

[\[iiep-oer-opencontent\] About Creative Commons](#)

From [Lawrence Lessig](#)

To iiep-oer-opencontent@communities.unesco.org

Thanks, Susan, for inviting me to say something (short!) about Creative Commons.

The aim of Creative Commons is to give authors and artists a simple way to mark their creative work with the freedoms that they intend their creativity to carry. "Authors and artists" marking "their creative work": It is a project to empower creators, by giving them a simple means to give others freedoms that by default the law of copyright does not grant.

Which freedoms? Well typically not all freedoms: Creative Commons licenses give authors the ability to give away some rights; most keep some rights to themselves. Thus, an author can permit a work to be shared for noncommercial purposes, but reserve to herself commercial rights. Or an author can permit a work to be shared so long as no changes are made to the shared work. Or an author can permit a work to be shared so long as others who transform that work release the transformation in a similarly free way. There are basically three questions we ask authors in our licensing engine: (1) Do you want to permit commercial use? (2) Do you want to allow modifications? (3) If you allow modifications, do you want the modifications to be released in a similarly free way? [1] Those three questions produce six core licenses [2].

Why would an artist or author ever want to release for free any of her rights? Well my answer to this question depends upon the author. If the author is an artist, or (for a reason that will be clear in a moment) a non-scientific creator, the answer is, "because sometimes it helps." The band Wilco, for example, released their album "Yankee Hotel Foxtrot" on the net for free under terms equivalent to our noncommercial license, after its record label rejected the album. The buzz that release produced was so intense that another record label picked up the album, and then released in the traditional way -- through the sale of CDs. Even though the album had been available for free, Wilco sold more CDs from that album than they had ever sold before. Granting some rights for free meant these artists could better achieve their objectives.

But with scientists, I think the story is different. Creative Commons has a sister project, the Science Commons project [3]. The Science Commons operates under a very different ethic. I would never say an artists "ought to" release rights. I would say that about a scientist. In my view, the ethical obligation of a scientist is not just to discover knowledge. It is also to make that knowledge universally accessible. Thus, Creative Commons licenses are used by such open access projects as the Public Library of Science, to assure that all of the research published in those journals is also available perpetually for free.

In both cases, CC licenses make it easier for artists and authors to achieve what they want (or with scientists, should want). Yet that's not to say that they're right for everyone -- Madonna does quite well in the "All Rights Reserved" world. But I do believe they're right for the vast majority of creators and authors using the Internet to spread their work. By adding a simple layer of freedom to an uncertain and restrictive default of copyright, CC licenses aim to make the spread of creativity and knowledge easier. Not by rejecting copyright, but by giving creators the ability to exercise their copyright in ways that help spread creativity.

[1] <http://creativecommons.org/license/>

[2] <http://creativecommons.org/about/licenses/meet-the-licenses>

[3] <http://sciencecommons.org/>

Lessig
Stanford Law School
559 Nathan Abbott Way
Stanford, CA 94305-8610
650.736.0999 (vx)
650.723.8440 (fx)

Ass't: Elaine Adolfo <<mailto:a2lessig@pobox.com>>
<<http://lessig.org>> [on the web]
<<http://lessig.org/blog>> [comments in general]
<<http://free-culture.org>> [my latest book]
<<http://creativecommons.org>> [our project to free culture]
<<http://publicknowledge.org>> [framing policy in DC]
<<http://eff.org>> [fighting for truth, etc.]
<<http://plos.org>> [freeing science]