



## Creative Commons Terminology Guide

Creative Commons (CC) is a US based charitable corporation. It is also a network of volunteer organisations around the globe that work independently but in coordination with each other to promote the use of CC licences. CC licences are standardised copyright licences which grant permission to use copyright works, in accordance with the particular standard set of conditions selected by the copyright owner (“licensor”).

You can find out more about CC at [www.creativecommons.org](http://www.creativecommons.org)

This Terminology Guide explains the language and terms related to the use of CC licences, in three sections:

- [CC licences](#)
- [CC Public Domain Tools](#)
- [CC and copyright related terminology](#)

### CC licences

#### *The three layers of a Creative Commons Licence*

Every Creative Commons licence incorporates a “three-layer” design, consisting of:

##### **Creative Commons Legal Code**

The Legal Code is the actual text of the legal terms and conditions of the CC licences and is designed to be enforced in a court of law.

##### **A Commons Deed**

The Commons Deed is a short description of the basic features of a CC licence in plain language. It corresponds to the actual terms of the licence but does not constitute a substitute for them. It is also known as the “human readable” version of the licence, and is a useful interpretation of the Legal Code. The Deed in itself is not a licence, and its contents are not part of the Legal Code. As an example, see <http://creativecommons.org/licenses/by/3.0/> for the Commons Deed for the CC Attribution 3.0 licence.

##### **Machine Readable Meta-data**

To make it easy for the Web to know when a work is available under a Creative Commons licence, Creative commons provides a “machine readable” version of the licence - a summary of the key freedoms and obligations written into a format that is discoverable by software systems and search engines. The standardised way in which licences are described so that they may be “understood” by software is called the Creative Commons Rights Expression Language (CC-REL) and its specifications may be found at <http://wiki.creativecommons.org/Ccrel> . For example, the code for the CC Attribution 3.0 Unported licence is:

```
<a rel="license" href="http://creativecommons.org/licenses/by/3.0/"></a><br />This work is licensed under a <a rel="license" href="http://creativecommons.org/licenses/by/3.0/">Creative Commons Attribution 3.0 Unported License</a>.
```



## ***The Four Creative Commons Licence Elements:***

### **Creative Commons Licence Elements**

Creative Commons licences are made up of four elements: Attribution, ShareAlike, Non-commercial and No Derivatives.

- **Attribution (BY)**

This is the Licence Element that is found in all CC licences. It means that the licensor has to attribute the creator of the work or the licensor in the way in the way defined by the licensor.

- **ShareAlike (SA)**

ShareAlike allows the licensee to create derivative works based on the licensed content as long as she further distributes them under the same Creative Commons work, the original work was licensed under.

- **Non-commercial (NC)**

Under this licence element, the licensee may only use the work for non-commercial purposes. If she wishes to use it for commercial purposes, she will need to seek an additional permission from the licensor.

- **No Derivatives (ND)**

This licence element allows the licensee to copy, distribute, display, and perform only unaltered copies of the CC licensed work. If the licensee wishes to make a derivative work, she needs to obtain permission from the licensor.

## ***The Creative Commons Licences:***

### **CC Public Licences**

Public Licences contain a set of permissions granted by the rights owner to the general public to perform acts that would otherwise constitute copyright infringement. They are public in the sense that they are standardised and available to both licensors and licensees, the former to choose them as an instrument for the dissemination of their content, the latter to accept the terms under which they could use the content. All CC licences are Public Licences.

The CC Licences are public in the sense described above. There are six CC licences. These are produced from a combination of the four Licence Elements.

- **Creative Commons Attribution (CC BY)**



This licence lets others distribute, remix, tweak, and build upon the creator's work, even commercially, as long as they credit the creator for the original creation. This is the most accommodating of CC licences.

*\*This licence would satisfy the licensing of OER as reusable and repurposable.*



- **Creative Commons Attribution-ShareAlike (CC BY-SA)**



This licence lets others remix, tweak, and build upon the creator’s work even for commercial purposes, as long as they credit the creator and licence their new creations under the identical terms. This licence is often compared to “copyleft” free and open source software licences. All new works based on the creator’s work will carry the same licence, so any derivatives will also allow commercial use. This is the licence used by Wikipedia, and is recommended for materials that would benefit from incorporating content from Wikipedia and similarly licensed projects.

*\*This licence would satisfy the licensing of OER as reusable and repurposable.*

- **Creative Commons Attribution-NoDerivatives (CC BY-ND)**



This licence allows for redistribution, commercial and non-commercial, as long as it is passed along unchanged and in whole, with credit to the creator.

- **Creative Commons Attribution-NonCommercial (CC BY-NC)**



This licence lets others remix, tweak, and build upon your work non-commercially, and although their new works must also acknowledge the creator and be non-commercial, they don’t have to license their derivative works on the same terms.

See below Commercial and Non-commercial for further discussion about the use of non-commercial CC licences.

