Creative Commons & “Interface Design for Legal Systems”

New and Emerging Legal Infrastructures Conference (NELIC)

Mike Linksvayer
2011-04-15 / Berkeley
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  foundation, corporate, individual supporters
  100+ global affiliate institutions
sharing infrastructure

respect the law, build a sustainable and scalable society

legal and technical tools enabling effective “some rights reserved” and “no rights reserved”

culture, education, public sector, science...
known for tools with ‘3 forms’ licenses, “legalcode”, “lawyer-readable” “human-readable” “deeds”, buttons “machine-readable” metadata
known for tools with ‘3 forms’ licenses, “legalcode”, “lawyer-readable”

“human-readable” “deeds”, buttons “machine-readable” metadata
known for tools with ‘3 forms’ licenses, “legalcode”, “lawyer-readable” “human-readable” “deeds”, buttons “machine-readable” metadata
De gebruiker mag:

- het werk kopiëren, verspreiden en doorgeven
- Remixen - afgeleide werken maken

Onder de volgende voorwaarden:

**Naamsvermelding** — De gebruiker dient bij het werk de door de maker of de licentiegever aangegeven naam te vermelden (maar niet zodanig dat de indruk gewekt wordt dat zij daarmee instemmen met uw werk of uw gebruik van het werk).

**Gelijk delen** — Indien de gebruiker het werk bewerkt kan het daaruit ontstane werk uitsluitend krachtens dezelfde licentie als de onderhavige licentie of een gelijksoortige licentie worden verspreid.

Met inachtneming van:

**Afstandname van rechten** — De gebruiker mag **afstand doen** van een of meerdere van deze
known for tools with ‘3 forms’ licenses, “legalcode”, “lawyer-readable” “human-readable” “deeds”, buttons “machine-readable” metadata
<rdf:RDF xmlns="http://creativecommons.org/ns#"
  xmlns:rdf="http://www.w3.org/1999/02/22-rdf-syntax-ns#">
  <License
    rdf:about="http://creativecommons.org/licenses/by-nc-sa/3.0/">
    <permits rdf:resource="http://creativecommons.org/ns#Reproduction"/>
    <permits rdf:resource="http://creativecommons.org/ns#Distribution"/>
    <requires rdf:resource="http://creativecommons.org/ns#Notice"/>
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    <prohibits rdf:resource="http://creativecommons.org/ns#CommericialUse"/>
    <permits rdf:resource="http://creativecommons.org/ns#DerivativeWorks"/>
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  </License>
</rdf:RDF>
<span xmlns:cc="http://creativecommons.org/ns#"
xmlns:dc="http://purl.org/dc/elements/1.1/">
<span rel="dc:type" href="http://purl.org/dc/dcmitype/Text"
property="dc:title">My Book</span> by
<a rel="cc:attributionURL" property="cc:attributionName"
href="http://example.org/me">My Name</a>
is licensed under a
<a rel="license"
href="http://creativecommons.org/licenses/by/3.0/">Creative
Commons Attribution 3.0 License</a>.
<span rel="dc:source" href="http://example.net/her_book"/>
Permissions beyond the scope of this license may be available at
<a rel="cc:morePermissions"
href="http://example.com/revenue_sharing_agreement">example.com</a>.
</span>
all 3 are user interfaces for humans, and enable more such user interfaces:

lawyers, informed non-lawyers, policy

general public, general zeitgeist

software developers, cc-aware applications
legal user interfaces Я hard
headphonica  c'mon everybody, start reading full license texts, e.g. 
http://creativecommons.org/licenses/by-nc-sa/3.0/legalcode !cc !ccmusic

about a month ago from web

fontana  @headphonica I find !CC "deeds" somewhat !disturbing as I think
they make it less likely actual license is read

about a month ago from web

mlinksva  @fontana it is at least conceivable that !CC deeds make actual
license more likely to be read, at least absolute # reads...

about a month ago from web at South Berkeley, Berkeley,
California, United States

fontana  @mlinksva maybe; also must be admitted free software licenses
often go unread

about a month ago from web

mlinksva  @fontana ... though they're clearly a tradeoff, to be scrutinized
short (talk TBA) and long term (4.0 etc).

about a month ago from web at South Berkeley, Berkeley,
California, United States

mlinksva  Talking about !CC experience with "human readable" legal
interfaces at NELIC http://www.robotandhwang.com/?p=303 April 15,
Berkeley

about a month ago from web at South Berkeley, Berkeley,
California, United States
Required “license citation” - discrepancy between CC deed & legal code (1 post)

- Started 8 hours ago by Túrello at Wikimedia-Commons
- Add this topic to your favorites (?)

Tags:

- license terms

At Wikimedia-Commons the question asked what the CC-BY licenses precisely require in regard to communicating the license terms when people use CC-BY-licensed works. The question results from the fact that the license deed does not mention this point in its “conditions” section, but only in a sort of fineprint and in a rather unspecific wording: “Notice — For any reuse or distribution, you must make clear to others the license terms of this work. The best way to do ...” [http://creativecommons.org/licenses/by-sa/3.0/deed.en]

The German-language version of the deed [http://creativecommons.org/licenses/by-sa/3.0/deed.de] is even less specific than that, when stating “Hinweis — Im Falle einer Verbreitung müssen Sie anderen alle Lizenzbedingungen mitteilen, die für dieses Werk gelten. ...”, as it seems to apply this requirement only to cases of “Verbreitung”, which is usually translated to “distribution” but not to “use” or “reuse”.

