

Creative Commons

CHOOSE THE APPROPRIATE LICENSE ACCORDING
TO YOUR NEEDS

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About me

Hermine Lacour, hermine.lacour@unine.ch

- Member of CCDL
 - Scientific collaborator – University of Neuchâtel
- Legal Counsel in IP/IT
- Former web developer

Research fields

- Application of IP and contract law in the context of software
- Free and open source licenses
- Open data

Let's talk about it...

AUTHOR
PUBLICATION
CREATORS
NON
COMMERCIAL
CREATIVE COMMONS
COPYRIGHT
PUBLISHERS
PICTURES
LINKED DATA
OPEN ACCESS
CONFERENCE
DIGITAL RESOURCES

Purposes

- Describe and distinguish the different CC licenses
- Recognize the scope of each license and explain it
- Choose the right licence according to your needs

Summary

To learn : Background

- Author's rights
- Public licenses

To understand : Creative commons

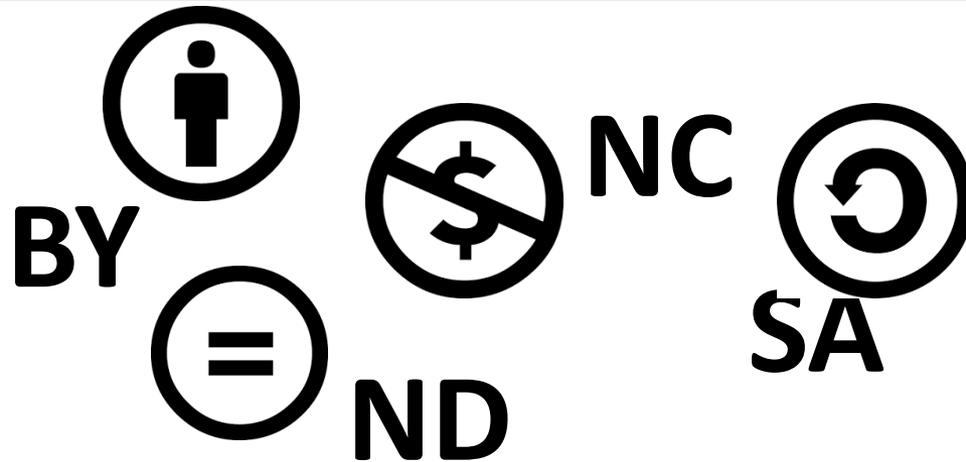
- License agreements
- The clauses in detail

In practice

- How to concretely use it
- Systematic methods

To learn – To understand – To apply

What are we talking about?



Creative commons licenses

- ⇒ Contract
- ⇒ Copyright agreement
- ⇒ Public license
- ⇒ Law
- ⇒ Intellectual Property Law
- ⇒ With some particularities ...

