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## CHAPTER FOURTEEN

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# CREATIVE COMMONS LICENCE: AN ALTERNATIVE SOLUTION TO COPYRIGHT IN THE NEW MEDIA ARENA

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### AN INTRODUCTION TO CREATIVE COMMONS

Creative Commons (CC) is a global non-profit organisation that provides free tools, including Creative Commons licenses and software, to enable authors, researchers, artists and educators to easily mark their creative works with the specific intellectual property rights they wish their creative works to carry. The mission of CC is to build a system of balanced intellectual property rights by advocating a ‘some rights reserved’ alternative to the traditional ‘all rights reserved’ system.<sup>1</sup>

CC is dedicated to building a flexible copyright regime in the face of increasingly restrictive copyright rules. It encourages legal sharing, remixing, and reuse of creative work, and provides a legal platform to spread and build digitally enabled creative culture. Incorporating distributive and legal mechanisms at the same time, CC serves to remedy excessively restrictive intellectual property protection. By promoting a fair and user-friendly structure of intellectual property rights, CC is helping to realise open access to knowledge.

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<sup>1</sup> Creative Commons <<http://creativecommons.org>>.

There are two extremes of intellectual property rights protection. One is the extreme of total rights control in which every use of a work is regulated, with the result that all rights are reserved. The other extreme is characterised by an IP world of anarchy - a world in which some creators enjoy a wide range of freedom, but others are left vulnerable to exploitation.<sup>2</sup>

To build a sensible middle ground position, in 2002, Creative Commons established a flexible copyright implementing model, the 'some rights reserved' model through the Creative Commons licenses, which values innovation and protection equally. CC licenses change the traditional mandatory rights assertion into a voluntary, optional rights approach. CC licenses represent a reasonable compromise between those two extremes. The goals are cooperative and community-minded, and the means resorted to are based on a voluntary system. CC works to offer creators a 'best-of-both-worlds' path to protect their works while, at the same time, encouraging certain further uses of their works in the model of 'some rights reserved'.<sup>3</sup>

Creativity and innovation have always been built on a rich heritage of prior intellectual work. Digital communications promise a new explosion of this kind of collaborative creative activity. However, under an 'all rights reserved' system, digital communications are not easily accessible and are burdened by unreasonable legal restraints. An important aim of CC is to build a simple, free, and extensible infrastructure at the content level that enables the appropriate balance of freedoms and rights so as to pave the way and encourage the flourishing of a truly interactive web culture.

The Creative Commons movement aspires to cultivate a true 'creative commons' in which people can feel free to reuse, not only ideas, but also words, images, music, and scientific knowledge, without having to obtain specific permissions, because permission has already been granted by the creator through the 'some rights reserved' CC license.

The idea of science is to create new knowledge which is accessible to ordinary people around the world. The Internet Archive mission, for

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<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

example, is for 'Universal Access to Human Knowledge'.<sup>4</sup> And the Internet Archive vision is 'a Creative Commons based proposition which ensures that information is accessible and free to anyone from anywhere'.<sup>5</sup> Creative Commons 'is not against copyright, but notes the importance of copyright and creates a balance to benefit the creators, and the general public as well, through providing an alternative option to authors, scientists, and artists'.<sup>6</sup>

There are four potential elements to a Creative Commons license: Attribution, Non-commercial, Share Alike, and No Derivatives. Based on combinations of the above elements, there are six core CC licenses: Attribution (by), Attribution Share Alike (by-sa), Attribution No Derivatives (by-nd), Attribution Non-Commercial (by-nc), Attribution Non-Commercial Share Alike (by-nc-sa), and Attribution Non-Commercial No Derivatives (by-nc-nd).<sup>7</sup> Creators can choose the license that meets their needs. This system offers an easy way to license creative works under a CC license that helps users of the creative works obtain permission easily and also helps provide proper protection to the creative content as well. In doing so, CC licenses help solve the problems raised by the traditional 'all rights reserved' model and also serve the unique needs related to digital copyright protection. Because of this, CC licenses have been welcomed in different countries and regions around the world.

