The Future of Copyright? A Look at the First Decade of Creative Commons

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In 2001, Creative Commons was founded as a global nonprofit organization with the goal of enabling “the sharing and reuse of creativity and knowledge through the provision of free legal tools” (FAQ, “About CC”). In 2002, they made this goal manifest in the world, issuing their first Creative Commons licenses “designed specifically to work with the web,” making content offered there “easy to search for, discover and use” (FAQ).

Now in 2014, with over a decade since its founding and with a new CEO, Cathy Casserly, in place, the Creative Commons team saw this as the right time to reflect on past accomplishments and to use them as a foundation upon which to refocus/refine their vision for the future. This vision is strategized in The Future of Creative Commons: Realizing the Value of Sharing in a Digital World. Eliot Harmon, a CC staffer, wrote about the “intensive review of progress and priorities” that culminated in their newest strategy document:

Sometimes you need to use big milestones to stop and see where you are, and occasionally you find that decisions made to meet immediate demands don’t always hold up against long-term ambitions. The world is changing pretty quickly, and to remain effective, CC needs to do more than just keep up.

To facilitate such an intensive review, Creative Commons hired consultants to ascertain how the organization was viewed internally and by Affiliate Network members around the world, as well as by those people outside the organization (Harmon). “As navel-gazing goes,” Harmon writes, “we gave it a solid effort,” going on to emphasize that it was important for Creative Commons to clearly “declare [their] mission, vision and priorities for action” (Harmon).

The resultant publication does just that: laying out their mission, vision and strategic priorities in an inspiring and simply stated way. This strategy document is refreshingly easy to read, an inspiring mix of testimonials, statistics, examples, and quotes from founders and users across the globe. Ultimately, the document culminates into the essentializing of five strategic priorities (each with “Key Activities” that will be used to move Creative Commons forward into the future):

1. **Steward the Global Commons** (i.e. champion open standards, policies and procedures; support the global community of users through outreach, policy advocacy and education)

2. **Develop Innovative Products** (i.e. keep pace and enhance the technological means for users to build, remix and share; create new products to motivate further contributions to the Commons)
3. **Strengthen the Affiliate Network** (i.e. establish effective communication and mentoring channels among affiliates; support development of new affiliate organizations)

4. **Increase Platform Use** (i.e. increase outreach and support to existing and potential platform adopters to improve implementation of CC licenses; enhance public perception and awareness of CC and its mission)

5. **Ensure Sustainability** (i.e. secure adequate resources for core strategic needs; develop a long-term revenue model and strong organizational culture and structure)

Within this rich context, and informed by the strategic priorities they identify, Creative Commons articulates their vision for the future: as “nothing less than realizing the full potential of the Internet – universal access to research, education, and full participation in culture – for driving a new era of development, growth and productivity” (Future, 3). In their first ten years, CC has already “helped to grow a public commons of knowledge and culture” but because “the Internet is vast...so too is the untapped potential for people around the world to contribute to [this] commons” (2,4).

Informing this vision (and serving as epigraph and introduction to it in the report) are Articles 19 and 27 from the Universal Declaration of Human Rights: articles that reinforce the importance of and right to “seek, receive and impart information and ideas” and to “participate in the culture...regardless of frontiers” (2).

Forecasting the vision through the lens of universal human rights (and not copy “rights”) is a salient choice, as it places the emphasis squarely on sharing, access, and creative empowerment across and among the “vast” users of the Internet. Copyright was certainly designed with this goal in mind, “to promote the progress of science and the useful arts,” but the ways in which that “promotion” takes place in the 21st century is often in conflict with the laws intended to encourage and incentivize such production. As is highlighted in the report,

> Copyright automatically bestows upon creators exclusive rights to reproduce, distribute, and modify what they create. The default status is ‘all rights reserved.’ Yet many creators do not realize that they are copyright owners, or what legal terminology allows them to share and invite others to reuse their work. Therefore, the opportunity to share often goes untapped. (5)

As a result, “Creative Commons licenses were designed to help creators utilize the Internet’s potential as a place for collaboration without copyright law getting in the way” (Future, 4). The six Creative Commons licenses “provide a simple vocabulary for what would otherwise be a complicated agreement between creator and licensee” (5). In selecting a license, creators can “choose which rights they’d like to keep and what types of reuse to allow” (5).

It is important to note that Creative Commons licenses neither change nor (re)interpret existing copyright law; instead it offers creators (and, by extension,
users) a way to more clearly delineate and customize those laws away from a default, “one-size-fits all” copyright that can and has “gotten in the way” of remixing, sharing, and innovating. As Cathy Casserly asserts:

The creators who thrive today are the ones who use Internet distribution most intelligently. In fact, the ones who are most generous with their work often reap the most reward. People used to think of reuse as stealing; today, not letting others use your work can mean irrelevance. (Future, 5)

Certainly, the Future of Creative Commons details just how much has already been done to facilitate and promote the kind of “generous” sharing Casserly describes. From the creation of numerous open educational resources (OER), to the sharing of governmental data and scientific research, to the open licensing of cultural and artistic artifacts, Creative Commons has made great strides in helping creators understand and utilize the opportunities for collaboration and sharing on the Internet.

But for all that Creative Commons has accomplished, there is much more to do. According to cofounder Lawrence Lessig, Creative Commons is ten years in and just getting started:

Over the past decade, Creative Commons has become the standard internationally for sharing creative works. But that’s just the beginning. The next ten years will be all about tapping the potential of the global community of Commoners to build a more open Internet and a freer world. (Future, 20)

And the future Lessig describes starts right now. At the end of 2013, CC issued an update to its copyright license suite that puts these goals into tangible, practicable form. Version 4.0 licenses are designed with a stronger global reach in mind: “among the most notable changes [to this version of the license], version 4.0 breaks with the earlier practice of ‘porting’ licenses to different jurisdictions, and is now designed to work all over the world. In the same vein, Creative Commons will provide official translations of the license deeds to that licensors and licensees can read the text in the local languages” (Higgins).

And much like the “intensive review” of the organization itself, Creative Commons developed the 4.0 licenses through a public, transparent, and inclusive process: “goals were laid out in public discussions at a 2011 global summit, and continued in blog posts, open meetings, and mailing lists for the following two years. As a result, the licenses have the legitimacy of public consensus.” (Higgins)

When contrasted with other models of creating and discussing multinational copyright policy, like the exclusive and secretive promotion of the Anti-Counterfeiting Trade Agreement (ACTA) or the “closed backroom negotiation sessions” for trade agreements like the Trans-Pacific Partnership (TPP),” the Creative Commons process not only looks to be the better model, but a feasible and effective model for the future (Higgins). Perhaps “open source legislation” is on the horizon?
Whatever the future holds, it seems clear that Creative Commons’ guiding principles will allow them to be poised to make positive contributions to that future. Asserting, among other things, that “a voluntary, open and participatory community” is key to optimizing success; acknowledging that “the potential for sharing through open licensing has barely been tapped”; and grounding these in the understanding that “creative expression is critical to a vibrant Internet,” Creative Commons will continue to cultivate the commons of the world, one license at a time.

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The Future of Creative Commons: Realizing the Value of Sharing in a Digital World.