unlocking the potential through creative commons

an industry engagement + action agenda
aAugust 2007

arc centre for creative industries + innovation

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Unlocking the Potential through Creative Commons

The material in this report is based on the outcomes of the CCau Industry Forum + ccSalon events held in November 2006 at the Creative Industries Precinct, Queensland University of Technology. This report seeks to evaluate and respond to the awareness, support, practicalities and uptake of the Creative Commons licensing scheme in Australia.

Creative Commons research at QUT, including this report, is undertaken by the Creative Commons Clinic and the Creative Commons + Open Content Licensing Models research projects of the Australian Research Council Centre of Excellence for Creative Industries and Innovation.

ci.edu.au
creativecommons.org.au

ISBN 978-0-9802988-3-3

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<td>ACCC</td>
<td>Australian Competition and Consumer Commission</td>
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<td>APRA</td>
<td>Australiasian Performing Right Association</td>
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<td>ARC</td>
<td>Australian Research Council</td>
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<td>BBC</td>
<td>British Broadcasting Corporation</td>
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<td>BY</td>
<td>Creative Commons Attribution licence</td>
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<td>BY-NC</td>
<td>Creative Commons Attribution-Non-Commercial licence</td>
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<td>BY-NC-SA</td>
<td>Creative Commons Attribution-Non-Commercial-Share Alike licence</td>
</tr>
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<td>BY-NC-ND</td>
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<tr>
<td>BY-ND</td>
<td>Creative Commons Attribution-No Derivative Works licence</td>
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<tr>
<td>BY-SA</td>
<td>Creative Commons Attribution-Share Alike licence</td>
</tr>
<tr>
<td>CAL</td>
<td>Copyright Agency Limited</td>
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<td>CC</td>
<td>Creative Commons</td>
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<td>CCAu</td>
<td>Creative Commons Australia</td>
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<td>ccClinic</td>
<td>Creative Commons Clinic</td>
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<tr>
<td>ccLearn</td>
<td>Creative Commons Learn</td>
</tr>
<tr>
<td>CCI</td>
<td>Centre of Excellence for Creative Industries and Innovation</td>
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<tr>
<td>CISAC</td>
<td>Confederation of Authors and Composers Societies</td>
</tr>
<tr>
<td>ccMixter</td>
<td>Creative Commons Mixter</td>
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<tr>
<td>CCN</td>
<td>Community Convergent Newsroom</td>
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<td>ccSalon</td>
<td>Creative Commons Salon</td>
</tr>
<tr>
<td>DCITA</td>
<td>Department of Communications, Information Technology and the Arts</td>
</tr>
<tr>
<td>GIFL</td>
<td>Government Information Licensing Framework</td>
</tr>
<tr>
<td>iCi</td>
<td>Institute of Creative Industries and Innovation</td>
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<tr>
<td>iCommons</td>
<td>International Commons</td>
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<tr>
<td>IP</td>
<td>Intellectual property</td>
</tr>
<tr>
<td>MCEETYA</td>
<td>Ministerial Council on Education, Employment, Training and Youth Affairs</td>
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<tr>
<td>MEAA</td>
<td>Media Entertainment Arts Alliance</td>
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<tr>
<td>MIT</td>
<td>Massachusetts Institute of Technology</td>
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<td>MIT OCW</td>
<td>Massachusetts Institute of Technology OpenCourseWare</td>
</tr>
<tr>
<td>NC</td>
<td>Creative Commons Non-Commercial licence</td>
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<tr>
<td>Abbreviation</td>
<td>Meaning</td>
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<td>--------------</td>
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<tr>
<td>ND</td>
<td>Creative Commons No Derivative Works licence</td>
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<td>NEALS</td>
<td>National Education Access Licence for Schools</td>
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<tr>
<td>NIH</td>
<td>National Institutes of Health, USA</td>
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<td>NHMRC</td>
<td>National Health and Medical Research Council</td>
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<td>NLA</td>
<td>National Library of Australia</td>
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<td>OA</td>
<td>Open Access</td>
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<td>OAK Law</td>
<td>Open Access to Knowledge Law Project</td>
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<td>OCL</td>
<td>Open Content Licensing</td>
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<tr>
<td>OECD</td>
<td>Organisation for Economic Cooperation and Development</td>
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<td>OER</td>
<td>Open Educational Resources</td>
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<td>QSIC</td>
<td>Queensland Spatial Information Council</td>
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<td>QUT</td>
<td>Queensland University of Technology</td>
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<tr>
<td>SA</td>
<td>Creative Commons Share Alike licence</td>
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<tr>
<td>SILG</td>
<td>Strategic Industry Leaders Group</td>
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<tr>
<td>SPAA</td>
<td>Screen Producers Association of Australia</td>
</tr>
<tr>
<td>UNESCO</td>
<td>United Nations Educational, Scientific and Cultural Organisation</td>
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<tr>
<td>VET</td>
<td>Vocational Education and Training</td>
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preface

The rapid growth of digital technologies over the last decade has led to a revolution in the creation and dissemination of knowledge—a revolution that has created unprecedented challenges for copyright law. The ‘all rights reserved’ model of traditional copyright law, with its complex legal concepts and requirement for permission for even the most common and non-controversial of uses, does not fit well with an environment which both enables and requires reproduction and communication on an unprecedented scale. The risk in such an environment is that copyright law will become a barrier to the realisation of the full potential of these technologies.

One of the most significant responses to such a challenge has been the development of new licensing systems designed to open up access to and use of protected material. ‘Open Content Licensing’ (OCL) models are based upon and respect copyright whilst giving permission in advance for the content to be used more broadly than would be permitted under default copyright law. These licences differ from those commonly used before the advent of digital technologies in that they are typically generic (i.e. standard terms apply to all users), non-discriminatory (i.e. anyone can access the content) and at a minimum provide the user with the right to reproduce, copy and communicate the content, subject to prescribed terms or conditions. In addition, they are generally relatively short, simple and easy to read, conceptually interoperable with other open content licences, and machine enabled. The most popular and widespread of these licensing models in relation to creative material is Creative Commons.

In Australia, two research projects under the Australian Research Council (ARC) Centre of Excellence for Creative Industries and Innovation (CCi) (www.cci.edu.au) at Queensland University of Technology (QUT) (www.qut.edu.au) are seeking to further understanding and knowledge in this area. The Creative Commons Clinic (ccClinic) (www.cci.edu.au/ccc), which is part of the CCi Creative Workforce research program, is an education project that aims to generate and disseminate knowledge on CC. Creative Commons and Open Content Licensing Models (CC & OCL) (www.cci.edu.au/ccr) is the ccClinic’s associated research project, situated within the Centre’s Legal and Regulatory Impasses and Innovations program. It is a ‘lighthouse’ for the adoption of Creative Commons models in the Asia/Pacific, providing research and policy guidance for OCL models in the creative, research, education and public sectors.

The education and research roles are part of a common action research agenda that we refer to in this report as the ccClinic.
CCau industry forum

On 29 November 2006 CCi, QUT and the ccClinic hosted the CCau Industry Forum (http://creativecommons.org.au/ccforum). The Forum was a research-focused industry engagement event intended to achieve three aims:

- to act as a research platform to discern understanding of and attitudes towards copyright, OCL and CC, across government, education and the creative industries;
- to provide an opportunity for key people in these sectors to learn about CC; and
- to develop case studies detailing how CC is currently being used across government, education and the creative industries and how it could be used in the future.

The Forum was in itself a research tool providing insights into how these sectors perceive OCL and copyright in general. This information will help to focus the ccClinic’s research and educational programs over its current funding cycle.

More than fifty attendees, including individual practitioners and artists as well as representatives from a range of non-profit organisations, government departments and industry bodies, took part in the Forum, which was held at QUT’s Creative Industries Precinct (www.ciprecinct.com.au) in Kelvin Grove, Brisbane. They were addressed by ccClinic staff including:

- Professor Brian Fitzgerald, Chief Investigator, Australian Research Council Centre of Excellence for Creative Industries and Innovation and Project Lead, Creative Commons Australia;
- Jessica Coates, Project Manager, Creative Commons Clinic;
- Elliott Bledsoe, Project Officer, Creative Commons Clinic and Creative Commons and Open Content Licensing Research; and
- Nic Suzor, Research Officer, Creative Commons Clinic, Creative Commons and Open Content Licensing Research and PhD Candidate with the Institute of Creative Industries and Innovation.
Attendees were also given the opportunity to hear directly from guest speakers drawn from each of the focus sectors. These speakers detailed their own motivations for using CC and other OCL models as well as the results of their experiences. These speakers included:

- Neale Hooper from the Queensland Government (www.qsic.qld.gov.au) who presented at the Government meeting;
- Scott Kiel-Chisholm from the Open Access to Knowledge (OAK) Law Project (www.oaklaw.qut.edu.au) who presented at the Education and Libraries meeting;
- Tim Norton from A New Leaf Media (www.anewleaf.com.au) who presented at the Creative Industries meeting; and
- Anna Helme from EngageMedia (www.engagemedia.org) who presented at the Creative Industries meeting;

ccSalon

Following the Forum, CCi, QUT and the ccClinic, in collaboration with the Institute of Creative Industries and Innovation (iCi) (www.ici.qut.edu.au) hosted the first Australian ccSalon (http://creativecommons.org.au/ccsalon). Based on similar events held worldwide over the last few years, the ccSalon was designed to be a practical demonstration (for both the Forum attendees and members of the public) of the work of creative practitioners currently utilising CC licences and/or CC licensed content in Australia. The ccSalon had a particular focus on the collaborative nature of CC licensing and how it can support reuse of material in a digital culture.

It included performances by a Brisbane/Sydney DJ artist collapsicon (www.collapsicon.net); Brisbane hybrid arts ensemble Collusion (www.collusion.com.au); and renowned audio/visual artist Andrew Garton (www.toysatellite.org/agarton) of the digital media collective, Toy Satellite (www.toysatellite.org).
It featured:

- an exhibition of images drawn from a specially created community of Australian photographers on the online photo publishing website, Flickr (www.flickr.com) curated by Rachel Cobicraft from iCi;
- animations by Blackbrow (www.blackbrow.com); and
- content from A New Leaf Media (www.anewleaf.com.au), EngageMedia (www.engagemedia.org) and the Community Convergent Newsroom (www.ccnonline.org.au) websites, which were also made available for audience perusal at online terminals around the Salon.

Combining the two events expanded their scope and the interest generated in both events. It was a way of exposing key industry players to the ideas behind, and practicalities of, using Creative Commons whilst at the same time providing real-world examples of how the licensing model may be used.

For more information on the ccSalon see page 46.
background

the Unlocking the Potential report

The value of digital content is being recognised by industry and government as “increasingly important, both in economic terms and as a means of expressing Australia’s unique cultural identity.” In November 2005 the Strategic Industry Leaders Group (SILG) released Unlocking the Potential: The Digital Content Industry Action Agenda (through the Australian Government Department of Communications, Information Technology and the Arts (DCITA) (http://www.dcita.gov.au). This report sought to develop strategies for growth, identify priority areas and foster industry-led commitment with the aim of enhancing the productivity of the Digital Content Industry.

The report highlights a range of areas that need to change within the industry. Of specific relevance to CCi and the ccClinic was SILG’s emphasis on intellectual property, which it regarded as being of particular importance to the growth of the sector. They set an overall objective “to ensure that the intellectual property framework, so essential to the growth of this industry, continues to keep abreast of technological changes affecting the way that intellectual property is created and disseminated.” They also noted the need for this framework to be “well understood by the sector.” To achieve this objective, SILG saw the most significant issues as:

- improving awareness about intellectual property management; and
- promoting mechanisms to support the Digital Content Industry in using its intellectual property to generate revenue streams.

They also recognised the need to improve access to Crown-owned intellectual property in order to encourage innovation. Most importantly, they recognised the vital contribution that Creative Commons and other OCL schemes can make.

2. DCITA 2006 Unlocking the Potential: Summary, p 11
3. DCITA 2006 Unlocking the Potential: Summary, p 11

to digital content management strategies, recommending that industry “engage with work occurring in the area of alternative approaches to intellectual property licensing, such as Creative Commons”.

creative commons

Creative Commons is an internationally active non-profit organisation that aims to promote new copyright management options for creators.

At the core of the Creative Commons project is a suite of standardised licences that are made freely available to copyright holders and which provide a range of protections and freedoms for their material. Content creators can use these licences to increase the ways that the general public can legally access and use their creative material, without giving up their copyright. This voluntary “some rights reserved” concept is designed to build a layer of reasonable and flexible copyright in the face of increasingly restrictive default rules. It is a model based on prior permission utilising private rights for public goods.

The Unported licence suite, for jurisdictions without unique licences, is currently in their third version. The Australian licences are at version 2.5.

