



# Beyond the Book®



ANNOUNCER: Welcome to a podcast of *Beyond the Book*, a presentation of the not-for-profit Copyright Clearance Center. Copyright Clearance Center is the world's largest provider of copyright-compliant solutions through a wide range of innovative licensing services and comprehensive educational programs for authors, publishers and their audiences in academia, business and research institutions. For more information about *Beyond the Book* and Copyright Clearance Center, please go to [www.beyondthebook.com](http://www.beyondthebook.com).

KENNEALLY: Welcome to *Beyond the Book*. My name is Chris Kenneally. I'm director of author and creative relations for the nonprofit Copyright Clearance Center. I am delighted to have with us today a couple of special guests from Creative Commons.

And here to tell you more about Creative Commons and a special appearance they're going to be making at the upcoming UGCX conference, we have Mike Linksvayer. Mike Linksvayer is vice president of Creative Commons where he manages core programs and operations. He's been with CC – not to be confused with CCC. We'll get to that in just a moment. He's been with CC since 2003 where he began as the CTO.

His background includes a previous stint with a company he co-founded called [bitzi.com](http://bitzi.com). He has an education from the University of Illinois at Urbana-Champaign in economics and is well-experienced in enterprise and multimedia software development. Welcome, Mike.

LINKSVAYER: Thanks. It's good to be on the show with you, Chris.

KENNEALLY: Yes. It's nice to have you here, Mike. Also joining him is the development manager for Creative Commons, Melissa Reeder. Melissa is responsible for managing all fundraising activities for Creative Commons organization-wide.

And of interest to the topic today is that she's also a photographer and volunteers for First Exposures, a youth mentoring program where she teaches black and white photography. She has a degree from the Rhode Island School of Design in art and design education and as well, a BFA in studio art photography from Texas State University. Welcome to *Beyond the Book*, Melissa.

REEDER: Hi. I'm glad to be here.

KENNEALLY: What we want to chat about today is the UGCX and some news regarding user-generated content and the licensing thereof. But it's probably a good way to start today to give people an overview of Creative Commons. I imagine the name itself may be familiar to many people, Mike, but there's probably a fair amount of confusion about what Creative Commons is doing and what it is you hope to have as an impact on the Web. Tell us about what you do.

LINKSVAYER: Sure. CC, or Creative Commons, is also a nonprofit. We were founded around 2001 by Lawrence Lessig and some other leading thinkers on copyright and technology kind of out of the milieu of copyright butting its head against the Internet.

KENNEALLY: And Mr. Lessig – Professor Lessig – has been very instrumental in examining that question, right? As you say, where copyright intersects with the digital world. Can you put in a bumper sticker what his position and what the position of Creative Commons is around all of that?

LINKSVAYER: Well, they're a little bit different. His position is broader. He's written very widely. His best-known book is probably called *Free Culture*, but he has a new book called *Remix* where he explores very broadly the intersection of digital technology and copyright and how they sometimes don't work together and sometimes complement each other.

Creative Commons is kind of one approach to tackling the problems. It's really inspired by the free software and open source movements that come before, the idea being that you don't necessarily need to change the law to allow people to take advantage of the possibilities of collaboration opened up by the digital network. You can create voluntary instruments, first and foremost, open copyright licenses that allow people to free clear – get permission in advance so you don't have to pay that transaction cost.

There's basically a 25-year history in the free software world of programmers creating stuff in a very distributed, collaborative fashion that has in the last decade also gotten a lot of uptick from big corporations like IBM, so there was kind of an example that we could follow.

So, Creative Commons at its core offers public copyright licenses that authors, photographers, musicians, educators, scientists can use to let people collaborate with them without asking for permission in certain cases.

KENNEALLY: It's very hard to talk about copyright on the Web without kind of getting into almost a categorical discussion, right? Either it's free or it's restricted, that either it's open access or it's DRM. There's a lot of kind of black and white in all

of this. And what's interesting to me right now is that Creative Commons has opened this up and really shown people that there's a full spectrum here, from making things freely and openly available to licensing them in a variety of ways. And you've got a number of different kinds of licenses and different steps people can take so that – for example, they have – I believe you have a share-and-share-alike license. Maybe you want to tell us what that's about.

LINKSVAYER: Sure. One way of looking at the whole idea behind Creative Commons is to explore the spectrum that copyright allows, even though the debates become very polarized.

We have very liberal or permissive licenses that you can use if all you want to do is maximize use of your work so long as you get credit. We call that an attribution license.

Our most restrictive license we call attribution non-commercial, no derivatives. That basically means you can only share verbatim copies. You can't make any money off of it, and if you want to make any money or do other uses, you need to clear the work as you normally would, and we can get into some mechanisms for doing that.

