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Creative Commons: Why Now?

What is the Creative Commons and why do we need it now?

Copyright

Establishes the basis for Creative Commons licensing. All Creative Commons licenses assume copyright on the CC licenses exists.

United States Constitution, 1789

"To promote the Progress of Science and useful Arts, by securing for **limited Times** to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;"

--"The Constitution of the United States: A Transcription," National Archives, accessed February 3, 2023, <https://www.archives.gov/founding-docs/constitution-transcript#toc-section-8->.



1909 Copyright Act

Term of protection extended to **56 years**.

--"Timeline: 1900-1950" U.S. Copyright Office,
accessed February 3, 2023,

https://www.copyright.gov/timeline/timeline_1900-1950.html#:~:text=The%20Copyright%20Act%20of%201909,copyright%20notice%20affixed%20on%20copies.



Timeline 1900 - 1950 | U.S. Copyright Office

The Copyright Act of 1909 (Public Law 60-349) was signed into law by President T...
copyright.gov

Copyright Act of 1976

This was a major revision of the existing copyright law and established the framework of current copyright law. Term changed from a period of years to **life of the author plus 50 years**.

--"Copyright Law of the United States (Title 17), Preface," U.S. Copyright Office, accessed February 3, 2023,
<https://www.copyright.gov/title17/92preface.html>.



Preface

This publication contains the text of Title 17 of the United States Code, including all...
[copyright.gov](https://www.copyright.gov)

Copyright & the Public Domain

Multiple extensions of the copyright term and changes to copyright law that allows copyright to cover more and more materials erodes the concept of the public domain and the ability of creators to build upon others' works to "promote the progress of science and useful arts." Over time, less and less material gets into the public domain.

World Wide Web invented, 1989

The Web is today's technology that impacts creators and copyright. In the past, other technologies such as player piano rolls, motion pictures, radio broadcasting, and other mediums for creative work have challenged ideas surrounding copyright.



A short history of the Web | CERN

At CERN, we probe the fundamental structure of particles that make up everything ...
home.cern

Sonny Bono Copyright Term Extension Act (CTEA), 1998

Extends the term of copyright protection for most works to **life plus 70 years** and for works of corporate authorship to 120 years after creation or 95 years after publication, whichever end is earlier. --"Copyright Law of the United States (Title 17), Chapter 3: Duration of Copyright," U.S. Copyright Office, accessed February 3, 2023, <https://www.copyright.gov/title17/92chap3.html>.



Chapter 3 - Circular 92 | U.S. Copyright Office

Duration of Copyright

[copyright.gov](https://www.copyright.gov)

Eldred v. Ashcroft, 2002

Eric Eldred, an internet publisher represented by Lawrence Lessig, challenged the CTEA all the way to the U.S. Supreme Court, and lost. The decision affirmed the CTEA based on precedent in that previous changes to U.S. copyright law retroactively extended copyright protections.

--"Eldred v. Ashcroft," Wikipedia, accessed February 2, 2023,
https://en.wikipedia.org/wiki/Eldred_v._Ashcroft.



Eldred v. Ashcroft - Wikipedia

Eldred v. Ashcroft Full case name Eric Eldred, et al. v. John Ashcroft, Attorney Gene...
en.wikipedia.org



Tension: Technology & Copyright

"Whether technology advances and then law balances copyright, or whether the law stops the technology from advancing, in the name of current owners of copyright." Lessig saw that copyright law was increasingly used to stifle technology and innovation. New technologies that arose with the internet reduced barriers to sharing creative works. The government response with the CTEA was to extend copyright protection, resulting in fewer works in the public domain, less material for creators and innovators to draw upon for new works.

(Quotation from: Lawrence Lessig, "The Creative Commons," Florida Law Review 55 no. 3 (2003): 12.)

Creative Commons established, 2001

"Creative Commons is a nonprofit organization that helps overcome legal obstacles to the sharing of knowledge and creativity to address the world's most pressing challenges."

The Creative Commons nonprofit organization provides CC licenses and public domain tools allowing creators "a free, simple, and standardized way to grant copyright permissions for creative and academic works; ensure proper attribution; and allow others to copy, distribute, and make use of those works." Creative Commons also:

- works globally with cultural heritage institutions to support and advocate for open culture, and generally works to increase openly available knowledge everywhere;
- runs the Open Education program to promote freely available educational materials;
- promotes "open access to knowledge to accelerate progress towards solving the climate crisis and preserving global biodiversity."
- provides varied training opportunities for people to become knowledgeable about CC licenses and to advocate for open knowledge and culture.