For more on Creative Commons licences, see the licences breakout box.

creative commons as the key

Creative Commons provides a model well suited to addressing the SLIG IP management goals. Creative Commons increases the copyright management options for creators by allowing “some rights reserved” licensing. This provides security for creators when making their content available in the digital environment without limiting their capacity to utilise the promotional and distributive potential of the internet. The Creative Commons system is well established globally, giving it a higher chance of industry-wide recognition, and is specifically drafted to be technologically neutral, ensuring that it is capable of keeping abreast of the rapid technological changes to which the digital content industry is prone.

The first Creative Commons licences were released in December 2002. Since this time there have been new versions released (2.0, 2.5 and even 2.1 in some jurisdictions), with the current being version 3.0, which was released in February 2007. Despite these regular updates, the features of the most commonly used or ‘core’ licences have remained relatively constant over time. Each of these licences comes with certain base rights, along with optional ‘licence elements’. These elements represent ways in which creators may wish to restrict how their work can be used and include:

- **Attribution (BY)**: This element has been compulsory in each of the core licences since version 2.0. Whenever a work is copied, redistributed or remixed under a Creative Commons licence, credit must be given to the original author.
- **Non-Commercial (NC)**: Lets others copy, distribute, display, and perform the work — and derivative works based upon it — for non-commercial purposes only.
- **No Derivative Works (ND)**: Lets others distribute, display, and perform only verbatim copies of a work, not derivative works based upon it.
- **Share Alike (SA)**: Allows others to distribute, display and perform derivative works only under the same licence conditions that govern the original work.

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- **Non-Commercial (NC)**: Lets others copy, distribute, display, and perform the work — and derivative works based upon it — for non-commercial purposes only.
- **No Derivative Works (ND)**: Lets others distribute, display, and perform only verbatim copies of a work, not derivative works based upon it.
- **Share Alike (SA)**: Allows others to distribute, display and perform derivative works only under the same licence conditions that govern the original work.

continued next page
Creative Commons recognises that most of the people seeking to use CC licences and content are unlikely to have a legal background, and it has deliberately incorporated a number of tools and mechanisms into its licensing model designed to increase ease of use.

By selectively applying these elements creators are able to choose between the following six licences:

- **Attribution (BY)**
  This is the most accommodating of the Creative Commons licences, in terms of what others can do with the work. It lets others copy, distribute, remix, tweak, and build upon the work, even commercially, as long as they credit the original author.
  
  http://creativecommons.org/licenses/by/3.0

- **Attribution Non-commercial (BY-NC)**
  This licence lets others copy, distribute, remix, tweak, and build upon the work, as long as it is for non-commercial purposes and they credit the original author.

  http://creativecommons.org/licenses/by-nc/3.0

- **Attribution Share Alike (BY-SA)**
  This licence is often compared to copyleft Free/Libre Open Source Software (FLOSS) licences. It lets others remix, tweak, and build upon the work, even for commercial purposes, as long as they credit the original author and license any derivative works under identical terms. All new works based on the original work will carry the same licence, so any derivatives will also allow commercial use and share alike remixing.

  http://creativecommons.org/licenses/by-sa/3.0

- **Attribution Non-commercial Share Alike (BY-NC-SA)**
  This licence lets others remix, tweak, and build upon the work, as long as it is for non-commercial purposes, they credit the original author and they license any new creations under identical terms.

  http://creativecommons.org/licenses/by-nc-sa/3.0

- **Attribution No Derivative Works (BY-ND)**
  This licence allows use of a work in its current form for both commercial and non-commercial purposes, as long as it is not changed in any way or used to make derivative works, and credit is given to the original author.

  http://creativecommons.org/licenses/by-nd/3.0

- **Attribution Non-commercial No Derivative Works (BY-NC-ND)**
  This is the most restrictive of the six core licences. It is often called the ‘advertising’ licence because it allows a work to be copied and shared with others, but only in its original form, for non-commercial purposes and where credit is provided to the original author.

  http://creativecommons.org/licenses/by-nc-nd/3.0

These include:

- **the licence generator** — for content creators who wish to open license their work, Creative Commons has developed an intuitive licence generator, accessible via the ‘License Your Work’ button on the Creative Commons international homepage. The generator uses a series of simple questions about how the creator would like others to reuse their content to identify the most appropriate Creative Commons licence. Each question within the generator includes
a ‘more info’ pop-up window that explains in greater detail the nature of the question being asked and the options available to the creator. A range of websites incorporate (either as standard or optional) the CC licence generator as part of their upload process, including Flickr (www.flickr.com), Jamendo (www.jamendo.com), ccMixter (http://ccmixter.org), Pump Audio (http://pumpaudio.com), Squarespace (www.squarespace.com) and EngageMedia (www.engagmedia.org).

- **uniform branding** – each of the standard Creative Commons licence elements – Attribution, Non-Commercial, No Derivatives and ShareAlike – has its own associated abbreviation and icon7 (see the licences breakout box on page 6), as do each of the six licences that can be created by combining these elements. These icons are built into both the Commons Deeds and licence buttons discussed below.

- **the Commons Deeds**8 – each licence incorporates a one-page, plain language summary of the licence. This Commons Deed provides an overview of the freedoms afforded to the general public and the terms and conditions on which those freedoms can be exercised as well as a link through to the full legal code of the licence.

- **the licence buttons** (see below) – each Creative Commons licence comes with its own ‘licence button’ which can be embedded on webpages or in digital file formats, making it easy to instantly recognise the material as being under a Creative Commons licence. Since the launch of the Generic/Unported Version 3.0 licences, these licence buttons come in three variations – the classic “some rights reserved” button, the licence icons button and the abbreviations mini-button – adding to the useability and recognition of the licensing scheme. The Commons Deed and full licence terms are instantly accessible to the user by clicking on the button.

- **searchability** – metadata which can be embedded into digital files is available for each of the CC licences. This has the dual advantage of permanently marking them with information related to the licence (i.e. the title of the work, the author and the location of any source works) and allowing search engines to identify the licence terms under which the materials are made available. Creative Commons operates its own CC Search interface, accessible via the ‘Find CC Licensed Work’ button on the Creative Commons homepage to find CC content utilising the licence metadata.

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7 See [http://creativecommons.org/about/licenses](http://creativecommons.org/about/licenses)
8 see for example the Commons Deed for the Australian Attribution-No Derivatives licence, [http://creativecommons.org/licenses/by-nd/2.5/au](http://creativecommons.org/licenses/by-nd/2.5/au)
License Your Work

Choose A License
With a Creative Commons license, you keep your copyright but allow people to copy and distribute your work provided they give you credit — and only on the conditions you specify here. For those new to Creative Commons licensing, we've prepared a list of things to think about. If you want to offer your work with no conditions, choose the public domain.

Allow commercial uses of your work? (more info)
- Yes
- No

Allow modifications of your work? (more info)
- Yes
- No, as long as others share alike (more info)
- No

Jurisdiction of your license (more info)
- Australia

Click to include more information about your work.
Select a License

This page is available in the following languages:
Afrikaans, العربية, Català, Deutsch, English (CA), English (GB), English (UK), Esperanto, Castellano, Castellano (AR), Español (CL), Castellano (MX), Euskara, Suomi, Français, français (CA), Galego, हिन्दी, Hrvatski, Magyar, Italiano, 日本語, 한국어, 한국어 (한국), မြန်မာ, مکیحا, मराठी, مکیحا (مصر), مکیحا (مصر), مکیحا, मराठी, नेपाली, 괌어, བོད་ཡིག, 한국어

background

license button

license generator

commons deed

legal code (licence)

technical code (metadata)

license your work

This flow chart demonstrates the process of licensing your work and the three formats of the licence – the Commons Deed, the Legal Licence and the Metadata.
international homepage, that permits searching for specific types of licences or content through aggregator sites. Google (www.google.com/advanced_search) and Yahoo (http://search.yahoo.com/cc) both allow users to search for CC material based on its licence terms, as do a number of content aggregators such as Flickr (www.flickr.com) and Blip.tv (www.blip.tv) and the Mozilla Firefox (www.firefox.com) web browser.

- **customisable metadata** – since the launch of the Generic/Unported Version 3.0 licences, the generator also lets the creators embed their attribution and title of the work into the licence metadata, as well as a link to where licensees can obtain extra permissions beyond those allowed by the licence.

- **applications** – the broader CC community is constantly developing new applications that automate processes such as licence generation and metadata embedding. For example, applications are available which will automatically embed metadata in Microsoft Office (http://www.microsoft.com/downloads) files, SnapGallery (www.onfocus.com/snap), ccPublisher (http://wiki.creativecommons.org/CcPublisher) and Adobe (http://creativecommons.org/technology/xmp-help) applications. As the CC community continues to grow, such user-generated applications will only increase in number. For instance, Wayne Richards of the Australian Bureau of Statistics presented at the iSummit 2007 on a ‘licence injector’ he is currently working on, which will allow the CC licences to be embedded into any file or media format.

- **explanatory resources** – to complement this functionality, both the Creative Commons and Creative Commons Australia websites contain large libraries of explanatory resources, including fact sheets, case studies, short films, a ‘Things to think about’ page and a detailed FAQ page. In Australia, part of the ccClinic and CC and OCL Research project is to produce academic and popular press articles exploring the Creative Commons in an Australian context. These articles also provide valuable information to users.
creative commons + the Unlocking the Potential report

The Unlocking the Potential strategy identifies six key issues facing the Industry:

1. stimulating market interest in investment;
2. confronting the challenge of international competition;
3. rectifying disadvantages created by the historically-based analogue/digital distinction;
4. recognising digital content as a general purpose technology for the 21st century;
5. filling skills gaps in a leading edge industry; and
6. building a total industry from a fragmented base.\(^9\)

The Creative Commons licensing model has the potential to positively impact on a number of these issues as outlined in the table on page 11.

<table>
<thead>
<tr>
<th>issue</th>
<th>issue breakdown</th>
<th>cc’s relevance</th>
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<tbody>
<tr>
<td>Stimulating market interest in investment.</td>
<td>Despite its commercial potential, currently the industry is not competitive in attracting investment capital.</td>
<td>As a content management system provides new ways of organising, creating and distributing content. It also presents scope for innovative use of materials in derivative works. New business models are emerging which take advantage of these attributes, to make better use of the revenue raising potential of new technologies.</td>
</tr>
<tr>
<td>Confronting the challenge of international competition.</td>
<td>International competition within the digital content industry is expected to intensify.</td>
<td>CC is specifically drafted to be an international licensing system, with identical effect in all countries. This helps level the legal and regulatory playing field for Australian businesses operating on the global stage.</td>
</tr>
<tr>
<td>Recognising digital content as a general purpose technology for the 21st century.</td>
<td>Digital technology has the capacity to transform business activities by improving efficiency or creating opportunities for new products and business models.</td>
<td>Provides a cost-effective and expedient alternative to traditional content creation and management which is designed to take full advantage of the distribution and promotion potential of new technologies.</td>
</tr>
<tr>
<td>Filling skills gaps in a leading edge industry.</td>
<td>Training is not keeping up with the broad range of skills now required of digital content workers.</td>
<td>The simplicity of the CC licensing system and the number of tools and guides available to assist with its use makes it easier for individual creators to understand their IP licensing choices.</td>
</tr>
<tr>
<td>Building a total industry from a fragmented base.</td>
<td>Industry sub-sectors operate in relative isolation to each other.</td>
<td>CC can facilitate collaboration within sectors through better sharing of content and training materials. Equally it can open up content for reuse in complementary ways in different sectors.</td>
</tr>
</tbody>
</table>

\(^9\) DCITA 2006 Unlocking the Potential: Summary, p 8
The CCau Industry Forum was designed to engage experts from three key industry sectors in discussions around the potential of Creative Commons and other open content licensing schemes. The sectors involved in the CCau Industry Forum were:

1. government;
2. education and libraries; and
3. creative industries.

The Education and Libraries meeting aimed to stimulate dialogue between representatives of these industries on the issue of Open Access whilst presenting best practice access models currently being used or developed by the sector domestically and overseas.

The Government meeting aimed to involve State and Federal Government Departments in a discussion about how best to provide Open Access (OA) to government information and how Creative Commons can be utilised as a mechanism through which OA can be achieved.

The Creative Industries meeting focused on Creative Commons in the creative and visual arts and media sectors, encompassing advertising, graphic design, marketing, architecture, visual arts, design, film, television, entertainment, music composition and production, performing arts, writing, publishing and media.
Access to and re-use of materials produced by government and other publicly funded bodies has emerged as an important issue in recent years. Historically it has been cumbersome and expensive to provide access to government information. However digital technologies have now all but removed traditional barriers to widespread distribution of material to the public. As a result, consumer demand for access to government information has risen exponentially. In the era of Wikipedia, Amazon and Google, when the knowledge of the world is available at the click of a button, instant access to government information is not only desired by the public: it is expected. The question is no longer, ‘Should publicly-funded information be available to the public?’ but, ‘How should publicly-funded information be available to the public?’

