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Proposal Creative Commons - Facebook Integration



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The Proposal

History

The movement to integrate Creative Commons licensing options into Facebook user profiles is growing out of Facebook user response to the February 4th, 2009 revision of Facebook's Terms of Use. The only notice of this change was posted to the Facebook Blog February 4th, 2009 and was not widely read by Facebook users. Several days later when, through media reports, users discovered this change and responded in protest, Facebook reverted to the prior Terms of Use dated September 23rd, 2008 and opened the group titled 'Facebook Bill of Rights and Responsibilities' (BoRR), resulting in a user request that Facebook integrate creative commons and other licensing options. The group 'Why not include Creative Commons in Facebook TOS?' (cconfb) was formed in order to focus this movement effectively. The need to produce a collaborative proposal for a Facebook/CC integration to present to the BoRR group that will provide users with choice about how their Facebook content is shared arose. This document is the result.

Objectives

To create a collaborative proposal to the BoRR group submitting the advantages to both Facebook and Facebook users of integrating more versatile licensing options to user profiles and uploaded content, including Creative Commons licensing, similar to the way this has been successfully modeled by Flickr. View mockups of what this Facebook CC Integration might look like. [View another version here.](#)

Justification

We believe in the free exchange of knowledge and ideas, we also believe that any content creator has the right to distribute their original content as they choose fully copyrighted or totally free. Creative Commons enables this, aiming to encourage creative sharing in creative ways that protect content creators, content providers and content consumers.

On February 16th, 2009, in response to user protest of the sudden change of Facebook's ToS without proper notice to it's users, Mark Zuckerberg responded on the Official Facebook Blog "In reality, we wouldn't share your information in a way you wouldn't want. The trust you place in us as a safe place to share information is the most important part of what makes Facebook work."

The ability for users to select a licensing option ensures that there is clear agreement between Facebook and Facebook users regarding how users want their information used that does not rely user's trust in Facebook's judgment. This is especially important in the event Facebook should sometime in the future sell the company to another party.



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Also, as we found on a post made by Julius Harper admin of the BoRR group (ref: <http://www.facebook.com/topic.php?uid=69048030774&topic=8399>). When he compiled of all the objections made by the users in the BoRR group:

Facebook's use of my content should be subject to an easy-to-understand license, like Creative Commons, which lets me maintain ownership and control.

So our request is also supported by the majority of people on the BoRR group (130000 people).

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The Problem

Quote problematic sections from current Facebook TOS (revised September 23, 2008 Current Facebook TOS (dated from Sept. 23 2008) is (CC from Amanda French)

You hereby grant Facebook an irrevocable, perpetual, non-exclusive, transferable, fully paid, worldwide license (with the right to sublicense) to (a) use, copy, publish, stream, store, retain, publicly perform or display, transmit, scan, reformat, modify, edit, frame, translate, excerpt, adapt, create derivative works and distribute (through multiple tiers), any User Content you (i) Post on or in connection with the Facebook Service or the promotion thereof subject only to your privacy settings or (ii) enable a user to Post, including by offering a Share Link on your website and (b) to use your name, likeness and image for any purpose, including commercial or advertising, each of (a) and (b) on or in connection with the Facebook Service or the promotion thereof.

Proposed Solutions

While It is clear that the 'non-exclusive' license granted to Facebook by users does not exclude users also licensing their content under a Creative Commons license, we request the language "subject only to your privacy settings" be changed to "subject only to your privacy and license settings", and that license selection interface be added to user profiles and content uploads.

Facebook users should have the ability to choose not only with whom they want to share their content, but whether to grant commercial license or not, as well as whether to allow copy and remix or not.

To respect the wishes of it's users, we request from Facebook to adopt a ToS similar to flickr's:

(taken from Amanda French's Website)

Yahoo! does not claim ownership of Content you submit or make available for inclusion on the Yahoo! Services. However, with respect to Content you submit or make available for inclusion on publicly accessible areas of the Yahoo! Services, you grant Yahoo! the following worldwide, royalty-free and non-exclusive license(s), as applicable [...]:



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With respect to photos, graphics, audio or video you submit or make available for inclusion on publicly accessible areas of the Yahoo! Services other than Yahoo! Groups, the license to use, distribute, reproduce, modify, adapt, publicly perform and publicly display such Content on the Yahoo! Services solely for the purpose for which such Content was submitted or made available. This license exists only for as long as you elect to continue to include such Content on the Yahoo! Services and will terminate at the time you remove or Yahoo! removes such Content from the Yahoo! Services.

The only problem with flickr's license is the right of modify and adapt they claim. That right isn't compatible with all the CC licenses. so finally we request the FB ToS remove those two rights.

Rewrite Facebook Terms of Service in Human Readable terms which communicate clearly that Facebook users maintain ownership of their IP, copyright and control over their choice of license.

Benefits

We see three benefits

First of all, the benefit of being friendly with their users. Facebook was severely criticized for his draconian ToS, then, this will be a ToS that goes in the opposite direction, so we expect from the CC crowd and from the general users a very good reception and a restoration of confidence in Facebook.

Second, an improvement of all CC Situation in the world. Facebook could bring a lot of Creative Commons content to the world heritage.

Third, Facebook will enjoy some of his competitors market share (example: the CC share of flickr)