

# Creative Commons License Working Group

## Final Report

Submitted by: Katie Fortney (CDL), Cody Hennesy (UCB), Deborah Murphy (UCSC)

To: Amy Kautzman, Chair, Heads of Public Service (HOPS)

Date: April 30, 2013

---

### Charge

The Creative Commons License Working Group is charged with exploring and designating which Creative Commons licenses are appropriate for University of California Library learning objects.

- Perform an overview of current UC learning object copyright practices
  - How is copyright assigned to the learning objects?
  - How do other peer institutions assign copyright to learning objects?
- What copyright and intellectual property issues should be considered?
- Which Creative Commons license should be considered for UC Learning Objects
  - If necessary, make a distinction between how the UCs currently share learning object and any differences with how we would share with ARL, state and international peers.

### Recommendations

- 1) UC libraries should use the [Creative Commons Attribution 3.0 License](#) (CC BY) for online learning objects and for all other library-created online content including library web pages, tutorials, course and subject guides. As a second choice libraries could opt to use the [Creative Commons Attribution-NonCommercial license](#) (CC BY-NC).
- 2) The Creative Commons license should be included in the footer of all library web pages, alongside a notice of UC Regents copyright, and should include the following elements:
  - a) The Creative Commons icon and code, which can be generated at [the Creative Commons site](#).
  - b) A brief description of the license and its application (e.g., “Except where otherwise noted this work is subject to a Creative Commons Attribution 3.0 License.”)
  - c) A link to a library page with more information (for example, [library.ucsc.edu/creative-commons](#))

### Creative Commons License Considerations

Creative Commons ([creativecommons.org](#)) is a global nonprofit organization that provides a set of standard licenses to enable and enhance sharing and reuse of creative works. A CC license would generally cover any online text or media that was created by library staff, but would not include any content that was not created within the library. The UC Regents would maintain ownership of the copyright for library-created content.

## Why should the UC Libraries adopt CC licenses for online content?

- CC licenses are a good fit for our values as libraries, making it easier for people to access and use information. To borrow from the Libraries' Vision statement: "Agile, focused, efficient, and data-driven, the UC libraries will be leaders in providing the broadest access to the world's knowledge and developing innovative services, strategies, and technological systems that promote discovery and preserve knowledge."
- CC licenses make it easier for others to share and reuse library content, while requiring that they give us credit, which can increase our visibility and reputation as great resources.
- Periodically libraries receive requests to use content from our websites and libraries often grant these requests. Granting a blanket permission via a CC license would reduce the number of direct requests to which library staff would need to respond, freeing up time for higher-level work. The Working Group finds no cause to draw any distinction in the application of licenses for sharing content between UC libraries and other ARL, state and/or international peers.

## The Working Group recommends the Creative Commons Attribution 3.0 License (CC BY).

The CC BY is the most accommodating of the licenses available and would therefore encourage maximum dissemination and use of library-created content.

### *As a second choice, the Working Group recommends using the Creative Commons Attribution –NonCommercial License (CC BY-NC).*

There is some confusion and disagreement, even among those who are extremely familiar with Creative Commons licenses, about the meaning of the NonCommercial restriction. Librarians or other users at private or for-profit colleges may not feel confident in their ability to use learning objects with this restriction, for instance. Additionally, the likelihood that a commercial party could make profitable use of UC libraries' content that is freely available online is low, and seems counterbalanced by the fact that even if this were to occur, it would still be a greater dissemination of the libraries' work, with due credit. However, should the libraries or the individuals creating library content have strong reservations about the CC BY license, this would be the next best option.

### *The Working Group recommends not using ShareAlike (SA) licenses.*

ShareAlike licenses require that derivative works use the same license. However, there are two different ShareAlike licenses, which can lead to problems with compatibility. As an example, if a librarian at institution X wanted to create a new learning object that relied heavily on learning objects at institutions Y and Z, and institution Y used a CC BY-SA license while institution Z used a CC BY-NC-SA license, the librarian at institution X could not comply with the requirements of both. While the goal of encouraging others to adopt reuse-friendly licenses is an admirable one, we think it best to let others choose their own license.

### *The Working Group recommends not using NoDerivs (ND) licenses.*

No Derivatives licenses require that anyone using a work use it as-is. Since the most likely re-use of library learning objects is by other libraries who will often need to adapt it in some way to reflect the needs of their own institutions, ND licenses seem counter-productive for our purposes.

## Overview of current learning object copyright practices

### UC Libraries

There is no standard approach to licensing online learning objects at the UC libraries. Four UC libraries use a Creative Commons license for at least some online content. The licenses in use are:

- UCLA: Attribution-NonCommercial-ShareAlike (CC BY-NC-SA)
- UCB and UCSD: Attribution-NonCommercial (CC BY-NC)
- UCSC: Attribution (CC BY)

The *UC Libraries Begin Research* tutorial, hosted by UC Irvine and used at a number of campuses, also has an Attribution-NonCommercial-ShareAlike license (CC BY-NC-SA). The UC tutorial and UCSC both include the CC logo and a brief description of the license in their footers along with a link to a full page describing the license in greater depth. UCLA includes a text link to “Creative Commons License” in the footer of their website directing users to a page describing the license.

With the exception of UCLA and UCSC, campus libraries apply their licenses inconsistently across their web content. Berkeley and San Diego use the Creative Commons license on specific tutorials, but not on others, and it isn’t present on the majority of their library web pages.

### Other Academic Institutions

UC libraries are ahead of the curve when compared to other academic libraries. A review of eleven comparable academic institutions illustrates a lack of consensus among academic libraries on copyright and licensing of their creative works. For example, licensing of learning objects could vary from within a single library or be included on some but not all works, links to author attribution or explanations of licensing practices could be incomplete or missing.

The institutions listed below reflect the clearest labeling and most consistent use of the Creative Commons License for their library learning objects. The rationale for their choice of license type was generally predicated on:

- Encouraging broader use of our educational resources.
- Removing restrictions on using, repurposing and changing.
- Leading the way toward open access in scholarship.

#### Institutions with notable examples:

University of Michigan (Sample [Learning Object](#))  
University of Florida (Sample [Learning Object](#))  
Colorado State University (Sample [Learning Object](#))

#### Text and logo for copyright/cc license

All had similar statements on the page that the work was subject and/or licensed under a Creative Commons attribution.

All had an image on their page – majority used CC logo

#### Location of info

All had info on the page, majority used bottom of page.

#### **Link to copyright/cc**

All three institutions do this.

#### **License information**

<http://www.lib.umich.edu/license>

<http://www.lib.umich.edu/license>

<http://creativecommons.org/licenses/by-nc-sa/3.0/us/>

#### **Type of CC License**

Two of the three institutions use the “NonCommercial-ShareAlike” license. University of Michigan used to have Attribution-NonCommercial but changed to Attribution only in 2010 in an effort to share their work more widely.

### **Addendum: Best Practices**

From the Creative Commons website:

- Best Practices for Marking Content with CC Licenses: Creators  
<http://wiki.creativecommons.org/Marking/Creators>  
For creators and copyright owners who are looking to CC license their own work.
- Best Practices for Web Integration  
[http://wiki.creativecommons.org/Web\\_Integration](http://wiki.creativecommons.org/Web_Integration)  
Describes everything a web-based (media) hosting site could do to integrate CC and CC-related features.