World-wide, governments are increasingly “…concerned with facilitating access to, and dissemination of, knowledge, particularly that which has been generated through the expenditure of public funds.” However there is still some question about how best to do this, and what rights of access should be provided. Driven in part by the emergence of Web 2.0 functionality, artists, researchers and scientists, as well as the general public and other government bodies, are no longer acting as passive consumers, but are instead seeking to reuse government material. Access to knowledge is now recognised as “a key driver of social, cultural and economic development,” with tangible economic advantages to be gained by

A prominent example of a CC-style open licensing government initiative is the UK-based Creative Archive. The Archive is a repository of content licensed by the Creative Archive Licence Group that is available for sharing, watching, listening to and reuse by the general public. The Licence Group currently consists of the BBC, Channel 4, Open University, the British Film Institute, Teachers’ TV and the Museums, Libraries and Archives Council.

Content on the Archive is made freely available to UK citizens for viewing and remixing for non-commercial purposes. The licence used by the Archive is closely modelled on the Creative Commons Attribution-Noncommercial-ShareAlike licence.

creative archive
licence group

Creative Commons + Government Information

The Queensland Government’s Spatial Information Council (QSIC) was established to optimise the collection, management and use of Queensland’s spatial information resources. QSIC’s Government Information Licensing Framework (GILF) Project promotes better access to spatial information that is restricted under the current fragmented information licensing arrangements. The Project is seeking a simpler information licensing arrangement that can be standardised for all Queensland government information. It has found that 85 percent of Queensland government material is suitable for release under open access licences, and recommended that Creative Commons be adopted as the primary licensing system for the Queensland Government.

Unlocking the potential through Creative Commons

Other domestic examples

Other examples of open access projects by Australian public sector organisations include the Australian Bureau of Statistics’ National Data Network, the Department of Education, Science and Training funded Open Access to Knowledge (OAK) Law Project and the recently announced National Water Sharing Data Arrangements under the National Water Commission.

states who enable re-use of public sector information.

For governments, the task now is to identify best-practice models to manage the release of government information in a way that is efficient, useful and understandable. Creative Commons has the potential to provide one such model.

Objectives

The Government meeting aimed to involve State and Federal Government Departments in a discussion about how best to provide Open Access (OA) to government information and how Creative Commons can be a mechanism through which OA can be achieved.

A range of objectives were set out for this meeting, including:

- Providing government departments and agencies with information on CC and open access;
- Providing peer-led education for government departments and agencies focused on the practical experiences of the Australian public sector;
- Entering into dialogue with departments and agencies around how to utilise CC in the opening-up of government information;
- Entering into dialogue and obtaining information on government attitudes to OCL, and potential barriers to its implementation across the sector; and
- Building linkages with departments and agencies that are already using CC and departments and agencies that might adopt the licensing scheme.

Meeting structure + particulars

The meeting format was designed to provide attendees with useful and relevant information targeted at the public sector including showcasing best practice models for the implementation of OA by government that are in operation, or being developed, domestically and overseas.

The Government meeting started with an introduction to Creative Commons for Government presented by Professor Brian Fitzgerald. This introduction was followed by a detailed presentation by Neale Hooper on the Queensland Spatial Information Council (QSIC) Government Information Licensing Framework Project. The final session was opened up for discussion between all attendees. Topics addressed included existing or future projects of the attendees, the potential of CC for Government and issues to be addressed.


attendance

The Government meeting was attended by approximately 30 representatives of various State and Federal Government departments and governmental bodies including the:

- Department of Finance and Administration (Cth) (www.finance.gov.au);
- Attorney-General's Department (Cth) (www.ag.gov.au);
- Australian Bureau of Statistics (Cth) (www.abs.gov.au);
- Department of Primary Industries and Fisheries (Qld) (www.dpi.qld.gov.au);
- Department of State Development and Trade (Qld) (www.sd.qld.gov.au);
- Department of Treasury (Qld) (www.treasury.qld.gov.au);
- Department of Health (Qld) (www.health.qld.gov.au);
- Department of Public Works (Qld) (www.publicworks.qld.gov.au);
- State Archives (Qld) (www.archives.qld.gov.au);
- Smart Service Queensland (Qld) (www.smartservice.qld.gov.au);
- Department of Natural Resources and Water (Qld) (www.nrw.qld.gov.au);
- Attorney-General's Department (NSW) (www.agd.nsw.gov.au);
- Department of Sustainability and the Environment (Vic) (www.dse.vic.gov.au);
- Department of Innovation, Industry and Regional Development (Vic) (www.diird.vic.gov.au); and
discussion + evaluation

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<th>topic</th>
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<tr>
<td>CC seen as a model for open access.</td>
<td>Based on the responses at the meeting, there is a strong belief that CC is an appropriate model for opening up Crown Copyright.</td>
<td>There is interest within government in Creative Commons and Open Content Licensing generally. CC is seen as a cost-effective and user-friendly OCL model.</td>
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<tr>
<td>Implementation process.</td>
<td>Many attendees were keen to discuss how best to utilise CC licensing for government information. This included a discussion of:</td>
<td>Using the experience of QSIC there is an argument for a “whole of government” approach to implementation.</td>
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<td></td>
<td>• what content was appropriate for open content licensing</td>
<td>A model based upon that being developed by QSIC has the potential to be rolled out in all governments at the State and Federal level. Such a model should include improved intellectual property management training and policies which incorporate use of OCL, as well as specific guidelines, seminars and information on the use of CC licensing per se.</td>
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<tr>
<td></td>
<td>• which licence was most appropriate: BY, BY-SA or BY-NC-SA?</td>
<td>Although there is static information on implementation available on the Creative Commons international site detailing implementation of CC licensing, the information is very generic. There is a need for better practical manuals and/or policy guides aimed at specific user groups. Additionally, there needs to be scope within the ccClinic’s role to provide advice and support for projects implementing CC licences.</td>
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<td>• how to manage OA across government departments.</td>
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<td>Clarification of the meaning of “non-commercial.”</td>
<td>Clarification of what activities are “commercial” in relation to governments.</td>
<td>The current non-commercial clause (4b) in the Australian licences states, “You [the licensee] may not exercise any of the rights granted to You in Section 3 above in any manner that is primarily intended for or directed toward commercial advantage or private monetary compensation.”</td>
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<td>The meaning of any term used in law, especially in difficult cases, can only be fully understood in the specific context. To assist with interpretation of the licences, the CC international community is developing non-commercial guidelines. Domestically, the ccClinic needs to ensure that local expectations are reflected as far as possible in the international guidelines.</td>
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<td></td>
<td>The CC community is also exploring possible initiatives designed to make the scope of the non-commercial element clearer, for example, by incorporating into the licence generator an option to specifically approve or reject certain uses of their work.</td>
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## End user understanding of the licensing model.

Concerns were raised with how to ensure that end users understood what was required of them when using CC licensed government content.

Incorporation of the Commons Deed summary makes the CC system easier to understand than most standard copyright licensing models.

However this discussion illustrates the need for more widespread general information on CC in the form of fact sheets, and training seminars as well as specific/custom information resources for certain contexts.

## CC licensing for data objects.

Particular questions were raised about attribution and on-licensing when applying CC licensing to scientific and statistical data, which is likely to be re-utilised at a granular level by many projects.

Australian law is currently in the minority internationally in that it recognises a broad copyright in compilations of data. If care is taken, there is no reason why the standard rules for attribution or re-licensing applied to all CC works cannot also be applied to data. Additional educational resources in this area may be of assistance.

## Indemnity concerns.

Questions were raised about the limitation of any potential liability for the licensor.

Creative Commons licences are highly risk adverse and incorporate strict limitation of liability and exclusion of warranties clauses to the maximum extent permitted by law.

## Clarification of on-licensing.

Technical questions arose as to exactly how material can be re-used under CC licences.

The Creative Commons website contains a number of explanatory materials and matrices aimed at clarifying how material made available under the CC licences can be on-licensed.

The information already available on the CC website could, for example, be easily incorporated into policies and guidelines for use by departmental copyright officers and the general public. Again, this discussion point illustrates the need for more widespread education on this issue.

There is also potential for further clarification of down-stream use in future versions of the CC licences. This issue should be further researched.

## Possibility of a CC government licence.

Some attendees called for a government specific CC licence.

The question of whether a government CC licence is necessary or desirable should be further considered.

### Table

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There was a broad range of responses to Creative Commons in the Government meeting, ranging from enthusiasm to scepticism. Many discussion points were identified.

The evaluation column shows the willingness and enthusiasm of the Government sector to adopt OCL, and CC in particular, for implementation in relation to Crown copyright. The Queensland Government, in the QSIC report, has addressed many of the issues raised in this meeting. The continued examination CC licensing by the Queensland Government will serve as a valuable information gathering tool, which will hopefully assist to provide more understanding of issues particular to government and assurance for those who are still uncertain about the cross-government application of open content licensing.

The discussion also illustrates the important and valuable role Creative Commons will need to play in the facilitation of access to government material. Particularly important is the need for better information outlining how to use the licensing system, both as a practical guide and as an assurance mechanism for government bodies. To this end it would be valuable for Creative Commons to independently create government-specific information resources or to work closely with Governments in developing this information.

Evident from the discussions is the need to engage in more specific research on the use of CC licensing by Governments. With this in mind, ccClinic staff have facilitated two separate panels addressing government use of open content licensing at the iCommons iSummit 2007 (http://icommons.org/isummit), an international conference held annually to examine Creative Commons licensing issues. Topics addressed included:

- OCL approaches adopted by various government bodies internationally (including the Catalonia, US, Netherlands and Queensland governments);
- dealing with variations in national laws (such as the database right); and
- the practicalities of technical implementation of CC licensing in government organisations.

A new funded project (http://datasmart.oesr.qld.gov.au/Events/datasmart.nsf/0/C6BE9E0FE59BD2D54A2572E5007DA842/$FILE/CRC%20presentation.pdf?openelement) under the Cooperative Research Centre for Spatial Information (http://spatialinfocrc.org) on enabling real-time access to spatial information will also be examining the legal and policy issues underlying the implementation of CC licences to the public sector. This project will be lead by Professor Brian Fitzgerald (QUT) and Tim Barker (Qld Government).
creative commons, open access, education + libraries

By their very nature, educational, cultural and research institutions have a strong interest in opening up access to copyrighted materials. Their emphasis on the public value of learning and knowledge means that they are constantly seeking to deliver material of relevance and interest to the population using the latest communications technologies.

As it currently stands, copyright law presents perhaps the single most significant barrier to more efficient and effective use of the resources available to these sectors. While the Australian Copyright Act does prescribe a number of exceptions and statutory licences designed to facilitate the use of copyright material by universities, schools and libraries\(^{17}\), these exceptions are limited in their application, and do not permit a wide range of uses that would be of great value to the sector and the public at large.

Creative Commons can address this difficulty by providing a pool of material available for reuse by universities, educational institutions and libraries that is not subject to the confines of default copyright law. It can also increase public access to content owned or administered by these organisations, streamline their internal rights management processes and facilitate collaboration and innovation within the sector\(^{18}\).

**rice connexions**

Premised on the idea that “our brains are not linear - we learn by making connections between new concepts and things we already know,” Rice University’s Connexions database provides access to OA educational resources in a modular form. Aiming to demonstrate that knowledge is naturally interconnected\(^{16}\), Connexions houses “small knowledge chunks” which can be organised for other purposes such as courses, books and reports. All content on the site is licensed under a Creative Commons Attribution licence.

cnx.org

**mit opencourseware**

On 30 September 2002 Massachusetts Institute of Technology (MIT) launched MIT OpenCourseWare (MIT OCW), an online publishing initiative designed to provide free access to virtually all of MIT’s undergraduate and graduate course materials. The MIT OCW platform is an embodiment of the MIT mission, based on the conviction that “open dissemination of knowledge and information can open new doors to the powerful benefits of education for humanity around the world.”\(^{19}\)

As of 1 November 2006, MIT OCW has licensed 1550 courses under Creative Commons across a number of disciplines. Content within MIT OCW includes course materials such as class plans and study guides as well as supplementary materials and some audio and visual content.

owc.mit.edu

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16 Philosophy (Connexions, Rice University, 2007), http://cnx.org/aboutus
17 most notably the research and study fair dealing exception at Copyright Act s40; the library exceptions in ss 48A - 51B and ss 110A - 110B; the Part VA and VB educational statutory licences; and the new ‘three step test’ exceptions at s 200AB
19 Our Story (Massachusetts Institute of Technology), http://ocw.mit.edu/OcwWeb/Global/AboutOCW/our-story.htm
unlocking the potential through creative commons

As the case studies discussed below demonstrate, an increasing number of cultural, educational and research institutions are implementing open access initiatives, and such institutions now make up one of the largest groups of Creative Commons and open content licensing advocates and users.

On the macro level, over the last few years there has been a trend across industry and government towards policies that favour use of open content licensing in relation to material produced by the educational, cultural and research sectors. International organisations such as the Organisation for Economic Cooperation and Development (OECD) and the United Nations Educational, Scientific and Cultural Organisation (UNESCO) are now undertaking their own open access initiatives. In its recent report *Giving Knowledge for Free: The Emergence of Open Educational Resources*, the OECD specifically discussed Creative Commons as a way of overcoming obstacles created by legal restrictions that hamper the negotiability of copyright material in the digital environment.

