

Open Licenses and Content Distribution.

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Abstract

Commercial content distributors prevent the free access of digital content using copyright law and technology. Open content licenses give opportunity to publish the work free without losing creator's ownership. And users have the right to use, copy, distribute, modify, perform, display and create derivative works. Open content license ensures community participation in content development and distribution, and give hype and hope for both content developers and users.

Introduction

World Wide Web is becoming the most preferred location for academic community, librarians and other professionals for communication, content generation and transfer. They are extensively making use web services such as blogs, podcast, wiki's, digital libraries and institutional repositories for the transfer and access of information content in digital format. Text, images, audio and video in digitized format make easy creation, transfer and duplication of information throughout networks. Reckless use and transfer of digital content through Internet invokes threats to copyright claims of commercial content creators. This situation force commercial publishers to make use of technology and law to ensure security and prevent unauthorized access of digital content.

Users have been enjoying the freedom to read published print works found in traditional libraries without seeking permission from the copyright owner. But the same freedom is restricted in a publicly accessible digital collection [1]. Making and distribution of an unauthorized copy of digital content may invite provisions relating to the violation of copyright. Copyright can prevent libraries from providing open access to the digital information they collect and make barrier to the development of digital library collection [2].

Existing intellectual property rights are designed to protect the interests of commercial publishers and curtail the user's freedom to share the content. This situation would not be good for

innovation and consumer welfare in the long run [3]. All these laws also make hindrances for users and can restrict free use of copyrighted materials. Open licenses are designed on the foundations of open source principles and protect the right of creators and make sure public access of creative works. Open content licenses give content creators the freedom to publish their works for free access without losing their ownership.

Background setting for open content licenses

A content license is a document that states the freedoms and limitations that you apply to your work— an explanation of what someone can and cannot do with what you make [4]. Traditionally creative content is published and distributed through tangible objects like books, manuscripts, sheet music, video tape, microfilm, and audio cassettes. Copyright laws provided protection for publishers from unauthorized use of content in physical materials, including literary, dramatic, musical, artistic and other intellectual works. It is considered as illegal if anyone violates the rights provided by the copyright law to the owner of copyright. Libraries and its users survived copyright restrictions by using the provisions of 'fair use' and 'library privilege' clauses. These exclusive provisions allow public to access and make copy of documents in libraries. Copyright laws give protection to creative works for a limited time, after which the work is added to public domain.

With the increasing popularity of Internet, the movie, music and publishing industries failed to implement copyright law in networked environment. As the result, commercial content creators hopefully turned towards technology to protect the content from unauthorized use and distribution. Digital content publishers implemented DRM (Digital Rights Management) to control the copyright threats. DRM is an umbrella of technologies that allow right owners to set and enforce terms by which people use their intellectual property. This system combines an encryption scheme to protect the content and authentication systems to open content for only authorized users [5]. Online music sellers, bibliographic database vendors, and journal publishers successfully make use DRM to control the use of content. They developed authorized softwares, user name and password schemes to restrict the access of the content only in user's computer.

Brief History of Open Content License

Open content licenses are built on the basics of open source software licenses. Richard Stallman drafted 'GNU General Public License' in 1984 for the free distribution of software. David Wiley's GNU Free Documentation License in 1984 is considered as the first formal non-software open license. Contributions of Tim O'Reilly and Andy Oram made open content licenses more suitable for the online versions of printed books and journals; as a result, Open Publication License (OPL) was released in 1999. Larry Lessig constituted Creative Commons in 2001 for the distribution of literature, art, music, and film in public domain. This initiative designed a variety of licensing options to public access of creative works. Later a range of open content licenses appeared, and most of them contain the spirit of Creative Commons licenses.

Characteristics of Open Content Licenses

Copy right laws are not user friendly for public access of digital content and crafted with provisions advisable to accredit the monopoly of commercial publishers. Open content licenses are attributing the principles fostering free culture and have commitment to society. Lawrence Liag [6] an exponent of open content licenses noted its key characteristics:

1. Open content licenses give users right to copy, distribute, modify, perform, display and create derivative works.
2. It ensures a work based on original work should get license under the terms and conditions of the open content license.
3. Open content licenses include the provisions for both commercial and non commercial usage.
4. Open content license strictly instructs the appropriate credit to be given to the author of the work.
5. This model of licenses ensures community participation in content development and distribution.

