

FREQUENTLY ASKED QUESTIONS ON CREATIVE COMMONS & OPEN ACCESS V.0.1

This information guide contains questions and responses to common concerns surrounding Open Access, Creative Commons, and the publication of research. It is intended to aid researchers, teachers, librarians, administrators and many others using and encountering the Open Access movement in their work.

What is Open Access?

Open Access is the movement to make research and knowledge freely available through the internet for public reuse.

Open Access means: “free, irrevocable, world-wide, perpetual right of access to, and a license to copy, use, distribute, transmit and display the work publicly and to make and distribute derivative works, in any digital medium for any responsible purpose, subject to proper attribution of authorship.”

For more information on the definition of ‘Open Access’, see the [Berlin Declaration](#), [Bethesda Statement on Open Access Publishing](#), and [Budapest Open Access Initiative](#).

What are the benefits of Open Access?

There are many benefits to Open Access.

Open Access allows research to be disseminated more quickly and widely, translating faster into measurable effects on organisations, institutions, and the general public.

It also enables the research process to operate more efficiently and leads to increased scholarly citations and greater use and understanding of research.

Finally, open access benefits society by enabling those outside of your research sector, like teachers, lawyers, students, and medical professionals, to access your findings and keep up-to-date with the latest developments.

How should I licence my work for the purposes of Open Access?

The answer to this depends on the type of content you make available. Ultimately, it is your choice, as you hold the copyright in your work and are legally entitled to decide how it may be used.

If you work for an educational institution, you should first check with your research director and library if you intend to publish material that you might later submit for peer-reviewed publication. Your institution may already have an Open Access publishing policy for you to consult, and your library will be able to help you decide how to best proceed.

However, if the content is of less formal nature, like slides, a video, classroom material, or a website resource, or if you intend to self-publish, we recommend using the [CC BY licence](#). By applying CC BY, you enable everyone to freely reuse the your research as they see fit, so long as they attribute you as the source of the information.

CC BY LICENCE, ‘ATTRIBUTION’ LOGO



Should you require a more restrictive licence, Creative Commons has a [useful tool](#) to help you determine the licence best for you.

I'm uncomfortable with others using my research for commercial purposes. Should I use a non-commercial licence for my dataset?

We recommend you avoid using a non-commercial licence. Here's why:

Keep in mind the Open Access definition does not accommodate non-commercial restrictions. Accordingly, using a CC BY-NC licence will not qualify as Open Access. This view is also taken by Creative Commons, which indicates that CC licences combined with NC (non-commercial) or ND (no derivatives) conditions are not 'free culture.'

I want to CC licence my work, but I'm concerned because it contains copyright protected material made available by others that I cited or quoted. Will this affect their copyright?

Your CC licence applies only to your original contributions and does not supersede any rights retained by authors whose works you have cited or have permission to use.

This concern is quite common, especially with publications, and it comes with a pretty standard solution. The best approach is to provide a rights statement explaining that except where it is otherwise noted, your work is licenced under the appropriate CC licence. You should also identify clearly the content that is not under the CC licence and subject to restrictions. It is good practice to provide that information next to the restricted content. This will signal to others what content within the publication is not covered by your CC licence, who retains the rights, and where they can go to licence their own use. For example, this is customary in scientific writing; in cases of citations or quotations this is usually identified with standard indications (quotations, italics, etc.) and properly attributed to the original sources (usually in a footnote or end note with the proper reference to the source).

The Getty Institute uses this system when publishing digital editions under Creative Commons licences, and they provide examples for how to best do this [here](#). To see how the Institute applies this in practice, go [here](#).

What happens if I use 'Share Alike' (SA) licensed material in my work? Does that mean I have to make my work available under the same SA licence?

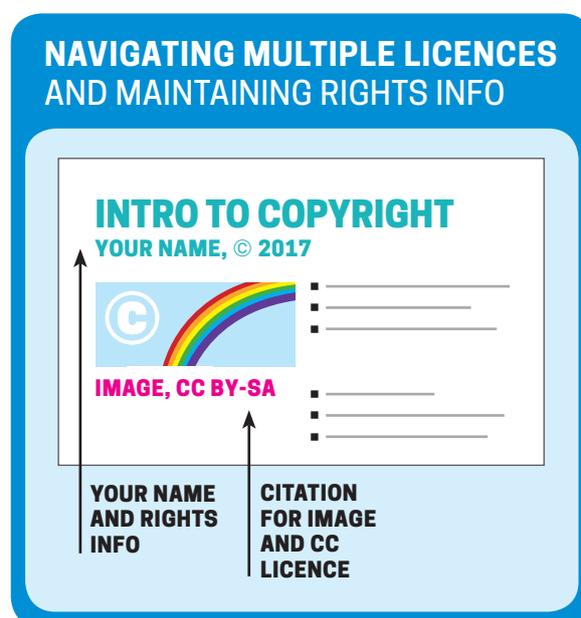
Not necessarily, but it depends on how you use the SA licensed content.

A '[Share Alike](#)' CC licence applies only to the content licensed as SA that you have used. It does not require you to also make your work available under a SA licence, so long as you have not combined the independent works into one new work (known as a 'derivative' work).

When using SA content in your work, be sure to maintain the SA licensing information in regards to the content used. This can be done by providing the SA licensing information next to the content in your work and by designating it as SA when listing the other restricted content in your rights statement.