CC licenses have now been officially introduced into more than 40 jurisdictions and have been used on a variety of content types. Search results provided by Yahoo and Google in early 2007 showed that there were more than 60 million online works licensed under CC licenses.<sup>8</sup> The Internet Archive, as the most important CC licensed content

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<sup>4</sup> Internet Archive <<http://www.archive.org>>.

<sup>5</sup> Stewart Cheifet, 'Creative Commons and the Internet Archive: Enabling the Free Sharing of Online Information' (Speech delivered at the Launch Event of the Mainland China Version of the Creative Commons Licences, Beijing, 29 March 2006).

<sup>6</sup> Lawrence Lessig, 'The Role of Creative Commons in an Information Economy' (Speech delivered at the Launch Event of the Mainland China Version of the Creative Commons Licences, Beijing, 29 March 2006).

<sup>7</sup> See <<http://cn.creativecommons.org/about/licenses/meet-the-licenses.php>> 25 January 2008.

<sup>8</sup> Giorgos Cheliotis, *Creative Commons Statistics from the CC-Monitor Project* (2007) Creative Commons <<http://creativecommons.org/weblog/archive/2007/6>> 25 January 2008.

repository, has two-thirds of its content licensed under CC licenses, this includes audio, video, educational courseware, software, books and web pages. CC licenses have been playing a very important role in the gathering and distribution of that content. In addition, the use of CC licenses in the fields of broadcast radio and television, and education, is increasing by nearly 300% annually.<sup>9</sup>

CC licenses represent a kind of open content license under which some rights are reserved. They have become a worldwide standardised licensing option and a useful legal tool for cultivating a digital information commons. CC licenses also include a localisation feature as well so that they work equally in a variety of geographic and legal jurisdictions. CC licenses meet the requirement of creating one unified set of rules in the information arena while at the same time creating a unique licensing system that will be honoured in different courts and jurisdictions, in the event that rights are challenged through legal proceedings.

## SIGNIFICANCE OF CC LICENSES TO THE CHINESE SOCIETY

The Mainland China version of the CC licenses was launched in March, 2006 in Beijing.<sup>10</sup> Since then, the Mainland China licenses have been integrated into the Creative Commons licensing process. The Creative Commons license has become a valuable local legal instrument in Mainland China. All members of the Chinese creative and intellectual community who wish to declare their works available for others to use are now able to license their works under the new CC guidelines.

In China, traditional intellectuals and members of the creative community subscribed to the ideology of 'art for art's sake' and felt ashamed to exploit the commercial value of their work. Similarly, the Chinese reading public and consumers of creative works took it for granted that the works of authors were free for use and citation.

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<sup>9</sup> Stewart Cheifet, 'Creative Commons and the Internet Archive: Enabling the Free Sharing of Online Information' (Speech delivered at the Launch Event of the Mainland China Version of the Creative Commons Licenses, Beijing, 29 March 2006).

<sup>10</sup> Creative Commons China <<http://cn.creativecommons.org>>.

The concept and the approach of Creative Commons licensing will provide a sensible middle ground for China, a balanced position poised between traditional western approaches of strict copyright and the traditional Chinese approach of no intellectual property rights. Indeed, the very idea of Creative Commons is to bring to the conscious level the traditional Chinese intuitive approach of knowledge sharing, under a reasonable set of guidelines. Adopting the Creative Commons system in China would be a significant step forward in helping China further the development of culturally diverse creative works, and improve the ability of the people in China to communicate effectively with other societies and cultures around the world.

It is important to note that while the CC concept derives from a tradition of strictly controlled copyright toward a moderate ‘some rights reserved’ approach in Western societies, it comes from a different direction in Chinese society where the tradition is societal sharing of intellectual creativity. In other words, in China, the CC concept develops from a tradition of communal ownership of property towards a moderate protection of copyright. In this context, Creative Commons licenses are actually playing an important role in copyright education. As Professor Jing Wang, the SC Fang Professor of Chinese Language and Culture at MIT, has said, CC licenses could help cultivate an attitude of conscious sharing within the Chinese society.<sup>11</sup>