To learn – To understand – To apply

Author's rights



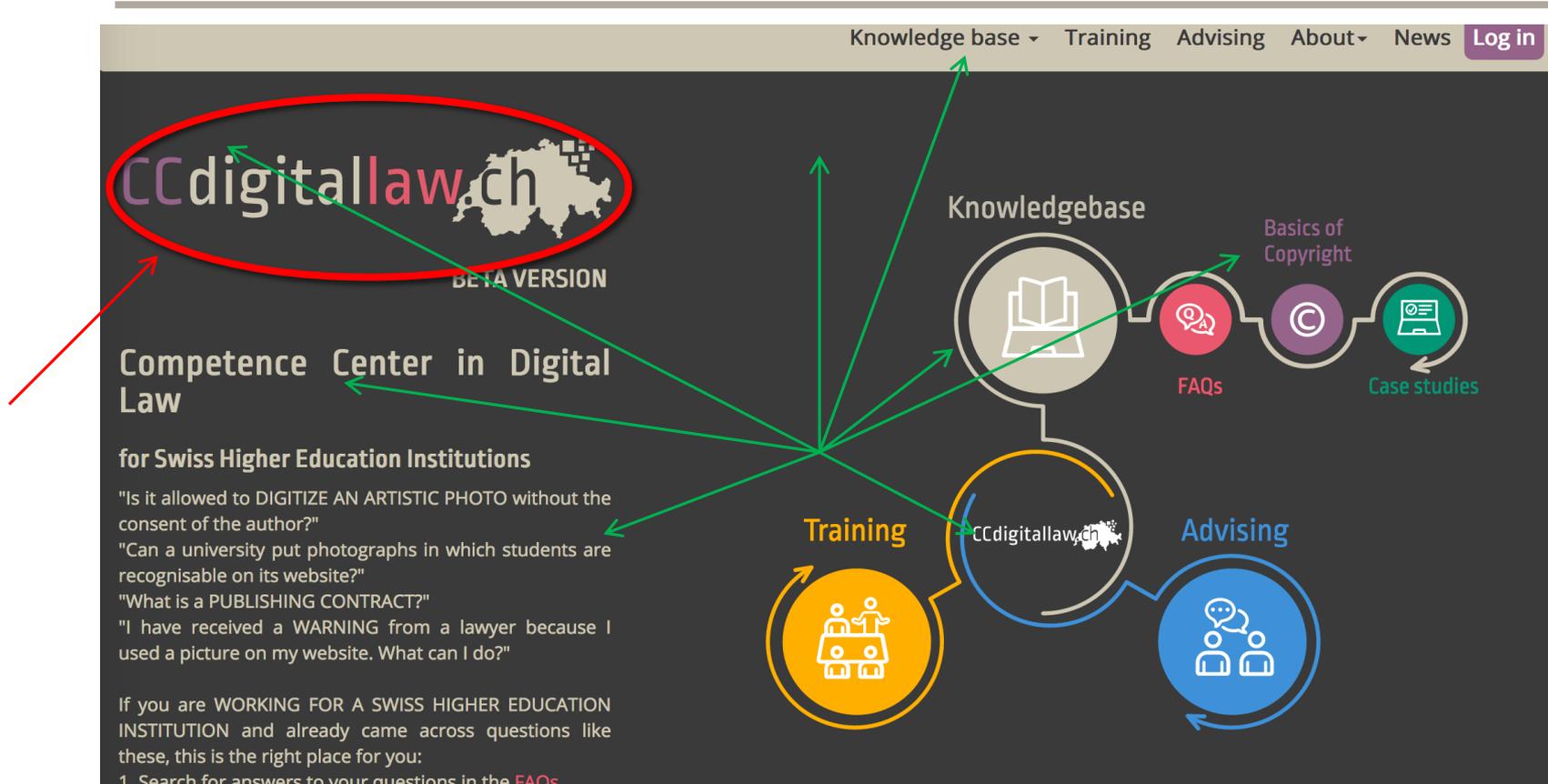
- *A boy paints something to his aunt.*
- *The aunt asks if she may pin it on the wall of her office.*
- *The boy does not want, he is afraid of his art showed in public ...*

Immaterial
creation

Rights to authorize
or prohibit the
exploitation

To learn – To understand – To apply

Author's rights



Knowledge base ▾ Training Advising About ▾ News [Log in](#)

CCdigitallaw.ch 
BETA VERSION

Competence Center in Digital Law

for Swiss Higher Education Institutions

"Is it allowed to DIGITIZE AN ARTISTIC PHOTO without the consent of the author?"
 "Can a university put photographs in which students are recognisable on its website?"
 "What is a PUBLISHING CONTRACT?"
 "I have received a WARNING from a lawyer because I used a picture on my website. What can I do?"

If you are WORKING FOR A SWISS HIGHER EDUCATION INSTITUTION and already came across questions like these, this is the right place for you:

1. Search for answers to your questions in the [FAQs](#).

Knowledgebase

Basics of Copyright

FAQs

Case studies

Training

Advising

To learn – To understand – To apply

Author's rights

Sources :