For example, if you include a CC BY-SA chapter in your anthology, you do not have to licence the entire anthology as CC BY-SA, but the CC BY-SA chapter must retain the original licence. Similarly, if you use a deck of slides under CC BY-SA in your course, you do not have to licence your entire course under CC BY-SA, but the slides must retain the original licence. However, if you create a new song by remixing two existing songs, one of which belongs to you and the other is licensed under a CC BY-SA, then the new work (a derivative work) must be licensed CC BY-SA.

We understand that might be confusing, so here's an illustration to help:



I'm really concerned with attribution. How can I make sure others cite me as the source for my research?

Attribution is a genuine concern. To help others cite your research, include a citation in your research that users can copy and paste to give you credit for your hard work.

This citation might appear differently depending on the research and how it takes form. For example, for a paper, you can include the citation in the introductory material and again at the end. For a website, you might need to include a 'terms of use' page, include the citation, and the link to the CC licence you have chosen. Alternatively, you could include the citation and link in the footer of each webpage.

Ultimately, you want to make it easy for users to find that information and to [cite your resource](#). Make sure you consider how to do this in your research when you're making it available through open access.

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Finally, if you are in Germany, France, or the Netherlands, the following section might apply to you.

I licensed my article/transferred my copyright to a publisher under German, French, or Dutch law. When might it be possible to share my work as open access?

Under German, French or Dutch law, an author regains rights to his work after a certain time to use for non-commercial purposes.

In some jurisdictions, the law intends to allow researchers to make their articles publicly available for non-commercial purposes after a period of time. [In Germany](#), the article must be composed during research which has received at least 50% of its funding from public funds, and the article must have been published in a periodical collection (like a journal) which is released at least bi-annually. Twelve months after its first publication, the author may make a version of the manuscript publicly available for non-commercial purposes.

Like Germany, [the French law](#) applies to articles produced during research receiving at least 50% of funding from public funds, yet the periodical only need be published at least once a year. The French law also makes a distinction between articles written for science, technology and medicine and articles written for humanities and social sciences: the former may be made available after a period of six months; the latter may be made available after twelve months. In any case, the open access version cannot be used for further commercial publishing.

In [the Netherlands](#), there is no threshold regarding public funding for the research: any amount will qualify the article for 'green light' protections. In addition, the Dutch law permits making the work available after only 'a reasonable time', which could be less than twelve months, and is not restricted to journals with at least bi-annual publication. In general, the both the Dutch and French laws apply more broadly than the German law.

In all three jurisdictions, the author's right to republish prevails over any assignments or restrictive clauses included in the publication contract. In other words, the law protects your right and considers these restrictions invalid. Unfortunately, both those provisions limit reuse to non commercial cases, thus reuses based on these provisions, however valuable, do not qualify for Open Access purposes.

'Fact Sheet on Creative Commons and Open Science', Creative Commons UK, DOI: 10.5281/zenodo.841086, CC BY 4.0, <https://creativecommons.org/licenses/by/4.0/>



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The font used is [Cooper Hewitt](#), an open source typeface designed by Chester Jenkins and commissioned by the Cooper Hewitt museum.

Citations and other useful links

- » 'About the Licenses', Creative Commons, <https://creativecommons.org/licenses/>, CC BY 4.0
- » 'Berlin Declaration on Open Access to Knowledge in the Science and Humanities', Open Access Max-Planck-Gesellschaft, 22 October 2003, <https://openaccess.mpg.de/Berlin-Declaration>
- » 'Best practices for attribution', Creative Commons, https://wiki.creativecommons.org/wiki/Best_practices_for_attribution, CC BY 4.0
- » 'Bethesda Statement on Open Access Publishing, Scientists and Scientific Societies Working Group, 20 June 2003, <http://legacy.earlham.edu/%7Eepeters/fos/bethesda.htm>
- » 'Budapest Open Access Initiative Declaration', Budapest Open Access Initiative, 14 February 2002, <http://www.budapestopenaccessinitiative.org/>, CC BY 3.0
- » CC BY Attribution 4.0 International, Creative Commons, <https://creativecommons.org/licenses/by/4.0/>
- » 'CC Factsheet', Creative Commons, https://wiki.creativecommons.org/wiki/CC_Factsheet, CC BY 4.0
- » Definition of Budapest compliant open access, Open Access Working Group, <https://access.okfn.org/definition/2/>, CC BY 3.0
- » 'Frequently Asked Questions', Creative Commons, <https://creativecommons.org/faq/>, CC BY
- » 'Global Open Access Portal', United Nations Educational, Scientific and Cultural Organization, <http://www.unesco.org/new/en/communication-and-information/portals-and-platforms/goap/open-science-movement/>
- » 'How to Cite Datasets and Link to Publications', Alex Ball & Monica Duke, DDC How-to Guides, Edinburgh: Digital Curation Centre, 2015, <http://www.dcc.ac.uk/resources/how-guides/cite-datasets>
- » 'Open Access explained!', Piled Higher and Deeper (PhD Comics), <http://phdcomics.com/tv/?v=L5rVH1KGBCY>
- » 'Promoting your articles to increase your digital identity and research impact', Jon Tennant, March 2017, <http://blog.scienceopen.com/2017/03/promoting-your-articles-to-increase-your-digital-identity-and-research-impact/>
- » 'What you need to know about the Research Excellence Framework (REF) open access policy', Mafalda Marques, JISC, April 2016, <https://www.jisc.ac.uk/blog/what-you-need-to-know-about-the-research-excellence-framework-ref-open-access-policy-01-apr-2016%20>

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