# Creative Commons Licenses

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Open    Open Educational Resources    Openness    Copyright    Public Domain    Creative Commons

Open License

*Creative Commons (CC) licenses are a series of open licenses that provide a simplified method for creators (i.e., copyright holders) to license materials in a way that is more open to the public. The three-layer design simplifies the CC licenses while still providing versions that can be read and used by lawyers and computers. The six CC licenses are: CC BY, CC BY-SA, CC BY-ND, CC BY-NC, CC BY-NC-SA, and CC BY-NC-ND. Other tools are the CC0 and Public Domain Mark.*

With the advent of the internet came the ability to easily share information on a global scale. However, this ability to easily share contrasts with the stricter nature of intellectual property laws, particularly copyright. Creative Commons (CC) licenses were created in an effort to ease this tension between the global nature of sharing information through the internet and the stricter nature of copyright laws (Creative Commons, n.d.-f). Lawrence Lessig, a Stanford law professor at the time, helped spearhead the CC movement. Lessig was motivated in part by a desire to "make more creative works freely available on the internet" (Creative Commons, n.d.-f). Lessig had witnessed the growing success of the free and open-source software movement, where software developers had used open licenses to provide downstream users with greater software freedoms. Inspired by that movement, Lessig and the CC community launched the CC licenses in 2002 for creative content (Broussard, 2007; Creative Commons, n.d.-f; Lessig, 2005). For a deeper history of CC licenses, click here.

## Design

The CC licenses utilize a "three-layer design" that is composed of (a) the legal code layer, (b) a human readable layer, and (c) a machine-readable layer. The legal code layer is written in a format commonly used by lawyers. The human readable layer, also known as Commons Deed, is easier for laypersons to read and understand while "summarizing and expressing some of the most important terms and conditions" (Creative Commons, n.d.-b). The machine-readable layer

is understandable by machines, such as search engines and software systems, using the CC Rights Expression Language (Creative Commons, n.d.-b).

# Licenses

The six CC licenses are as follows: CC BY, CC BY-SA, CC BY-ND, CC BY-NC, CC BY-NC-SA, and CC BY-NC-ND (see Table 1). In addition to these six licenses, CC0 is another CC tool that "allows licensors to waive all rights and place a work in the public domain" (Creative Commons, n.d.-b). Unlike CC0, the Public Domain Mark is a "mark" for a work that is "free of known copyright around the world" (Creative Commons, n.d.-d). Below is a simplified a list of requirements for each of the six CC licenses (for a more comprehensive and descriptive list, as well as the license deeds and legal codes, visit the CC license webpage):

**Table 1**

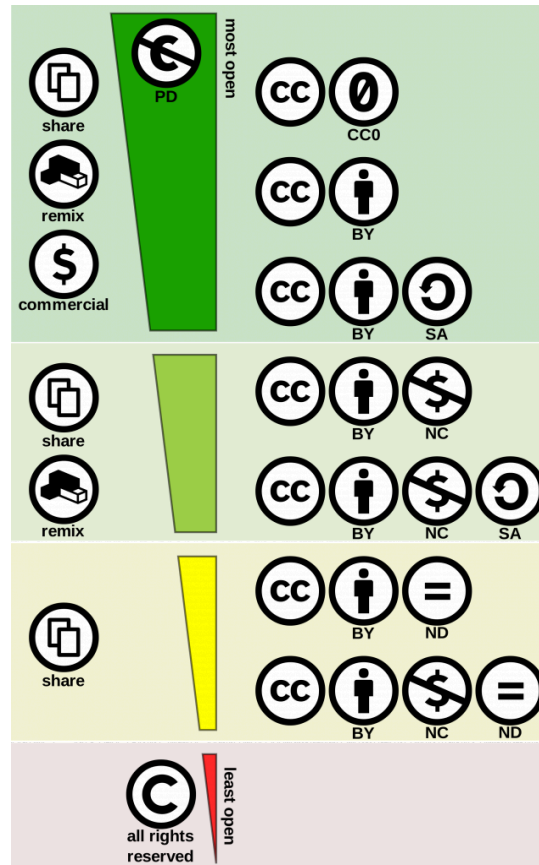*Creative Commons Licenses*

| License Title | Abbreviated Elements | Explanation of Abbreviation |
|---|---|---|
| CC BY | BY | Credit the creator |
| CC BY-SA | BY | Credit the creator |
| | SA | Credit and license the work using this content under the same terms |
| CC BY-ND | BY | Credit the creator |
| | ND | Do not change/adapt the work |
| CC BY-NC | BY | Credit the creator |
| | NC | Do not use for commercial gain |
| CC BY-NC-SA | BY | Credit the creator |
| | NC | Do not use for commercial gain |
| | SA | Credit and license the work using this content under the same terms |
| CC BY-NC-ND | BY | Credit the creator |
| | NC | Do not use for commercial gain |
| | ND | Do not change/adapt the work |

# Openness

Although CC licenses are open licenses, they exist on a spectrum. In other words, some licenses are more permissive than others (see Figure 1). Each license is categorized using the free cultural works definition. Free cultural works are works "that can be most readily used, shared, and remixed by others, and go furthest toward creating a commons of freely reusable materials" (Creative Commons, n.d.-e). CC BY and CC BY-SA are considered free cultural works, as well as CC0 and works with the Public Domain Mark (Creative Commons, n.d.-e). Wiley (2009; 2014) defines openness using the 5Rs of openness (Reuse, Revise, Remix, Redistribute, and retain). One might notice that not all of the CC licenses satisfy all five conditions. For example, CC BY-NC-ND, the most restrictive CC license (Creative Commons, n.d.-e), does not allow for a work to be changed or adapted; thus, it does not satisfy the Remix aspect of open content as defined by Wiley.

