

Creative Commons: accessing, negotiating and remixing online content

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Posted Tuesday, April 26, 2005

<http://www.onlineopinion.com.au/view.asp?article=3379>

Imagine a world in which you could access a greater amount of creative content and have a greater capacity to reproduce, communicate, cut and paste or remix that content within the boundaries of copyright law. The Creative Commons project aims to do just that. Through a set of basic protocols or licences it hopes to create a space or a commons wherein digital content can be accessed and reutilised without fear of lawsuit.

To achieve this Creative Commons asks content owners who wish to contribute to the commons to label their material with a CC badge representing the terms upon which the material may be used. This process of generically giving permission in advance - use my content so long as you attribute me, or engage in non commercial use, or make no derivative works or share your improvements with the broader community - allows users upon seeing content labelled with the CC symbol to know exactly, at that instant, what right they have to reproduce, communicate, cut, paste, and remix.

The content owner reserves some rights of control but eschews the common commercial approach of all rights reserved. By using their legal rights the copyright owner can exercise power to structure the way that content is used downstream. This is a simple yet very effective model granting permission to use my copyright material on the terms that I prescribe. The innovation is in providing this permission in advance by simply affixing a CC label (that is backed by a legally binding licence) and moulding it to modern networked technology.

Too much copyright material is left inactive in archives because the process of negotiating the licence is time consuming or expensive, even where the copyright owner does not want to make money. Sharing is part of the landscape of information management and creative innovation and will be pursued by all kinds of people for a variety of different reasons. CC provides a way in which sharing and collaborative effort can be facilitated in the realm of digital content and hopefully a way in which inactive copyright material can be given new life.

Creative Commons is a not-for-profit corporation started at Stanford University now having its headquarters in San Francisco. The international development of the basic CC protocols or licences has grown to the point where over 60 countries throughout the world are participating.

In Australia, QUT is the institutional affiliate for the Creative Commons and has been at the forefront of the development of the project since 2003 firstly through the development of the Australian version of the standard CC licences (along with Ian Oi

of Blakes Lawyers), available online at creativecommons.org, and then hosting an international conference on the subject at QUT in January 2005 titled - *Open Content Licensing: Cultivating the Creative Commons*.

The keynote speaker at that Conference was world renowned Stanford University Professor Lawrence Lessig, the person who is seen as the originator of the CC movement - see his books [*The Future of Ideas: The Fate of the Commons in a Connected World*](#) and [*Free Culture: How Big Media Uses Technology and the Law to Lock Down Culture and Control Creativity*](#). The conference was attended by key stakeholders from the copyright industries, as well as key government officials, judges, leading academics and university administrators and highlighted the areas of education, creative industries and government as key points of development for creative commons over the next 12 months.

The CC project has garnered worldwide attention with the BBC announcing it will license archived material under CC styled licences and popular US magazine *Wired* releasing a CC licensed CD including well known artists *The Beastie Boys* and *Talking Heads* frontman David Byrne with their November 2004 issue. Within Australia many people are utilising CC licences including here in [On Line Opinion](#). For an interesting example of how CC has facilitated remix and innovation listen to the Colin Mutchler song *My Life* and the derivative works it has generated all of which are available at www.opsound.org

A common question is “why would people want to share digital content?” Some reasons are:

- ideologically and financially this may be acceptable - the most compelling example in Australia is government where information is ultimately owned by and for the people;
- open contenting one version of your material, for example, a draft (E Print) or a chapter may in fact be a strategy for enhancing the commercialised version of your content;
- a wish to share with others for creative and educational purposes - peer production;
- publicity - what the free and open software movement calls “egoboo” or reputation within the open community which in some cases will be exploited commercially down the track;
- negotiability - through technologically implemented generic protocols that can be utilised with the click of a mouse;
- “What is junk to one may be gold to another” - the idea that the off cuts or digital junk of one person may be the building blocks of knowledge and creative genius for another; and,
- “Indirect appropriation” - money, design and use of end product, pleasure or social profile gained through involvement in peer production - see Y Benkler's article in the *Yale Law Journal* (2202), “Coase's Penguin, or Linux and the Nature of the Firm”.

CC provides one of the most exciting developments in the way we manage intellectual property and is destined to become common place in information distribution models of the future. In June 2005 an international summit on CC at will be held at Harvard University Law School.

For further information on the project or material produced from the January conference contact the author on (07) 3864 2838. His fellow project leads are Tom Cochrane (DVC QUT) and Ian Oi (Blakes lawyers).

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