

# Creative Commons Licensing & Non-Creative Geographic Data

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# Creative Commons Licensing & Non-Creative Geographic Data

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Technologies  
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***So what's the  
problem?***

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Copyright upon  
creation

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... whether you want  
it or not !

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If someone creates  
a **story**, **song**, **image**  
or **dataset** and  
places it openly on  
the web

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is this free for me to  
copy without  
permission?

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Depends ....

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in most instances  
there is some  
*minimal creativity*  
in the work

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If so,...

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the law **assumes**  
you **MUST** acquire  
permission from the  
copyright holder

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How can you  
**KNOW** that there is

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or is not

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some minimal  
creativity in a posted  
**geographic dataset**  
that would give it  
protection?

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... user can't know  
... creator can't know  
... lawyer can't know

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... can only know for certain

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when the gavel falls in court on case-by-case basis.

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Without permission,  
**you use the work  
of others at your  
peril**

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Always **assume** that  
a party will emerge to  
sue you if you don't  
acquire explicit  
permission!

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Are the effects of  
intellectual property  
laws on the Internet  
different?

Yes

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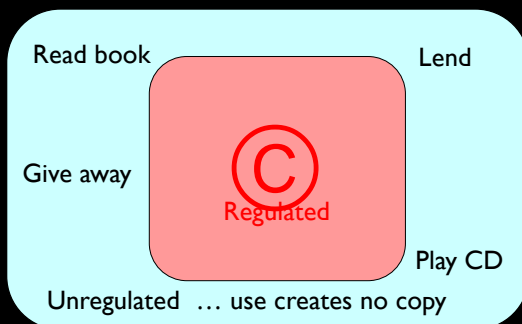
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Uses of Creative Works  
Traditional Media

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(ref. Lessig, Free Culture)

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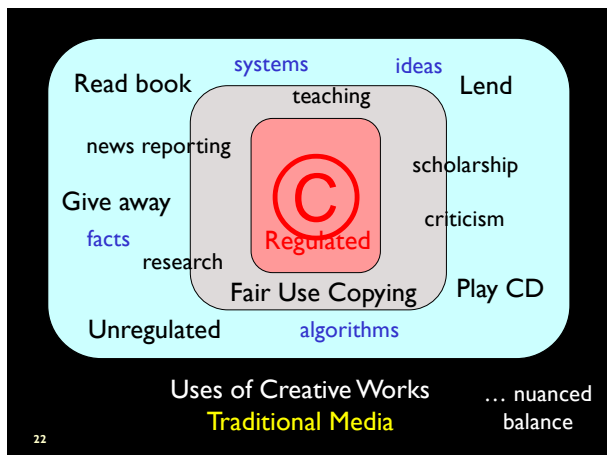
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Technology has shifted the balance!

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Uses of Creative Works  
**Internet**  
 Every use ... involves creating a copy  
 Fair uses and use of facts  
 ... negated by requiring you to click a license before use

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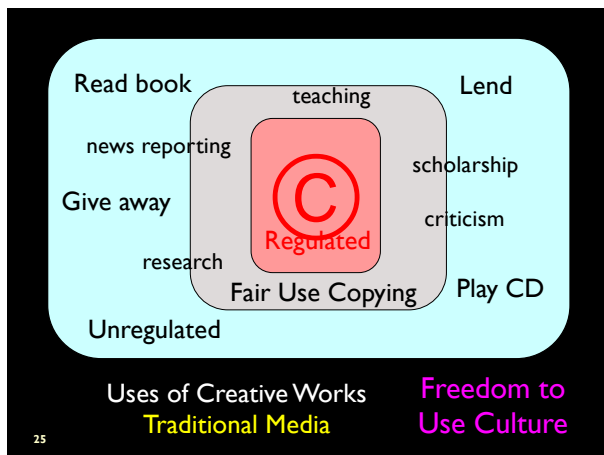
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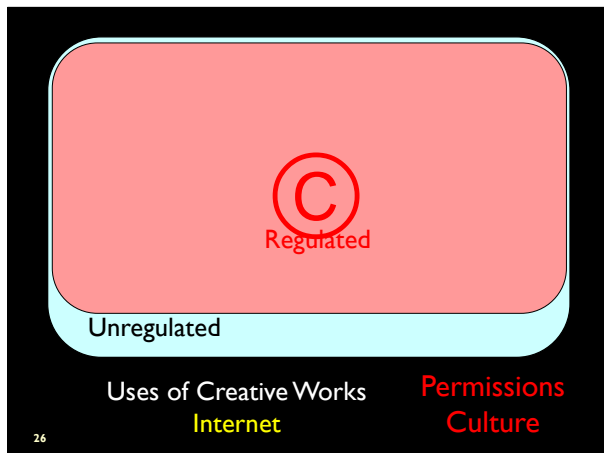
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In addition, laws across the globe are tightening ...