China has been working on building a well-rounded Intellectual Property regime since the 1980’s. It is now perfecting its IP regime by strengthening IP protection, according to ‘China’s Action Plan on IP Protection 2007’ which details 276 measures in 10 areas such as formulating and revising 14 laws, regulations, rules and administrative measures on trademark, copyright, patent and customs protection as well as seven judicial interpretations and guidelines. On the enforcement side, 14 dedicated campaigns such as ‘Fight Piracy Every Day’ and a crackdown on pirated textbooks and teaching supplements, together

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<sup>11</sup> Jing Wang addressed the global open access to knowledge movement and its significance to the Chinese Society. See Jing Wang, ‘Knowledge Commons: Hopes and Barriers’ (Speech delivered at the Launch Event of the Mainland China Version of the Creative Commons Licences, Beijing, 29 March 2007) <<http://web.mit.edu/fl/www/people/JingWang.shtml>> 25 January 2008.

with 11 standing enforcement programs, are now being carried out simultaneously.

It will be very important for China to adopt a balanced intellectual property regime with greater attention given to knowledge sharing. This is especially relevant with the rapid development of the Internet and, at the same time, the new emphasis on the importance of protecting the interests of IP holders. According to CNNIC (China Internet Network Information Centre), in 2006 Chinese Internet users number over 120 million, making China the second highest ranking Internet user in the world, just after the United States. The Internet is becoming the main content resource for the Chinese creative and intellectual community and to cultivate a healthy Internet economy in China, the interests of end users must be addressed.

As Joseph Stiglitz declared, the ‘world will gain by the success of China’s economic model’, given that China pursues a ‘balanced’ intellectual property regime instead of adopting the kind of unbalanced intellectual property laws that are being demanded by Western governments. Stiglitz said, ‘knowledge itself is the most important input in the production of knowledge, a badly designed intellectual property regime can stifle innovation’. China should avoid building intellectual property regimes that move toward the privatisation and monopolisation of knowledge.<sup>12</sup>

Joseph Stiglitz has reviewed various knowledge and intellectual property systems and come to several conclusions supporting a balanced intellectual property system. He believes that ‘similar to other legal systems, intellectual property systems can only be positive when obstacles to information transmission are removed’. Knowledge is created for sharing, it generates more value for the public from its transmission, and an effective intellectual property system should not set up barriers for using and transmitting knowledge.<sup>13</sup> Stiglitz continues, ‘Knowledge is one of the most important materials for its own

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<sup>12</sup> Joseph Stiglitz, ‘World Will Gain by Success of China Economic Model’ (2007) 4 *Shanghai Daily – Insight* 50  
<[www.shanghaidaily.com/article/shdaily\\_opinion.asp?id=312881&type=Opinion](http://www.shanghaidaily.com/article/shdaily_opinion.asp?id=312881&type=Opinion)> 25 January 2008.

<sup>13</sup> Liu Lijuan, ‘The awful American Intellectual Property System does not Suit China – a Discussion on Protection and Share of Intellectual Property with Stiglitz, Nobel Prize Winner in Economics’ (2007) April, *Business Watch Magazine*.

generation, and creativity may be strangled by an awful intellectual property system.’<sup>14</sup>

It follows that China should avoid an intellectual property system that privatises knowledge and results in a monopoly of knowledge. Joseph Stiglitz further suggests that every country should establish its own intellectual property system that corresponds with its actual conditions.

As a legal system, the Intellectual Property law serves as a profit balancing mechanism. It substantially adjusts the profit distribution for knowledge producers and the public in terms of benefits and usage of intellectual property. Most developing countries are focusing on the intellectual and technological divide, yet it would be even more difficult to eliminate such divides without an intellectual property system that is formulated to effectively promote knowledge sharing.<sup>15</sup>

Responding to the fact that the American intellectual property system has been adopted by many countries, which have submitted to the US under pressure, Stiglitz argues that ‘such systems are not even suitable for America itself, let alone the developing countries. China shall draw upon experiences from America to establish its own intellectual property system rather than duplicating its legislation.’<sup>16</sup>