At the same time, many of the most prominent research funding bodies, including the Bill and Melinda Gates Foundation (www.gatesfoundation.org), the Australian Research Council (www.arc.gov.au) and the National Health and Medical Research Council (NHMRC) (www.nhmrc.gov.au) have announced policies encouraging, even mandating, open access to research funded by them. The *National Institutes of Health* (www.nih.gov) in America for example "strongly encourages all investigators to make their NIH-funded peer-reviewed, author’s final manuscript available to other researchers and the public," while the *Wellcome Trust* (www.wellcome.ac.uk) in the United Kingdom mandates open access.

The aim of the Education and Libraries Meeting was to provide information about Creative Commons and OCL targeted at the education sector, taking into account both scholarly education in primary, secondary and tertiary institutions as well as a broader concept of lifelong learning through research organisations and public institutions such as libraries, galleries and museums. The meeting aimed to open up dialogue between professionals from the educational, cultural and research sectors about the value of open access.
in Australia, and how Creative Commons can be used as a mechanism through which such access can be achieved. The objectives for the meeting included:

- providing educational, cultural and research institutions with information on CC and open access;
- providing relevant government and industry bodies with peer-led education focused on practical experience by others in their field;
- entering into dialogue with relevant government and industry bodies around how to embed CC into curriculum, policy and practice; and
- building linkages with relevant government and industry bodies that currently are, or may commit, to providing training in digital and OA technologies.

meeting structure + particulars

The Education meeting started with an introduction to Creative Commons for Educational Providers and Libraries by Jessica Coates. Jessica examined select educational case studies including the National Library of Australia (NLA) Picture Australia (http://pictureaustralia.org) project and the MIT OpenCourseWare (http://ocw.mit.edu) initiative.

Delia Browne of the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) (www.mceetya.edu.au) followed with a presentation on the National Education Access Licence for Schools (NEALS) project, an OCL scheme.

The OER Commons is an aggregator of OA content for educational users. Established by the non-profit think tank, The Institute for the Study of Knowledge Management in Education (www.iskme.org), it is a repository of materials for teaching and learning that is freely available online and provides access to content appropriate for Kindergarten to University.

The OER Commons encourages users to license their uploaded content under any Creative Commons licence that permits derivative works.

oercommons.org

Another OER aggregator is the Open Training Platform, administered by the United Nations Educational, Scientific and Cultural Organization (UNESCO). It aims to increase access to training and non-formal education resources that are already open access.

The content is sourced from a range of organisations, including the UN, development agencies and NGOs. It also aims to promote the open content movement and the use of open content licensing among contributors from these organisations, by providing information and actively encouraging the use of open content licences, including the Creative Commons licences.

opentrainingplatform.com
for sharing of courseware between Australian educational institutions. Following Ms Browne’s presentation, Scott Kiel-Chisholm from the Open Access to Knowledge (OAK) Law Project (www.oaklaw.qut.edu.au) spoke about OCL for tertiary and research institutions. Throughout the meeting open discussion occurred between the attendees about the potential of open content licensing for education, particularly in relation to projects being proposed by the attendees, and potential barriers to CC implementation across the industry.

attendance

The meeting was attended by representatives of approximately a dozen organisations working in the industry, including:

- the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) (www.mceetya.gov.au);
- the Open Access to Knowledge Project (OAK Law) (www.oaklaw.qut.edu.au);
- the National Library of Australia (NLA) (www.nla.gov.au);
- Griffith University (www.griffith.edu.au);
- the University of Queensland (UQ) (www.uq.edu.au);
- the Australian Social Science Data Archive (www.assda.anu.edu.au); and
- Queensland University of Technology (QUT) (www.qut.edu.au).
## Discussion + Evaluation

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<tr>
<th>Topic</th>
<th>Discussion</th>
<th>Evaluation</th>
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<tr>
<td>Interest in the commons.</td>
<td>All attendees were aware of CC prior to attending the forum.</td>
<td>Based on the responses at the meeting, there is a great deal of interest within the education and cultural sectors in open content licensing and CC in particular.</td>
</tr>
</tbody>
</table>
| Need to educate the sector. | Most attendees were interested in CC, but were still very unclear on the practicalities of its use. Many thought Creative Commons was merely a central database of material that could be used for free. Only those attendees who had worked with CC had any knowledge about the practicalities of using CC. | While there is a great deal of interest in OCL within the sector, there is still a lack of adequate knowledge about how to use it, and some reluctance to use it, stemming from that lack of knowledge. Although there is static information available on the Creative Commons international site detailing implementation of CC licensing, the information is very generic. In particular, it would be of benefit to have more sector specific information available on:  
- how to find and use CC content as a resource e.g. for classes and exhibitions; and  
- how the CC licences can be used as a rights management tool e.g. to facilitate collaboration in the preparation of class plans or to simplify donation and acquisition processes. |
| Benefits of using material available under an open content licence. | Some identified benefits the sector might gain from using CC included:  
- increasing the range of materials available for reuse;  
- reducing fees paid by schools and cultural institutions for use of material;  
- expanding the uses institutions can make of material beyond those permitted by the Copyright Act. | Although the Copyright Act grants educational and cultural institutions rights to use copyright material in certain circumstances, these rights do not currently permit the range of uses that such organisations desire. Attendees were particularly frustrated by their limited ability to publish material in the digital environment or (for schools) to use more than a ‘reasonable portion’ of most materials. Creative Commons has the potential to be of great value to the sector once sufficient information about its system and use is available. |
discussion + evaluation continued

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<tr>
<td>due to the low level of attendee knowledge, examples of benefits that might be obtained were provided primarily by the invited speakers.</td>
<td>Benefits of using OCL for material produced by the sector. Some of the benefits the sector might gain from using CC licensing for their own copyright material identified during the discussion included: • taking better advantage of the nature of digital technologies; • enabling sharing of content to reduce inefficiencies of 'reinventing the wheel'; and • increasing the value of content by permitting it to be remixed and repurposed by students.</td>
<td>Open education projects already exist in Australia. Two of the key projects are The Learning Federation (<a href="http://www.thelearningfederation.edu.au">www.thelearningfederation.edu.au</a>), which provides access to interactive multimedia learning objects and digital resources, and ASharenet (<a href="http://www.aesharenet.com.au">www.aesharenet.com.au</a>), a licensing body designed to facilitate access to Australian and New Zealand Vocational Education and Training (VET) materials. Within the sector, there is still a role for Creative Commons to provide standardised, free licences to facilitate access to open educational resources. As discussed above, the low level of attendee knowledge on the potential benefits that might be obtained indicates the need for further education on the subject in the sector.</td>
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Problems with, and advantages of, “schools-only” open access systems. Delia Browne’s presentation on the NEALS ‘closed network’ licensing scheme gave rise to discussion on the benefits and disadvantages of such a system. While there are advantages to closed knowledge sharing networks, the ccClinic recognises the value of open access to content as a driver of creativity and innovation. The ccClinic strives to facilitate a more open approach to educational OCL, such as is provided by the CC model.

24 Importantly however, Vocational Education and Training (VET) Australia Limited have now subsumed ASharenet. Their new role focuses on negotiated licences.
discussion + evaluation continued

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<td>• ease of assurance of</td>
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<td>• benefit of being able</td>
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<td>closed system.</td>
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<td>Disadvantages included:</td>
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<td>• a limited content pool; and</td>
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<td>• a lack of engagement</td>
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<td>with the general public</td>
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<td>and non-participating</td>
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<td>experts.</td>
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<tr>
<td>Collecting societies.</td>
<td>It was pointed out that, while one of the potential benefits to schools and universities is the reduction in royalty fees, this benefit will be limited unless collecting societies are able to identify and exclude OCL material as “excluded works” for which royalties should not be collected.</td>
<td>In 2006 the ccClinic applied to CAL’s Cultural Fund for resources to generate a register of Creative Commons licensed literary works. Although this application was unsuccessful, CAL has expressed an interest in working with the ccClinic on other Creative Commons projects. The ccClinic is exploring possible projects to conduct in partnership with CAL.</td>
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<tr>
<td>Delia Browne discussed her experiences negotiating with the Copyright Agency Limited (CAL) to have NEALs material recognised as excluded works.</td>
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### Clarification of the meaning of “non-commercial.”

Three particular issues were discussed in relation to what falls within the scope of “non-commercial” uses:

- Whether a private school is considered non-commercial;
- Are activities such as promotional and fundraising activities by schools considered non-commercial; and
- Whether cost-recovery charges are permitted.

See the Creative Commons Non-Commerical Guidelines and the discussion relating on this issue in the Government Meeting Discussion and Evaluation at page 21.

### World-wide application versus geographic specific licensing.

Several of the attendees indicated that they had an established commercial market for their content that would potentially be adversely affected if the open content licence applied to the work had world-wide application.

CC should look at the pros and cons of global licensing versus geographic limitation in considering an educational specific licence. However, schools should also be open to considering new business models that emphasise dissemination over restricted access.

In some instances, opening content to a broader audience maximises the value of the content.

### End user understanding of the licensing model.

Concerns were raised as to how to ensure that end users understood what was required of them when using CC licensed educational content.

The Commons Deed in the CC licensing system makes it easier for users with limited legal knowledge to understand the licences than most other licensing models. However this discussion point illustrates the need for more widespread general information on CC as well as specific/custom information for certain contexts.

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### Discussion + Evaluation Continued

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<th>Topic</th>
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<tr>
<td><strong>Ensuring quality of OA material.</strong></td>
<td>Concerns were raised by some attendees regarding how to ensure the quality of OA material.</td>
<td>This issue can be addressed in part by implementing standard risk management practices such as screening content before use and using material from ‘trusted’ aggregators such as university, government and professional websites.</td>
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<td><strong>Use of content.</strong></td>
<td>There was some concern expressed over the occasional difficulty of identifying exactly what material has been licensed (e.g. whether it is the webpage, the article, or the photograph).</td>
<td>The need to clearly mark the exact content that has been licensed is important. Since the Forum, Creative Commons has launched an improved licence generator that allows works and creators to be more accurately identified in both the metadata and the Commons Deeds.</td>
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<td><strong>Possibility of a CC education licence.</strong></td>
<td>Some attendees called for a CC educational licence. Due to the concerns discussed above regarding the effect of OCL on international markets for material, some attendees favoured the creation of an Australian-only OCL education licence.</td>
<td>The need for an international CC education licence is still being debated by the international CC community. NEALS currently provides an Australian-specific licence, however this is only available to participating schools. Delia Browne has expressed an intention to expand the scope of NEALS to include third party licensors such as government departments and agencies, but ultimately sees an open system as preferable.</td>
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summation

Discussion at the meeting showed a willingness and enthusiasm on the part of the education and cultural sectors to adopt OCL models, and possibly CC, for rights management. The recent release of the OECD report *Giving Knowledge for Free: Emergence of Open Educational Resources* has generated much interest in the issue.

Attendees were particularly excited by the potential of OCL to create a pool of materials that could be used by staff and students in ways not currently permitted by the Copyright Act. However, the evaluation column highlights the need for better information outlining how to use the Creative Commons licensing system as a practical guide for the sector. This would need to address use of Creative Commons both for content creators and content users. It is important that educational providers and cultural organisations understand how to properly CC license content. Equally important is that users of these OER know exactly what they are permitted to do and under what terms and conditions. All of this illustrates the need for Creative Commons to independently create information for sector licensors and licensees or to work closely with sector bodies to develop this information.

Evident from the discussions is the need to engage in more specific research on Creative Commons for use by educational providers and cultural institutions. Particularly important research areas include how CC can best be incorporated into curricula, the effects of OCL on markets for commercialised education material in the international arena, and the possibility of a CC education licence.

The NEALS project can be viewed as a ‘test run’ of an OER project in Australia. Delia Browne has already identified some possible areas of change and expansion of the project. The project highlights the need to further explore OER in a national and international context as well as the pros and cons of fully-open and closed-access networks.

The Creative Commons community has identified education as a key area for development. Creative Commons international has recently launched a dedicated OER arm, ccLearn, which will be devoted full time to promoting and facilitating greater use of CC content and material by the education sector. A 4-day CC and Education workshop for experts in the field was also held at the iCommons *iSummit 2007* (http://icommonts.org/ismmmit-07), which Delia Browne attended on behalf of the Australian sector.
creative commons, creativity, media + the arts

In the analogue environment the ability to produce, reproduce, distribute, share and promote creative works was relatively restricted, due primarily to geographic, economic and technological limitations. The emergence of consumer digital technologies such as CDs and the internet in the 1990s allowed for increasing levels of functionality, particularly in relation to interactivity. However, it was not until the birth of more recent production and communication technologies – mobile phone cameras, mp3 encoding for music, rich media applications, video streaming and peer-to-peer networking – which provide simple ways for users “…to not only interact but to collaborate, communicate and create" that we began to enter what Jean Burgess and Mark Fallu call a new era of “intercreativity”, building on the past to rebuild the future.

