### Herkko Hietanen

- -Open licensing as process
- -Open Content Case Law









# Community Created Content

Law, Business and Policy

Herkko Hietanen, Ville Oksanen, Mikko Välimäki



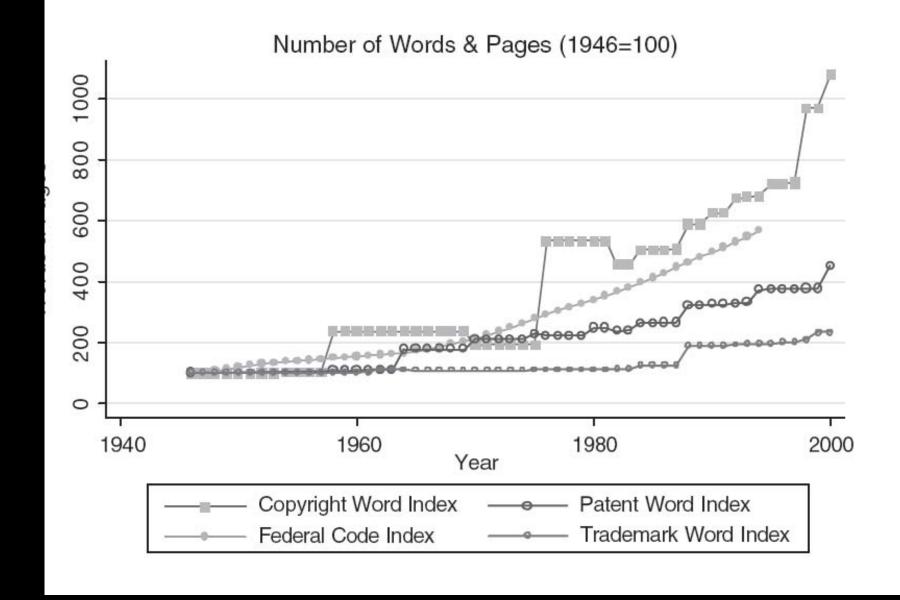




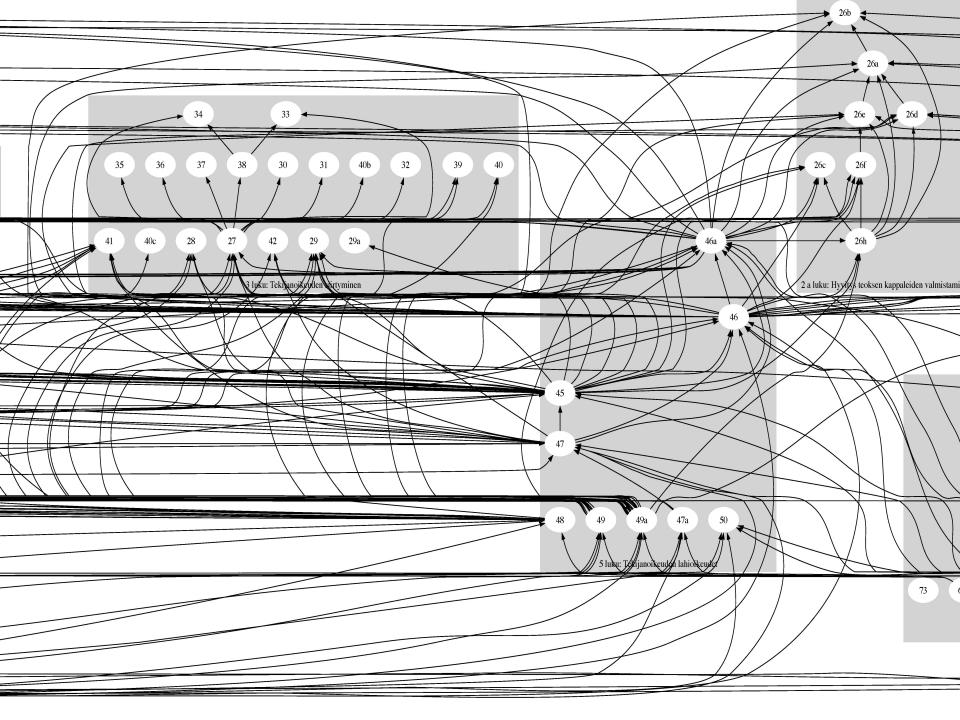
Herkko Hietanen
The Pursuit of Efficient Copyright Licensing
How Some Rights Reserved Attempts to Solve the Problems of All
Rights Reserved

### Ronald Coase





WILLIAM M. LANDES & RICHARD A. POSNER, THE POLITICAL ECONOMY OF INTELLECTUAL PROPERTY LAW





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www.hietanen.com/commercialLicensing.