Meanwhile, the international academic community is calling for people’s awareness of the counterproductive effects of the western intellectual property system. World-renowned experts from various fields including fine art, law, economics, science, technology, and education, have collaborated to draw up the Adelphi Charter, which reads: ‘The purpose of intellectual property law (such as copyright and patents) should be, now as it was in the past, to ensure both the sharing of knowledge and the rewarding of innovation. The expansion in the law’s breadth, scope

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<sup>14</sup> Joseph Stiglitz, ‘World Will Gain by Success of China Economic Model’ (2007) 4 *Shanghai Daily – Insight* 50  
<[www.shanghaidaily.com/article/shdaily\\_opinion.asp?id=312881&type=Opinion](http://www.shanghaidaily.com/article/shdaily_opinion.asp?id=312881&type=Opinion)> 25  
January 2008.

<sup>15</sup> Ibid.

<sup>16</sup> Liu Lijuan, The awful American Intellectual Property System does not Suit China – a Discussion on Protection and Share of Intellectual Property with Stiglitz, Nobel Prize Winner in Economics, (2007) April, *Business Watch Magazine*.

and term over the last 30 years has resulted in an intellectual property regime which is radically out of line with modern technological, economic and social trends. This threatens the chain of creativity and innovation on which we and future generations depend.<sup>17</sup>

As mentioned above, the system of Creative Commons is a flexible mechanism making available the legal dissemination of knowledge without unreasonable obstacles, while encouraging legitimate use and reproduction of that knowledge. Authors and other creators who wish to share their intellectual achievements are therefore provided rational and flexible options which help promote the legitimate sharing and reusing of these achievements, and the promotion of a 'read-write culture' which is important for the development of New Media.<sup>18</sup>

The statistics on the use of the Creative Commons licenses show that CC licenses are widely accepted now by creators. As estimated by search results on Yahoo, as of 31 July 2007, 493 000 Chinese websites have adopted CC licenses. A great number of these Chinese websites have adopted the local Creative Commons licenses just since the official launch of the Mainland China version of the CC licenses in March, 2006. Further, statistical analysis and comparative study of local Creative Commons applications in 34 different jurisdictions, during the first half of 2007, show that the rate of adoption of CC licenses in Mainland China ranks 10<sup>th</sup> among all 34 jurisdictions.<sup>19</sup>

Many New Media institutions have adopted Creative Commons licenses for their content. For instance, nphoto.net and bababian.com are both presenting their web pages with photographic works licensed under a local Creative Commons license and more and more individual

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<sup>17</sup> *The Adelphi Charter on Creativity, Innovation and Intellectual Property Challenges*  
<<http://www.adelphicharter.org>>.

<sup>18</sup> A renowned young Chinese artist in the field of New Media arts commented in her blog: 'Sharing is happiness.' Her blog is licensed under a Mainland China version of the CC license. China Tracey's Second Life Blog  
<<http://www.alternativearchive.com/chinatracey/>> 25 January 2008.

<sup>19</sup> Giorgos Cheliotis, *Creative Commons Statistics from the CC-Monitor Project (2007)* Creative Commons <<http://www.creativecommons.org/weblog/archive/2007/6>> 25 January 2008.



photographers are choosing CC as their licensing regimen of choice.<sup>20</sup> Qiji.cn, an open knowledge depository has also adopted Creative Commons for its Qiji Translation Project.<sup>21</sup> Furthermore, the pioneer of China's open education program, China Open Resources for Education (CORE), immediately started to license its website under a CC license as soon as the China Mainland version of the Creative Commons license was launched in March, 2006.<sup>22</sup> Many blogs in China are also adopting Creative Commons licenses.

## INTEGRATING CC WITH NEW MEDIA

The term New Media, which is also referred to as Internet Media or the Fourth Media, has varied definitions with different areas of emphasis. For instance, according to the American magazine *Wired*, New Media can be defined as 'transmission from everybody to everybody'.<sup>23</sup> Xiong Chengyu, Professor in the School of Journalism and Communication at Tsinghua University believes that New Media is 'media that emerges from information technology and generates influences on the basis thereof'.<sup>24</sup> He also suggests that 'firstly, the term New Media is a definition based on relativity, according to which "new" is opposite to "old" as newspaper to books and broadcasting to newspapers; secondly, such a definition is temporal, and the form of it can be relatively stable; thirdly, New Media is still developing, and is not limited to existing platforms.'<sup>25</sup>

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<sup>20</sup> Nphoto.net <<http://www.photos.nphoto.net/creativecommons/>>; Babian.com <<http://www.bababian.com/cc.sl>> 25 January 2008.

