

Creative Commons Publishes Study of “Noncommercial Use”

San Francisco, California, USA – September 14, 2009

Creative Commons announces the publication of *Defining “Noncommercial”: A Study of How the Online Population Understands “Noncommercial Use.”* The report details the results of a research study launched in September 2008 to explore differences between commercial and noncommercial uses of content found online, as those uses are understood by various communities and in connection with a wide variety of content. Generous support for the study was provided by the Andrew W. Mellon Foundation.

The study investigated understandings of noncommercial use and the Creative Commons “NC” license term through online surveys of content creators and users in the U.S., open access polls of global “Creative Commons Friends and Family,” interviews with thought leaders, and focus groups with participants from around the world who create and use a wide variety of online content and media. The research behind *Defining “Noncommercial”* was conducted by Netpop Research, under advisement from academics and a working group consisting of several Creative Commons jurisdiction project members as well as Creative Commons staff and board members.

Creative Commons provides free copyright licenses to creators who want to grant 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 license terms that creators may choose to apply to CC-licensed content.

Creative Commons noncommercial licenses preclude use of a work “in any manner that is primarily intended for or directed toward commercial advantage or private monetary compensation.” The majority of respondents (87% of creators, 85% of users) replied that the definition was “essentially the same as” (43% of creators, 42% of users) or “different from but still compatible with” (44% of creators, 43% of users) theirs. Only 7% of creators and 11% of users replied that the term was “different from and incompatible with” their definition.

Other highlights from the study include the rating by content creators and users of different uses of online content as either “commercial” or “noncommercial” on a scale of 1-100, where 1 is “definitely noncommercial” and 100 is “definitely commercial.” On this scale, creators and users (84.6 and 82.6, respectively) both rate uses in connection with online advertising generally as “commercial.” However, more specific use cases revealed that many interpretations are fact-specific. For example, creators and users gave the specific use case “not-for-profit organization uses work on

its site, organization makes enough money from ads to cover hosting costs” ratings of 59.2 and 71.7, respectively.

On the same scale, creators and users (89.4 and 91.7, respectively) both rate uses in which money is made as being commercial, yet again those ratings are lower in use cases specifying cost recovery or use by not-for-profits. Finally, both groups rate “personal or private” use as noncommercial, though creators did so less strongly than users (24.3 and 16.0, respectively, on the same scale).

In open access polls, CC’s global network of “friends and family” rate some uses differently from the U.S. online population—although direct empirical comparisons may not be drawn from these data. For example, creators and users in these polls rate uses by not-for-profit organizations with advertisements as a means of cost recovery at 35.7 and 40.3, respectively—somewhat more noncommercial. They also rate “personal or private” use as strongly noncommercial—8.2 and 7.8, respectively—again on a scale of 1-100 where 1 is “definitely noncommercial” and 100 is “definitely commercial.”

“As more people have begun to make, share, and use content online, the question of what constitutes a ‘commercial use’ versus a ‘noncommercial use’ has become increasingly important to understand,” said Josh Crandall, President of Netpop Research. “With this study, we were particularly interested to see that—contrary to what many might believe—there is little variation between creators and users in the perceived ‘commerciality’ of particular uses of copyrighted content. Furthermore, where they do differ, users tend to have a more conservative outlook than creators. This study provides useful data and perspectives—from both members of the general public and people who work closely in the world of copyright—that can help people begin to think more clearly about the issue.”

The study report and its associated data are available at http://wiki.creativecommons.org/Defining_Noncommercial, where members of the public can contribute feedback about the report. *Defining “Noncommercial”* is published under a Creative Commons Attribution license, and the research data is available under a CC0 public domain waiver.

“We’re excited that the results of this important project will be available for all kinds of uses—including commercial use—by anyone,” said Joi Ito, CEO of Creative Commons. “We encourage researchers and our community to use what we’ve done and expand this investigation further, building upon the data we collected and incorporating more perspectives from Creative Commons adopters worldwide.”

In the next years, possibly as soon as 2010, Creative Commons expects to formally launch a multi-year, international process for producing the next version (4.0) of the

six main Creative Commons licenses. This process will include examination of whether the noncommercial definition included in licenses with the NC term should be modified or if other means of clarifying noncommercial use under the CC licenses should be pursued. The results of *Defining "Noncommercial"* and subsequent research will be an important thread informing this process.

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, Google, the John D. and Catherine T. MacArthur Foundation, the Mozilla Foundation, Omidyar Network, Red Hat, and the William and Flora Hewlett Foundation, as well as members of the public. For more information about supporting Creative Commons, please contact development@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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