

# Snapshot and case-studies of current usage of Creative Commons (and other open content) licences by cultural heritage organisations in the UK

Creative Commons was founded in 2001 with the aim of offering a flexible range of protections and freedom to authors and artists. It counters the “all rights reserved” tradition associated with copyright by the introduction of a set of licences that offers “some rights reserved”. The number of organisations using Creative Commons licences is growing and there is wider recognition of its importance – for example the recent Gowers Review of Intellectual Property [2] highlights the use of Creative Commons licences as an alternative way of making content available.

*3.33 ‘Creative Commons’ licences provide an alternative operating model that has been particularly popular for non-commercial online licensing of digital media. The date of creation and the permissions that the copyright holder grants to others using the work are contained within an easily comprehensible licence, which is available online and is machine readable so that it can be automatically processed.*

Digital resources produced from organisations funded by public money are a trusted and valued asset to research and education. Many people in the sector believe that there is a real problem with not having appropriate access to such resources and that the wider use of open content licences would help to resolve this issue. For example, in the meeting discussing the interim findings of the soon to be published study of “Creative Commons in the FE and HE sector” [3] it was generally accepted that open access to resources is an important issue and that more information on the actual use of Creative Commons licences would be extremely useful to decision makers and other people in the FE and HE sector.

Cultural heritage organisations in the UK are under increasing pressure to make more digital resources available to the public. As the main anticipated end user groups for these resources are people involved in education and research it is important that the resources are made available in such a way that they can be effectively used by this group. However it is also important that cultural heritage organisations retain some control over the use of their resources and they may wish to impose restrictions such as non-commercial use.

If digital resources were simply made available through a Web site with no other licensing information, they would be protected by copyright and could not legitimately be used for most educational and research activities unless the user obtained explicit permission from the rights holder. For example, if a lecturer found a picture on a Web site that they wished to put into a lesson in a Virtual Learning Environment, they would first have to find out who the owner of the picture was and obtain their permission. This would not be the case if the picture was published under a Creative Commons licence because the licence would grant permission in the first instance.

If resources are published under Creative Commons licences then it is possible for users to perform most typical educational and research activities whilst still allowing the resource owner to retain some rights. Indeed, it was shown in the CIE study [1] that representatives from many public sector organisations felt that they would not be giving away too many of their rights by making resources available under Creative Commons and that doing so would be particularly useful to users of their resources.

During the study [1] it was noted that there was a lot of enthusiasm about Creative Commons by both cultural heritage organisations and the educational and research community and it was generally thought that the use of such licences would provide a mutually beneficial solution. However, the study was completed a year and a half ago and although people are more aware of the possibilities there is still a lack of clarity in the community about which cultural heritage organisations in the UK are actually making resources available under Creative Commons and which ones are considering doing so in the near future.

The work specified in Part 1 of this project proposal aims to investigate the current level of interest in open content licences (such as Creative Commons and BBC Creative Archive) from UK cultural heritage organisations and to identify organisations which are using them to make resources available.

If this work shows that there is a significant interest in and use of open content licences then we intend to carry out more detailed case studies with the view to producing advice for organisations considering publishing under these kinds of licences. In particular there have been some negative “myths” going through the community that need to be challenged. For instance, it was thought by some that only individuals and not organisations could publish resources under Creative Commons but many large organisations such as Massachusetts Institute of Technology have done so. We would look to identify any “myths” and provide people with accurate information.

Alternatively, if on completion of Part 1 of the project it becomes clear that interest in open content licences is no longer strong or that there is not enough current usage to support case studies, then we will identify the reasons for this but will not progress with Part 2 of the study.

To summarise, it is expected that Part 1 of the study will provide us with a clear picture about the level of interest and rate of uptake of open content licences by cultural heritage organisations in the UK and this information will be valuable to policy makers, content-holding organisations and the end users of digital resources.

