

# creative commons international

## introduction

Creative Commons International (CCi) works to "port" the core Creative Commons Licenses to different copyright legislations around the world. The porting process involves both linguistically translating the licenses and legally adapting them to the national law of particular jurisdictions.

This work is coordinated by CCi director Catharina Maracke and volunteer teams in each jurisdiction who are committed to introducing CC to their country and who consult extensively with members of the public and key stakeholders in an effort to adapt the CC licenses to their jurisdiction.

## overview of the porting process:

- i. affiliate institution & legal and/or public project leads are chosen
- ii. project leads sign a memorandum of understanding (MOU) with Creative Commons
- iii. internal administration and timeline
- iv. legal project lead produces a first draft
- v. CCi reviews first draft
- vi. public discussion
- vii. legal project lead produces second draft
- viii. CCi reviews second draft
- ix. project leads finalize licenses and arrange technical requirements
- x. launch of the national version of the licenses

# i. project leads & affiliate institution

## building a team

To begin the process of porting the licenses to a new jurisdiction, a team of committed people within that jurisdiction must be identified. It is important that the team members are dedicated to the project and are willing to cooperate with each other, CCI, and other affiliates around the world.

The following roles will need to be assigned:

### legal project lead

responsible for drafting the CC licenses in their jurisdiction

- professional legal credentials
- reputation among copyright and intellectual property experts
- enthusiasm for project
- willingness to work within the CCI guidelines
- ability to communicate in English

### public project lead

spokesperson for the CC Project in their jurisdiction

- strong network of collaborators
- experience with hosting and organizing events
- strategies for fundraising
- willingness to work within the CCI guidelines
- ability to communicate in English

## affiliate institution

officially houses the CC project in their jurisdiction

- locally run, owned, and managed
- mandate of host institution and potential for independence of CC project
- copyright/internet law expertise
- professional network, prestige
- willingness to collaborate
- capacity

## ii. sign an MOU

### memorandum of understanding

Once the project lead(s) and an affiliate institution have been identified, please email CCI ([cci@creativecommons.org](mailto:cci@creativecommons.org)) with the names and contact information of the proposed team members. This information should also include formal titles, institutional positions, email addresses and any appropriate URLs.

CCI will prepare an MOU to be signed by the project leads and a representative from the affiliate institution. The purpose of the MOU is for the jurisdiction project and CC to agree upon several policies and expectations regarding their collaboration and the license porting.

Please return the signed MOU first electronically followed by two originals in the mail to **Gipsstrasse 12, 10119 Berlin Germany**. CCI will then sign and return one original to you.

## iii. internal administration and timeline

### **iteamspace**

After a signed MOU has been received, CCI will grant the appropriate team members access to the iteamspace, an internal wiki for the CCI affiliates. CCI will create an iteamspace page for your jurisdiction, which we request that you complete and update as frequently as possible. Please also familiarize yourself with the reference materials stored on the wiki, since this is a powerful platform of communication among affiliates.

### **mailing lists**

At this time, CCI will announce the Project Leads and the Affiliate Institution on our mailing list and on our website under the column “Upcoming Jurisdictions.” There are other recommended Creative Commons mailing lists, which you may choose to join and contribute to as well

Furthermore, we will provide your jurisdiction with its own mailing list, which can be used to host discussions about the license drafts and coordinate events. Please invite to your list interested and valuable stakeholders in your region. Examples of key stakeholders include prominent commentators on copyright in your jurisdiction, Wikipedia leaders in relevant region or language, and potential license adaptors in your area.

We encourage you use the mailing list as tool to involve and consult the members of your community, and also keep them informed about developments in Creative Commons projects, both local and worldwide.

## iii. internal administration and timeline

### developing a timeline

After the internal administration has been completed, the jurisdiction's project leads will propose a timeline for the porting process. Each step, especially the launch date, should be coordinated with the CCI team. Please find below a suggested timeframe:

- |  |                |
|--|----------------|
| • Legal Project Lead produces first draft, including re-translation into English and chart of substantial legal changes  | one month      |
| • CCI introduces the draft into public discussion  | one month      |
| • Legal Project Lead produces second draft   | two weeks      |
| • CCI reviews second draft   | one month      |
| • Project Leads arrange necessary translation and customization of the Commons Deed, the FAQs, and other related content | one-two months |
| • Ported Licenses are posted on <a href="https://creativecommons.org">creativecommons.org</a>                            | one week       |
| • The Launch is celebrated!  |                |

## iv. producing the first draft

### the first draft

After a timeline has been agreed upon, then the Legal Project Lead will produce a first draft of the license.