The internet has changed the way content is delivered. New business models are arising that seek to harness this new

flickr

Flickr is a Yahoo-operated online photo management and sharing application. It aims to help people make their photos available to friends, family and the general public and enable new ways of organising photos. Flickr directly incorporates Creative Commons licensing as an option in its system. Uploaders can choose a Creative Commons licence for their photos when they upload, set one as a default for every time they upload, or retroactively change or add a licence for photos they have already uploaded.

Flickr also hosts a page dedicated to browsing photographs available under Creative Commons. The page splits up images per licence type then users can search for specific keywords within that licence type.

It has been estimated that 10 percent of the 35 million photos that have been published on Flickr are under a CC licence.

flickr.com
flickr.com/creativecommons

revver

Revver is a new business model placing hyperdistribution at its core. It is a free video-sharing site, similar to the popular YouTube, on which users can upload their videos and display them to the public. However, unlike YouTube, Revver is specifically designed to take advantage of the popularity of sharing free videos via mechanisms such as email and peer-to-peer to provide a revenue-raising model for creators. When a user uploads a video to Revver, software is used to insert a brief, unobtrusive advertisement at the end of the video stream. Once this is done, the video can be downloaded and shared via any method – website, email, even peer-to-peer – without ‘losing’ the advertisement. The Revver software reports back to the main website each time the video is viewed, and the advertiser is charged a micro-payment. These payments are split 50-50 between Revver and the video’s creator.

Revver’s business model is particularly interesting because it aims to take the wide-spread sharing of copyright material that occurs online and turn it into an asset, rather than a reason for litigation. They use the Attribution-Noncommercial-NoDerivatives licence to permit site users to distribute their content (with embedded advertising) verbatim for non-commercial purposes. The only additional requirement is that they attribute the creator of the film and Revver. Their revenue-raising strategy not only permits widespread distribution; it relies on it – the more people who see the video, the more money both the site and the creator earn. Revver states that they “believe that a free and open, democratized media environment is good for everyone. Our goal is to empower video makers and sharers to do what they do best.”

revver.com

dynamic. As Andrew Pam puts it, “With the advent of the Internet, a global network providing the capability to the general public for peer-to-peer transfer of digital media, it no longer makes sense for the media industry to use the existing producer/publisher/distributor/consumer one-way pipeline business model since a larger proportion of the public are capable, willing and interested to act as producers, publishers and distributors.”

Fundamental to this new digital functionality is the ability to copy and communicate content instantly and without effort. Paradoxically this practice is in many cases a contravention of copyright: because the technological functionality is not always legally compliant, the legal decisions that creators and users must make has become very complicated. In such an environment creators and users are required to be as aware of the complexities of copyright law like never before. The digital revolution has also complicated the business decisions of artists and creatives, challenging the revenue raising models traditionally in use by the creative industries.

Creative Commons aims to fill the gaps created by the new technological environment and facilitate new ways of thinking, collaborating and capitalising on creative content. It provides creators with simple and flexible rights management tools and allows them to tap into new business models that aim to take advantage of the possibilities for innovation, promotion and experimentation in the digital era.

objectives

The Creative Industries meeting aimed to involve State and Federal Departments and Government Authorities that deal with the arts, industry bodies and agencies, exhibitors and individual artists in a discussion about the value of OCL in Australia and how Creative Commons can be used as a tool to facilitate the creation and distribution of cultural goods in the digital environment.

In 2006, Melbourne-based publishers A New Leaf Media chose to licence The Pundit magazine, a free publication released as part of Melbourne International Film Festival, under a Creative Commons Attribution-Noncommercial-NoDerivatives licence. The magazine included reviews, news and interviews, and was designed to not only be insightful, entertaining and informative, but to be an opportunity for young and emerging writers to publish work in a professional capacity. They decided to license both the print magazine and the PDF digital version under the Creative Commons licence in order to facilitate the republication of its content on blogs during the festival, giving the writers far more exposure than A New Leaf Media on their own could provide.

a new leaf media

The Melbourne-based organisation encourages creators to let users download and share video, rather than simply streaming the video. This opens up the functionality of the site far beyond other popular video sharing sites. To facilitate this, they have embedded the Creative Commons licence generator as part of their upload process, requiring creators to choose one of the CC licences to manage the distribution of the uploaded content.

engagemedia

EngageMedia is a website and network for distributing independent and alternative video works. The site hosts user-uploaded video from the Australian, Southeast Asian and Pacific regions concerning social justice and environmental issues. Many of these videos address concerns that are largely ignored by other funding and distribution outlets.

The Melbourne-based organisation encourages creators to let users download and share video, rather than simply streaming the video. This opens up the functionality of the site far beyond other popular video sharing sites. To facilitate this, they have embedded the Creative Commons licence generator as part of their upload process, requiring creators to choose one of the CC licences to manage the distribution of the uploaded content.

engageMedia.org
The ccClinic set out a range of objectives for this meeting, including:

- providing individual arts practitioners, creative organisations, arts industry groups and arts support organisations with information on CC and open access;
- providing arts practitioners, creative organisations, arts industry groups and arts support organisations with peer-led education focused on practical experience by others in the industry;
- entering into dialogue with arts practitioners, creative organisations, arts industry groups and arts support organisations around CC licensing and its practicalities, advantages and issues for the creative industries;
- building linkages with arts practitioners, creative organisations, arts industry groups and arts support organisations who are using CC licensing or who may adopt it; and
- opening up of dialogues around new business models and production models in the creative industries.

meeting structure + particulars

The Creative Industries meeting was focused around Creative Commons and the creative and visual arts and media, encompassing advertising, graphic design, marketing, architecture, visual arts, design, film, television, entertainment, music composition and production, performing arts, writing, publishing and media.

The meeting started with an introduction to Creative Commons for the Creative Industries by Elliott Bledsoe, including a screening of the CCAU Mayer and Bettle animation (http://creativecommons.org.au/animation_train). This introduction was followed by an in-depth analysis of remix culture, user-generated content and alternative business models by Nic Suzor. These initial presentations also included case studies of projects utilising CC in the Creative Industries both domestically and internationally.

This was followed by presentations by industry representatives including Tim Norton from A New Leaf Media (www.anewleaf.com.au) and Anna Helme from EngageMedia (www.engagemedia.org). The final session was opened up for discussion of existing and future projects of the attendees, the potential role for CC in the creative industries and foreseeable problems.

attendance

The meeting was attended by representatives from approximately a dozen organisations working in the industry, including:

- the Screen Producers Association of Australia (SPAA) (www.spaa.org.au);
- the Australian Broadcasting Corporation (ABC) (www.abc.net.au);
- the Community Convergent Newsroom (www.ccnonline.org.au); and
- 4ZZZ FM (www.4zzzfm.org.au).

Joining these organisations were a number of artists, artworkers, arts practitioners, artist-run gallery organisers, musicians, filmmakers, bloggers, journalists, television producers and representatives from content hosting websites, industry bodies and universities.
discussion + evaluation

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| Interest in Creative Commons.             | Most attendees thought that the concept of Creative Commons was interesting and valuable (albeit to varying degrees).  
Ideas were provided as to how CC might be useful for different creative ventures. Some suggested examples included:  
- as a source of material for incorporation into creative products;  
- as a way to distribute previews and non-commercial products (e.g. free ebooks) to generate audience; and  
- as a way to distribute outtakes and raw footage which would otherwise be wasted. | There is interest within the Creative Industries in Creative Commons and rights management generally.                                                                                                          |
| Benefits of opening up work.              | Some of the potential benefits of opening up work suggested during the meeting included:  
- exposure to a greater audience and feedback;  
- taking better advantage of the nature of digital technologies;  
- the “fun” of seeing what people create from your work;  
- providing a venue for experimental adaptation; and  
- putting to use works that “haven’t done anything”. | Creative Commons presents a free, flexible and legal way of managing these kinds of activities.  
It also facilitates a legally uncomplicated environment for remixing. 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 available at Opsound (www.opsound.org). |
### Need for a solid legal foundation.

There was consensus that there needed to be a solid legal foundation with respect to rights management to support these kinds of activities and to take full advantage of digital technologies.

The CC licence suite has been drafted by experienced lawyers in a number of jurisdictions.

### Need to educate the sector

Most attendees were interested in CC, but were still very unclear on the details of the licensing model or the practicalities of its use.

In particular, there was uncertainty about:

- how to attribute other authors; and
- how to reuse, attribute and re-license ShareAlike material.

Equally, many attendees incorrectly assumed:

- there was a fee for using the CC licences;
- some kind of registration was required; and
- all CC material was stored on a centralised database.

As with the other sector meetings, even among those people and organisations that know of CC there is a lack of adequate knowledge about the system, and some reluctance to use it stemming from that lack of understanding.

CC is constantly developing its model to improve its ease of use. For example, since the Forum, amendments have been made to the CC metadata standards which allow licensors to more accurately identify what is being licensed and how the work is to be attributed in the Commons Deed.

Although there is static information available on the Creative Commons international site detailing implementation of CC licensing, the information is very generic. There is a need for implementation manuals and/or policy guides for implementing CC licensing.

Additionally, there needs to be scope within the ccClinic’s role to provide advice and support for projects implementing CC licences.

### Funding relationships.

Some attendees expressed concern that many funding relationships through Arts Funding Bodies restrict their ability to freely licence their works, preventing them from using CC.

Although there are distinct differences between Government funded research and creative works, in many cases there will be strong arguments for open licensing of publicly-funded content.

As awareness in the industry increases, acceptance of CC licensing should also increase. The ccClinic will continue to engage with funding bodies about the practicalities of building CC licensing as an option or parallel licensing scheme within their funding models.
### Discussion + Evaluation Continued

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<td>Rights clearances</td>
<td>Some attendees, in particular related to the film and television sector, noted the ongoing difficulties of obtaining rights clearances due to the complexities of the rights involved in film works. This issue can be exacerbated in relation to CC projects as sometimes it can be difficult to convince other parties to agree to license the end product under CC. An example of this was the problems the Mod Films production Sanctuary (<a href="http://modfilms.com/sanctuary">http://modfilms.com/sanctuary</a>) had obtaining endorsement by the Media Entertainment Arts Alliance (MEAA) (<a href="http://www.alliance.org.au">www.alliance.org.au</a>) to use member actors in a remixable film due to MEAA concerns about residual payments and morals rights.</td>
<td>As with any rights clearance process, it is very important that creators ensure they have all the rights and permissions needed before embarking on a project. Where possible, the ccClinic encourages creative people seeking to CC license the end product to begin the project with that intention, and to negotiate with partners accordingly. As awareness in the industry increases, acceptance of CC licensing should also increase.</td>
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<td>Collecting societies</td>
<td>Collecting societies were also flagged as an issue, particularly for musicians who are members of the Australiasian Performing Right Association (APRA) (<a href="http://www.apra.com.au">www.apra.com.au</a>). Composers' public performance and communication rights are assigned to APRA as part of the membership process, therefore members cannot apply Creative Commons licences, or other direct licences, to their material without APRA's permission, or without undertaking lengthy 'licence back' or 'opt out' procedures.</td>
<td>When it re-authorised APRA to administer and licence performing rights in musical works in Australia for four years on 8 March 2006, the Australian Competition and Consumer Commission (ACCC) stated that the ‘virtual monopoly’ created by APRA's current arrangements, including the fact that its input arrangements “significantly limit any realistic prospect of music composers and users dealing directly in respect of the performing rights in most instances”(^28), generates significant public detriment but that overall this was outweighed by the public benefits of having a single collective licensing body.(^29) More recently, the ACCC Commissioner Ed Willett noted at the Copyright Society of Australia’s (<a href="http://www.copyright.asn.au">www.copyright.asn.au</a>) conference The Copyright</td>
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This issue was raised by two participants. Many other attendees were not fully aware of how collecting societies work or the legalities surrounding their membership.

Tribunal’s new jurisdiction (www.copyright.asn.au/events/past_events/f07n03.htm), that “…collecting societies also have the potential to raise competition issues.” In particular, he said to reduce anti-competitive detriment “…arrangements [that] do not prevent direct negotiation between copyright owners and users” were preferable.

The ccClinic maintains, as did Creative Commons International in its submissions to the ACCC, that while there are many incentives for Australian musicians to join APRA, APRA’s current model is not optimal for musicians. By requiring musicians to assign all performance and communication rights in their current and future works, APRA prevents artists from undertaking proactive management and promotion of their own works. This creates particular disadvantages for independent musicians, who do not have the resources of large publishing houses at their disposal, and may gain substantial benefit from the alternative business models available on the internet.

While we acknowledge that since the ACCC decision APRA has improved its license back and opt out options, as well as the information on these options available to its members, we feel that due to the continued process difficulties they do not yet provide a realistic mechanism for musicians who wish to release some of their works under a CC licence.

The ccClinic staff continue to undertake discussions with APRA towards making CC available as an option for APRA members; however, these discussions would benefit from increased input from industry bodies and individual musicians, as well as oversight bodies.