### Transaction costs C

# Collective management with Collecting Societies

- Collecting small streams of royalties from several sources globally
- "One stop shop"
  - Cartels lower transaction costs
- However, a lot of works are never licensed
  - No promotion services

# Individual management with Creative Commons

- Public and royalty free licenses
  - Reduces transaction costs on several levels
- Permission already granted
- Room for additional "dual licensing"
- No royalty collection services



### Use C

# Collective management with Collecting Societies

- Nearly every commercially significant composer is a member
- In Europe rights are exclusively managed by collecting societies
  - The US has nonexclusive deals

# Individual management with Creative Commons

- Hundred of millions of works licensed
- Licensors mainly amateurs
  - Also Pearl Jam, Nine Inch Nails, Beastie Boys, Gilberto Gil, David Byrne etc.
- Provides wide distribution
- May reserve some rights

### PROCESS?

feedback | rss | search

News

Science & Research

Community

On Campus

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Arts

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February 13, 2008

News Office Multimedia Slide Shows Videos Special Presentations

#### Harvard to collect, disseminate scholarly articles for faculty

Legislation designed to allow greater worldwide access

By Robert Mitchell FAS Communications

In a move to disseminate faculty research and scholarship more broadly, the Faculty of Arts and Sciences (FAS) voted Tuesday (Feb. 12) to give the University a worldwide license to make each faculty member's scholarly articles available and to exercise the copyright in the articles, provided that the articles are not sold for a profit.

In proposing the legislation, Stuart M. Shieber, a professor at FAS, said, "There is no question that scholarly journals have historically allowed scholars to distribute their research to audiences around the world. But, the scholarly publishing system has become far more restrictive than it need be. Many publishers will not even allow scholars to use and distribute their own work. And, the cost of journals has risen to such astronomical levels that many institutions and individuals have cancelled subscriptions, further reducing the circulation of scholars' works.

"This is a large and very important step for scholars throughout the country. It should be a very powerful message to the academic community that we want and should have more control over how our work is used and disseminated," added Shieber, James O. Welch Jr. and Virginia B. Welch Professor of Computer Science.

"The goal of university research is the creation, dissemination, and preservation of knowledge. At Harvard, where so much of our research is of global significance, we have an essential responsibility to distribute the fruits of our scholarship as widely as possible," said Provost Steven E. Hyman, "Today's action in the Faculty of Arts and











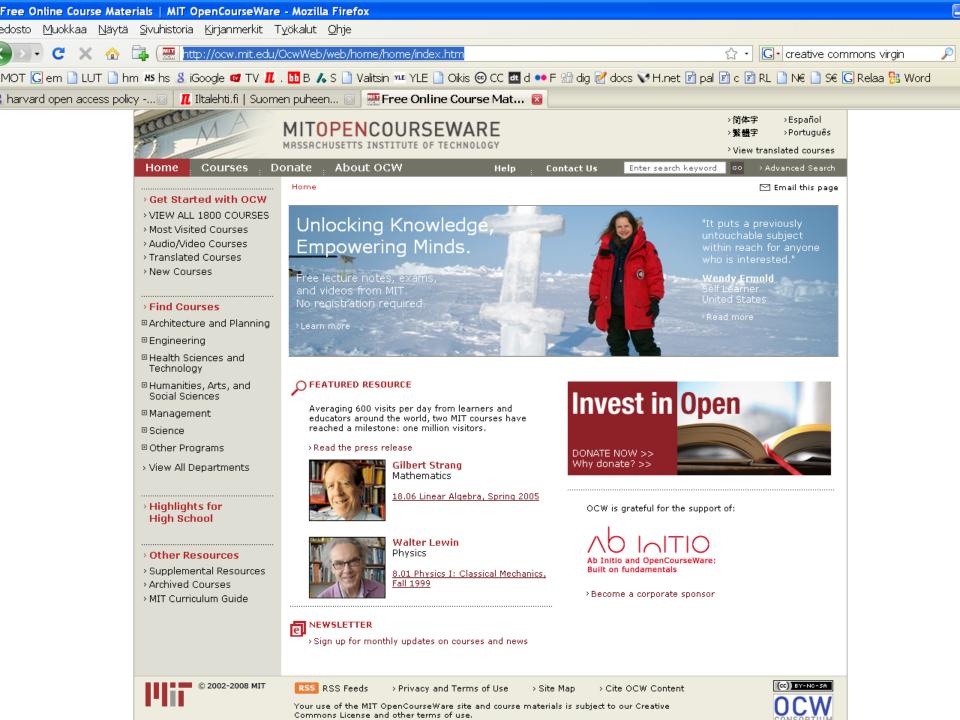












#### Your account / Set a default license

When you upload a photo via the Flickr website, it will inherit the default license type you set here.

You should only license photos you own the copyright on.

Browse the existing photos licenced with Creative Commons.

