



## Creative Commons statement on the public domain at WIPO CDIP/9 (Geneva, May 11, 2012)

Thank you Mr Chairman, we would like to congratulate you on your election to preside this Committee.

In his keynote presentation to the Global INET Conference here in Geneva just a couple of weeks ago, Dr. Francis Gurry described intellectual property as a balancing mechanism for all of the often competing rights and equities that occur in and around the creation of innovation. Creative Commons strongly believes in this balance of rights, and strives to offer technical and legal tools to make that balance possible. We also believe that an integral part of that balance has to be the protection and promotion of the Public Domain. The public domain enriches the global cultural and intellectual environment; it allows the reproduction and reuse of countless classics that are often modernized and reintroduced to new audiences and new generations. One could almost say that they are remixed.

It is with that in mind that we welcome the Secretariat's inclusion on this session of the Scenarios and Possible Options Concerning Recommendations 1c, 1f and 2a of The Scoping Study on Copyright and Related Rights and The Public Domain, and commend the author of The Scoping Study, Prof. Severine Dusollier. We encourage the adoption of all three recommendations, but we would like to complement the information contained in the document with regards to recommendations 1c and 1f.

With regards to Recommendation 1c, and as the document CDIP/9/INF/2 accurately describes, Creative Commons offers CC0, a universal tool that allows users to voluntarily relinquish all copyright, database and related rights to the fullest extent allowed by law. CC0 is a tool that was conceived and created out of both necessity and demand. Dedicating works to the public domain is difficult if not impossible for those wanting to contribute, voluntarily and of their own free will, their works for public use before applicable copyright or database protection terms expire. Few if any jurisdictions have a process for doing so easily and reliably. Laws vary from jurisdiction to jurisdiction as to what rights are automatically granted and how and when they expire or may be voluntarily relinquished. We understand the inherent difficulties with dealing with this issue in a comprehensive manner given the different approaches to copyright seen from Common and Civil legal traditions. Moreover, our conversations with copyright holders over CC's 10 years in existence revealed that for some rights holders, there is a desire to signal clearly and unequivocally that their work may be used without reference to restrictions that the holder no longer wishes to retain for any number of reasons. This demand, coupled with the complex and lack of harmonized copyright frameworks, resulted in the creation of CC0. CC0



has been leveraged by numerous important rights holders, including the Dutch Government, the British Library, and the Personal Genome Project, and is part of the legal framework for important projects such as Europeana. For these reasons, we second the Secretariat's recommendation to conduct a study on copyright relinquishment, and we also encourage this Committee to continue this important avenue.

With regards to Recommendation 1f, we once again welcome the Secretariat's specific mention of the practices and tools available through Creative Commons. The possibility of marking copyright works with license metadata can tell search engines what is available for reuse, and under which conditions. We applaud all of the national and regional practices cited in the Secretariat's document, and agree that these efforts must continue. Specifically, we encourage member states and regional bodies to continue to attempt to make public registry data more widely available. We would like to see a more proactive role by WIPO in the international arena. Among other promising avenues, WIPO could host some tools to facilitate the sharing of public registry information on their website, such as an aggregated database of existing registries.

Concluding, Creative Commons thoroughly supports efforts that will enhance the ability of rightsholders to voluntarily relinquish copyright thereby enriching the public domain, and of the public to access and use the public domain as copyright law fully intends.

Thank you.