

Copyright and You

Copyright and Collaborative Spaces: Open Licensing and Wikis



By Hope R. Botterbusch and Preston Parker

In 2003, Lawrence Lessig was interviewed by Open Education, a grassroots organization advocating for open educational content. Lessig responded, “The copyright environment is falsely being portrayed as a battle between property and piracy, with no recognition of the large, legitimate collaborative space in between” (elearnspace, 2003). Nowhere has this collaborative space between full copyright protection and full freedom of content become more apparent than in the online environment.

What’s A Wiki and How Do I Use It?

As recently as ten years ago, it may have seemed like science fiction to imagine collaborative spaces on the Internet. Today, collaborative websites have proliferated: blogs (Blogger), social networking (Facebook or MySpace), image sharing (Flickr and PhotoBucket), video sharing (YouTube and TeacherTube), open educational resources (OpenCourseWare), and popularity websites (Digg and del.icio.us). Another type is called a wiki, a short form of the Hawaiian word “wiki wiki,” for “fast” or “quick.” It is online computer programming that allows users to easily create, edit, link, and track changes to web pages. Wikis are increasingly used by businesses to provide affordable, effective intranets for knowledge management (Wiki, 2001) and by educators to promote student collaborative learning (Richardson, 2006), through such sites as Wikispaces (<http://www.wikispaces.com>), Peanut Butter Matrix (<http://pbwiki.com>), and SeedWiki (<http://www.seedwiki.com>). At last count, Wikimatrix (<http://www.wikimatrix.org>) listed ninety-seven wikis for comparison.

Copyright Issues

Questions to consider in online collaborative spaces are who owns the copyright and who is liable for the content? Authors seem to agree that the current understandings and usages of copyright laws are inadequate to deal with open access, collaborative spaces where there is a strong desire for improving the content along with properly compensating the contributors. Black, Delaney and Fitzgerald (2007) believe that in collaborative spaces such as a wikis, it can be difficult to determine authorship because content can be contributed by many authors. Therefore, frequently, it must be joint authorship related to wikis. Fortunately, to aid in identifying ownership, most wikis provide a method of tracing individual contributions and open licensing (permission granted in advance by a content producer, allowing certain uses of the content).

Brian Lamb (2004) posits that copyright ownership in collaborative spaces is complex, since contributors may be anonymous or text origins uncertain. Lamb says the open-editing function of a wiki implies that a work may perpetually be in process, inviting participation from anyone.

Charman and Holloway (2006) believe that, in theory, comprehensive edit history tracing of a wiki would allow users to assert copyright over their contributions, but that, in practice, it is not possible to delineate clearly among people’s contributions to a wiki and, even if it was possible, it would create a thicket of rights which could never be untangled. They further state that while most wiki users do not wish to assert copyright and are not interested in financial compensation, re-use of information in wikis may be a copyright licensing issue.

Jeremy Phillips (2006) believes that intellectual property is a body of law that meshes with the concept of the wiki:

It protects both individual and collective creative effort in the articulation of works; it values both the myth (as in copyright protection for fiction) and the truth (as in patent protection only for inventions that are in accord with the principles of natural law); above all it encourages the making public all forms of expression.

Licensing

Many types of open or general public licenses govern online collaborative spaces like wikis. The popular choices seem to fall under three categories: CopyLeft, Creative Commons, and Public Domain. All open licenses allow some use of content that would normally be covered by full copyright protection. CopyLeft allows anyone to use the content of the wiki for any purpose and to make derivative works, under the condition that all copies and derivative works are released under the same license as the original. A Creative Commons license allows individuals to assert some rights over their work while allowing their contributions to be modified within a wiki. A Public Domain license dictates that any contributor to the wiki space surrenders all copyright.

CopyLeft Licenses

The most commonly known wiki, Wikipedia, uses a type of Copyleft license called the GNU Free Documentation License, which reads, “the license Wikipedia uses grants free access to our content in the same sense as free software is licensed freely. This principle is known as copyleft” (Wikipedia, 2007). This means that Wikipedi-

dia content can be copied, modified, and redistributed as long as the new version grants the same freedoms to others and acknowledges the authors of the Wikipedia article used. A direct link back to the article satisfies the author credit requirement. Wikipedia articles, therefore, will remain free forever and can be used by anyone, subject to certain restrictions, most of which serve to ensure that freedom.

