Creative Commons
A guide for WA Registered Training Organisations

What is Creative Commons?

Creative Commons (CC) is an international non-profit organisation that provides free licences for creators to use when making their work available to the public. CC licences allow the creator of the work to select how they want others to use their 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, for example abs.gov.au, now offer their information for free through a CC licence.

Why use CC 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 copyright material, subject to equitable remuneration being paid to copyright collecting societies. The downside of this is that the TAFE sector pays significant fees to rely on the statutory licences, and often teachers cannot copy a whole or large portion of a work, nor modify or remix the work.

Whenever possible, CC resources should be used as third-party content because CC content is free to use provided you comply with the licence requirements, and whole works can be copied, modified or remixed, depending on the licence.

How does CC 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. Some licences, for example, 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); and
- communicate the work (eg make the work available online on the TAFE intranet, learning management system or on a class blog).

Bullet points adapted from CC Wiki. (2011). *Baseline Rights.* wiki.creativecommons.org/Baseline_Rights Under a CC BY 4.0 licence.

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

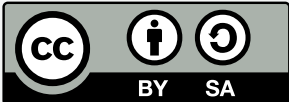## What must I do when using CC material?

All CC licences require that users attribute the work to its creator.

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 CC 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 following table lists these licences and the different conditions attached to each.

Licence	Badges	Terms of use*	Users can
Attribution only (BY)	CC BY or 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 or CC BY-NC	Non-commercial only	• copy; • adapt or modify; • distribute (publish, display, publicly perform or communicate the work); and • license to others.
Attribution– ShareAlike (BY–SA)	CC BY SA or 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 or CC BY-ND	Commercial and non-commercial	• copy; • **not** adapt or modify • distribute (publish, display, publicly perform or communicate the work) verbatim copies; and • license to others.

Licence	Badges	Terms of use*	Users can
Attribution–Non-commercial–ShareAlike (BY–NC–SA)	CC (i) (S) (↻) BY NC SA or 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 (i) (S) (=) BY NC ND or CC BY-NC-ND	Non-commercial only	• copy; • ***not*** adapt or modify; • distribute (publish, display, publicly perform or communicate the work) verbatim copies; and • license to others.

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

Changing a CC work

Derivative works are created if the original work is altered or modified, such as by cropping, changing colours or replacing words. Derivative works should always attribute the original work and identify the changes that have been made to it, for example, 'This is a French translation of the original text, [insert attribution information].'

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).

Attributing CC content

The National Copyright Unit at smartcopying. edu.au recommends using the acronym TASL to remember what to include in CC attributions:

- **T**itle of work
- **A**uthor or creator of work
- **S**ource with link to original
- **L**icence with link to licence deed

The order in which you include these elements can be changed to fit your TAFE referencing style.

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.

Saber, H. (2007). Eid Mubarak. flickr.com/photos/hamed/1552383685/. Used under 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 badge image to the licence itself.

Saber, H. (2007). *Eid Mubarak.* 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.

Saber, H. (2007). *Eid Mubarak*. Used under CC BY 2.0 licence.

Information regarding the CC licence may also be embedded within the content. Sometimes the website itself embeds the information in 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' or 'references' slide at the end, 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 CC material

The best place to start is the CC search portal, see https://search.creativecommons.org.

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 CC materials infringe copyright?

Since copyright owners are free to apply a CC licence to their images, CC has no way to determine what has and hasn't been licensed under 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 Information Pack for Teachers and Students'
- 'Creative Commons'
- 'Quick Guide to Creative Commons'
- 'Where to find CC licensed material'
- 'Open Education Resources'

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