Creative Commons has set up a working group to liaise with the international Confederation of Authors and Composers Societies (CISAC) (www.cisac.org), the peak body for performing rights collecting societies worldwide.

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30 Willet, E (2007) Copyright collecting societies, the Copyright Tribunal and the ACCC – a new dynamic, presented at The Copyright Tribunal’s new jurisdiction, 24 May 2007 (ACCC, 2007), www.accc.gov.au/content/index.phtml/itemId/788161/fromItemld/142
31 Willet, E (2007) Copyright collecting societies the Copyright Tribunal and the ACCC (ACCC, 2007)
At the iCommons Summit in Dubrovnik in 2007 David Uwemedimo, Director of Legal Affairs with CISAC made constructive comments about finding workable solutions. He explained that issues as to the revocability of the licence, the definition of non-commercial and the administrative process for accommodating CC within collecting society models still need to be addressed.

The ccClinic awaits the outcome of this cooperative process.

The issue of releasing content in perpetuity without an ability to revoke the licence was identified as a problem, particularly by the film and television sector. This stems from the notion that while there may be a range of advantages in giving your content away early-on in an artist’s career and/or early in the life of a work, any commercial interest (e.g. by publishers) generated by this strategy could be harder to secure if exclusive rights cannot be granted.

Problems also arise where artists want to open up their work but are already bound by exclusive agreements (see discussion of Funding Relationships on page 33).

Other attendees countered this by stating that any possible disadvantages will be outweighed by the interest distribution will have generated. It was pointed out that there was also the potential for renewed interest in content that may have otherwise expired.

Equally, as use of open content licensing in the Creative Industries increases, it is possible that the industry norm of requiring exclusive licensing could change.

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<td>'In perpetuity' + content’s shelf-life.</td>
<td>The issue of releasing content in perpetuity without an ability to revoke the licence was identified as a problem, particularly by the film and television sector. This stems from the notion that while there may be a range of advantages in giving your content away early-on in an artist’s career and/or early in the life of a work, any commercial interest (e.g. by publishers) generated by this strategy could be harder to secure if exclusive rights cannot be granted. Problems also arise where artists want to open up their work but are already bound by exclusive agreements (see discussion of Funding Relationships on page 33).</td>
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<td>Access to a range of remixable content.</td>
<td>One advantage of the CC system identified by attendees was the creation of a pool of content available for the creation of remixes and derivative works.</td>
<td>CC provides access to a range of content in different mediums that is available for artists to use royalty-free.</td>
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<td>Clarification of “non-commercial.”</td>
<td>Some attendees expressed concern that by licensing under CC they would be permitting other people to make money off their work without receiving any remuneration.</td>
<td>This concern was alleviated, at least in part, by an explanation of the licences and their ability to be restricted to non-commercial use. This was further enhanced by a discussion of the ways in which commercialisation can be undertaken in parallel with non-commercial licensing. New business models are emerging from organisations such as Magnatune (<a href="http://magnatune.com">http://magnatune.com</a>) and Lisensa (<a href="http://lisensa.com">http://lisensa.com</a>) based on this approach to rights management. CC has also moved to facilitate such uses by providing the ability for creators to embed an ‘additional permissions’ address into their licensing metadata. See also the Creative Commons Non-Commerical Guidelines and the discussion relating on this issue in the Government Meeting Discussion and Evaluation at page 21.</td>
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| Integrity of works. | A few attendees flagged the issue of derogatory treatment of their works if they are made available for re-use by others. | Both the Australian CC licences and the new v3.0 unported CC licences explicitly acknowledge and preserved the operation of the creator’s moral rights and prohibit derogatory treatment of their work. This will be incorporated into all other jurisdictional licences as they port to version 3.0. |

| Use of content. | There was concern expressed over the occasional difficulty in identifying exactly what material has been licensed (eg webpage, photograph, text etc). | The need to clearly mark the exact content that is licensed is important. Since the Forum, Creative Commons has launched improved metadata protocols which allow licensors to more clearly identify the title and nature of the work being licensed. With the launch of the Generic/Unported Version 3.0 licences, the licence selection process now includes an option to include additional information such as the creator or rights owner, the title of the work and a web address where additional permissions can be obtained. This information is embedded in the metadata. |

summation

It is obvious from the discussion that a particular hurdle for some areas of the Creative Industries is understanding the legalities that are associated with the sector. In particular, basic copyright law and issues such as rights and obligations associated with membership of collecting societies, unions and other industry bodies were not well understood. Other key issues raised included definition of ‘commercial’ reuse of work and the best method to protect integrity of works. This indicates a need for CC to provide more information on how it operates within the existing intellectual property system. There is a particular role for the ccClinic to provide information on how the licences work within the Australia context and to work closely with bodies such as the Arts Law Centre of Australia (www.artslaw.com.au) to ensure that creative people have access to information about the legal issues in relation to them.

There is an evident need for better information outlining how to use the CC licensing system. This needs to be targeted at a range of discreet groups including:

- individual practitioners looking to license their work;
- content users looking to utilise CC licensed works;
- organisations and content providers looking to aggregate content under CC licences;
- commercial agents; and
- funding bodies.

CC will need to work closely with artists, content users groups and cultural and arts bodies in developing this information.

Also evident from the discussions is the need to engage in more specific research on CC use within the creative industries. Particularly important research areas include clarification of downstream use, how to combine commercial and open content licensing, and creating an environment of compatible licensing between CC and other licensing arrangements.
To complement the Forum, the ccClinic also hosted the first Australian ccSalon[^34] (http://creativecommons.org.au/ccsalon), a public event designed to showcase and demonstrate Creative Commons in action. It aimed to present to a diverse audience – made up of CCau Industry Forum attendees and the broader public – art, music, film and text created by Australians that utilise Creative Commons licences.

The ccSalon was an important awareness raising event for the ccClinic and the Creative Commons in Australia. In excess of 70 people attended, including the majority of the CCau Forum attendees and other members of the public. The details of the ccSalon were syndicated widely, increasing the visibility of the project. The ccSalon also played an important role in building a community of CC supporters and advocates in Australia.

The ccSalon was presented by the ccClinic in conjunction with CCi (www.cci.edu.au), QUT (www.qut.edu.au) and iCi (www.ici.qut.edu.au).

**featured commoners**

The showcase included performances by Brisbane DJ artist collapsicon and Brisbane hybrid arts ensemble collusion. Andrew Garton of Toysatellite also provided an audio visual performance incorporating content from across the Australian Creative Commons. Content included in Garton’s performance included work of photographers from a specially created ccSalon group (www.flickr.com/groups/ccsalon) on Flickr, the animation works of Brisbane animator Blackbrow (www.blackbrow.com) and content from the Community Convergent Newsroom (www.ccnonline.org.au). Also included in the showcase was an exhibition of the Flickr photographers curated by Rachel Cobcroft from iCi. Rachel’s idea of running

[^34]: For a write up on the Australian ccSalon, see the iCommons blog entry “ccSalon Down Under”, http://icommons.org/2006/12/08/ccsalon-down-under/#more-375
a curated exhibition, complete with biographies of the artists and statements on why they use CC, was a particularly successful addition to the festivities.

This coincided with a hands-on ‘share your wares’ table where attendees could look at and interact with samples (e.g. books, magazines, websites) of the work produced by some of the featured commoners. This enabled us to include the kinds of content that may not always be considered for showcasing in a performance (such as still hardcopy publications, photography and new media websites), into one on-site, live event.

A DVD compilation showcasing all the featured commoners, backed by ccMixter music from CDK, Duncan Beattie and Minimal Art, played on plasma screens and projectors around the venue throughout both the ccSalon and the Forum.

objectives

The ccSalon aimed to:

- showcase individuals, organisations and projects in Australia that are using CC licences;
- demonstrate the collaborative possibilities of CC;
- foster the CC community in Australia;
- provide a real-world set of examples of products and projects that have benefited from using CC; and
- provide a less-formal space for networking and linkage building.

background

The ccSalon concept started in San Francisco, where the international headquarters of Creative Commons is located. Since the first Salon, it has become a monthly event focused on building a community of artists and developers around CC licences, standards and technology. Around the world the concept has been enthusiastically adopted. To date ccSalons have been run in Amsterdam, Beijing, Berlin, Johannesburg, London, Los Angeles, New York, Seoul, Taipei, Toronto and Warsaw.35

35 For web addresses for each ccSalon see:

Amsterdam: http://icommons.org/2006/11/30/youre-all-invited-to-the-ccsalon-in-amsterdam
Beijing: http://wiki.creativecommons.org/Beijing_Salon
Berlin: http://wiki.creativecommons.org/Berlin_Salon
Johannesburg: http://wiki.creativecommons.org/Johannesburg_Salon
London: http://wiki.creativecommons.org/London_Salon
Los Angeles: http://wiki.creativecommons.org/Los_Angeles_Salon
New York: http://wiki.creativecommons.org/NYC_Salon
Seoul: http://icommons.org/2006/09/01/share-remix-and-enjoy
Toronto: http://wiki.creativecommons.org/Toronto_Salon
Warsaw: http://wiki.creativecommons.org/Warsaw_Salon
The CCau Industry Forum and ccSalon identified the need for further action in a number of areas. In particular there are five main areas where further development needs to occur:

1. continued research on issues related to Creative Commons and Open Content Licensing in Australia;
2. building awareness of the Creative Commons project in Australia;
3. expanding the information available about the Creative Commons project in Australia;
4. providing greater advice and support for projects that are considering implementing, are in the process of implementing and/or that have implemented Creative Commons licences in Australia; and
5. further development of the Creative Commons Australia licences.

research

The Forum emphasised the need for further research and publication in a number of areas to address ongoing barriers and uncertainties identified by attendees. Key areas in which further research and licence development would be beneficial include:

- clarification of the definition of non-commercial in the CC licences, both generically and within the context of different sectors;
- clarification of how moral rights are included in CC licences;
- how open content licensing can be utilised in conjunction with commercial licensing;
- the interaction between collecting societies and CC licensing;
- whether geographically or regionally limited licences would be beneficial (e.g. an Australian Education Licence); and
- whether sector-specific licences are needed to address issues particular to the government and education sectors.
解锁潜在通过creative commons

意识与倡导

在过去的几年中，对Creative Commons的意识已经呈指数级增长，无论是国内还是国际，这得益于主流使用Creative Commons的例子的增加。ccClinic被定期邀请在会议、研讨会、研讨会和活动上发言，以介绍许可证模型。然而，论坛与会者各领域的低水平意识和对Creative Commons的理解表明，仍需提高能见度。

信息

在所有三个行业会议中，共同指出的是，对一般公众来说，了解Creative Commons许可证模型的工作方式有很大缺口。在社区中提高对Creative Commons的意识只有在高质量、准确的信息资源可用时才有价值来支持其实施。虽然已经有Creative Commons提供的资源，但显然需要比现在提供的更详细的信息，既有与通用许可证使用相关的，也有针对特定行业的资源。

关键领域需要更多的公共可用信息资源包括：
- 如何查找并识别CC许可的材料；
- 如何理解CC许可证的运作；
- 使用CC材料的实际问题（例如，如何归因其他作者以及如何下级作品可以被使用和重新许可）；
- 如何防止滥用CC许可的材料；以及
- 提供针对特定行业使用CC的资源（例如，当学校可以使用非商业材料时）。

建议与支持

与增加信息和意识的需求相辅相成的是，针对使用CC许可的具体项目的需求。在Creative Commons国际网站（http://creativecommons.org）上有一些静态资源，概述了如何实施CC许可，但信息往往是相当通用的。该网站还提供了详细的技术说明，说明如何将许可证生成器嵌入到网站和应用程序中，特别是在ccWiki（http://wiki.creativecommons.org/Developers）的开发者部分。这些信息非常技术性，且集中在嵌入CC技术到技术基础设施上。这虽然是实施过程的重要部分，但对于许多组织和项目来说，需要规划、法律评估和政策发展，而不是由Creative Commons支持的。部分可以通过提高信息（见上文）并包含这种规划信息的培训模块（见下文）来缓解，这些模块由诊所工作人员提供。
Long-term, the ccClinic would like to expand and operate more like traditional law clinics, and provide an advice and support service to organisations and projects wanting to implement CC licensing. In this set up, organisations or projects could approach the ccClinic for support and students, under the guidance of the ccClinic staff, would work directly with these organisations or projects to determine how CC can be used to meet that organisation’s or project’s specific circumstances.

### training

Finally, in line with the finding that there is a need for greater information, advice and support to assist with CC implementation, additional training mechanisms would also clearly be of benefit. Such mechanisms could, for example, provide guidance on the more practical issues relating to the implementation of CC for particular sectors, materials or technologies. In addition to direct training in the form of seminars and workshops conducted by members of the CC community, it would be particularly valuable if these mechanisms were to include online training modules and tools which could be utilised without CC involvement, both by individuals and by those organising independent classes and workshops.