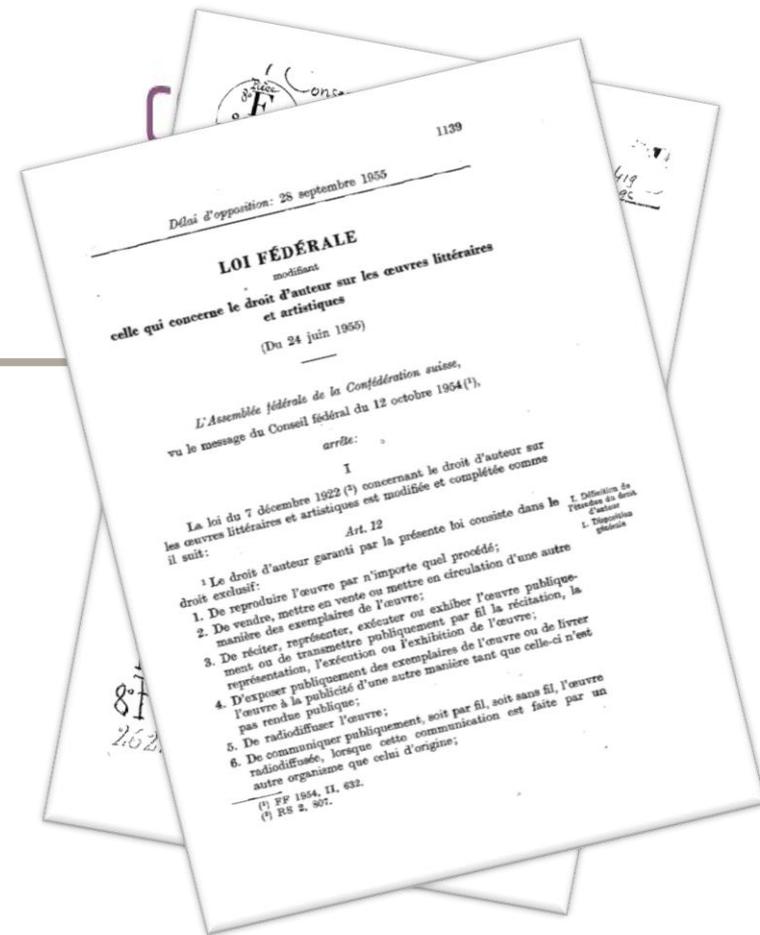
- International treaties
- National Law
 - Swiss Copyright Act

Conditions for protection :

- Work with an individual character

Protection :

- Exclusive rights on the exploitation of the work
- Moral rights

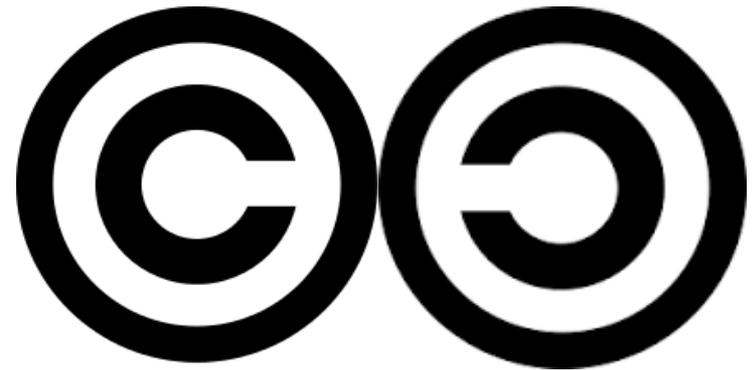


To learn – To understand – To apply

From « copyright » to « copyleft »

History

- From the software ...
 - 1989 : 1st version of the GPL
 - Idea : to share the code
 - Extension : documentation
- New licenses
 - Art libre ...
- Creative commons
 - Non-profit organization founded in 2001
 - Manage a license portfolio



To learn – To understand – To apply

Public licenses

Principle :

