

# creative commons **Memo**

**To:** cc-staff, cc-board, cc-i partners, cc-licenses email discussion list, cc-icommons discussion list  
**From:** Mia Garlick

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**Date:** May 17, 2006  
**Re:** Getting to version 3.0 – substance & procedure

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The purpose of this document is to:

- (a) Generate discussion and input from all interested parties so that the decision to version to 3.0 can be debated and (hopefully) agreed and understood by all;
- (b) Provide a general outline of the nature of the proposed changes to be made as part of the versioning to 3.0 process so that we don't miss anything and, thus, do not have to version again for (hopefully) up to 2 years so we can all recover;
- (c) Allow all interested parties to have input on and be in agreement with the proposed procedure for implementation of the versioning process; and,
- (d) Co-ordinate this with other plans that CC has to rebrand/disambiguate our licenses.

## **1. There are four primary reasons to version to 3.0:**

- (a) Incorporate MIT negotiated amendments to all licenses (incl. Sampling) to enable MIT to switch over to using a standard CC BY-NC-SA license.
- (b) Incorporate Debian negotiated amendments in the hope that they will declare some of our licenses (those without the NonCommercial and NoDerivatives license elements) “free” according to the Debian Free Software Guidelines.
- (c) Spin off the current “generic” license to be the US license & (hopefully) create a real generic license.
- (d) For those jurisdictions that protect the moral right of integrity, (i) incorporate an icon signifying the retention of this important right in the Commons Deed and, (ii) to ensure that the Legal Code for all of these jurisdictions *expressly retains* the right of integrity.

## 2. Additional reasons to version to 3.0 include:

- (a) To fix minor errors identified by Paul Keller in the current “generic” license:
  - In the third line of 4(c) insert a “the” in “the name of Original Author” in BY-NC.
  - Insert reference to “Collective Works” in BY-NC-ND clause 4(c).
  - Incorrect reference to “iCommons” in 4(b) of the BY-SA and BY-NC-SA; also need to amend to stop generic-centric phrasing;
- (b) Conduct a review of all Commons Deeds to ensure that they accurately reflect the contents of the Legal Code; and,
- (c) Include the collecting society language in the Sampling licenses.

## 3. Co-ordinate with ‘Disambiguation of the Licenses’ strategy

The disambiguation strategy is designed to make it easier for people to identify and identify with specific Creative Commons licenses to enhance the likely enforceability of CC licenses and to diffuse criticism that references to Creative Commons and support for Creative Commons are too vague and imprecise. This strategy consists of the following components:

- a) New license buttons that specifically identify each CC license.
- b) New t-shirts (one for each CC license) as part of a “support your favorite license” campaign.
- c) CC “Manifesto” (need to come up with a better word) that explains which licenses comport to the definition of “free,” people’s concerns about interoperability & NonCommercial, why CC offers a range of licenses, etc.
- d) Prepare a good explanation of the changes from 1.0, to 2.0, to 2.5, to 3.0.

## 4. Implementation

This is probably an overly ambitious timetable but here goes....

Action	Completion Date
Internal staff review/discussions	Done
MKG to send this outline memo to CC-i	Done

collab. partners for their discussion & review	
LL/MKG to propose alternate DRM wording to Debian negotiated clause for their sign-off	Done.
MKG to send Hal/Larry detailed analysis of feasibility of CC BY-SA/FDL interoperability.	Done.
MKG to prepare real 'generic' license draft & discussion draft of US license.	Draft completed & currently being reviewed by external counsel.
MKG to prepare index of changes & marked up versions of each of the licenses to be amended (plus Commons Deeds) to assist country teams to version as & when appropriate for them to do so.	Complete by June 15.
CC-i list discussion	Commence May 15 through June 9 [currently underway]
Circulate draft to key license adopters	Commence May 15 through June 9.
Public discussion	Commence May 22 to June 19 [starting now]
Launch	July 3???

Regards,

Mia Garlick