<sup>21</sup> <<http://www.qiji.cn/drupal/tags/1140>>

<sup>22</sup> China Open Resources for Education (CORE) <<http://www.core.org.cn>>.

<sup>23</sup> 'The New Media Definition', *Sohu* (China), 13 May 2006 <<http://it.sohu.com/20060513/n243257100.shtml>> 25 January 2008.

<sup>24</sup> 'The New Media Definition', *Sohu* (China), 13 May 2006 <<http://it.sohu.com/20060513/n243257100.shtml>>.

<sup>25</sup> CCTV, 'The New Media Environment "Investigative Journalism" Counter Measures', *Investigative News*, 18 April 2006 <<http://www.cctv.com/news/special/C15587/20060418/101927.shtml>> 25 January 2008.

The Creative Commons licenses are commonly used in new media and the Internet. The internet media, for example, social networking sites (such as MySpace, Facebook and Chinary), user generated sites (such as Youtube, Flickr, Tudou, Nphoto and Bababian), virtual worlds (such as Second Life and Hipihi), and blogs, podcasts, wikis etc, all have distinctive features such as openness, sharing, re-usability and unification of interests of authors and users. Therefore this phenomenon is described as a participative culture or a 'read-write culture', as distinguished from the traditional 'read-only culture'.

Professor Lawrence Lessig of Stanford University, CEO of Creative Commons, has described the 'read-only culture', the 'read-write culture' and the differences between them. He says that in a society where the public simply consumes resources created by others, it shall be called a 'read-only' culture. On the contrary, he says where the public generates resources while consuming them; it is called a 'read-write' culture.<sup>26</sup>

By formulating a legal platform for internet media to create and transmit culture, Creative Commons has become an effective alternative to copyright. Seen as a Web 2.0 tool, CC enables users of the Web to create and share creativity as they choose. It simplifies the process of modularisation and consequently leads to highly creative communities based on cooperation and sharing of creativity. One important aim of Creative Commons is to build a free and extensive infrastructure at the content layer that enables the freedoms that many different Web 2.0 creative projects require.<sup>27</sup>

Considering the problems resulting from the traditional copyright protection model being implemented on the Internet, Professor Lessig points out that the traditional copyright regime is drawn up purely for a 'read-only' culture.<sup>28</sup> For example, the mere act of reading books can never produce new copies. On the contrary, the means of creating and

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<sup>26</sup> Lawrence Lessig, 'The Role of Creative Commons in an Information Economy' (Speech delivered at the Launch Event of the Mainland China Version of the Creative Commons Licenses, Beijing, 29 March 2006).

<sup>27</sup> Lawrence Lessig, *CC and Web 2.0*, (2006) Creative Commons <<http://creativecommons.org/weblog/entry/6123>> 25 January 2008.

<sup>28</sup> Lawrence Lessig, 'The Role of Creative Commons in an Information Economy' (Speech delivered at the Launch Event of the Mainland China Version of the Creative Commons Licenses, Beijing, 29 March 2006).

consuming digital content, including Internet content, almost always generate new copies of the content and, often, new information. If current copyright laws are allowed to regulate such content and such digital dissemination, copyright owners will be allowed to completely control the use of their works, and once new technology enables that, the Internet will be sadly transformed into a 'read-only' network.

However, the creative power of a society is based on a resourceful use of existing intellectual achievements, and the Internet has already established the technical foundations for it to flourish. As part of that, Creative Commons is promoting a creative 'read-write' culture by legal means using CC licenses.

When the current intellectual property laws were formulated, the new digital approaches to creativity had not yet been taken into consideration, like the potential for remixing. However, if existing legal prohibitions against remixing are allowed to stand, the creative 'read-write culture' will be strangled. For instance, a composer releases a song licensed by Creative Commons which allows others to remix his work, and when such a remix takes place, a new creative work is uploaded. Two composers can then be recognised as having collaborated to complete the new song, even though there has been no direct communication between them and no complicated legal negotiations or obligations.<sup>29</sup> The positive impact of Creative Commons is then made evident.