#### Select a default license

This will apply to all photos you upload in future. You can also change the license on all your existing public photos in a batch if you wish.

- None (All rights reserved)
- Attribution-NonCommercial-ShareAlike Creative Commons
- Attribution-NonCommercial Creative Commons
- Attribution-NonCommercial-NoDerivs Creative Commons
- Attribution Creative Commons
- Attribution-ShareAlike Creative Commons
- Attribution-NoDerivs Creative Commons

#### SET DEFAULT LICENSE

Or, return to your account page.

#### What the hey?

You can choose to use a Creative Commons license to allow more liberal use and sharing of your photos while still maintaining reasonable copyright protection.

This option will apply to all public photos you upload from this point on (you can also batch-select a license for all previously uploaded photos and alter your setting on a photo-by-photo basis, if you'd like).

#### Which license is right for you?

The Creative Commons website provides a wizard for you to choose the license most



Swintonista huomioidaan, että jalankulkijat ovat toki kuunnelleet kuulokemusiikkia jo 1970-luvulta lukien, kun Walkmanit tulivat. Mutta liikenteen äänistä eristäytyneitä jalankulkijoita tuntuu silti nykyään olevan entistä enemmän.

🥮 IPodin kuuntelijat aiheuttavat peräänajoja / Viihde / Digitoday - Mozilla Firefox

Muuallakin ongelma on tiedostettu. Esimerkiksi New Yorkissa vaadittiin viime vuonna, että <u>mp3-soittimen käyttö katua</u> ylitettäessä kiellettäisiin lailla.



### Tuomas Linnake tuomas. linnake @digitoday. fi



Teksti on lisensoitu Creative Commons Nimeä-Ei muutoksia-Epäkaupallinen -lisenssillä.

→ Suosittele	<b>■</b> Tulosta	■ Kommentoi
1 suositus	☑ Pdf-versio	⊠ Lähetä kaverille

#### Aiheeseen liittyviä uutisia

Aiemmat

<u>IPodit saattoivat kasvattaa</u> <u>rikollisuutta Yhdysvalloissa</u> 6.3.2008 LAUREA-ANHATIKOREEAKOUL
Opinskytetyön tilvistelmitetojen tallennuslomake

\*\*aduttava
\*\*a

and image for commercial purposes). The photograph was taken and then uploaded to Ficker under a Creative Commons Attribution 2.0 Itemse by an adult, who is also a plaintiff. This plaintiff claimed that Creative Commons, Lewig, Commons Mammerstandings: ASCAP on Creative Commons, Lewig Voltag, 13(1), 22(2017).

"In Proceedings of the Commons of Commons Commons, Commons, Introduce woods of Commons, Introduce woods of Commons, Introduce woods of Commons, Common

Shibboleth.
Identification



Metadata input

Human readable license



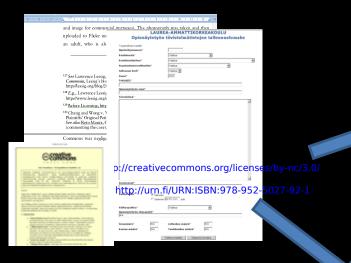
Licens e

©83MM3ns

Metadata page

#### The PDF work

#### Human readable license





Or next to the work

This work is licensed with BY-NC-FI-3.0-CC-license:

http://creativecommons.org/licenses/by-nc/3.0/

More information available at:

http://urn.fi/URN:ISBN:978-952-5027-92-<u>1</u>



Licens

Metadata page

### INTERNATIONAL CC CASES













Virgin Mobile in Australia is using a photo of mine in their ad campaign.

There's some controversy about Virgin's use of CC-licensed flickr photos on their billboards. You can read more about it and find the links here: flickr.com/groups/379879@N24/discuss/72157600565316699/

I, for one, didn't realize that the default licensing of my photos would allow a commercial company to use them for advertising. I'm going to have to reread the fine print.

#### Comments



gillicious pro says:

Original photo here:





This photo also belongs to:



Virgin Mobile - Are you with us or + what? (Pool)

#### Tags

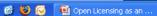
- virgin
- virginmobile
- mobile
- areyouwithusorwhat
- ad
- billboard
- poster

#### Additional Information

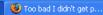
- © Some rights reserved
- Anyone can see this photo
- O Taken on July 5, 2007
- O 6 people call this photo a favorite
- O Viewed 2.550 times

























Saw this while I was walking into the city earlier today - down in the bottom corner it says that the photo is from flickr.com/photos/chewywong.

I wonder if he knows that his photo is being used here (most of his photos seem to be using a Creative Commons Attribution license). Anyway - congratulations!

For clarification, this is an advertising campaign being ran by Virgin Mobile in Australia. There have been sightings of these billboards containing photos from Flickr in both Melbourne (Victoria, Australia) and Adelaide (South Australia, Australia).