And then we – a lot of people hear of Share Alike, and that's a license that we have that is directly inspired by the free software world, the GPL, or what's known as the General Public License. Basically, it's very permissive, except that if you change the work at all, you have to share it under the same terms, so the idea is that the freedoms that the original author has given to the world get carried along.

KENNEALLY: Passed on and sort of inherited into the genetic makeup of the next revision or edition or transformation, right?

LINKSVAYER: Exactly.

KENNEALLY: Melissa, you're out there fundraising for Creative Commons. What kinds of organizations are supporting the work that CC is doing?

REEDER: We have a whole range of supporters from foundations to major companies to – this year, we had quite a few smaller companies donate to CC, and then individuals. And we've had more individuals give this year during our annual fundraising campaign than ever before.

KENNEALLY: So you have an Internet fundraising campaign that you've done?

REEDER: Yes. And it usually runs every year from October through the end of December.

KENNEALLY: Very interesting. Well, congrats on raising money in what I'm sure is a challenging time to do that in.

And people are probably wondering at this point, well, so what's an organization like Creative Commons doing talking to and with Copyright Clearance Center. And I'll just ask that question and hope you'll answer it for me, Mike. It all involves the Creative Commons Plus Initiative, which you launched about a year ago.

LINKSVAYER: Sure. As I mentioned a second ago, there are cases where a user of some copyrighted work that's under a Creative Commons license might want to make a use that isn't pre-cleared by the license. So for example, I was describing that recent Share Alike license before. What if you want to take some contents under that license and make a derivative work but for whatever reason, you can't or don't want to share it under the same license. The key thing is that Creative Commons licenses are non-exclusive, so the copyright holder can always make another deal.

So the potential licensee can always go to the copyright holder and say, I'd like to cut an alternate deal because I don't want to use the work according to the requirements of whatever the CC license being used is.

So the insight that CC+ brings basically is that that kind of transaction, you're kind of back to square one where it's call my lawyer. So you have very high transaction costs again, but we ought to be able to take advantage of the Internet and make kind of private copyright deals be more like an e-commerce transaction, less like call my lawyer and negotiate.

So CC+ is our name for enabling that kind of hybrid model where you're offering a Creative Commons on the one side of the plus. You're offering a Creative Commons license on the one side of the plus and then on the other side of the plus, you could have any sort of a private deal.

The model behind CC+ is basically that you have some kind of a – it could take several forms, but the probably easiest to imagine is that you have some kind of a rights broker that's facilitating the offer of the CC license, but also facilitating clearing of commercial rights or reps and warranties, that sort of thing.

KENNEALLY: Well, in fact, that's what brings together CC and CCC with a service that's called Ozmo. That's one answer to it. I know there are other partners you have in the CC+ program. But tell us about your reaction to the offering of ozmo.com and I'll just characterize it this way that it's the commercial piece that is the plus, the commercial side of the plus, if you will. People can have a Creative Commons license for certain kinds of uses in research or science, for example, but if that particular photograph or piece of text is to be used in any kind of commercial way, you do require, as you say, a kind of a license, and Ozmo has

a licensing service online that is very low touch, allows people to make the choices they want to for the terms they want to on the rights holder side, and then when the user comes along, he or she or an organization can get that right and just keep going, as you say, kind of cutting out the high-priced lawyers and the rest.

LINKSVAYER: Yes. We're real excited by Ozmo and it's really the first service that I would say really hit what we envisioned with CC+ right on. There have been several kind of genre or even individual-specific implementations of CC+ so far, so like record labels, Magnatune probably being the one that's been around the longest that will use a CC+ mechanism to clear commercial rights for their music, which happens to be offered under an attribution non-commercial Share Alike license. And then there's been an uptick in individual creators using the protocols to make – where their work is under a CC license that either e-mail them or here's their agent.

But Ozmo really generalizes it, makes it easy for somebody to get a CC license and offer commercial rights in the kind of e-commerce transaction way that I was describing. So we're real excited by that.

KENNEALLY: Right. And for people who are listening, it's probably a little hard to follow because there's a lot of different terms here, but they can go online to your site, [creativecommons.org](http://creativecommons.org) or go to [ozmo.com](http://ozmo.com) to read all about this.

But I think it does kind of boil down to if you're using it for a noncommercial use, Creative Commons has a license offering that probably works for you, and if you're going to then look forward to perhaps some commercial opportunities with it, the Ozmo piece is the complement to that. And that may be something that more of the so-called user-generated content creators are looking for.

And it's for that reason I want to turn to you, Melissa, because you're going to be appearing at a special conference looking at the explosion in user-generated content. It's an expo coming up later this month. Tell us about it and tell us what you're hoping to say there.