Most of the open content licenses terms are more or less same. Users can use and share content without the permission of the creator. These freedoms of usage allow for non commercial purpose only. In certain context, permission of the creator is necessary for commercial usage of content and derivatives based on original work.

Nature of Community Content Development in Internet

Community participation is the main feature of content development in public domain; both developers and users actively engage in the effort. Main players associated with open content development are Professionals, amateurs, libraries, archives and public broadcasting companies. Amateurs and professionals participate in open content development to gain respect from community. Public organizations engage in content development to satisfy the information needs of tax payers. Online institutional repositories of academic institutions and libraries enable the free public access of scholarly content. Wikipedia is the best example of collaborative effort for free content encyclopedia. This multilingual encyclopedia is the endeavor of volunteers around the world. 'Flu Wiki' (www.fluwikie.com) is another example of collaborative conformation to build a knowledge base for local communities to defend communicable diseases. In the case of Wiki based content development, web based interface allows anyone to create and edit the content pages. A group of volunteer moderators/editors inspect the content quality and suggest modifications wherever needed. 'LibriVox' (<http://librivox.org>) is a public project instituted to publish free audio books on the Internet. In this project books for reading are chosen on the basis of user's suggestions. Volunteers read and record the book content in digital format and coordinators upload the files on project website. Open content development model encourage both solo and collaborative content development.

Popular open content initiatives

Project Name	Content Type
Wikipedia	Encyclopedia
Librivox	Audio books
Flickr	Image database
Open Clip Art Library	Clip arts
PLoS (Public Library of Science)	Medical Literature
OSWD.org	Web site templates
OpenLearn and MIT Open Courseware	Educational resources

Popular Open Content Licenses

Open content licenses are developed to distribute free content which does not contain any harmful licensing terms same contain in commercial digital contents. It also promote ethical, legal framework for the distribution and use of digital content.

Creative Commons

Creative commons is considered as most popular and flexible license for free content distribution. The Creative Commons initiative designed this license with the support of practitioners and theorists of law and technology. James Boyle, Michael Carroll, Lawrence Lessig, MIT computer science Professor Hal Abelson, cyber law expert Eric Saltzman, and public domain Web publisher Eric Eldred founded Creative Commons in 2001. Creative Commons is a set of legal licenses from which creators can select the rights they wish to retain and those that they are willing to give to the public. A Creative Commons license is based on copyright. So they apply to all works that are protected by copyright law. The kinds of works that are protected by copyright law are books, websites, blogs, photographs, films, videos, songs and other audio & visual recordings [7]. Popular projects make using Creating Commons are MIT OpenCourseWare, Public Library of Science, Flickr, Ourmedia and Wikinews.

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1. Wikipedia
2. PlanetMath - a free, collaborative, online mathematics encyclopedia.
3. Japanese History Documentation Project (<http://www.openhistory.org/jhdp/>)
4. Free Online Dictionary of Computing (<http://www.foldoc.org/>)

Free Art License

Free Art License is developed from the inspiration of the meeting “Copyleft Attitude” in Paris in 2000. With this license users are authorized to copy, distribute and freely transform the work of art while respecting the rights of the originator. The basic aim of Free Art License is to promote and protect artistic practice freed from the rules of the market economy [8].

Open Music License

Open Music License is a set of customized licenses which allow public to use the music and giving credit to the musician. In addition, this license contains provisions to earn money for musician. Three versions of Open Music License are available;

The Green License – Free for copy, distribution and modification.

The Yellow License – Free for all use, but prevents commercial use.

The Red License – Personal use and distribution only.

The open Music License was drafted after consultations with several song writers, musicians and bands [9].

Design Science License

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Common Documentation License

This license is developed by Apple computer, Inc for the distribution of software manuals and instructions.

