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Open access, open data and CC licences in scientific publishing: a legal perspective

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Structure of the presentation:

- Intro to CC and copyright
- The CC Public License
- The evolution of the CCPL (from 3.0 to 4.0)
- Main features of CC for OA
Origins and development of the project

- Started in 2001
- 2002: the first set of licenses (version 1.0, 11 combinations of the CCPL)
- Not only CCPL (sampling, developing nations, Public Domain Dedication, CC0 etc)
- Website and mailing lists, collaborative effort lead by CC-HQ
Some rights reserved… which?

Copyright law grants certain rights to authors for the mere act of creation.

It is the Copyright Act that protects authors: grant of exclusive rights e.g. right of paternity, of integrity, of economic exploitation like reproduction, distribution, modification, and other “related” rights to copyright such as sui generis database right.)
Some rights reserved… on what?

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CC is but one type of OA licenses (Open Content/Access, FDL, ODbL etc.)

CC characteristics:

➢ ready-to-use

➢ modularity

➢ user-friendly

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Ready-to-use

Why?

Am I not allowed to write my own license?

Yes, but are you sure you want to do that? If you are not a good IP lawyer you may find yourself in big troubles...
Modularity

By clicking on simple questions (on the website) you may build the license following your necessities (Commercial or not, derivative works or not, etc.)

You may obtain up to 6 different combinations of the CCPL!
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Allow commercial uses of your work?
- Yes
- No

Allow modifications of your work?
- Yes
- Yes, as long as others share alike
- No

Jurisdiction of your licence
- International

Additional Information
The additional fields are optional, but will be embedded in the HTML generated for your license. This allows users of your work to determine how to attribute it or where to go for more information about the work.

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User friendly... a license!?!?

Yes! This is one of the main goals of CC: to make people understand what they do with their works!

How?

- Legal Code
- Human Code
- Machine Code
Legal Code

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The CCPL in any of its combinations always grants the right to:

- reproduce the work (copy)
- distribute copies of the work
- communicate the work to the public (online)
- to perform or execute or exhibit the work to the public
Additional clauses:

- Attribution (BY)
- Non Commercial (NC)
- Non Derivatives (ND)
- Share Alike (SA)
CCPL

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• Attribution Share Alike (BY-SA)
• Attribution Non Commercial (BY-NC)
• Attribution Non Derivatives (BY-ND)
• Attribution Non Commercial Share Alike (BY-NC-SA)
• Attribution Non Commercial Non Derivatives (BY-NC-ND)
International Creative Commons

One (license) fits all (legal systems)?

Some would say yes (FSF), others no (CC until version 3.0)

Therefore, the International Creative Commons (aka iCommons)
International Creative Commons

Goal:

to translate and legally adapt the “generic” license to every national jurisdiction
Substantial Legal Changes

- Moral rights
- Written form (*ad substantiam – ad probationem*)
- iCommons clause
- Collective works and collection of works
- Future rights
- Levies
- Neighbouring rights
Version 4.0

* One version fits all (but linguistic translations)
* License is much more international in wording (strongly inspired by Berne)
* Inclusion of SGDR (good for TDM)
For further information

www.creativecommons.org/your TLD

https://wiki.creativecommons.org/Data

Thank you