REEDER: I'll be participating on a panel called Sharing, Selling and Defending Photos Online. Basically, I'll be talking about CC in general and how it works and then also how it works well in a variety of ways for the photography community.

KENNEALLY: How do photographers look at this? I know, having been a journalist in my own previous lifetime working with freelance photographers, they eat what they kill and so selling photography is very important to them. Where does that fit in with the Creative Commons license and just what you're hoping to say?

REEDER: I think that CC, because they provide a variety of options through our different licenses, for the photographer who just wants to get their work out there

and to make a name for himself, CC licenses can help enable that by allowing him to share his work.

For those that need to sell it, there's a couple of models. One is to license the low res version of the photograph and charge for access to the higher res version. The other is to use noncommercial, because since our licenses are non-exclusive, someone who wants to use a noncommercial-licensed photograph can enter into a separate agreement with the photographer. So he gets the benefit from CC because he's sharing his work and making his work more available, but he's also retaining his rights to the commercial rights.

KENNEALLY: Right. Give us some – if you have it, Melissa or Mike – some sense of the user-generated content world at this point. It's so easy today to create a blog, to take a picture and upload it digitally, even doing the sorts of things that we're doing right now, creating podcasts, videocasts, putting video onto YouTube. All of that is the sort of thing that just almost – it happens as easily as it used to be to put pen to paper.

What has that meant, do you think, to Creative Commons? Are you answering a particular need that comes along with this creation explosion or do you think that the creation explosion has raised some questions that people just didn't have to face before?

LINKSVAYER: In terms of getting a handle on the UGC world, I think a couple of interesting data points. One, Flickr is about to reach 100 million CC-licensed photos, based on the kind of growth they expect for that next month.

But longer term and probably more importantly, you look at Internet surveys, like I believe the Pew Internet Survey, and you find that almost all teenagers kind of are naturally creating stuff and publishing it on the Internet. They don't even necessarily think about it as creating and publishing content. It's just what they do.

So there is definitely a need being created by people just doing what comes natural with digital technologies and copyright not necessarily facilitating the kind of collaboration that that enables. So it's a natural place for something like Creative Commons to come in and create a low-barrier solution to facilitate that.

KENNEALLY: Now, Melissa, you're a photographer and I'm going to guess you may have some photos online at Flickr or somewhere else like that. Of the kind of numbers we're talking about, the 100 million photos that Mike says are available under a CC license, do you have any sense of how those licenses are being used at this point? Or is that the sort of thing where it's just so enormous that it's very hard to track? I don't know.

REEDER: Mike might have a better answer, but I think that there's probably so many that it's slightly hard to track. On Flickr, you can actually look at the Creative Commons – I think it's flickr.com-creativecommons, but it lists a breakdown of which ones are being used, but I don't have the numbers off the top of my head.

KENNEALLY: Well, we'll have to have a look there, because I'm sure that's very interesting. And I think it's fascinating to see, as you say, Mike, just how people have so thoroughly dived into the content ocean at this point that they're rather like fish. They don't even know they're in water, to your point that the young generation is creating and sharing and publishing and doing all the sorts of things that have been up to now very difficult and required intermediaries. They're doing it themselves.

But I guess what something like Ozmo and in general, Creative Common Plus program is recognizing is that that doesn't eliminate the need people have to acknowledge somebody else's work as that person's work, and too, when it's appropriate, find some way to get the permission, and perhaps there's a transaction involved, too. So even though we're all surrounded by content, some core basics around copyright really remain.

LINKSVAYER: Absolutely. Another way of looking at Creative Commons and Ozmo, I think, is trying to make copyright work on the Internet.

And I guess I'd just add one thing to what Melissa said about how UGC is being used. It is difficult to track because the Internet's decentralized and that's why you need decentralized solutions that involve links like CC and Ozmo. But in terms of the use, you can see people using Creative Commons-licensed photos in everything from presentations to – a lot of major newspapers are using them and properly attributing them.

KENNEALLY: Absolutely. I've noticed that myself on websites. NPR and other very respectable news organizations indeed are using them in just that way.

Well, I'm sure we'll see more and hear more about Creative Commons in the future. I want to thank Mike Linksvayer, the vice president of Creative Commons, for joining us today. Thanks for being with us, Mike.

LINKSVAYER: Thank you. It was great.

KENNEALLY: And Melissa Reeder, who is the development manager for Creative Commons. Melissa, thank you for being here, too.

REEDER: Thank you.

KENNEALLY: Melissa is going to be speaking at the upcoming UGCX Conference taking place later this month – February – in San Diego and we hope you'll be

able to join her there at her program as well as come check out Ozmo. We'll be there as well.

So for all of us at Copyright Clearance Center, we look forward to having you back at *Beyond the Book* very soon. My name's Chris Kenneally. Take care.

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