

The Australian Creative Commons Project

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Are you creating a work which you would like to share with others on a non-profit basis while continuing to exercise all your copyright owner rights, including the right to make a profit for yourself?

If so, a creative commons licence may suit your needs.

Creative Commons is a new international movement which assists creators who wish to share their work with others, for non-commercial uses such as study, research and comment, while asserting their authorship and rights to control commercial uses.

Like the free open-software movement, sparked by Linux, the creative commons project is developing legally-based arrangements and understandings about the ways creators can protect their works while encouraging certain public interest uses of them. The idea was formally launched in 2001 and continues to evolve. It is supported by a range of well-known intellectual-property experts, such as Lawrence Lessig of Stanford University, who led the legal battle, unfortunately unsuccessful, to challenge copyright term extension in the Mickey Mouse case, *Eldred v Ashcroft*. Lessig uses a creative commons approach to license uses of his own works and has publicised the movement in his book, *The future of ideas: the fate of the commons in a connected world*, published by Random House, New York, in 2001. Creative commons licensing is also backed by the United States Center for the Public Domain.

Creative Commons offers a number of licences designed to allow the licensee to use the copyright work on the basis of one or more of the following conditions:

Attribution: Other people may use, modify and distribute the work as long as they give the original author credit.

Non-commercial distribution: Other people may use, modify and distribute the work but for non-commercial purposes only.

No derivative works: Other people may use and distribute the work, but cannot modify it to create derivative works.

Share-and-share alike: Other people may modify the work and distribute derivatives, but only on the condition that the derivatives are made available to other people on the same licence terms. This term can not be used with the 'No derivatives' term, because it applies only to derivative works.

See their website at <http://www.creativecommons.org> for further information.

While Creative Commons is an international movement, it requires national affiliation so that each jurisdiction develops the licensing models appropriate to their national legal system.

The Queensland University of Technology (QUT) has signed a memorandum of understanding with Creative Commons as the Australian affiliate institution, and work on the Australian version of the licences has been carried out by a drafting team led by QUT head of the School of Law, Professor Brian Fitzgerald, and Blake Dawson Waldron solicitor Ian Oi.

QUT deputy vice-chancellor, Tom Cochrane, who convenes the Australian Libraries' Copyright Committee, Professor Fitzgerald and Mr Oi launched the Australian creative commons project, at a Copyright Society of Australia seminar held at the Sydney office of Blake Dawson Waldron on 31 March.

Australia joins a growing list of iCommons [sic] countries which include the United Kingdom, China, France, Finland and Japan. Information about the Australian project is available from <http://www.creativecommons.org.au>.

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