- review the license. The license that you will be working with is the most recent version of Attribution-NonCommercial-ShareAlike (BY-NC-SA).

You should prepare the first draft from CCI's **working document** ([http://iteamspace.creativecommons.org/Version\\_3.0](http://iteamspace.creativecommons.org/Version_3.0)), which is a document based on the most recent version of BY-NC-SA, the most comprehensive CC license. Every element required for all 6 generic licenses can be found in BY-NC-SA.

- translate the license (if applicable). Translate the license verbatim into the first official language of your jurisdiction.
- analyze and adapt the license. Once you have literally translated the license into your jurisdiction's first language, then you must modify the license to be compliant with your applicable copyright legislation
- prepare an explanation in English that describes any substantial legal changes made to the generic license. A suggested format for this document is (by column): BY-NC-SA original version, BY-NC-SA ported version (in jurisdiction's first language), BY-NC-SA ported version re-translated into English, commentary to changes.
- send the license draft (re-translated into English) and the explanation of substantial legal changes to the CCI team.

## v. cci reviews the first draft

### reviewing the first draft

Please send the first draft and any other relevant material to Catharina at CCI.

At this point, she will review the draft and work closely with the Legal Project Lead to ensure that the license is as suitable as possible. Depending on the circumstances, this collaboration will be conducted on a public list or offline.

This stage may be intense, since there are often many translation issues to consider. Therefore, it may take several email exchanges and/or phone calls to ensure that all the fine points of the licenses have been addressed and understood correctly.

Please be patient and open to feedback — we are all working together to write the most comprehensive and accurate licenses as possible for your jurisdiction.

## vi. the public discussion

### before entering the public discussion

The public discussion is a stage in which the team invites members of the public to participate in the license drafting. Creative Commons will announce the draft on [creativecommons.org](https://creativecommons.org), and we expect the Legal Project Lead to encourage commentary and criticism from their community.

This step is crucial in the porting process, since it enables the community to develop and improve the license. It is important to conduct the public discussion in an open and fair way and to incorporate the changes that the community deems appropriate.

Before entering the public discussion, please send us:

- the most recent license draft (in the jurisdiction's first language) (PDF)
- an English re-translation of the draft (PDF)
- an explanation of the substantial legal changes in English (PDF)
- name, title, and email addresses of each Project Lead. This information will be made public
- a short biography (2-3 paragraphs, including hyperlinks) about the Affiliate Institute
- a small logo for the Affiliate Institute (jpeg, png, svg, or gif preferred)

### once in the public discussion

- discuss with team members whom to invite and how to ensure maximum involvement by local stakeholders
- agree with team members on how to structure the discussion
- develop a summary of the list and highlight specific issues to be addressed in the second draft

Throughout this process, please do not hesitate to contact the CCI team for any questions or concerns.



## vii. producing the second draft

### revision and explanation

Once the Project Leads agree that enough time in the public discussion has elapsed, then they can begin to work on a second draft. This draft should be a revision based on comments gained in the public discussion.

When the second draft is finalized, we kindly ask for another English re-translation of the draft, and please point out and explain the changes that have been made.

If any interesting and relevant material has surfaced during the public discussion that you would like to share, we encourage you to forward the information to us so that we can inform the CC community. Examples of relevant material include:

- a brief history of copyright law and intellectual property rights in your jurisdiction
- outline and links to major legislation and international treaties that affect copyright and IP rights in your jurisdiction
- how Creative Commons fits into the current legislation
- changes that were made to the licenses to accommodate local legislation and policy

## viii. cci reviews the second draft

### reviewing the second draft

Please send the second draft and any relevant material to CCI. Catharina will review the second draft and collaborate with the Legal Project Lead to fine-tune the licenses and confirm that all aspects have been addressed.

As with the first draft, this collaboration will be conducted either on a public list or offline.

Again, please be patient at this stage. Sometimes local legal experts continue to make revisions once the second draft has been submitted to CCI. It is sometimes necessary to redraft the licenses several times before reaching a final, stable version.

