



Creative Commons Media Usage Guideline

Document Information

Author	Thomas Pace			
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1.1 Introduction

These are guidelines on the use of public domain images available for use under the Creative Commons set of licenses and should be followed when publishing content on behalf of the University of Bath.

It is not always possible or appropriate to create original media when preparing content for publication on behalf the university. The use of material created by others can be a convenient alternative. However, the use of such material can raise issues around copyright, intellectual property and licensing. Material released under a creative commons license can be a valuable source for content, but their use still needs to be carefully considered.

1.2 Background

The first thing that should be considered when either publishing images under Creative Commons or using Creative Commons-licensed images is that there are no special license categories. Rather, Creative Commons licenses are divided up into six main license types, (detailed below) and each one can be tweaked to cover text, images, video, and other types of works. It is therefore important to check the applicable terms that apply to the particular image you want to use.

When you are selecting material with a Creative Commons license, you need to consider this and how you plan to use the image to ensure that you can comply with the applicable terms.

2.1 Types of Creative Commons License

Creative Commons licenses will fall into one of the following six categories. The licenses are constructed with complete freedom to use the work as the starting point, and then restrictions are added via clauses. This is the opposite of normal content licenses, which start with the presumption of exclusivity and then add exceptions. If a license is silent on an issue, like commercial vs. non-commercial use, then it is best to assume that it is restricted with respect to that issue.

As the licenses begin with freedom and then add restrictions, the Attribution-only license is the least restrictive; as its' only requirement is that the licensee give proper credit to the original author of the work. Other than that, you may do what you like with the work. The last license on the list, the Attribution-Non-commercial-NoDerivs, is the most restrictive, since it includes the most clauses.



The license types are as outlined below:

 Attribution CC BY	This license lets you distribute, remix, tweak, and build upon others work, even commercially, as long as you credit them for the original creation. This is the most accommodating of licenses offered. Recommended for maximum dissemination and use of licensed materials.
 Attribution-ShareAlike CC BY-SA	This license lets you remix, tweak, and build upon others work even for commercial purposes, as long as you credit them and license your new creations under the identical terms. This license is often compared to "copyleft" free and open source software licenses. All new works based on the original will carry the same license, so any derivatives will also allow commercial use. This is the license used by Wikipedia, and is recommended for materials that would benefit from incorporating content from Wikipedia and similarly licensed projects
 Attribution-NoDerivs CC BY-ND	This license allows for redistribution, commercial and non-commercial, as long as it is passed along unchanged and in whole, with credit to the original creator.
 Attribution-NonCommercial CC BY-NC	This license lets others remix, tweak, and build upon the work non-commercially, and although the new works must also acknowledge the original creator and be non-commercial, you will not have to license your derivative works on the same terms.
 Attribution-NonCommercial-ShareAlike CC BY-NC-SA	This license lets you remix, tweak, and build upon others work non-commercially, as long as you credit the original creator and license your new creations under the identical terms.
 Attribution-NonCommercial-NoDerivs CC BY-NC-ND	This license is the most restrictive of the six main licenses, only allowing you to download the work and share them with others as long as they credit the original creator, but you cannot change them in any way or use them commercially.



2.2 Before using CC-licensed material

Before you use any material, you must check that the CC license it is released under allows you to use it the ways you anticipate. If you wish to use the work in a manner that is not permitted by the license, you should contact the rights holder (often the creator) to get express permission first, or look for an alternative work that is licensed in a way that permits your anticipated use.

2.3 Does a Creative Commons license give me all the rights I need to use the work?

It depends. CC licenses do not license rights other than copyright. For example, they do not license trademark or patent rights. Creative works sometimes incorporate works owned by third parties. You should make sure you have permission to use any third party content contained in the work you want to use. All CC licenses contain a disclaimer that can mean there is no guarantee they own the copyright. You may wish to obtain legal advice before using CC-licensed material if you are not sure whether you have all the rights, you need.

2.4 Are Creative Commons works free to use?

Yes. While many if not most CC-licensed works are available at no cost, some licensors charge for initial access to CC-licensed works—for example, by publishing CC-licensed content only to subscribers, or by charging for downloads. However, even if you have paid an access charge, once you have a copy of CC-licensed material, you may make any further uses permitted by the license without paying licensing fees.

2.5 What should I do if I want to use the material in a way that is not permitted by the license?

Contact the rights holders to ask for permission.

3.1 How do I properly attribute material offered under a Creative Commons license?

All CC licenses require users to attribute the creator of licensed material, unless the creator has waived that requirement. You must retain a copyright notice, a link to the license, a license notice, a notice about the disclaimer of warranties, and a URI if reasonable. You must also indicate if you have modified the work (e.g., taken an excerpt, or cropped a photo).

CC licenses have a flexible attribution requirement, so there is not necessarily one correct way to provide attribution. The proper method for giving credit will depend on the medium and means you are using, and may be implemented in any reasonable manner.

The Creative Commons website offers some best practices to help you attribute properly. See section 4.1 for a link.

3.2 Common sources for CC content

The Digital Marketing & Communications team have put together some useful information on finding CC content as well as other useful sources.

<http://www.bath.ac.uk/guides/finding-images-to-use-on-the-website/>



3.3 A word of warning

It is important to understand that a creator owns the copyright of their work unless they choose to sell it or assign it to another party or it has elapsed. When people make their work CC, they are granting others a license to use it, not giving away their copyright. This means that they will still own the copyright and if you do use it, you will do so under a license (which may have attached limitations/terms which'll you'll need to comply with).

If you use someone's work under a CC license you need to be able to prove that you've done so on this basis. The site or page that you sourced the image from may move, change or disappear. It is recommended to at least take (and retain) a screen shot of the page you sourced it from clearly depicting its accompanying CC license. Ideally, it is recommended to contact the creator to get written confirmation of the licensing status.

4.1 Reference Material

Here are some useful links that may highlight issues you may wish to be aware of:

Official Creative Commons Licensing Website

<https://creativecommons.org/>

Creative Commons FAQ

<https://creativecommons.org/faq/>

YouTube star sued for copyright infringement over music in her videos

<https://www.theverge.com/2014/7/21/5924405/youtube-star-michelle-phan-sued-copyright-infringement>

Youtube Frequently Asked Copyright Questions

<https://support.google.com/youtube/answer/2797449?hl=en-GB>

Facebook copyright help

https://www.facebook.com/help/1020633957973118?helpref=hc_global_nav

Twitter Copyright Policy

<https://support.twitter.com/articles/15795#8>

CC Best practices for attribution

https://wiki.creativecommons.org/wiki/Best_practices_for_attribution

Library Services
Media Usage & Copyright



[This form may be suitable for reproductions intended for educational and personal use, but for commercial use such as brochures, calendars, websites, newsletters etc., you may need a more detailed license agreement (i.e. one that stipulates usage and payment terms) and you are advised to seek legal advice].

REF: MUCA-001

Media Content Copyright Release Form

In the context of this form the term 'media' is used to cover audio, Image, or video content.

Media Creator's Name: _____

Address: _____

Telephone and Email: _____

The above named Media Creator hereby warrants being the legal copyright owner in the Work described below:

The Media Creator hereby grants permission to the University of Bath to make reproductions of the Work for the following use:

Signed at _____

Date ____ / ____ / ____

Media Creator's Signature: _____