

Host: The story of Creative Commons begins with the concept of copyright, an area of law that governs how products of human creativity, such as books, research articles, music, and art, are used. Copyright grants exclusive rights to creators, allowing them to control the copying and adaptation of their work for a limited time. In simpler terms, it regulates who can copy and share creative works.

Host: With the advent of the internet, we gained unlimited access, sharing, and collaboration opportunities for creative works governed by copyright. However, the sharing capabilities made possible by digital technology clashed with the sharing restrictions imposed by copyright laws worldwide.

Host: Creative Commons, an organization created to address the tension between a creator's ability to share digital works globally and copyright regulation.

CC journey takes us back to the United States in 1998 when the Sonny Bono Copyright Term Extension Act (CTEA) was enacted.

[The Sonny Bono Copyright Term Extension Act, commonly known as the "Bono Act," was named after Sonny Bono, who was an American singer-songwriter, producer, and politician.

Sonny Bono later became involved in politics and served as a Republican congressman from California. He played a significant role in advocating for the passage of the Copyright Term Extension Act, which aimed to extend the duration of copyright protection for creative works.

The act was introduced in the United States Congress in 1998 and ultimately became law. This law extended the term of copyright for all works, even those already copyrighted, by an additional 20 years. In other words, it prolonged copyright protection to match the life of the creator plus 70 years.

While the law's official name is the Sonny Bono Copyright Term Extension Act, it's worth noting that Sonny Bono himself didn't originate the concept or draft the legislation. The act was the result of broader discussions and lobbying efforts surrounding copyright law at the time.

So, the Sonny Bono Copyright Term Extension Act was named after Sonny Bono because of his involvement and support for the legislation during his time in Congress.]

Host: A notable advocate against this law was Lawrence Lessig, a Stanford Law Professor who believed it to be unconstitutional.

Lessig understood the significance of copyright terms coming to an end, as it allowed works to enter the public domain, where they could be freely used for any purpose. The extension of copyright protection on existing works was hard to align with the purpose of copyright itself, which was to incentivize creators to share their works.

[Host] Interestingly, the significant change in copyright law has had notable implications. And I will take Disney here as an example, the renowned entertainment company, which built its

early success by drawing inspiration from works in the public domain, such as Snow White and sleeping beauty.

Had the extended copyright term been in place during Disney's early years, it could have had a stifling effect on the birth of one of Disney's most iconic characters, Mickey Mouse. The implication here is that if the extended copyright term had been enforced at the time, the original ideas and stories that Disney drew from the public domain might have been protected by copyright, making it more challenging for Disney to create its beloved characters and stories.

This observation by Professor Lessig raises questions about the balance between copyright protection and the accessibility of creative works. It highlights how the extension of copyright terms can potentially limit the availability of materials in the public domain, hindering future creativity and innovation.

Host: Lessig endeavours continue, when he represented Eric Eldred, a web publisher who dedicated his career to making works available as they entered the public domain. Together, they challenged the constitutionality of the Sonny Bono Act, leading their case, known as Eldred v. Ashcroft, to the U.S. Supreme Court. Unfortunately, Eldred lost.

Host: Nevertheless, the inspiring goal of making creative works freely available on the internet, coupled with a growing community of bloggers who were remixing and sharing content, led Lessig and others to conceive an idea, they established a nonprofit organization called Creative Commons in 2002 and published the Creative Commons licenses. These licenses offered a set of free, public licenses that allowed creators to retain their copyrights while sharing their works on more flexible terms than the traditional "all rights reserved" approach.

Host: Copyright is automatic, whether a creator desires it or not. While some individuals prefer to reserve all their rights, many creators want to share their work more freely with the public. The concept behind Creative Commons' open licensing was to provide an easy way for creators to share their works in line with copyright law.

Host: From its inception, Creative Commons aimed to be a global initiative, intended for creators all around the world. The founders of CC recognized that restrictive copyright laws worldwide limited the utilization of our shared culture and collective knowledge, despite digital technologies and the internet opening up new avenues for cultural participation and knowledge creation.

Host: Over time, the way people share and interact on the internet has evolved dramatically. Unfortunately, in many regions, the restrictions on using creative works have increased. Nonetheless, sharing and remixing have become the norm online. Whether it's your favourite video mashup or the photos your friend posted on social media, these acts sometimes infringe copyright laws or occur within social media networks that prevent further sharing outside their platforms.

Host: This is where Creative Commons comes in to bridge the gap. In domains like textbook publishing, academic research, and documentary filmmaking, restrictive copyright rules continue to hinder creation, access, and remixing. Creative Commons tools offer a solution to this problem. Today, Creative Commons licenses are utilized on nearly 2 billion works across 9 million websites worldwide. The grand experiment that began approximately two decades ago has been an immense success, even surpassing the expectations of CC's founders.

Host: While other custom open copyright licenses have emerged in the past, Creative Commons licenses stand out as the recommended choice. They are up to date, free to use,

and have gained broad adoption by governments, institutions, and individuals as the global standard for open copyright licenses.

Host: As we conclude our journey through the inception of Creative Commons, it becomes evident that the impact of modern digital technologies, particularly networked ones, extends beyond creative works. This influence reaches into various domains, including higher education and textbook publishing.

In the realm of higher education, traditional copyright laws often pose challenges for educators and students. Restrictive copyright rules can limit access to educational materials, hinder collaboration among educators, and delay the sharing of knowledge within academic communities. Additionally, the high cost of textbooks and the limitations on their use can create barriers to learning and restrict students' ability to fully engage with course materials. This is where Creative Commons steps in as a transformative force.

[Podcast Outro Music]

Host: Thank you for joining me on this episode of "Dare to Share." Be sure to tune in next time as we explore other topics in open education [Podcast Outro Music Fades]

Music:

[The Warming Sunrise](#) by Kevin P Holt available free in Public Domain