**Figure 1**

*Creative Commons License Spectrum*

# Selecting and Applying Your Own CC License

The two steps to applying a CC license to a creative work are as follows:

1. Select a CC license. CC's License Chooser can help you make the decision (Creative Commons, n.d.-g).
    1. Note that a CC0 license is unchangeable, and you must own/control copyright of that work (Creative Commons, n.d.-h). This license also follows a different application process in that the owner must fill out an application waiver through CC's License Chooser to receive a special html code ("Marking your work with a CC license," 2019). Details can be found here.
2. Indicate clearly which CC license is being used. This can be done in the copyright notice section of the work. CC recommends using a link or writing out the URL to the deed of the license being used (Creative Commons, n.d.-i). Here, you can access and download the trademark and logo for the CC license being applied to the work.

More details on choosing and applying a CC license can be found here.

# Attribution

To provide attribution to CC licensed works, both Cullen (2022) and Creative Commons (Creative Commons, n.d.-c) recommend using the "title-author-source-license method," (TASL) or title-creator-source-license as Creative Commons also lists it (Creative Commons, n.d.-c). Here is a fictional example, based on the example Cullen provided in the same work: A researcher wants to use a photo of a wind turbine in a chapter they are writing about energy conservation. The photo, titled "Turbine Against Blue Sky," was taken by a woman named Emma Richardson and is licensed under the CC BY 4.0 license. Attribution would appear as follows:

*"Turbine Against Blue Sky"* by *Emma Richardson* is licensed under *CC BY 4.0*.

In her publication, Cullen (2022) continued to explain that links should be attached to each of the underlined sections to guide users to where the image was originally published, the photographer's profile on the host website, and the license description, respectively. The Creative Commons website states that this format of attribution is "an ideal attribution of a CC-licensed image" (Creative Commons, n.d.-c).

Although each CC license is different, the attribution method should remain the same—unless the creator reasonably states otherwise or if the work was adapted or modified. If the person using the work modifies it, then the modification should be mentioned ("Recommended practices for attribution," 2022). For example, if a graphic designer named Daniel Cobbler wanted to provide attribution for the work "Turbine Against Blue Sky" after they had created a derivative titled "Turbine in Storm" (as can be done because it is a CC BY license), Creative Commons ("Recommended practices for attribution," 2022) recommends using the following format:

> This work, *"Turbine in Storm"*, is adapted from *"Turbine Against Blue Sky"* by *Emma Richardson*, used under *CC BY 4.0* by Daniel Cobbler.

Although this example is of a CC BY license, Creative Commons states that this format and the format shown earlier should be used "whenever [emphasis added] you are using CC licensed works" ("Recommended practices for attribution," 2022). It is important to note that attribution formatting may change depending on the style guidelines being used (e.g., APA, MLA, AP, etc.) as some styles may require additional information.

A basic understanding of CC licenses can give power to both the creator (i.e., copyright holder) and the audience. It gives the creator the power to "express the freedoms they want their creativity to carry" (Lessig, 2005) and audiences the ability to use those works without a need to contact the creator for usage permissions or a constant fear of copyright infringement.

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### Author's Note

Because practices of attribution change and evolve, Creative Commons maintains a wiki page that they update according to those changes. To read more and compare your current understandings with the standards Creative Commons is following, try reading the following website they link to within their official website (to view the page within which they link to their wiki, see Creative Commons, n.d.-c):

https://wiki.creativecommons.org/wiki/Recommended_practices_for_attribution

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Rebecca Nissen is a master's student of Instructional Psychology & Technology at Brigham Young University (BYU). She received a Communications BA in 2021 with an emphasis in journalism. Her current thesis research focuses on OER and OA adoption in universities. Before entering graduate school, Rebecca worked as a news reporter and PR writer where she published many articles for BYU and The Daily Universe. She has since worked as an editorial assistant and copyeditor for several openly licensed textbooks and is currently working as an instructional designer for BYU's Program Granite.

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Professor Clark Asay joined the BYU Law faculty in June 2014. Before coming to BYU, Professor Asay was a Visiting Assistant Professor and Shughart Scholar at Penn State's Dickinson School of Law from 2012-2014. Prior to entering legal academia, Professor Asay worked at Amazon's Lab126 and supported the Kindle, Kindle Fire, and Amazon Fire teams. Professor Asay also worked at the law firm of Wilson Sonsini Goodrich & Rosati, where he practiced in the field of technology transactions and intellectual property licensing. Professor Asay's research and teaching interests focus on intellectual property law, technology, and innovation. He has published papers relating to patents, copyright, open source software licensing, and information privacy. He has taught courses on intellectual property law, information privacy, and contracts. Professor Asay is a graduate of Stanford Law School, where he was an Executive Editor for the Stanford Law Review. Professor Asay also earned an M.Phil from the University of Cambridge and a BA, summa cum laude, from Brigham Young University.