### updating the licences

Internationally the version 3.0 Unported licences have been released. This version includes a series of changes such as:

- **separating** the “generic” (now called unported) licence from the American licence (http://wiki.creativecommons.org/Version_3#Further_Internationalization);
- **harmonising** the [treatment of moral rights](http://wiki.creativecommons.org/Version_3#International_Harmonization_.E2.80.93_Moral_Rights) and [collecting society royalties](http://wiki.creativecommons.org/Version_3#International_Harmonization_.E2.80.94_Collecting_Societies);
- expressly prohibiting misuse of the attribution requirement to assert or imply association or relationship with the licensor or author;
- inclusion of a mechanism to permit compatibility between CC ShareAlike licences and other similar open content licences; and
- minor language changes to accommodate concerns of [Debian](http://wiki.creativecommons.org/Version_3#Debian) and [Massachusetts Institute of Technology (MIT)](http://wiki.creativecommons.org/Version_3#MIT).

This highlights the need for the Australian licences to be updated to align with the new international standards.

To aid the ccClinic in updating the Creative Commons Australian licences we intend to form a Licensing Advisors Expert Group which will include lawyers, academics and industry experts.
action items

Since the Forum, the ccClinic has undertaken a number of initiatives that address the above recommendations, including:

- publishing a book of research papers titled *Open Content Licensing: Cultivating the Creative Commons* (http://purl.library.usyd.edu.au/sup/9781920898519);
- arranging Australian and QUT speaking engagements for prominent leaders from the copyright and online community including Professor Terry Fisher Hale and Dorr Professor of Intellectual Property Law, Harvard University and Co-Director of the Berkman Center for Internet and Society, and Mark Pesce from FutureSt Consulting (www.futurestreetconsulting.com);
- developing and launching the teaching unit ‘Creative Commons Clinic’, a QUT undergraduate course that provides a cross-discipline environment for advanced students to undertake research into the Creative Commons and open content licensing as part of their studies;
- gaining media coverage for our speaking engagements and publications;
- partnering with industry representatives to undertake research and education on the practical implementation of the Creative Commons licences at events such as the Open Channel Screen Resource Centre’s *Video Slam* (http://openchannel.org.au/blogs/videoslam);
- undertaking a number of education and research initiatives targeting people not accessible through the usual research channels, such as by creating a Creative Commons Australia MySpace webpage and hosting a panel at Vibewire’s *e-Festival of ideas* (http://vibewire.net/efestival/2007);
- engaging with organisations such as the *Queensland Spatial Information Council* (www.qsic.gov.au), the *Australian Broadcasting Corporation* (www.abc.net.au), and *60 Sox* (http://60sox.com.au) to provide direct feedback and support for proposed implementation of CC licensing by these organisations;
- fostering Australia’s leadership role in the global open access community by pro-actively seeking prominent representation of Australian government and industry at international conferences such as the iCommons *Summit 2007* (http://icommons.org/ismit-07); and
- fostering stronger relationships with complementary organisations and licence adopters in Australia and the Asia-Pacific region through its leadership role in the Asia Commons group.
As well as continuing the above mentioned activities, further actions the ccClinic aims to undertake to help build awareness, provide information and train people in the use of the CC model in Australia and the region include:

- conducting further research and publishing academic articles and texts on the areas of interest discussed above;
- developing a body of case studies detailing how and why the Creative Commons licences are being used by ‘real world’ projects in Australia and internationally, to be used as the basis for articles, conference papers, and industry guides and resources;
- partnering with Australian industry bodies such as the Strategic Industry Leader’s Group and the Australian Network of Art and Technology to conduct educational seminars and workshops at events such as the Still/Open Media Labs (www.anat.org.au/stillopen);
- continuing to present at conferences and festivals, but aiming to be strategic about which invitations are accepted to maximise profile and industry engagement (such as QMusic’s Big Sound (www.bigsound.org.au) conference for the music industry);
- targeting ‘fringe’ conferences, online communities and non-traditional events in order to access communities of people that the ccClinic has not yet connected with but who would benefit from being exposed to CC;
- engaging in training programs with partner organisations to provide customised, sector-specific training on Creative Commons;
- continuing to publish popular articles related to our research, with particular focus on publishing feature articles;
- improving the breadth of the online resources it makes available through the Creative Commons Australia website, including developing the training modules discussed above;
- taking better advantage of awareness-building and community-building tools available on the internet;
- establishing a 6 month Intern Program pilot under which tertiary level students in University or TAFE Institutes will work directly with ccClinic in areas of interest to them;
- ccClinic intends to run follow up Industry Forums, to ensure our strategic direction aligns with industry needs, including a Forum focusing on:
  - collecting societies and other rights stakeholders;
  - publishers and broadcasters; and
  - Information Technology and Software.
- expanding the ccClinic to other faculties within QUT and other institutions nationally;
- partnering with industry bodies and organisations to provide ‘alternative’ awareness raising and training events, such as high school student competitions; and
- developing training modules that can be combined for use in seminars and workshops.
unlocking the potential through creative commons

appendix 1: detailed case studies

ccau industry forum + ccSalon case studies

Both the CCau Industry Forum and the ccSalon event featured Australian organisations, projects and initiatives currently using Creative Commons licences. An overview of the activities of some of these users is given below.

andrew garton

Andrew Garton is a new media producer/composer and an IT consultant to the cultural development community. His areas of inquiry have ranged from computer mediated improvisation to content delivery methodologies for experimental sound works via wireless ICT services.

Andrew began producing and performing in the late 70s as synthesist, saxophonist and spoken word performer. He played with punk/soul group Private Lives (1979 - 1983) and fusion/impro outfit Lingo Babel (1985-1987). In the late 80s he formed the acoustic based White Punks on Hope and the jazz-punk trio, Return from Nowhere. He has composed numerous documentary soundtracks, conceived and produced interactive installations, both on and offline; published articles on independent media, generative music and radio art; and worked with pioneer community internet provider, Pegasus Networks.

He produced perhaps the first generative sound piece for Australian radio and internet in 1997, a collaboration with Stelarc, for The Listening Room (now off-air) and co-produced a series of live audio-video collaborations commencing in Melbourne in 1998 and culminating in a series of works for the opening of the Taipei International Arts Festival in 2001. From 1997 to 1999 he co-founded, wrote, produced and performed with the Austrian based Electro-Pathological Consort and in 2005 Garton curated the innovative generative sound series, Frequency Post, for the Vienna based, KunstRadio.

use of creative commons

Andrew is a strong supporter of Creative Commons. His website and blog are licensed under a BY-NC-SA 1.0 licence, and his pictures on Flickr are licensed BY NC-SA 2.0.

Andrew performed at the 2006 ccSalon, incorporating content from across the Australian Creative Commons.

[toysatellite.org/agarton]
Blackbrow consists of Pete Foley (video) and Chris Perren (audio). Their website proclaims proudly that “Blackbrow makes films” and has links to their four completed films. Two of these films were produced for Logan City Council, explaining water and waste management respectively. 3xSuper Robot Heartbreak (http://www.blackbrow.com/movies/3xSRH.mov) is a short story of three robots whilst Mayer and Bettle (http://creativecommons.org.au/animation_train) is a short animated film explaining Creative Commons, produced for CCau.

The website states that “All work is licensed under a Creative Commons Attribution-Noncommercial-No Derivative Works 2.5 Australia License unless noted below. The films commissioned by Logan City Council – Water (http://www.blackbrow.com/movies/Logan%20Water%20-mid.mov) and Waste (http://www.blackbrow.com/movies/Logan%20Waste%20-mid.mov) – are excluded. Copyright in those films is vested in Logan City Council.”

The animated short Mayer and Bettle was featured at the 2006 Creative Commons Salon, and was also uploaded to Creative Commons’ Revver account, where all revenue it generated went to the 2006 Creative Commons worldwide fundraising campaign.

Collapsicon is Luke Ilett, a mixed media artist who works with new media, video, game and instrument design. Producing music as Collapsicon, he creates a dark fusion of sci-fi, game boy and electro funk with a heavy hip-hop influence. He’s currently working on the first full length Collapsicon album and an EP with Ghost Hype, a hip-hop out fit he works with.

In recent times, Luke’s worked with the Banff Centre for the Arts (www.banffcentre.ca), Canada, including an 8 month work-study position in a team of artists and programmers to create a series of on-line educational physics games for rural Alberta.

He has produced music for mobile games, web art and animations, with his most recent collaboration with Canadian artist Myron Campbell winning best original sound in the Flash Forward Film Festival 2005 in New York.

Collapsicon played a live set at the 2006 ccSalon, utilising Creative Commons licensed music
collusion

Collusion is a hybrid arts contemporary classical music ensemble, comprised of Emma Baker-Spink, Benjamin Greaves, Therese Milanovic, Shannon Tobin and Stephen Wylks. As well as performing as an ensemble of four, the group also invited guest artists of different mediums including music, dance, spoken word, film, visual arts, circus arts, photography and theatre to contribute, in part, to their productions.

use of creative commons

Collusion played a live set in collaboration with video and electronic artist Andrew Garton at the 2006 ccSalon. There is a video (http://engagemedia.org/Members/toysatellite/videos/TS_GRIT01.mov/view) of this collaboration.

collusion.com.au

ccSalon Flickr pool

This group promotes the work of Flickr members in Australia who have licensed their material under the Creative Commons licensing scheme. Selected photographs were showcased at the ccSalon.

The group organiser, Rachel Cobcroft, sought images for display as A4 colour prints at the ccSalon. Contributors were also invited to tag their photos if they wished to have them used in the live video remix during the event.

use of creative commons

All photos in the pool were required to be Creative Commons licensed, using Flickr’s built-in system. This was obviously necessary for a collection which would promote Creative Commons works. The licences also allowed for prints to be made and displayed at the Salon. Further permission was granted by several members for their works to be used in a remix project during the event, which involved their pictures being projected onto the venue’s walls during a multimedia performance by Andrew Garton.

Most contributors included some explanatory text as to why they had chosen Creative Commons licences, and examples of these are reproduced overleaf:
I don’t do this for a living, so I like to share my work around – I love the way the net encourages respectful sharing between like-minded people. Creative Commons gives me the confidence to share in the knowledge that I will be recognised for my work. 

woowoowoow, www.flickr.com/photos/leprecon

I use Creative Commons licences because I like to see people use my photos. I use the Attribution-ShareAlike licence in particular because I’d love to see what other people can make with my photos. I don’t need a Non-Commercial term as I don’t make my living by selling prints, and if people can find a way to use my photos in their business, as long as they release their modifications back to the public, I don’t mind. 

antonymity, www.flickr.com/photos/37198718@N00

Creative Commons allows me to display and share my photos while still allowing me to sell them on stock libraries.

d70dug, www.flickr.com/photos/76729200@N00

I release all my photography under an Attribution-ShareAlike licence because I believe that typical “all rights reserved” copyright is no longer a feasible option for any creator of materials. I think it is harmful to our cultural progress.

Lachlan Hardy, www.flickr.com/photos/lachlanhardy

flickr.com/groups/ccsalon

engagemedia

EngageMedia is an online film portal for the distribution of social justice and environmental video from South East Asia, Australia and the Pacific. It is a space for critical documentary, fiction, artistic and experimental works.

The website was founded to assist individuals and groups in the process of distributing thought-provoking and informative media through the use of digital tools such as peer-to-peer networks and increased bandwidth. They recognise the internet’s potential to bypass the control of big media conglomerates.

The website also includes a comprehensive Guide to Digital Video Distribution.

EngageMedia’s editorial states: “Our key focus is to present video that promotes social change. We want to promote work that challenges corporate dominance and government arrogance, that exposes the people and mechanisms behind environmental destruction or human rights abuses. We want to build media that questions how the world works.”
use of creative commons

EngageMedia have embedded the Creative Commons licence generator into their upload process to help facilitate the distribution of the films on the network. When uploading videos, users are given the following choices:

“EngageMedia uses the Creative Commons licenses as they are currently the most developed. When you publish your work you will be asked to specify a Creative Commons licence. This process is similar to the licence generator on the main Creative Commons website and allows users the freedom to choose the type of licence they want on their work. EngageMedia actively encourages Share-Alike licensing, and believes in digital copying as a distribution method.

EngageMedia operates on the principles of open content. We want visitors to this site to be able to freely copy and redistribute the works here as long as it is for non-profit purposes, unless you choose to let others use your work for commercial purposes also. Work should preferably be share-alike, which means “I share if you share”, allowing others to re-edit or use part of your work in theirs, so long as they allow others to do the same with their work. Apart from the ethics of such a policy, we believe it is practically impossible to stop people reproducing your work once it is in digital form. This is also a positive, however, as people will help you distribute your work around the globe if they enjoy it.”

Anna Helme from Engage Media spoke at the 2006 CCau Industry Forum, in the session for Creative Industries.

use of other copyright alternatives

The online video delivery platform used by EngageMedia also promotes this idea of sharing and redistribution, being available under a GNU General Public Licence which means it is open for others to use and modify for other media projects.

engagemedia.org
community convergent newsroom

The Community Convergent Newsroom (CCN) is a project of Brisbane community radio station 4ZZZ FM (www.4zzzfm.org.au). The organisation wanted to provide content across audio, video and online. It aims to involve communities in reporting in an environment of media concentration.