Contrary to the license deed, the legal code says in § 4.a. “You must include a copy of, or the Uniform Resource Identifier (URI) for, this License with every copy of the Work You Distribute or Publicly Perform” [http://creativecommons.org/licenses/by-sa/3.0/legalcode], which I (as a non-lawyer) understand that it applies to absolutely any kind of use.

While this difference is less relevant for online uses, for offline uses, i.e. in books, poster-presentations, or whatever, it is highly relevant whether the re-user needs only to write “Photo: Ansel Adams, CC-BY-SA” (often to find) or has to “communicate” either the full license text (which has 19,451 characters for the CC-BY-SA 3.0 unported) or the URI. I am not advocating one way of interpretation or the other, I just want to know what is legally correct and what those meant who developed this license.
Creative Commons

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endless opportunities for legal user interface design
note, as investing more in metadata is one of the least harmful things the industry might do. Not that I don’t think metadata is great or anything.

Thursday evening I was on a ‘Copyright 2.0’ panel put on by the American Society of Media Photographers Northern California. I thought my photo selection for my first slide was pretty clever. No, copyright expansion is not always good for the interests of professional photographers. The other
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Gene Kelly's Trust Isn't Dancing on the Ceiling

July 19, 2018

By: Mary Viva

The Gene Kelly Trust, a nonprofit organization dedicated to preserving and promoting the legacy of the late dancer and actor Gene Kelly, has filed a lawsuit in Los Angeles Superior Court challenging the use of one of its trademarks. The lawsuit, which was filed on July 10, 2018, alleges that a company, which will be identified in the complaint, has been using the mark in a way that is diluting the goodwill associated with the Gene Kelly name.

The Gene Kelly Trust, which was created in 1995, is a registered non-profit organization under section 501(c)(3) of the Internal Revenue Code. The organization is headquartered in Los Angeles, CA, and is dedicated to preserving and promoting the legacy of Gene Kelly, who is considered one of the greatest dancers and actors of the 20th century.

The Gene Kelly Trust owns several trademarks, including the mark for "Gene Kelly Trust," which is used to identify its activities and projects. The lawsuit alleges that the company in question has been using the mark in a way that is likely to cause confusion, mistake, or deception in the marketplace.

The Gene Kelly Trust is seeking an injunction to stop the company from using the mark and is also seeking monetary damages. The complaint states that the company has been using the mark in a way that is likely to cause confusion, mistake, or deception in the marketplace.

The Gene Kelly Trust is represented by the law firm of Flaster Greenberg PC. The lawsuit was filed in the Los Angeles Superior Court, Case No. 1885522.

If you have any questions or need additional information, please contact the Gene Kelly Trust at (310) 289-9447 or info@genekellyphoto.com.
Besides the usual (small tweaks to some language in a further attempt to get it Just Right; improvements to the GPL language; etc.) I also published a bit of an experiment: a draft of the license which replaces the traditional section headers with FAQ questions, like so:

**Traditional:**

2.2. Grants.

Each Contributor hereby grants You a world-wide, royalty-f

**FAQ-style:**

2. What rights are granted to me by this license? Who are

Each Contributor hereby grants You a world-wide, royalty-f

The inspiration for this came from the apartment lease I signed in December, which was done in this style and (oddly) almost a pleasure to read.

This approach has two advantages. First, it helps you draft and organize things more clearly. Since every paragraph was

[cc-community] Creative Commons for privacy policies?

Mike Linksvayer ml atcreativecommons.org
Fri Apr 8 14:55:30 EDT 2011

• Previous message: [cc-community] Creative Commons for privacy policies?
• Next message: [cc-community] Using Sampling Plus files
• Messages sorted by: [ date ] [ thread ] [ subject ] [ author ]

On Fri, Apr 8, 2011 at 11:20 AM, Ben Moskowitz <benrito at gmail.com> wrote:

> I'm involved in this project, which has a lot of people excited but ends up
> being a lot harder than it seems.
>
That's a good summary. I hope the Mozilla effort succeeds, but in any case
someone (maybe me in the fullness of time) should create a page on the CC
wiki listing many "CC for privacy and/or tos" projects that have gotten as
far as putting up a web page over the years.

Mike
-------------- next part --------------
An HTML attachment was scrubbed...
URL: http://lists.ibiblio.org/pipermail/cc-community/attachments/20110408/d6a97e9e/attachment.html

• Previous message: [cc-community] Creative Commons for privacy policies?
• Next message: [cc-community] Using Sampling Plus files
• Messages sorted by: [ date ] [ thread ] [ subject ] [ author ]

More information about the cc-community mailing list
“cc for x” often sounds good, but not feasible for many values of x

public copyright licenses a naturally fairly constrained space

we work to keep space much more constrained than natural: “license proliferation” = broken commons, network effects left on table
consider, for all LUIs (assuming access, democratization as goals)

make the underlying legal arrangement conceptually simple and user-friendly (for several meanings of user-friendly!)

attempt simple and short legal documents

provide readily-accessible explanations, eg contextual FAQs
LUIIcons (2)

can very small number of important legal concepts be distilled? maybe “cc like” icons will help, but don’t get stuck here

encourage an informed cadre to read and understand the “legalcode”
LUIcons (3)

non-English interfaces
modeling key legal concepts (e.g., with RDF) can force good thinking on all of above, or be a rathole!
what additional user interfaces might be enabled by a “machine-readable” interface?
LUIcons (4)

all of the democratic issues around standards, e.g.

free documentation
royalty-free patent permission
free/open source implementation
open-by-rule governance
links: convey yourself to

http://creativecommons.org
(Creative Commons NGO)

http://wiki.creativecommons.org/NELIC_LUI
(these slides)