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Press Release

Creative Commons Launches Study of “Noncommercial Use”

San Francisco, California, USA – September 18, 2008

The nonprofit organization Creative Commons has launched a research study that will explore differences between commercial and noncommercial uses of content, as those uses are understood among various communities and in connection with a wide variety of content. Generous support for the study has been provided by the Andrew W. Mellon Foundation.

Creative Commons provides free copyright licenses to creators who want to give the public certain permissions to use their works, in advance and without the need for one-to-one contact between the user and the creator. “Noncommercial” or “NC” is one of four different license terms that creators may choose to apply to their Creative Commons-licensed content. Works distributed under a Creative Commons license including the NC term may be used by anyone for any purpose that is not “primarily intended for or directed toward commercial advantage or private monetary compensation,” provided the use also complies with the other terms of the license. Works distributed under a Creative Commons license without the NC term may additionally be used for commercial purposes, an option that promotes creative reuse in a broader range of contexts.

“The study has direct relevance to Creative Commons’ mission of providing free, flexible copyright licenses that are easy to understand and simple to use,” said Creative Commons CEO Joi Ito. “The NC term is a popular option for creators choosing a Creative Commons license, and that tells us the term meets a need. However, as exponentially increasing numbers of works are made available under CC licenses, we want to provide additional information for creators about the contexts in which the NC term may further or impede their intentions with respect to the works they choose to share, and we want to make sure that users clearly understand those intentions. We expect the study findings will help us do a better job of explaining the licenses and to improve them, where possible. We also hope the findings, which will be made publicly available, will contribute to better understanding of some of the complexities of digital distribution of content.”

“Developments in technology, social practices, and business models are pressing the question of what should count as a commercial use,” explained Creative Commons Special Counsel Virginia Rutledge, who is leading the study. “The answer to that question should come from creators, who should be able to specify what uses they want to permit, subject to the limitations and



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exceptions to copyright or other applicable law. Creative Commons is fortunate to have a stellar group of legal, public policy, and information technology experts advising on this project, as well as the help of its extensive international network of affiliates.”

Research is expected to be completed early in 2009. The study will investigate understanding of noncommercial use and the Creative Commons NC license term through a random sample survey of online content creators in the U.S., a poll of the global Creative Commons community, and qualitative data gathered from interviews with thought leaders and focus groups with participants from around the world who create and use a wide variety of content and media.

Advisors on the project include distinguished academicians Christine L. Borgman, Ph.D., Professor and Presidential Chair in Information Studies, Graduate School of Education and Information Studies, University of California, Los Angeles; William H. Dutton, Ph.D., Director of the Oxford Internet Institute, Professor of Internet Studies, University of Oxford, Fellow of Balliol College; Deborah R. Hensler, Ph.D., Judge John W. Ford Professor of Dispute Resolution and Associate Dean, Graduate Studies, Stanford Law School; and Daniel E. Ho, Ph.D., Assistant Professor of Law and Robert E. Paradise Faculty Fellow for Excellence in Teaching and Research, Stanford Law School.

Research will be conducted by market research firm Netpop Research, LLC. “The potential impact of this study is profound, given the number of creators turning to the Web to distribute and share their works,” said Josh Crandall, managing director of Netpop Research. “We are excited to be a part of it.”

Since Creative Commons licenses were introduced in 2002, they have been translated into 47 legal jurisdictions and adopted by content creators around the globe, from remix musicians to educator consortia, bloggers to book publishers. At present over 130 million works are available on the Internet under Creative Commons licenses, each work tagged with metadata expressing the rights and permissions associated with it. This wealth of pre-cleared material is locatable through functionality built into major search engines Google and Yahoo!, as well as through the Creative Commons website and many online content providers and services.



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About Creative Commons

Creative Commons is a not-for-profit organization, founded in 2001, that promotes the creative re-use of intellectual and artistic works, whether owned or in the public domain. Through its free copyright licenses, Creative Commons offers authors, artists, scientists and educators the choice of a flexible range of protections and freedoms that build upon the “all rights reserved” concept of traditional copyright to enable a voluntary “some rights reserved” approach. Creative Commons was built with and is sustained by the generous support of organizations including the Center for the Public Domain, Omidyar Network, The Rockefeller Foundation, The John D. and Catherine T. MacArthur Foundation, and The William and Flora Hewlett Foundation, as well as members of the public. For more information about Creative Commons, visit <http://creativecommons.org>.

About Netpop Research, LLC

Netpop Research, LLC is a San Francisco-based strategic market research firm that specializes in online media, digital entertainment and user-generated content trends. Netpop Research has fielded numerous studies for major profit and nonprofit entities, and is the creator of the Netpop tracking study of Internet usage among broadband consumers in the United States and China.

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