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**common sense** that  
we should battle  
digital thieves.

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... extra protections  
under **sweat of brow**,  
**unfair competition**,  
**catalogue, database**  
**protection** concepts

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Bottom Line:

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***We all tend to  
avoid use of the  
work products of  
others*** because ...

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we don't know their  
legal status

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and ...

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asking permission is  
too burdensome to  
bother with.

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... hundreds of  
millions of orphaned  
digital works

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... or many of us are  
law breakers

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***But that's not how  
it should be***

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Change the law!

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... good luck.

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Use the law ...

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and technology

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to create an  
**electronic commons**  
we can all openly use!

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## **Creative Commons Licenses ....**

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with a few clicks,  
in less than a minute,  
create iron clad licenses  
for any of your work

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**Creative  
Commons  
Licenses** all have  
important features in  
common ...

(ref. CC FAQs)

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**Every license will help you**

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- **retain** your copyright
- announce that other people's **fair use**, **first sale**, and **free expression rights** are not affected by the license.

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**Every license requires licensees**

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- to obtain your permission to do any of the things you choose to restrict

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- to keep any copyright notice intact on all copies of your work;
- to link to your license from copies of the work;

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- not alter the terms of the license
- not use technology to restrict other licensees' lawful uses of the work.

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**Every license  
allows licensees,**  
provided they live up  
to your conditions,

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- to copy the work

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- to distribute it

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- to display or perform it publicly

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- to make digital public performances of it (e.g., webcasting)

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- to shift the work into another format as a verbatim copy.

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## Every license

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- applies worldwide

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- lasts for the duration of the work's copyright

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- is not revocable.

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What are some of the **restrictions** you might “click” to include in your CC License?

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## Attribution



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You let others copy, distribute, display, and perform your copyrighted work — and derivative works based upon it — **but only if they give credit the way you request** (now included in every standard license)

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**Noncommercial**



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You let others copy, distribute, display, and perform your work — and derivative works based upon it — **but for noncommercial purposes only**

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# No Derivative Works



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You let others copy, distribute, display, and perform **only verbatim copies of your work**, not derivative works based upon it.

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# Share Alike



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You allow others to distribute derivative works **only under a license identical to the license that governs your work.**

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That's about it ... simple  
... well over 100 million licenses created and linked back

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**Other specialty cc license options ...**

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Founders Copyright



Public Domain Dedication



Music Sampling License



Music Sharing License



Wiki License



General Public License

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**Not just the web!**

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Can also embed the  
cc license in Word  
file, pdf, etc.

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**For a Commons  
of Science ...**

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... what cc license  
best fits the **mores  
and traditions of  
science** of the past  
several hundred years

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**For creative  
works,**

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... click only  
attribution

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**What about  
data sets and  
databases?**

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Many datasets  
are not creative works  
and many databases are  
not copied.

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- **Facts are discovered, not created.**

Are empirical observations & measurements, facts?

- Arrangements and selection of facts **not creative if standard.**

- Don't typically extract the creative elements from databases.

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Creative Commons  
licenses apply **only** to  
**copies of creative works.**

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**As a general  
proposition,**  
  
**... do NOT apply cc  
licenses to data and  
databases.**

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## What to do?

... use provisions adhering to the Science Commons  
open access database  
protocol

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To ensure your data can be used legally across the web for data mining, web mapping services, and map feature services ...

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use CC0 - No Rights Reserved

- NOT a license
- way to waive all copyright and database rights to the extent you may have these rights in any jurisdiction (not yet announced)

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Widespread use by **science  
community data producers**  
across the globe,  
  
... should make web based  
**data mining** and **data  
integration** **legally defensible**

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## References/Sources

Creative Commons Website  
<http://creativecommons.org>

Science Commons Website  
<http://sciencecommons.org>

Lessig, Lawrence (2004). Free Culture: The  
Nature and Future of Creativity. New York:  
Penguin Books

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