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## STATUS QUO

### WELCOME

**Introduction | Catharina Maracke**

Participants were welcomed to the CCi Legal Day 2008. Recently launched jurisdictions, upcoming projects, and the Legal Day speakers were introduced.

**ccRel for Lawyers | Mike Linksvayer**

*Presentation slides available at <http://www.slideshare.net/mlinksva/ccrel-update-20080729/>*

Creative Commons is leading the development of RDFa, a data standard to annotate human visible web content. ccRel, or Creative Commons Rights Expression Language, builds upon RDFa to express license information. These instruments will be critical in technically supporting current and future CC work.

### INTERNATIONAL PORTING (PART 1)

**Digital Copyright and Peculiarities for Japan | Professor Yoshiyuki Tamura**

*Presentation slides available at [http://www.juris.hokudai.ac.jp/coe/pressinfo/journal/vol\\_20/20\\_1.pdf](http://www.juris.hokudai.ac.jp/coe/pressinfo/journal/vol_20/20_1.pdf) (Japanese).*

Limits to copyright's natural rights theories should be balanced by utilitarian considerations. Government structures should be transformed, and the judiciary branch should be expected to limit rights. Creative Commons is significant as default rules for creative works are shifting. A registration system would also be recommendable.

## **Moral Rights | Professor Susy Frankel**

*Presentation slides forthcoming online.*

The many-jurisdictional approach to drafting the licenses raises an array of private international law issues. The unported license is not a universal coverall, and it therefore requires a clause for moral rights for general international application.

## INTERNATIONAL PORTING (PART 2)

### **General remarks regarding license incompatibility | Dr. Lucie Guibault**

*Presentation slides available at: <http://www.slideshare.net/cc/incompatibility-presentation/>.*

Multiple licenses, an advantage of the CC licensing system, require coordination. Although most incompatibility issues are at the moment theoretical, not all consequences are foreseeable. The gap between copyrights can be bridged by jurisdiction specific solutions.

### **On the porting process | Dr. Prodromos Tsiavos**

Creative Commons is an intermediary step towards Commons-Based Peer Production (CBPP). The licenses should be produced in a participatory fashion. Furthermore, the ability to participate must be practical and beyond the normative level. Several artifacts of the porting process can be modularized and integrated, and peers can increase in skill and number.

# FUTURE VERSIONING

## DISCUSSION

### Agenda Planning | Paul Keller

#### **Moral rights**

*Action Item:* Working Group to produce white paper recommending

- A draft wording for the unported
- A policy for jurisdiction licenses

#### **Private international law clause**

*Action Item:* Working Group to address potential scenarios of cross-border licensing.

#### **Offline (and broadcasting) attribution guidelines**

*Action Item:* Develop the Marking project and License Chooser for offline works

- Attribution should be appropriate to the medium
- Attribution should never be impossible

#### **Plain language licenses**

*Action Item:* To continue with the strategy that the jurisdiction licenses should be drafted as the best solution for jurisdictional law and not to be closest to the unported license.

#### **Neighboring Rights**

*Action Item:* Include neighboring rights as required or appropriate in each jurisdiction. According to the policy of Version 3.0, European licenses should recognize the database rights but waive them.

- Update the guidelines to reflect policy

### CC Licenses Worldwide | Giorgos Cheliotis and Mike Linksvayer

*Presentation slides from Mike Linksvayer available at:*

<http://www.slideshare.net/mlinksval/ci-legal-day-metrics-update-2008-07-29> .

CC Metrics: <http://wiki.creativecommons.org/Metrics>

The CC Metrics project uses various data sources to track online license usage and analyze trends. Freedom scores rank individual jurisdictions and platforms for liberalness in licensing. It is proposed to develop a research portal about “openness on the internet” where this data can be collected and discussed.

## Onlicensing of Derivative Works | Jessica Coates

Presentation slides available at: <http://www.slideshare.net/cci/licensing-of-derivative-works-v2-presentation/>.

In licenses without a ShareAlike element, it is clear how an original work may be used. However, it is not clear what can be done with a derivative work. For the BY and BY-NC licenses, should a clause be introduced clarify how derivative works may be licensed?

## Parallel distribution clause | Tomoaki Watanabe

Presentation slides available at: <http://www.slideshare.net/cci/broadcasting-drm-and-creative-commons-licenses-presentation/>.

Without permission from the Licensor, it is prohibited to use CC-licensed content on DRM'd digital TV. Although it would be technically possible to mark a CC-licensed work as unprotected, it is operationally impossible. Should Creative Commons, either in a pilot jurisdiction or uniformly, implement a parallel distribution clause so as to ensure a work is released freely parallel to the DRM'd broadcast?

## Commercial Use and Collecting Societies | Paul Keller

In August 2007 Creative Commons Netherlands launched a year-long pilot with the Dutch collecting society BUMA/Stemra that enabled Dutch artists to apply a NC license to their work. For the duration of the pilot, BUMA/Stemra continues to collect royalties for "commercial use" as defined in a clarification signed by the artists and the collecting society. The work may be used freely for non-commercial purposes.

## Collecting Societies: the Danish Model | Henrik Moltke

Presentation slides available at: <http://www.slideshare.net/cci/the-danish-model-cc-koda-presentation/>. KODA Guidelines: [http://creativecommons.dk/NC\\_KODA.pdf](http://creativecommons.dk/NC_KODA.pdf)

The Danish collecting society, KODA, introduced another model in January 2008 which artists agree to a set of guidelines clarifying the term "non-commercial". The agreement does not expire.

## Non Commercial Study | Diane Peters

Presentation slides available at: <http://www.slideshare.net/cci/nc-study-update-3-presentation/>.

Creative Commons is conducting a study to develop definition(s) of "non-commercial". It is currently in its second phase, which includes holding interviews, consulting focus groups, and carrying out an online survey. These results will be analyzed and refined to inform policy and research on an international scale.

## CC0: Update and Work Session | Diane Peters

Presentation slides available at: <http://www.slideshare.net/cci/cc0-update-3-presentation/>.

Survey: <http://spreadsheets.google.com/viewform?key=pLCU1MCKUevogiMghtdepYw>  
CC0 Wiki page: <http://wiki.creativecommons.org/CC0>

Creative Commons is developing a protocol that enables people to waive to the fullest extent possible under applicable copyright law all rights they have and associate with a work so it has no (or minimal) copyright or neighboring rights restrictions attached to it. A third draft of CC0 is currently being discussed.



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