## ***Project: Part 1***

### **Methodology**

The aim of the first part of the study will be to contact and interview at least 50 cultural heritage organisations in the UK in order to determine if they are using Creative Commons or similar licences. The intention is to collect information about the type of

content being made available; the issues involved with implementation and the impact that their use has had. For organisations not using such licences, reasons for their lack of use will be ascertained.

During the CIE study [1] mentioned above, a number of contacts were made with organizations who seemed interested in making resources available under Creative Commons and it is intended to use these as our initial set of contacts. In addition Web searches and other contacts within the sector and Creative Commons Scotland and Creative Commons England and Wales will be used to increase our coverage of organisations. We will also contact significant cultural heritage organizations outside of the UK who are making materials available and that are of benefit to the UK research and education sector.

The primary deliverable of part 1 of the project will be a report summarizing the attitudes of this representative group of cultural heritage organizations in the UK.

## ***Project: Part 2***

### **Methodology (Part 2)**

The results of Part 1 will be analysed in order to determine if this part of the study should be undertaken. The factors that will be considered are:

1. Whether there are a sufficient number (greater than 5) of cultural heritage organisations currently making official use of open content licences and that have been doing so for a period of greater than 3 months?
2. Whether these organisations would be willing and able to contribute a case study on the practical use of open content licences?

If the answers to the above questions are positive, we will undertake a follow up study considering some cultural heritage organizations in more depth. The intention is to commission a set of 5 case studies looking at factors such as the types of resources which are being made available, who the intended end users are, how resource use is encouraged, statistics on use of resources, and barriers to making resources available.

These case studies will be published individually but there will also be a report collating the results of these studies to produce guidelines for public sector organizations and for potential users of resources published under open content licences. In addition a blog will be maintained for the duration of the project and there will be an event to disseminate the findings.

### ***Dissemination***

The report produced by part 1 of this project will be made available on the Eduserv Web site and will be disseminated through a number of JISC and cultural heritage mailing lists including jisc-announce and the museums copyright and computing groups as well as the eFoundations blog. We also expect there to be interest in this study by CILIP and the JISC Legal Information Service and we would hope that they will link to the report from their Web sites. Some dissemination will also happen through steering group members.

Similar dissemination routes will also be adopted during part 2 of the project, if it goes ahead. In addition, there will be a widely announced meeting during part 2 and a blog will be maintained and promoted.

### ***Fit with Eduserv Foundation Strategy***

The use of open content licences is a critical part of providing content on an open access basis. This proposal therefore fits clearly within the ‘repositories, metadata and open access’ area of Foundation interest, as outlined in the strategy. It is also clear from informal discussions with members of the cultural heritage and education community that the studies proposed in part 1 and part 2 of this project are of significant short-term interest to those institutions that are considering the use of open content licences. This project is very likely to have a direct impact on service provision, in the sense that it will help to support service-specific decisions being taken by those institutions.

### ***Benefits to the community***

Public sector organizations are becoming increasingly aware of their responsibilities to make more resources openly available. This means that there is much interest in this area. Part 1 of this study will provide us with a clear picture about the level of interest and rate of uptake of open content licences by cultural heritage organisations in the UK and this information will be valuable to policy makers, content-holding organisations and the end users of digital resources. If it goes ahead, part 2 of this study will produce guidelines and advice on good practice for decision makers and practitioners in public sector organizations (including libraries, museums and educational institutions) that wish to make use of open content licences.

### ***References***

[1] [The Common Information Environment and Creative Commons](#)

[2] [Gowers Review of Intellectual Property](#)

[3] Meeting discussing Interim findings of Creative Commons in HE and FE study. ( Available from

[http://www.ukoln.ac.uk/repositories/digirep/index/Legal\\_and\\_policy\\_issues\\_cluster\\_meeting\\_2006-12#Interim\\_findings](http://www.ukoln.ac.uk/repositories/digirep/index/Legal_and_policy_issues_cluster_meeting_2006-12#Interim_findings) )