

## 3.4 Copyright and Creative Commons

### 3.4.1 Copyright

Copyright, as you know, is a legal concept that allows the creator of an original piece of work to have exclusive rights for its use and distribution. It is usually only granted for a limited period of time. For example in the Republic of Ireland copyright for literary, dramatic, musical and artistic works is for the life of the creator and 70 years thereafter. For sound recordings, film, and broadcasts the term of protection is 50 years from the year of creation. Not all copyrights expire. For example, in the United Kingdom the copyright for J.M. Barrie's play *Peter Pan* was granted in perpetuity to the *Great Ormond Street Hospital*, a children's hospital in London, based on Barrie's wishes.

The exclusive rights are not absolute. There are exceptions such as "Fair Dealing" (also known as "Fair Use") which is an umbrella term for a collection of exceptions that are not considered to prejudice the rights of the copyright holder. Examples of these include:

- Using the content for research or private study

- Using it for criticism or review or for reporting current events
- Copying a small amount of the content that doesn't represent a "substantial" part of the work
- For educational purposes
- Parodies and pastiches

A major limitation on copyright is that copyright protects only the original expression of ideas, and not the underlying ideas themselves.

It is worth discussing copyright because even if you never have had to consider it in a classroom setting, if you are developing online content, and particularly if you are making that content publically available, it is important to be sure the content you generate doesn't include any copyrighted materials, or you have the explicit (written) permission by the authors (or rights holders) to do so.

### For Example: Copyright Claims Gone Wild

An interesting example concerning copyright (that might be worth mentioning to learners) is the Monkey Selfie Copyright Dispute. In 2011 wildlife photographer David Slater went to Indonesia to take photographs of an endangered monkey species (the Celebes crested macaques). Slater spent a couple of days with the monkeys, teaching them how to click the shutter-release button on his camera to take a picture. One of the monkeys took a picture of itself (on the right), which was published in several British newspapers including the *Daily Mail*, *The Telegraph*, and *The Guardian*, on 4th July 2011. Five days later the image was uploaded onto *Wikimedia Commons*, a site that only accepts media available under a free content license, in

the public domain, or otherwise ineligible for copyright, asserting that the photographs were in the public domain as "the work of a non-human animal, it has no human author in whom copyright is vested". Slater asked *Wikimedia Commons* to take down the pictures, which they did for a time, but after a lot of internal discussion agreed that the monkey took the picture, and the monkey can't hold copyright. Slater argued that he set up the shot, practiced with the monkeys, and even held the tripod for this shot, so he was the owner of the picture. But on 21st August 2014 the United States Copyright Office ruled that the picture cannot be copyrighted as it wasn't taken by a human. (It is important, though, to notice that this is only the opinion of one court in one



country. Other courts in other countries might decide differently.)

## 3.4.2 Creative Commons

To help avoid copyright pitfalls an American non-profit organization called Creative Commons (CC) was set up in 2001 by Harvard scholar Lawrence Lessig to expand “the range of creative works available for others to build upon legally and to share”. To achieve this the organisation has created a number of standard, free legal permissions – called Creative Commons licenses – that describe which rights the creator wants to reserve and which they are willing to waive for the benefit of other creators.

Creative Commons licenses are not designed to replace copyright, but they can replace individual negotiations for specific rights between copyright owner and licensees, which are necessary under an “all rights reserved” copyright management.

By 2015 over one billion works were licensed under the various Creative Commons licenses.

Organisations like Google Images, Flickr, YouTube, Vimeo, SoundCloud, and Wikipedia use Creative Commons licenses. So when you upload content to them, you are asked which licence you wish to attach to that content. A useful website to search for content that has Creative Commons licenses is:

- <https://search.creativecommons.org>

### Creative Commons Licence Elements

There are six standard Creative Commons licences available. Each licence is formed from one or more of the following four licence elements:

1. **Attribution:** This means that others must credit you as the original creator of the work. All Creative Commons licences require users to provide attribution.
2. **Non-Commercial:** This means that others may not share, adapt or reuse use your work if their use is primarily intended for commercial advantage or monetary compensation.
3. **NoDerivatives:** This means that others can share your work, but they must not change it. Note that users still have the range of fair dealing rights.

4. **ShareAlike:** This means that those who adapt or remix your work must use the same Creative Commons licence on any derivative works.

There are standard icons associated with each of those elements:

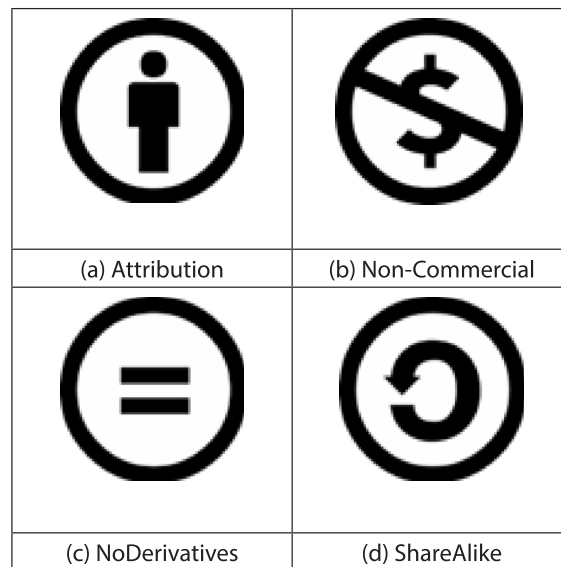


Fig. 3.2 – Creative Commons Licence Elements Logos.

When publishing something under a Creative Commons licence, you are supposed to add the respective icons (one, or several, according to your choice of licensing) to your work, e.g. in the imprint of your book.

You can do that by adding the symbols as graphics (pictures). An other way, that is very convenient when you publish things more frequently, is the following: Creative Commons icons are also available as typesetting fonts (both for Windows and Apple operating systems). You can download them for free and install them on your computer like you would do with other fonts such as your ubiquitous Times New Roman or Arial fonts. The font available in 2018/2019 was called CC-icons (cc-cons.ttf).