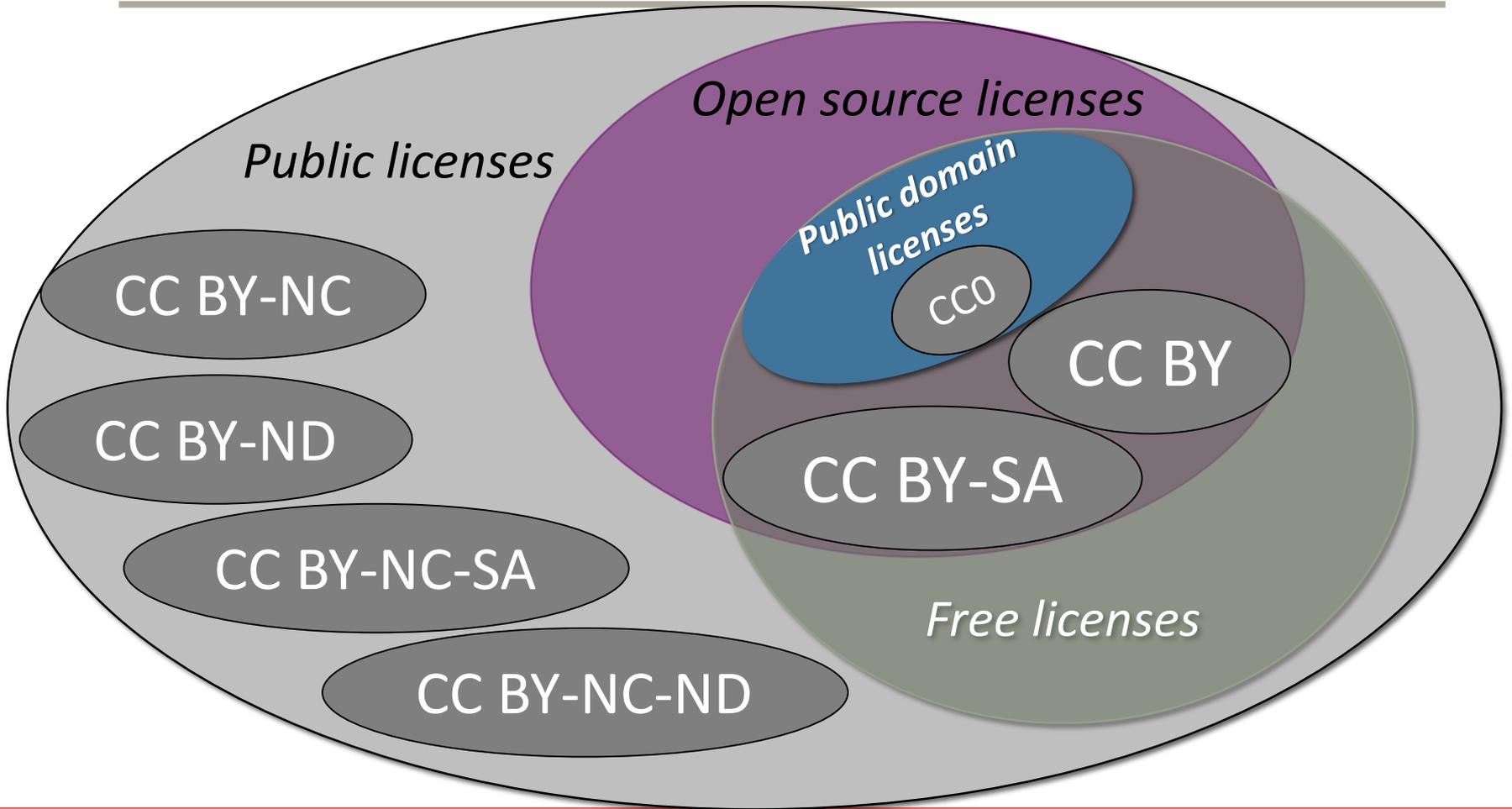
- Free dissemination

Main types of licenses:

- Free licenses:
 - 4 freedoms : to use, change, distribute, study*
(specific to software)*
- Open source Licenses:
 - 10 criteria, including the right of distribution, the right of creating derivate, etc.
- Ad hoc licenses

To learn – To understand – To apply

About CC-Licenses



Time to talk again ...



To learn – To understand – To apply

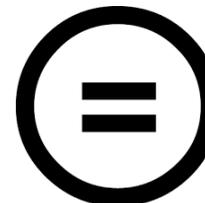
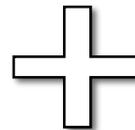
License + Agreement

Common Frame

Definitions

Limitation
of liability

Attribution
(BY)



Com
permis
irrevocab
it. Licensors sh

re applying
euse the

To learn – To understand – To apply

The clauses in detail

4 clauses...

- Attribution – « BY » 
 - Right of authorship
- Share alike – « SA » 
 - Right of reproduction / distribution
- No derivative works – « ND » 
 - Right to authorize the creation of derivative works
- Non Commercial – « NC » 

Warning : the contents may vary depending on the version of the license (international / national)

Case-study

Can I use this picture in a presentation for a public conference ?