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Creative Commons Licenses

Creative Commons licenses are a collection of open licenses that define the spectrum of possible licensing between full copyright – *all rights reserved* – and the public domain – *no rights reserved*. The Creative Commons licenses help authors keep their copyright while inviting certain uses of their work – a “some rights reserved” copyright (Plotkin, 2002). Lawrence Lessig, Stanford law professor and author, is creator of the Creative Commons license. Creative Commons was unveiled in 2002 for people looking for protection when they move their wares into the public domain. Lessig wanted to “empower creators of intellectual property by giving them more control over their work while also increasing the communal technical resources that contribute to innovation and growth” (Plotkin, 2002).

Wiki authors can protect specific desired rights using the Creative Commons licenses. One of the “some

rights reserved” licenses is Creative Commons’ Share Alike license, which is similar to the CopyLeft licenses. It allows the copying, distributing, transmitting, and remixing of content under two conditions: 1) a user must attribute the work in the manner specified by the author or licensor (but not in any way that suggests that they endorse the new use of the work), and, 2) a user must distribute the altered work under the same or similar license to this one. For any reuse or distribution, a user must make clear to others the license terms of this work. The best way to do this is with a link to the Creative Commons’ Share Alike license (Creative Commons, n.d.a). Either of the above conditions can be waived if a content user gets permission from the copyright holder. Nothing in this license impairs or restricts the author’s copyrights.

Public Domain Licenses

Public Domain licenses make clear the released rights and intentions of the content producer and contributors. The two main Public Domain licenses are the Creative Commons’ Public Domain license (Creative Commons, n.d.c) and the PrimarilyPublicDomain license. These licenses release all possible copyrights of a content producer.

The PrimarilyPublicDomain license states that “materials are in the public domain except for any express restrictions included in such materials. Materials are posted with respect for every party’s proprietary rights” (PrimarilyPublicDomain, n.d.). This public domain license can have material under a more restrictive copyright license than Creative Commons’ Public Domain license, provided that such restrictions are explicitly marked.

How To Choose The Right License

According to MeatballWiki (Wiki Copyright, n.d.), the open copyright license for a wiki depends on what you care about most – improving content or protecting the rights of the community. If you want the content to be freely distributed, copied, and altered, the CopyLeft or Creative Commons’ Share Alike licenses would be good

choices. If you care about the community of people who contribute to your wiki, then the Creative Commons’ Non-Commercial license (Creative Commons, n.d.b) is a good option.

In conclusion, while wikis pose a host of licensing and copyright issues, experts in the use of wikis believe that by using the variety of available open licenses within the current understanding of copyright laws, authors can protect their rights while at the same time content can be shared, modified, adapted, or otherwise used freely in web-based, open source, collaborative space – such as the wiki.

Hope Roland Botterbusch is a university administrator with over twenty years experience in advising educators on the latest copyright guidelines. She is past chairman of AECT’s Intellectual Property Taskforce, previous editor of the “Copyright & You” column, and author of multiple publications. In 1994, she had the honor to present AECT’s position statement at the New Media National Conference, Washington, DC. That conference produced the Fair Use Guidelines for Educational Multimedia, introduced to Congress in 1996. Ms. Botterbusch holds an MSLS (Library Science) from Wayne State University (MI) and a BS (Education) from Millersville University (PA). She is currently Coordinator of Research Programs at the University of South Florida, St. Petersburg.

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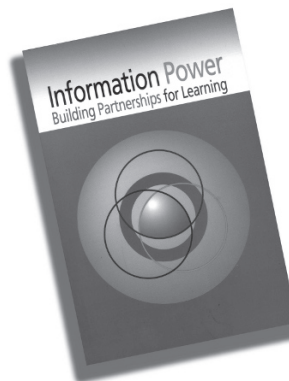
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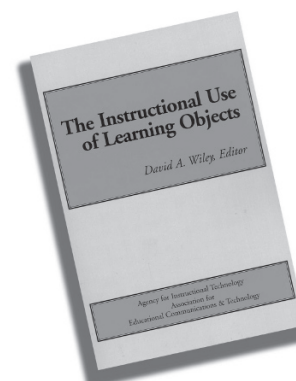


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