - and in order to do so, it should be licensed as CC-BY or CC-BY-SA. If an institution would rather ensure that only non-commercial use can be made of their content, they can choose a CC-BY-NC license. If many of the works held are in the public domain, it would be best to contribute to the shared 'commons' heritage and dedicate the digital reproductions of the works to the public domain.

Creative Commons provides a simple license chooser on its website⁹ :



CC-license selection wizard <https://creativecommons.org/choose/>

9. Selection tool available at <http://creativecommons.org/choose/>

Based on some simple questions, this tool helps detect the licence elements that matter to individual content holders. Additionally it presents the machine-readable code that can be used in the material's metadata or on a website. Another useful tool will be the website www.cctoolkits.com (under development). The site will look into the wide CC expert community to gather useful media that explains CC in various contexts. The platform is an attempt to aggregate, curate, and remix content in a way that ensures all the rights are understandable to everyone¹⁰.

10. See <https://blog.creativecommons.org/2015/11/13/creative-commons-toolkit-for-business/>