There is a post in the FlickrCentral group about this photo - www.flickr.com/groups/central /discuss/72157600541608353/

This photo has notes. Move your mouse over the photo to see them.

#### Comments







Inhox in herkko hieta.

(265 comments)



#### aleeviation says:

hey that's me! no joke, i think i'm being insulted...can you tell me where this was

Posted 16 months ago. (permalink)



(A) (D) (Open Licensing

chewywong pro says:

where was this? do you think virgin mobile will give me stuff? Dump Your Pen Frien

This photo also belongs to:

Virgin Mobile - Are you with us or what? (Pool)

→ browse →

#### Tags

- adelaide
- 400d
- 50mm1.8
- photowalk
- flickr
- 3 bus
- bus shelter
- peace
- flickrite

#### Additional Information

- All rights reserved.
- Anyone can see this photo
- O Taken with a Canon EOS 400D Digital. More properties
- Taken on May 27, 2007.
- 123 people call this photo a favorite
- O Viewed 202,296 times









#### CIMG0609.JPG



( 0 Comments )

o This photo is public.

Uploaded on Aug 20, 2005

#### CIMG0602.JPG



(2 Comments)

o This photo is public.

Uploaded on Aug 20, 2005

#### CIMG0600.JPG



( 5 Comments )

#### CIMG0603.JPG



(1 Comment)

o This photo is public.

Uploaded on Aug 20, 2005

#### CIMG0601.JPG



(1 Comment)

o This photo is public.

Uploaded on Aug 20, 2005

#### CIMG0599.JPG



(1 Comment)

View adamcurry's latest photos as a slideshow (New window ▷)

Home | Sign Up

Photos: Explore Flickr • Learn More



#### CIMG0560.JPG

ALL SIZES



#### Comments



tsuno&104 says:

nice pic! it's just the adam's family:) Posted 8 months ago. (permalink)



bbirdsr71 says:

What a great looking family! Posted 8 months ago. ( permalink )

#### Uploaded on August 20, 2005 by adamcurry

#### adamcurry's photostream



This photo also belongs to:

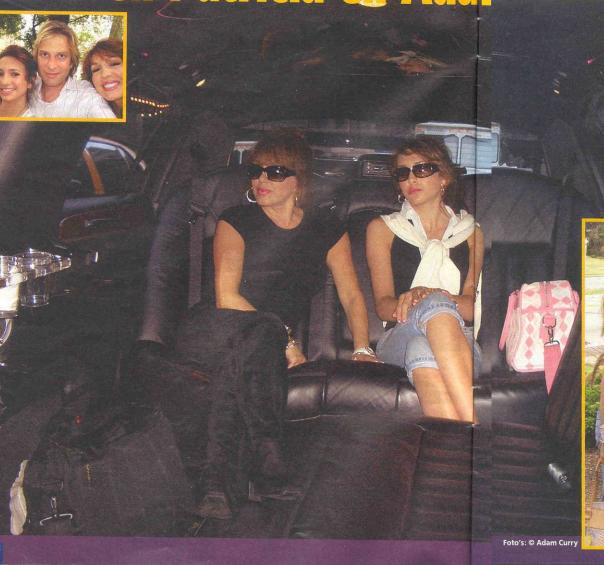


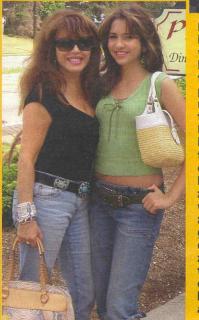


#### Additional Information

- Some rights reserved.
- Taken with a Casio EX-Z50.
   More properties
- O Taken on August 7, 2004
- See different sizes
   2 people call this photo a favorite.
- O Viewed 3411 times.

# lo leven Patricia en Adam voor de buitenwereld





Patricia Paay en Adam Curry hebben er nooit een geheim van gemaakt van glamour te houden. Toen ze jaren geleden terugkeerden naar Nederland probeerden ze hun visie op glamour naar ons kikkerlandie mee te nemen, maar dat lukte niet. Na zakelijke problemen vertrokken Adam en Patricia met stille trom naar Engeland, waar ze een nieuw bestaan wilden opbouwen. Maar wie op internet zoekt, vindt al snel de website waarop Adam en Patricia laten zien dat ze nog altijd erg van glamour houden. Samen met dochter Christina tonen ze dat ze nog steeds optimaal genieten van het goede leven. En dat is ze gegund. Maar ook hier blijkt de werkelijkheid net even anders te zijn... (sla snel om!)

### Case law

#### **Problems**

- What is non-commercial?
- What is the infringed content worth?
- The open licenses typically apply only to copyrights.

#### **Solutions**

- Define non-commercial.
- Define what the content is worth
- Do we need similar rules for publicity rights, trademarks, etc.?

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### THANK YOU