A. Yes, because of the exception for education

B. Yes, because the license allows it

C. No



Galaktoboureko, sweet börek flavoured with lemon or orange

Badseed - Own work

Three pieces of Galaktoboureko, a popular greek desert. Τρία κομμάτια γαλακτομπούρεκο

CC BY 3.0

File: Galaktoboureko.jpg

Created: 27 October 2007

More

By Badseed - <https://commons.wikimedia.org/wiki/File:Galaktoboureko.jpg> - distributed under CC-BY 3.0

To learn – To understand – To apply

How to use it ?

What have I to do to « license » ?

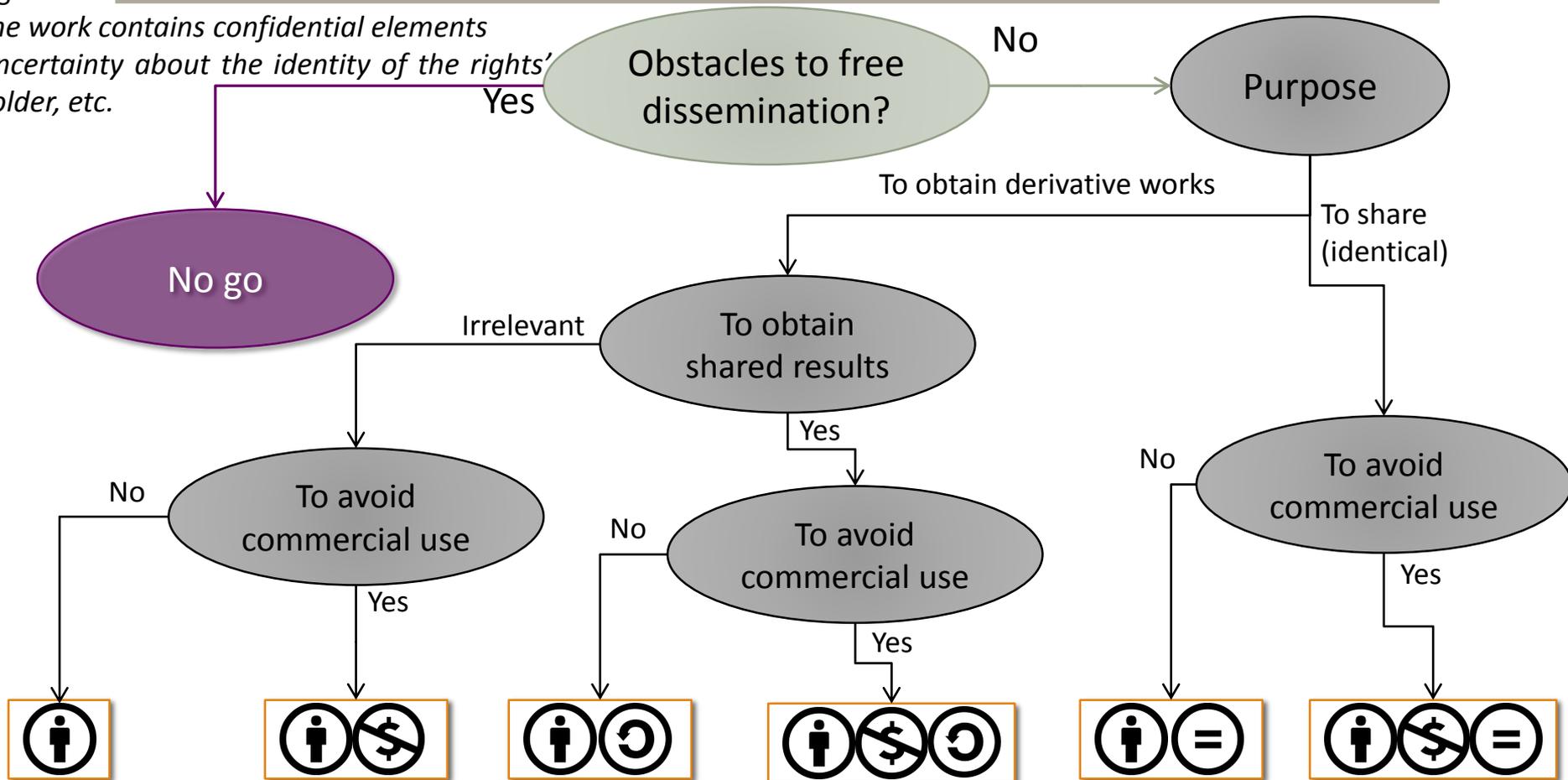
- Distribution :
 - Juxtapose the logos to your creation
 - For more clarity:
 - Add an express clause « This work is distributed under CC_BY »
 - **Don't forget :**
 - To indicate the author's / rights' holder
 - Ex: « *Created by Anna Martin, anna.martin@unine.ch, for the University of Neuchâtel, 2017* »
- Use :
 - Comply with the conditions
 - In particular, include the original copyright's notice and the liability clause

