Copyright

Creative Commons
A guide for WA TAFE colleges

Copyright

Creative Commons

What is Creative Commons?

Creative Commons (CC) is an internationally active non-profit organisation that provides free licences for creators to use when making their work available to the public. These licences help the creator to give permission for others to use the work in advance under certain conditions.

CC licences allow the creator of the work to select how they want others to use the work. When a creator releases their work under a CC licence, members of the public know what they can and can't do with the work.

It is important to note that the CC licences have one requirement in common: without exception, all users must attribute the work to its creator.

The CC licences allow works to be used for educational purposes; as a result, teachers and students can freely copy, share and sometimes even modify or remix (if the licence permits) a CC work without having to seek the permission of the creator.

CC resources include a range of products such as music, film clips, text, clip art and pictures. A number of Australian government websites, eg abs.gov.au, now offer their information for free through a CC licence.

Why use Creative Commons material?

Every time a work is created, it is automatically protected by copyright. Copyright protection prevents others from using the work in certain ways, such as copying the work or putting the work online. The statutory licences in the *Copyright Act 1968* allow educational institutions to reproduce and communicate (put on a secure intranet site or learning management system) copyright material, in return for fees paid to copyright collecting societies. The downside of this is that the fees are expensive and often teachers cannot copy a whole or large portion of a work, nor modify or remix the work. CC resources should be used as third-party content whenever possible, because the copying of CC works is not subject to remuneration and whole works can be copied, modified or remixed, depending on the licence used.

How does Creative Commons work?

CC licences allow creators of works to establish how they want others to use their creative works. These licences communicate, by means of standardised symbols, the terms of use for each licence; for example, some licences allow users to adapt or modify material, while others do not. If a user wants to use the work in a way not permitted by the CC licence, permission must be sought from the copyright owner. It is worth noting that CC materials are not free of copyright and if the CC licence is breached by using the material in a way not permitted, copyright law still applies.

Every CC licence allows TAFE colleges to:

- copy the work (eg download, upload, photocopy or scan the work);
- distribute the work (eg provide copies of the work to teachers, students, parents or the community);
- display or perform the work (eg play a sound recording or film in class);
- communicate the work (eg make the work available online on the institute's intranet, learning management system or on a class blog); and
- format shift verbatim copies of the work (eg copy an MP3 version of music onto a CD, or an MP4 version of a film onto a DVD to play in class).

Source: Adapted from the information sheet 'Baseline Rights', under a CC BY 4.0 licence.
wiki.creativecommons.org/Baseline_Rights

Some CC licences also allow other uses; however, the above are the base user rights provided for all CC material.

What must I do when using Creative Commons material?

All Creative Commons licences require that users attribute the work to its creator. This is a requirement under Australian copyright law.

When attributing a work under a CC licence it is necessary to:

- credit the creator;
- provide the title of the work;
- provide the URL where the work is hosted;
- indicate the type of licence it is available under and provide a link to the licence (so others can find out the licence terms); and
- keep intact any copyright notice associated with the work.

What are the six standard Creative Commons licences?

There are a set of 'optional' licence elements that can be added by the creator of the work. These elements allow the creator to select the different ways they want the public to use their work. These different elements are used to make six standard CC licences. The table on the following page lists these licences and the different conditions attached to each.