Remix is a special form of creativity unique to the Internet and digital media. It is the very nature of the remix process that enables users to be the authors of newly generated works. Remix enables people to enrich and develop existing creative resources by making use of current intellectual and cultural materials. It is obviously quite popular among web users where there are tools available to facilitate remixing. It is even becoming popular among those who had been working to protect their copyrights, as they are being influenced by the remix culture and are thus changing their attitudes towards traditional copyright protections.

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<sup>29</sup> Lawrence Lessig, 'The Role of Creative Commons in an Information Economy' (Speech delivered at the Launch Event of the Mainland China Version of the Creative Commons Licenses, Beijing, 29 March 2006).

For instance, George Lucas, writer, director and copyright owner of the Star Wars movies has been doing his utmost to protect his intellectual property, frequently suing fans who remix clips from his movies; this has resulted in his nickname 'Lucas the Litigator'.<sup>30</sup> Yet now, after Sony BMG Music Entertainment opened the door by offering music fans song tracks to use for remixing, the Star Wars team followed suit and began to change their attitude toward remix from prohibition to promotion. Nearly 250 clips from all six episodes of the Star Wars films are now being released on the official Star Wars web site for the specific purpose of allowing fans to edit, add and remix. And the Star Wars team is even allowing the new works to be posted to blogs or social networking sites like MySpace and Facebook. The approach of George Lucas shows how many media companies today are dealing with the remix culture in an effort to keep some semblance of control over their intellectual property in the digital age.<sup>31</sup> The comments from some Star Wars fans are typical of the consumer's view of this issue.<sup>32</sup>

## CREATIVE COMMONS SUPPORTS THE DIGITAL CONTENT INDUSTRY: A SUBSTITUTE COMMERCIAL MODEL EMERGES

Reviewing the Star Wars case, what is apparent is that George Lucas noticed what his fans noticed, that to allow non-commercial use does not mean you lose the ability to exploit the material commercially and does not mean all users have to be tightly contracted to achieve this. In fact, allowing non-commercial sharing may improve commercial gains.

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<sup>30</sup> Sarah McBride, 'Make-It-Yourself "Star Wars"', *The Wall Street Journal Online*, 24 May 2007 <[http://online.wsj.com/public/article/SB117997273760812981-f0iom146uttxl3ah1760ew3D71o\\_20070623.html?mod=tff\\_main\\_tff\\_top](http://online.wsj.com/public/article/SB117997273760812981-f0iom146uttxl3ah1760ew3D71o_20070623.html?mod=tff_main_tff_top)> 25 January 2008.

<sup>31</sup> Sarah McBride, 'Make-It-Yourself "Star Wars"', *The Wall Street Journal Online*, 24 May 2007 <[http://online.wsj.com/public/article/SB117997273760812981-f0iom146uttxl3ah1760ew3D71o\\_20070623.html?mod=tff\\_main\\_tff\\_top](http://online.wsj.com/public/article/SB117997273760812981-f0iom146uttxl3ah1760ew3D71o_20070623.html?mod=tff_main_tff_top)> 25 January 2008.

<sup>32</sup> On 'Star Wars Duel of the Fates Remix Video', *Youtube.com*, one of the comments reads 'don't worry about copyright, George Lucas doesn't care really' <<http://www.youtube.com/watch?v=RSLipa5kNRM>> 25 January 2008.