To learn – To understand – To apply

Distribution of a work

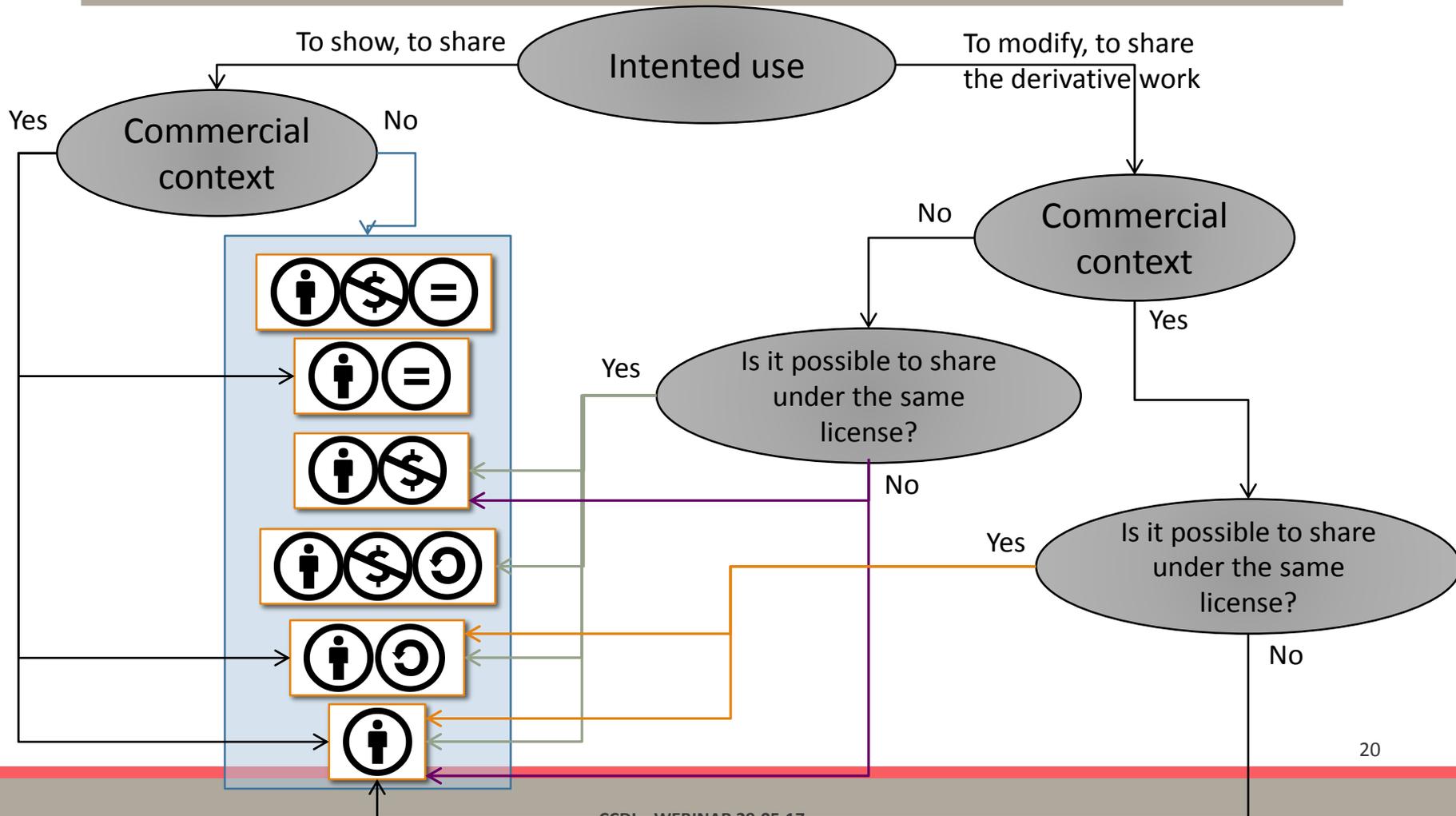
E.g. :

