

CC0

Update and Workshop

3rd COMMUNIA Conference
Marking the Public Domain: Certification & Relinquishment

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High-Level Goals

Share CC's core understandings about CC0 and its objectives

Discussion of work that remains

Highlight next steps & where CC is heading

Agenda

Background and Objectives for CC0

Jurisdictional Survey

Interactive Discussion: Overview of CC0

Next Steps

Filling a Need:

Legal tool to enable authors and © owners

Returning control to those who create

Existing Tools

CC's Public Domain Dedication: limitations

US-Centric

Porting required

Complicated on at least two levels

assertion & conclusion

dedication

Others, e.g., Public Domain Dedication License (PDDL) by Open Data Commons

Databases and Data

CC0 Overall

Design Principles: Further iteration of PDD, compliant with Open Access Data Protocol

Easy to use and understand

Legally accurate

Reduce transaction costs

Applicability:

Universal (no porting)

For use with any kind of copyrightable works, not just data

CC0 and Norms

Attribution versus Citation

Attribution stacking as a problem

Norms as a solution

CC0 and Norms

Open Access Data Protocol

“Requesting behavior, such as citation, through norms rather than as a legal requirement based on copyright or contracts, allows for different scientific disciplines to develop different norms for citation. This allows for legal certainty without constraining one community to the norms of another.”

Protein Repository Project



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CC0's Evolution

December: 5th Birthday Party

Jan/Feb: Beta 1
Waiver plus Assertion

April: Beta 2
Waiver minus Assertion

Aug: Beta 3

Aug-Oct: Survey

Our Core Understandings and Beliefs

Imperfect tool, ambitious objective

- * true zero impossible
- * expression of intent, not literal
“asymptotically zero”
- * importance of fallback license
- * education component critical

Effect will vary amongst jurisdictions

Valuable despite imperfections

Not right for everyone

CC0 Survey

Survey Objectives

<u>Yes</u>	<u>No</u>
Survey of key legal concepts	Comprehensive survey of all possible concepts
Fuller appreciation of limitations	Exhaustive understanding of limitations
Identify highest risk issues	Identify all issues and rate for risk
Minimize highest risks	Eliminate all threats to enforceability
Encourage and support jurisdictional involvement and efforts	Require or supply analysis for all jurisdictions

*not empirical, but informative

Scope of Survey

Public domain generally

Existence

Processes

Other legal concepts

Waiver and abandonment

Covenants not to assert

Licenses

Moral rights

Concepts of equity as defense

Form requirements throughout

Survey Results and Learnings

Survey Results: General

(distributed to attendees)

18 out of 47+ ported jurisdictions responded

Most of the jurisdictions who requested the survey
Potential additional jurisdictions ?

11 of 18 from EU

Core set of concerns, commonalities, and some indications of
how to minimize

CC took opportunity to conduct research (Germany and France)

Select Highlights

Public domain

- * End of protection, or by definition not protected
- * No good process other than patience
 - Although some indications to contrary
 - e.g. China Mainland, Japan, Columbia
- * Complicated by collecting societies and moral rights

Waiver, when allowed, generally limited to economic rights

- * Emphasizes importance of license

Important Take-Aways

Fallback license important

- * Specificity
 - Potential uses/unknown usages
 - Rights licensed

Statement of Intention/Knowledge

- * For scope of license and reliance
- * For fairness/equity when considered on balance

Consideration/reliance

- * Revocability
- * Form requirements for “donations”

More Important Take-Aways

Moral rights are not always absolute

* Attempt to mitigate risks appears worthwhile

Identify motivations

Consideration

Intended uses identified (eg. Commercial)

Will not enforce contrary to stated intentions
(instead of waiving and if license fails)

Discussion: An Overview of CC0

(showing changes from Beta 3)

Statement of Purpose

Importance of its role

Copyright and Related Rights

Waiver

Public License Fallback

Limitations and Disclaimers

Next Steps

Finalize legal code: publish for final read

Upgrade deed and technical implementation/process

Educational materials

Publish for adoption, messaging important

Linguistic translations

Possible jurisdiction-specific activities