Jeffrey Ulin, Senior Director of Distribution and Business Affairs at Lucasfilm Ltd has said, 'We see what's going on out there on the Web generally. And we wanted fans to come to Starwars.com as the centre of fan activity.'<sup>33</sup> He estimated that the website has attracted more than two million visitors, and he predicted that the new remix content being made available on the site could quickly increase the amount of visitors to Starwars.com. Furthermore, Ulin says the company believes that legitimising remixing and the subsequent promotion of these activities may draw new attention to the Star Wars episodes and that sales for DVDs and other related products may actually increase.<sup>34</sup>

Prior to the Lucas decision, there were also other Internet and media companies that successfully adopted the substitute commercial model and thus transformed their traditional copyrighted content into an equally lucrative sales, advertising and promotion business model that attracted new venture capital investments. Most of these companies have adopted open licenses by using the legal approaches supported by Creative Commons, such as the sharing model. For instance, Magnatune.com,<sup>35</sup> an Internet music company, is using the Creative Commons Attribution-NonCommercial-Share Alike license for all its music releases.<sup>36</sup>

Similarly, the web music company Jamendo<sup>37</sup> has established a music sharing site which allows their users to download CC licensed songs for free. Three million albums had been legally downloaded through July, 2007. In January, 2007 Jamendo launched a new profit redistribution project which enables musicians to receive a share of the income generated by Jamendo, with half of the advertising income from the site

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<sup>33</sup> Sarah McBride, 'ake-It-Yourself 'Star Wars'', *The Wall Street Journal Online*, 24 May 2007 <[http://online.wsj.com/public/article/SB117997273760812981-f0iom146uttxl3ah1760ew3D71o\\_20070623.html?mod=tff\\_main\\_tff\\_top](http://online.wsj.com/public/article/SB117997273760812981-f0iom146uttxl3ah1760ew3D71o_20070623.html?mod=tff_main_tff_top)> 25 January 2008.

<sup>34</sup> Sarah McBride, 'ake-It-Yourself 'Star Wars'', *The Wall Street Journal Online*, 24 May 2007 <[http://online.wsj.com/public/article/SB117997273760812981-f0iom146uttxl3ah1760ew3D71o\\_20070623.html?mod=tff\\_main\\_tff\\_top](http://online.wsj.com/public/article/SB117997273760812981-f0iom146uttxl3ah1760ew3D71o_20070623.html?mod=tff_main_tff_top)> 25 January 2008.

<sup>35</sup> Magnatune <<http://magnatune.com>>.

<sup>36</sup> Creative Commons <<http://creativecommons.org/weblog/archive/2007/7>> 25 January 2008.

<sup>37</sup> Jamendo <<http://www.jamendo.com>>.

going to registered musician members. Jamendo's business, based on an open content model, has successfully attracted significant venture investment. Jamendo's founder and CEO, Laurent Kratz, commented, 'We have a proven business model where music is not only proposed for free to end consumers but we are also closing an increasing number of partnership agreements and licensing deals.'<sup>38</sup>

Creative Commons statistics from the CC-Monitor Project show that non-commercial licenses are increasingly favoured by commercial companies. These statistics also show that, among all CC adopters, 70% of them have opted for the NonCommercial option.<sup>39</sup> Naturally all commercial companies have selected the NonCommercial option, such as the Creative Commons Attribution-NonCommercial-Share Alike licenses adopted by Magnatune.com.

Where the NonCommercial license is used by the creator, the user of the CC licensed material must comply with any conditions stated for commercial usage of the content by the content creator, if the user intends to conduct any commercial activities with the CC licensed content. The result is that there is a productive integration between Creative Commons and the information industry in which each one supports the other. Creative Commons provides not only convenience for the promotion and transmission of creative works, but it also reserve a wide range of options for individuals and companies to commercialise creative works.

In conclusion, Creative Commons is having a significant impact on the digital content industry in several respects:

1. Enabling the legitimate sharing and reuse of content rather than unauthorised transmitting and downloading;
2. Providing an option for announcing a 'Some Rights Reserved' license with specific licensing conditions, instead of the default 'All Rights Reserved' license and its accompanying ambiguities;

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<sup>38</sup> *CC News*, Creative Commons <<http://creativecommons.org/weblog/archive>> 25 January 2008.

<sup>39</sup> Giorgos Cheliotis, *Creative Commons Statistics from the CC-Monitor Project* (2007) Creative Commons <<http://creativecommons.org/weblog/archive/2007/6>> 25 January 2008.

3. Rights owners are enjoying new protection based on a detailed assertion of clearly defined licensing conditions;
4. Content users are provided with explicit statements of appropriate rights authorisations and prohibitions.