Creative Commons outwits other open content licenses in the case of popularity and usage. Ability to habitat any content format and flexibility in privilege customization make Creative Common license favourite option for content distribution. Creative Commons offers six types of licenses with various rights for fair use. There is an increasing acceptance of open content licenses. As per license adoption estimate at 2006, 140 million web pages contain Creative Commons content [10].

Money matters

Content creation and distribution is a money tinkling business of commercial content distributors. Content companies act as intermediary between content creators and end users and a great portion of profit and reputation goes to content companies and not to original creators. Here copyright of the content is lost from the author’s side and it restricts him to further manipulation of his own creation. In traditional content distribution practice content always belong to the property of content company and not suitable for voluntary content creators who like to earn reputation than money. Earlier online commercial content distributors possessed the technology and expertise of digital content publication. Now online content distribution scenario has entirely changed with the popularity of World Wide Web and user can directly publish their content with the help of user friendly online tools. And many alternative business models are introduced for

content creators without hurting the user's freedom of free content access. New business models experiences with free content distribution are [11]:

1. Distribution of content charging nominal cost.
2. Selling extra services for users is a popular strategy of open content business. Flickr is an online photo sharing service which provides free limited space for image uploading. They offer unlimited storage space if users pay an extra amount.
3. Open content licenses are free to share and can be used to generate profit by organising and distributing content in packaged media. Here users need to pay only the cost of media (CD,DVD).
4. Advertisement with free content is the most popular income generation practice. Video sharing services (Eg. Revvr) displays a hyperlinked advertisement frame at the end of each video. If the viewers click on the promotional frame, the advertiser is charged and the fee is shared among content creator and video sharing service.

Free content usage, world wide access and reputation are the carrots of open content business model.

Conclusion

Content creators are trying out a range of open content licenses with features which include copyleft to money making options. Open Content licensing projects should work together for better inter operability and handle copyright management issues. [12]. Creative Commons license leads in the popularity and considered as the most successful Open Content license format and proved its endurance in court. Adam Curry, a popular podcaster and former MTV VJ won law suit against a magazine which published photos of his family under Creative Commons non-commercial license on Flickr without his permission.

More business models should be introduced for open content to attract more content creators into community based content development. Other than traditional subscription based content distribution different indirect revenue making sources such as live performances, service subscriptions, and the sale of enhanced or bundled products are available [13]. In sum open content licenses are radicalize the content use and distribution by creating space for community based content development.

Reference:

1. Samuelson, Pamela. "Encoding the law into digital libraries." Communications of the ACM 41(1998): 13-18.
2. Kuny, Terry. "The digital library: myths and challenges." 62nd IFLA General Conference. Beijing. August 25-31, 1996.
3. Samuelson, Pamela. "Intellectual property for an information age." Communications of the ACM 44(2001): 66-68 .
4. Reberts, 28 Dec 2007. "Sharing Creative Works." Creative Commons. <http://wiki.creativecommons.org/Sharing_Creative_Works>.
5. "Q&A: What is DRM?" 2 April 2007. BBC. 11 Dec 2007 <<http://news.bbc.co.uk/2/hi/technology/6337781.stm>>.
6. Liang, Lawrence. "A Guide To Open Content Licences." December 2004. Piet Zwart Institute. 11 Dec 2007 <http://pzwart.wdka.hro.nl/mdr/research/liliang/open_content_guide>.
7. "Frequently Asked Questions." 3 August 2007. Creative Commons. 11 Dec 2007 <<http://wiki.creativecommons.org/FAQ>>.
8. "Free Art License." 20 July 2005. Copyleft Attitude. 11 Dec 2007 <<http://artlibre.org/licence/lal/en/>>.
9. Liang, Lawrence. "A Guide To Open Content Licences." December 2004. Piet Zwart Institute. 11 Dec 2007 <http://pzwart.wdka.hro.nl/mdr/research/liliang/open_content_guide>.
10. "Midyear license adoption estimates." 13 June 2006. Creative Commons. 11 Dec 2007 <<http://creativecommons.org/weblog/entry/5936>>.
11. Hietanen, Herkko. Community Created Content; Law, Business and Policy. Helsinki: Multiprint, 2007.
12. Ibid.
13. Ibid.