*The work contains confidential elements
Uncertainty about the identity of the rights'
holder, etc.*



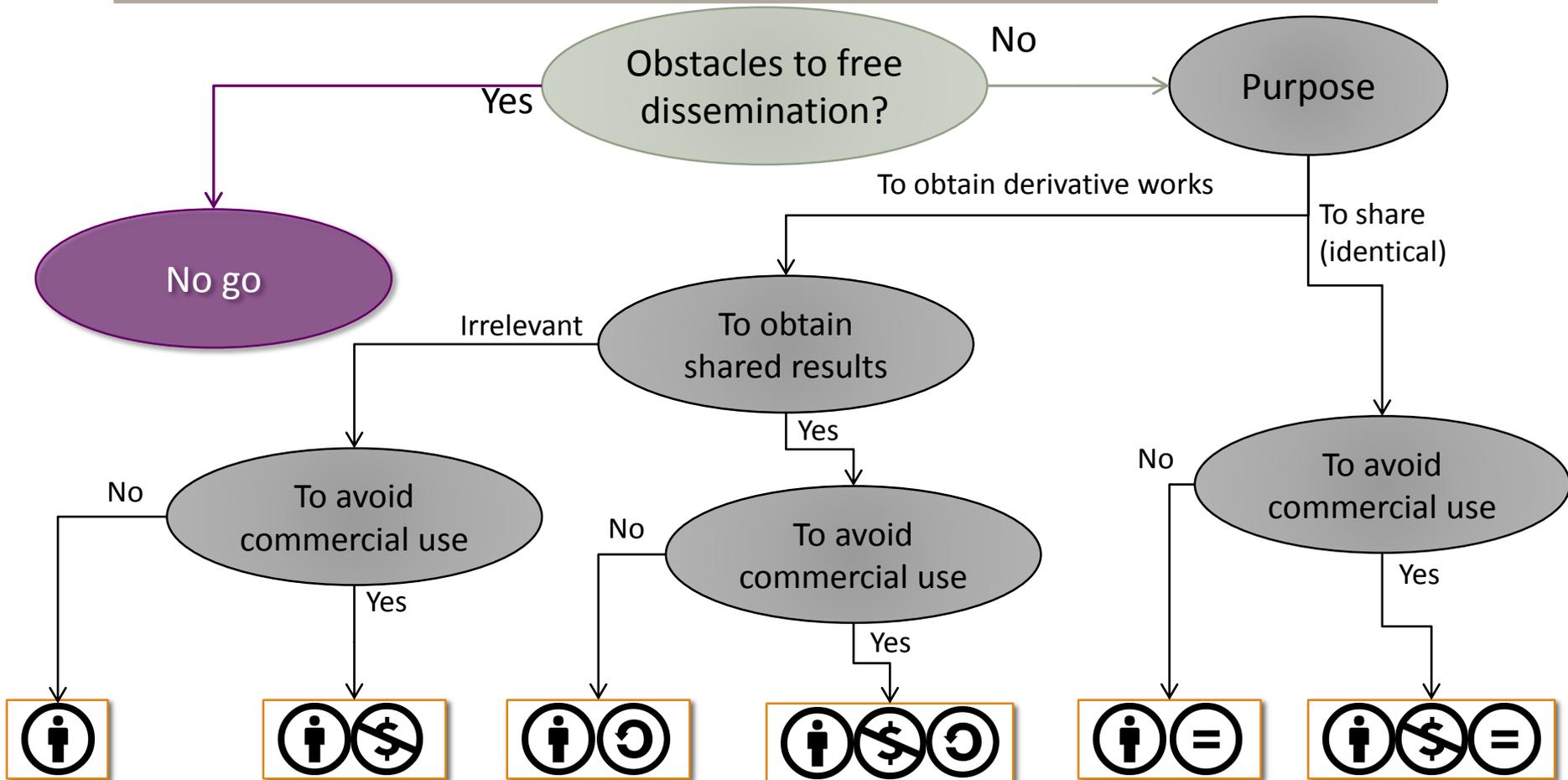
To learn – To understand – To apply

Use a work under a CC-license



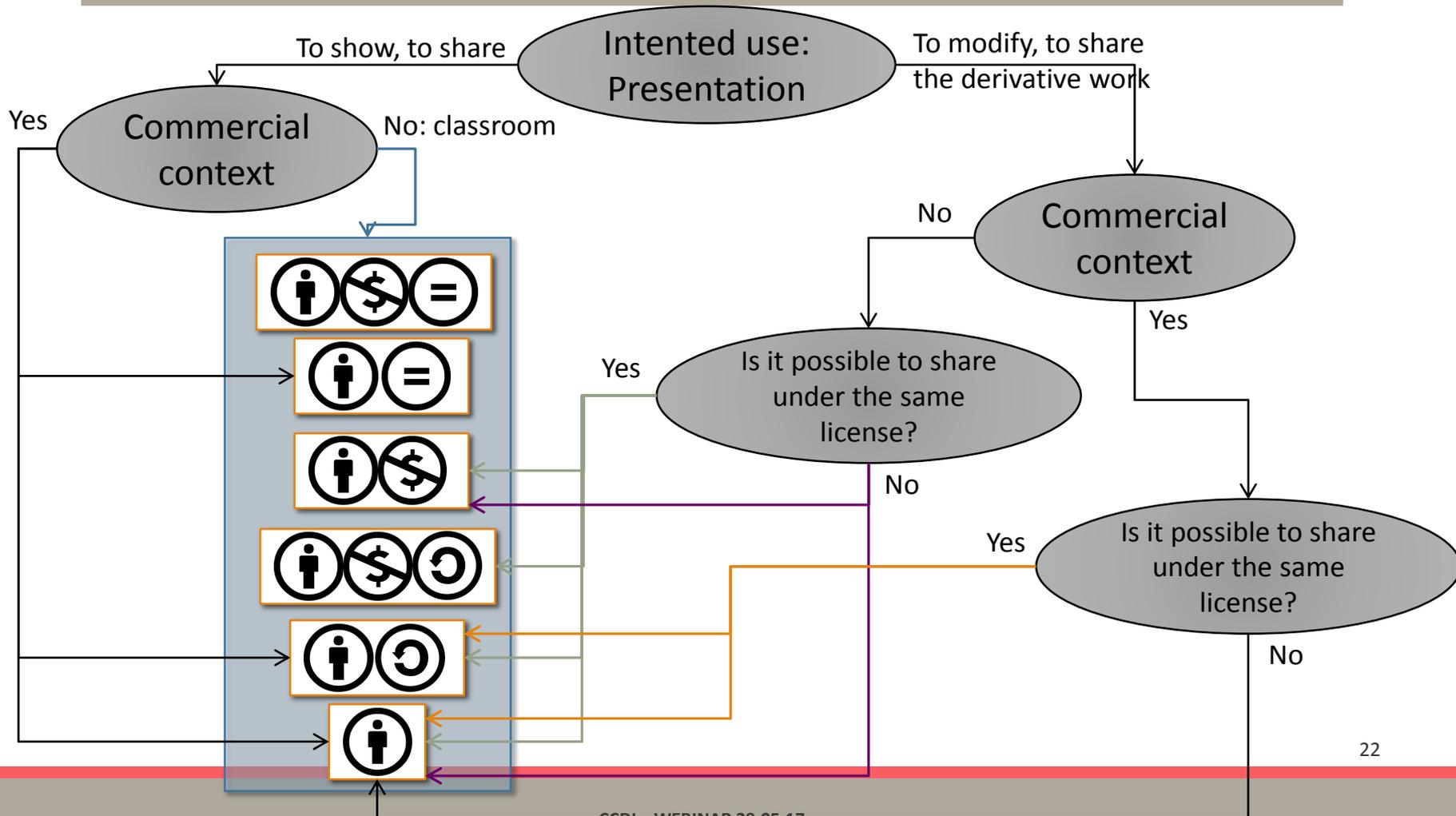
Case-study

I want to publish my courses on my blog ...



Case-study

To show a piece of art to students



Any question?

Feel free to ask 😊

Synthesis : In three points ...

Creative Commons => not one but different licenses

- Some are free licenses, some are open sources licenses, some are public licenses

Variable scope

CC ≠ without condition

- Comply with the license terms

Thanks a lot !

<http://www.ccdigitalaw.ch>