- **Creative Commons Attribution-NonCommercial-ShareAlike (CC BY-NC-SA )**



This licence lets others remix, tweak, and build upon your work non-commercially, as long as they credit the creator and licence their new creations under the identical terms.

- **Creative Commons Attribution-NonCommercial-NoDerivatives (CC BY-NC-ND)**



This licence is the most restrictive of the six main licences. It only allowing others to download the creator’s works and share them, as long as they credit the creator. Anyone re-using works can’t change them in any way or use them commercially.



## **Creative Commons Public Domain Tools**

### **CC Public Domain Mark**

The CC Public Domain Mark (PDM) is a tool which allows a work that is free of any copyright restrictions to be identified as such. You can use a PDM to mark a work that is free of known copyright restrictions. It is typically used on old works that are free of copyright restrictions, or works that have been placed in the worldwide public domain prior to the expiration of copyright by the rights' holder. It is important to note that this tool is not recommended for a work that may be still under copyright in one or more jurisdictions.

See <http://creativecommons.org/choose/mark/> for more about the PDM.

### **CC0 or CC Zero**

CC0 is a tool that may be used by a copyright holder in order to free the use of her work from any copyright restrictions. CC Zero works as a waiver of rights in the jurisdictions where this is possible and as a licence of all economic rights in the jurisdictions where a waiver is not possible.

CC0 overcomes a problem known as *attribution stacking*. This occurs when numerous individual contributors contribute data into highly collaborative works – this can occur for example when datasets and databases are developed from so many sources that the size of the attributions can become larger than the size of the work.

CC0 enables creators and owners of copyright to waive their interests in their works and place them as completely as possible in the public domain, so that others may build upon, enhance and reuse the works for any purposes without restriction under copyright or database law.

*\*This licence would satisfy the licensing of OER as reusable and repurposable.*

The CC Zero tool may be found at <http://creativecommons.org/choose/zero/>

## **CC and copyright related terminology**

### **Copyright Notices**

A copyright notice is a statement about copyright ownership. Under all CC Licences, the licensee is obliged to retain all copyright notices as well as the CC marks indicating which CC licence is used for the licensed work. So, an example of a Copyright Notice, plus licensing information would be, “Bob Thomson 2010, CC Attribution Non-commercial ShareAlike Australia 3.0”

### **Fair dealing, other rights and CC licences**

CC licences do not affect fair dealing provisions or any other non Copyright related rights. For instance, it does not affect trademarks or provisions related to the unlawful processing of personal data.



## Moral Rights and CC

Moral rights represent a specific type of rights that most copyright laws in different jurisdictions grant to creators of works in addition to their economic rights. *Economic* rights allow rights holders to control activities such as copying and dissemination of their work, or creation of derivative works. *Moral* rights give to the creator of the work the right to be identified as the creator.

Depending upon the licence, a licensee may produce derivative works but because of Moral Rights, the creator retains the right to object to the distortion or mutilation of her work. Moral rights are recognised in all EU Member States but only in very limited cases in the US.

## No-Endorsement

All CC Licences contain no-endorsement provisions. This means that the use of the work or the creation of a derivative work does not entail any form of endorsement or approval by the original author of the work or the licensor.

## Porting of a CC Licence

There are national versions of all six CC licences. The national version of a CC licence involves not only a translation to the local language or languages but also a transfer of the licence to the local legal systems. Porting is the process by which a licence is transferred to the language and the legal system of a specific jurisdiction.

## Versions of the licences

CC licences are updated through a rigorous and ongoing review process. The latest version of the CC licences is 3.0. All CC licences are backwards compatible, which means that any derivative work may be relicensed under the same or a subsequent version of the same CC licence.

## Commercial and Non-commercial

Under CC non-commercial licences the licensee may only use the work for non commercial purposes, however, the definition of what constitutes commercial and non-commercial can be quite complex. Commercial use of a work would normally involve some monetary compensation direct (e.g. the payment of a fee) or indirect (e.g. use of obligatory advertising in order to access the work). The fact that an organisation is commercial or a person is engaged in commercial activities (e.g. private tuition for a fee) does not necessarily mean that the material is used for commercial purposes. For example, tuition fees would probably not qualify as commercial use of material, if the fees pay for teaching, and not for educational material.

If the licensee wishes to use a resource licensed under a non-commercial CC licence she will need to seek an additional permission from the licensor. CC non-commercial licences, as all CC licences, are non-exclusive and in that sense allow the licensor to license the work under another type of licence as well. This makes commercial exploitation possible. For instance: *Bob licenses his textbook under a CC-BY-NC-ND 3.0 Unported licence. Ted accepts this licence and hence can use the unaltered textbook for non commercial purposes as long as he attributes Bob. If Ted wants to make changes or use the work commercially, then he could always obtain additional permissions, i.e. a new commercial licence from Bob. Bob could also licence Carol to use the work for commercial purposes with or without a fee.*

This work is licensed under a [Creative Commons Attribution-ShareAlike 3.0 Unported License](https://creativecommons.org/licenses/by-sa/3.0/).