However, please keep encouraging the input from your community. In the end, it will ensure that all bases have been covered and that your jurisdiction will be able to offer the most complete licenses possible!

## ix. final preparations

### transform the licenses

Once CCI, the Legal Project Lead, and the jurisdiction's community have agreed upon the license draft, then the Legal Lead will be responsible for transforming the BY-NC-SA license into the six generic CC licenses:

- BY-NC-ND
- BY-NC-SA
- BY-NC
- BY-ND
- BY-SA
- BY

All of these licenses can be derived from the clauses contained in BY-NC-SA.

### translate informational material

The Project Leads will also be responsible for coordinating the literal translation of CC's informational material. If these documents are already translated into your jurisdiction's first language, then you may also like to consider offering translations in other common languages in your region. Furthermore, you should read through all documents to ensure that the specifics of your jurisdiction are reflected in the translations. These documents include, but are not limited to:

- FAQs
- Commons Deed
- Trademark policy (other policies)
- Disclaimer
- Legal Concepts
- Choosing a License
- CC films on dotsub

Assistance with translation can be found on the CC public wiki, iteamspace and the CC Translation Tool.

## ix. final preparations (cont.)

### creating the XHTML files

Once the license drafts have been approved, your team will also need to prepare XHTML files for all six ported licenses. To create these files, please go to [creativecommons.org/international](https://creativecommons.org/international). Under “Completed Licenses,” click on a jurisdiction’s flag. For this step, we recommend that you work from a launched jurisdiction with the same license version that you are porting (e.g., 3.0), and if possible, one that shares the same language or script as your jurisdiction. These similarities will make formatting the XHTML files easier for you. If it is not possible to work from an existing jurisdiction, then we recommend working from the unported license: [creativecommons.org/licenses/by-nc-sa/3.0/](https://creativecommons.org/licenses/by-nc-sa/3.0/)

From the launched jurisdiction’s page, open the Legal Code for each license. In your browser, click on “File >> Save Page as...” and then select “Webpage, HTML only.” It is highly recommended that you work with one license at a time, i.e. BY, BY-NC, BY-NC-SA. This will ensure that the paragraph numbering for each license remains correct.

In a text editor or HTML editor such as Dreamweaver, FrontPage, or Nvu, open each file you have saved. Copy and paste your appropriate license text over the previous one. Read through the HTML code and make sure that all references to language, jurisdiction, country code, etc. are modified to reflect your jurisdiction. Within the HTML editor, replace the old jurisdiction flag with your flag. Check and re-check the code to ensure that there are no mistakes. Then save each file separately according to the following convention: [license-code]\_[version]\_[country code].html

Example of all six licenses (Netherlands):

<code>by-nc-nd_3.0_nl.html</code>	<code>by-nd_3.0_nl.html</code>
<code>by-nc-sa_3.0_nl.html</code>	<code>by-sa_3.0_nl.html</code>
<code>by-nc_3.0_nl.html</code>	<code>by_3.0_nl.html</code>

If your jurisdiction has more than one official language, please also include the language code in the file name:

[license-code]\_[version]\_[country code]\_[language code].html.

Please ensure that all files are saved as UTF8-encoded XHTML. Please check that the XHTML is valid according to the W3C Markup Validator: [validator.w3.org/](https://validator.w3.org/). Once you have completed the above steps, please send the six XHTML files to CC VP Mike Linksvayer: [ml@creativecommons.org](mailto:ml@creativecommons.org).

## x. the launch

### press release

Once the XHTML files for all six licenses have been received, CCI will post the licenses on the /international page along with the Commons Deed in your jurisdiction's language(s). Then CCI will generate a press release to announce the launch. At this time, please send any relevant information about the project or event to CCI. A presskit for high quality graphic files can be found at [creativecommons.org/presskit](https://creativecommons.org/presskit).

### the launch event

Whether the launch is in the form of a party, convention, television program, press conference, or all of the above, will be the decision of the Project Leads. However, the event should attract publicity to make sure the people will know where to find “creative work available for others to create upon and share.”

### future collaboration

After the launch, the jurisdiction team and CCI will discuss whether the Project Leads and the Affiliate Institution would like to continue to work with CC as part of an ongoing collaboration. The parties agreeing to stay on board will then sign a Legal/Public Project Lead Agreement, which outlines the expectations and responsibility involved in continued collaboration.

# contact

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