--"What We Do," Creative Commons, accessed February 2, 2023,
<https://creativecommons.org/about/>.



First CC Licenses Published, 2002

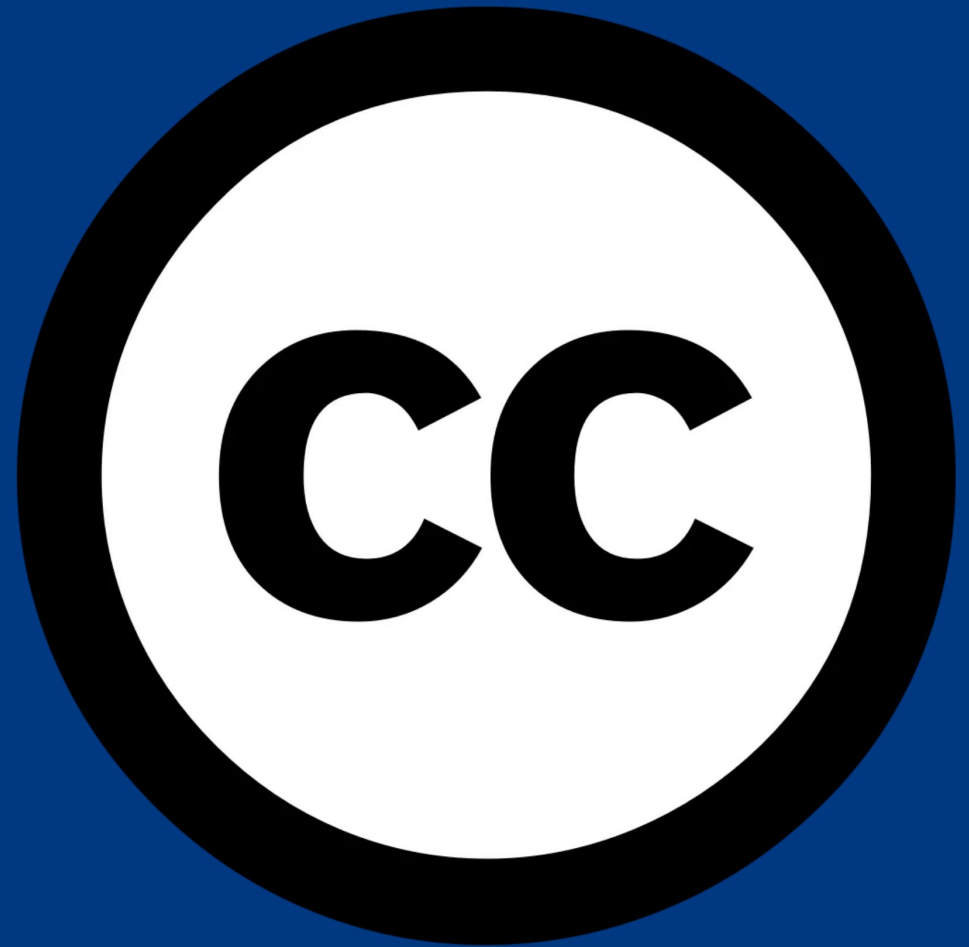
Responding to the loss in the Eldred vs Ashcroft case, the founders of Creative Commons, Lawrence Lessig, Eric Eldred and Hal Abelson produced the first licenses, enabling creators to signify to others who would re-use their work which rights they reserve and which rights they waive (while retaining copyright).

The standardized license language makes it easy for creators to bypass burdensome negotiations often involved in the re-use of works by others.

Number of CC licenses, 2019

As of 2019 there are six different types of CC licenses.

--"About CC Licenses" Creative Commons, accessed February 3, 2023,
<https://creativecommons.org/about/cclicenses/>.



About CC Licenses - Creative Commons

Creative Commons licenses give everyone from individual creators to large instituti...
creativecommons.org

Millions of Works with CC Licenses, 2023

In 2023 the Openverse site records over 600 million works with Creative Commons licenses.

--Openverse, accessed February 3, 2023,
<https://wordpress.org/openverse/?referrer=creativecommons.org>.



Openverse

Search over 700 million free and openly licensed images, photos, audio, and other ...
wordpress.org

Get Involved! Collaborate!

- *Join the sharing community by applying Creative Commons licenses to your works.*
- *Use and remix content with existing CC licenses.*
- *Join the Creative Commons Global Network. Interact with other advocates, activists, scholars, artists across the globe working to strengthen the Commons.*

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