The CCN is about providing information to inform communities and providing a platform for communities to identify local problems and issues and to facilitate local participation in political processes. It aims to help support and develop local Australian arts, music and culture to reflect a sense of Australian identity, character and cultural diversity and to widen the community’s involvement in broadcasting.

use of creative commons

The CCN utilises Creative Commons licences to facilitate the easy syndication of content on the network. Each page has the Creative Commons logo and licence link at the bottom, and each page also has the licence metadata embedded within it. Contributors agree to the Creative Commons licence when submitting and uploading their stories. The CCN uses the Creative Commons Attribution-NonCommercial-NoDerivs 2.5 License Australia.

Content from the CCN was featured at the ccSalon.
ccnonline.org.au

the pundit (a new leaf media)

The Pundit (http://www.anewleaf.com.au/the-pundit/the-pundit-miff-06) was a free publication released as part of Melbourne International Film Festival 2006. It included reviews, news and interviews. It was designed to not only be insightful, entertaining and informative, but to be an opportunity for young and emerging writers to publish work in a professional capacity.

The publication is a 56-page, A4 portrait format newspaper with a print run of 10,000 copies distributed around Melbourne. It also available in PDF format from the website, and the articles and reviews are available separately in html format.

In the future, The Pundit will be released to coincide with various Australian arts and cultural festivals offering a comprehensive guide of the festivities for everyday people.
A New Leaf Media is a niche media company, publishing review magazines for a variety of arts and cultural festivals. Based in Melbourne, Australia, they strive to create an alternative independent media produced by emerging media-makers.

**use of creative commons**

A New Leaf Media decided to license both the print magazine and the PDF digital version under a Creative Commons licence that allows content published in the magazine to be republished so long as the articles are not changed and reuse is for non-commercial purposes. This facilitated the republishing of much of the magazine’s content on blogs during the festival, giving the writers far more exposure than A New Leaf Media on their own could provide.

The print and PDF copies do not identify the Creative Commons licence very clearly. In the fine print amongst the editors, sub-editors, contributors and people thanked is a line which reads, “The Pundit, all articles, interviews and reviews are published under a Creative Commons Attribution-NonCommercial-No Derivs 2.1 Australia Licence.” There are no logos for Creative Commons nor any other identifying information, nor a link to the licence details. The html format article and reviews do feature the Creative Commons logo, which links to A New Leaf Media’s “Disclaimer and Licence” with further links to the Creative Commons plain English and full legal licence pages.

Tim Norton from A New Leaf Media spoke at the CCau Industry Forum, in the session for Creative Industries.

anewleaf.com.au/the-pundit

**monkeyc (john harvey)**

John Harvey is a former photojournalist who now uses Flickr to display his amateur photography. John is very active in the Flickr community, and encourages others to do likewise. His pictures have been featured several times on Flickr’s front page and he is a member of over 150 groups within Flickr, ranging from “Australian Images” to “Green is Beautiful”.

John describes himself, in his Flickr profile page:

*Monkeyc is a former photojournalist who fled the bright lights and dingy darkrooms for fame, fortune and a living wage back in the mists of time, now a sometime amateur photographer who dreams of the days when he understood esoteric concepts such as depth of field and aperture as an escape from a life spent dealing with the problems of suffering users and staff in the world of corporate Information Technology.*
The website “monkeyc.net: a.life.in.motion” is John’s blog (http://www.monkeyc.net), and also contains a gallery of pictures. The blog is not Creative Commons licensed.

use of creative commons

All of John’s images on Flickr are licensed under the BY-NC-SA 2.0 licence.

As a former professional photojournalist, the choice to license all of his works under Creative Commons is encouraging. By putting trust in the licences, and actively advocating them within the Flickr community, John is helping to legitimise and popularise Creative Commons. Whilst interested in selling his works commercially, he uses Creative Commons to share his work non-commercially.

John entered several of his pictures into a photo pool for the ccSalon. In doing so, he described why he had embraced Creative Commons for his photos:

*The decision to license my work as creative commons was an easy and almost automatic one - my work is for personal enjoyment and I want others to be able to enjoy my work and to incorporate it into their visions. Today I find photography is a personal pleasure, I no longer have to make a living from my camera - its just my vision of the world - a unique vision to me but with CC its also something you can take and turn into something from your world - the scope is infinite and it sets the images free in so many ways - The creative commons license is a perfect example of the sort of copyright changes the modern world needs to come to grips with in the digital age, information should be free to all.*

flickr.com/people/monkeyc
monkeyc.net
about creative commons australia

CCau is the Australian affiliate of the international Creative Commons project (http://creativecommons.org). Based at the QUT Faculty of Law in Brisbane, CCau is devoted to the implementation and promotion of Creative Commons in Australia and to fostering opportunities for the creative community to take advantage of the potential afforded by digital technologies. The CCau project is lead by:

- Professor Brian Fitzgerald, Professor of Intellectual Property and Innovation, QUT Faculty of Law; and
- Professor Tom Cochrane, Deputy Vice Chancellor, Technology, Information and Learning Support, QUT.

Creative Commons research is undertaken as part of the ARC Centre of Excellence for Creative Industries and Innovation (www.cci.edu.au) across two research streams. The ccClinic (www.cci.edu.au/ccc) and the Creative Commons and Open Content Licensing Models projects (www.cci.edu.au/ccr).

CCau is also a strategic partner of the Institute for Creative Industries and Innovation (www.ici.qut.edu.au). creativecommons.org.au
about the ccClinic

The Creative Commons Clinic (ccClinic) (www.cci.edu.au/ccc) is an education and research program which serves as an information resource centre for students, teachers, individuals and organisations in Australia seeking to engage with the Creative Commons.

The initial aim of the ccClinic was to develop and establish an undergraduate, QUT-accredited Unit. The Unit was envisaged to be cross-disciplinary, taking in students from a number of faculties to foster a broader learning environment.

The first offering of the ccClinic was in Semester 1, 2007. Eight students, initially from the Faculty of Law, enrolled and attended the 13 week class. Students were provided with the opportunity to interact with industry experts, with a different guest speaker each week, and to undertake indepth research on a topic relating to OCL and the Creative Commons. Particular emphasis was placed on the practical implementation of the CC model, with students encouraged to conduct interviews and surveys with real-world participants in the movement.

The ccClinic will offer the Unit to undergraduate students again in Semester 1, 2008 and will be actively promoting the course to faculties outside of Law.

Beyond its role as a teaching unit, the ccClinic provides a base for outreach programs and is a research test bed for prototype Creative Commons approaches to policy and legal issues.

The ccClinic is hosted by the Creative Workforce program of the CCi. The program identifies the need for formal education oriented to face the challenges posed by an environment characterised by innovation and risk, by the increasing impact of knowledge and creativity on the economy, and by globalisation and new technologies across all areas of work and experience.

The Program aims to build the creative capacity of students and learning organisations by:

- creating networks of learning organisations committed to experimentation with digital technologies;
- reshaping formal education for creative capacity building;
- ethical engagement with indigenous learning communities;
- embedding Creative Commons approaches to intellectual property in disciplinary curricula and practice; and
- offering professional development opportunities through networks, consultancy and research.

cci.edu.au/ccc
about the CC + OCL Research project

Creative Commons and OCL Models Research forms part of the CCi Legal and Regulatory Impasses and Innovation Program. Allied to the ccClinic, the CC and OCL Research project provides research into OCL models in Australia and internationally. The project is constantly reviewing and discussing the CC licences that are currently in place and making recommendations for change.

Research areas include:

- mapping CC usage in Australia;
- CC in government;
- CC in education;
- CC and the Creative Industries; and
- CC as part of community building in a user generated world.

In 2007 the project published a book of essays titled *Cultivating the Creative Commons: Cultivating the Creative Commons* through Sydney University Press. The volume brings together papers on the internet, law and the importance of open content licensing in the digital age. It draws on material presented at the Queensland University of Technology conference of the same name in January 2005. It provides a snapshot of the thoughts of over 30 Australian and international experts – including Professor Lawrence Lessig, Futurist Richard Neville and the Hon Justice Ronald Sackville – on topics surrounding the international Creative Commons, from the landmark *Eldred v Ashcroft* (http://supreme.justia.com/us/537/186/case.html) copyright term decision to the legalities of digital sampling in a remix world.

ci.edu.au/ccr
about iCommons

Incubated by Creative Commons, iCommons (http://icomics.org) is an organisation with a broad vision to develop a united global commons by collaborating with open education, access to knowledge, free software, open access publishing and free culture communities around the world.

The secretariat for the organisation is located in Johannesburg, South Africa. It is focused on a broad range of issues such as education, science and research, business, culture, policy and law and is responsible for operating the iCommons iSummit (http://icommons.org/isummit-07) each year.

Using the annual iCommons Summit as the main driver of this vision, iCommons features projects that encourage collaboration across borders and communities, and promotes tools, models and practices that facilitate universal participation in the cultural and knowledge domains. The iSummit collaborates with organisations and communities from around the world to demonstrate and share best practice and discuss strategies for continuing the positive impact that ‘sharing’ practices are having on participation in the cultural and knowledge domains.

During the year iCommons incubates projects that cross borders and unite commons communities, acting as a platform for international collaboration towards the growth and enlivening of a global digital commons.

icommons.org
icommons.org/isummit-07
Open Content Licensing: Cultivating the Creative Commons is a new publication from Sydney University Press, that brings together papers from some of the most prominent thinkers of our time on the internet, law and the importance of open content licensing in the digital age. Drawing on material presented at the Queensland University of Technology conference of January 2005, the text provides a snapshot of the thoughts of over 30 Australian and international experts on topics surrounding the international Creative Commons movement, from the landmark *Eldred v Ashcroft* copyright term decision to the legalities of digital sampling in a remix world.

sup.usyd.edu.au
eprints.qut.edu.au/archive/00006677

**Building the Infrastructure for Data Access and Reuse in Collaborative Research**

This Report examines the legal framework within which research data is generated, managed, disseminated and used. It provides an overview of the operation of copyright law, contract and confidentiality laws, as well as a range of legislation – privacy, public records and freedom of information legislation – that is of relevance to research data. The Report considers how these legal rules apply to define rights in research data and regulate the generation, management and sharing of data. The Report also describes and explains current practices and attitudes towards data sharing. A wide array of databases is analysed to ascertain the arrangements currently in place to manage and provide access to research data. Finally, the Report encourages researchers and research organisations to adopt proper management and legal frameworks for research data outputs. It provides practical guidance on the development and implementation of legal frameworks for data management with the objective of ensuring that research data can be accessed and used by other researchers.

e-Research.law.qut.edu.au

**Open Access to Knowledge (OAK) Law Project Report No 1**

The OAKLaw Project aims to facilitate seamless access to knowledge and improve social, economic and cultural outcomes. This first report provides a concise overview of relevant aspects of copyright law, the concept of open access to knowledge, and open content models of copyright licensing. It maps out an action plan to enhance the management of copyright interests in research and academic outputs. The report encourages Australian research and funding institutions to consider their commitment to open access and articulate this in clear policies and copyright management frameworks.

oaklaw.qut.edu.au
The creative commons license is a perfect example of the sort of copyright changes the modern world needs to come to grips with in the digital age.

John Harvey, former photojournalist, http://www.monkeyc.net

For me CC is both a practical framework for us to deal with restrictive copyright, enabling us to provide the service we set out to provide, and in terms of its political approach it is an interesting and positive example of a legal framework built by lawyers but based on social movements and cultural realities.

Anna Helme, EngageMedia, http://engagemedia.org

I love the way the net encourages respectful sharing between like-minded people. Creative Commons gives me the confidence to share in the knowledge that I will be recognised for my work.

woowooowoo, photographer, www.flickr.com/photos/leprecon

The rapid growth of digital technologies over the last decade has led to a revolution in the creation and dissemination of knowledge – a revolution that has created unprecedented challenges for copyright law. The ‘all rights reserved’ model of traditional copyright law, with its complex legal concepts and requirement for permission for even the most common and non-controversial of uses, does not fit well with an environment which both enables and requires reproduction and communication on an unprecedented scale. From a legal perspective, one of the most significant responses to these changes has been the development of new licensing systems designed to open up access to and use of protected material. These ‘open content licensing’ (OCL) models preserve the creator’s intellectual property rights whilst giving permission in advance for the content to be used more broadly than would be permitted under default copyright law. The most popular and widespread of these licensing models in relation to creative material is Creative Commons.

In November 2006, the Australian Research Council Centre of Excellence for Creative Industries and Innovation (CCI), in conjunction with QUT, hosted the CCau Industry Forum, a research-focused industry engagement event.

Unlocking the Potential Through Creative Commons: An Industry Engagement and Action Agenda evaluates and responds to the outcomes of this Forum and presents a strategy for continued research into Creative Commons in Australia by the ARC Centre of Excellence for CCI.

www.cci.edu.au
http://creativecommons.org.au

ISBN 978-0-9802988-3-3