Licence	Button/symbols	Terms of use*	Users can
Attribution only (BY)	CC BY	Commercial and non-commercial	• copy; • adapt or modify; • distribute (publish, display, publicly perform or communicate the work); and • license to others.
Attribution–Non-commercial (BY–NC)	CC BY NC	Non-commercial only	• copy; • adapt or modify; • distribute (publish, display, publicly perform, communicate the work or format shift verbatim copies of the work); and • license to others.
Attribution–ShareAlike (BY–SA)	CC BY SA	Commercial and non-commercial	• copy; • adapt or modify; • distribute (publish, display, publicly perform or communicate the work); and • license to others on the same terms as the original work.
Attribution–NoDerivatives (BY–ND)	CC BY ND	Commercial and non-commercial	• copy; • distribute (publish, display, publicly perform or communicate the work or format shift verbatim copies of the work); and • license to others.
Attribution–Non-commercial–ShareAlike (BY–NC–SA)	CC BY NC SA	Non-commercial only	• copy; • adapt or modify; • distribute (publish, display, publicly perform or communicate the work); and • license to others on the same terms as the original work.
Attribution–Non-commercial–NoDerivatives (BY–NC–ND)	CC BY NC ND	Non-commercial only	• copy; • distribute (publish, display, publicly perform or communicate the work or format shift verbatim copies of the work); and • license to others.

*The use of material for profit would be considered commercial use.

Changing a Creative Commons work

Derivative works are created if the original work is changed in any way; through such means as cropping, changing the colours or replacing words. Derivative works should always attribute the original work and identify the changes that have been made to it, for example, by including 'This is a French translation of the original text, XYZ.'

CC works licensed under a non-derivative (ND) licence cannot be changed or used to build upon. Permission must always be obtained from the creator to do anything that goes beyond the terms of the licence (eg making a commercial use of the work or creating a derivative work where the licence does not permit this).

Examples of attribution

There is flexibility in the way CC attributions are made. Information regarding the specific CC licence and content location may be provided as a link. The links should be written out in full for hard copy documents.

'Eid Mubarak' by Hamed Saber, available at flickr.com/photos/hamed/1552383685/ under a Creative Commons Attribution 2.0 Generic licence creativecommons.org/licenses/by/2.0/

When attributing digital resources, information regarding the CC licence may be provided by inserting a hyperlink within the CC logo image to the licence itself.

> 'Eid Mubarak' by Hamed Saber [CC BY]
> flickr.com/photos/hamed/1552383685/

Or CC licence information can be provided by hyperlinking text referring to the CC licence. The name of the image can also be hyperlinked to provide the location of the image.

> 'Eid Mubarak' by Hamed Saber used under a CC BY 2.0 licence.

Information regarding the CC licence may be embedded within the content. Sometimes the website itself embeds the information into the picture.

Attributing non-text material, photos and images

Provide the relevant attribution next to the photograph, or, if that is too obtrusive, close by; for example, on the edge or bottom of the page.

Slide shows

Include the relevant attribution information next to the CC work or as a footer along the bottom of the work on each slide on which the work appears. Alternatively, include a 'credits' slide at the end of the show, listing all the materials used and their attribution details. Indicate the slide or order so people can find the attribution for a specific work.

Films

Include the relevant attribution information with the work when it appears on screen during the film. If this is not possible, attribute the work in the credits, as would be seen in a normal film.

Podcasts

Mention the name of the artist and that their work is under a CC licence during the podcast (like a radio announcement) and provide full attribution on the website, next to the podcast link.

Finding Creative Commons material

The best place to start is CC Search: ccsearch. creativecommons.org/. CC Search also has the functionality of simple, one-click attribution to make it easier to credit the source of any image you discover.

Most search engines offer advanced options to customise a search for CC material based on a term and the type of CC licence under which the material is available.

Search for the topic as normal, but add 'creative commons' to the field, eg cloud formation creative commons.

For more information see 'Where to find CC licensed material' at smartcopying.edu.au.

Can Creative Commons materials infringe copyright?

Since users do not have to register in order to use a CC licence, CC has no way to determine what has and hasn't been placed under the terms of a CC licence. If you are in doubt, or if the work contains commercial music, television or films, you should contact the copyright holder directly or try to contact the site containing the content.

For more information about Creative Commons see smartcopying.edu.au:

• 'Creative Commons: A Quick Overview'

• 'Creative Commons'

• 'Quick Guide to Creative Commons'

• 'Where to find CC licensed material'

• 'Open Education Resources'

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