



Share-Alike, NonCommercial, and Public Domain

This document provides some additional information on Creative Commons Share-Alike licences, NonCommercial licences, as well as public domain content.

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Using Share-Alike content

Both the European Commission and UK Government guidelines on the use and reuse of public sector information recommend that licences which place as few restrictions on reuse as possible should be used to share publicly funded resources. In the Guidance documents, we are using and recommending the **Creative Commons Attribution** licence where possible, since it meets the conditions of both the European and UK directives. It is also the licence which is used to achieve the “Gold” Open Access standard in research publications. The Creative Commons Attribution licence (CC BY) is the most most re-mixable licence, and the most easily understood licence. It is equivalent to the UK Open Government Licence.

Content licensed under Creative Commons Attribution (CC BY) can be freely adapted and reused with only an attribution required.

In this section, we discuss the NoDerivatives and Share-Alike licences, which require an understanding of what an adaptation is.

- The NoDerivatives licences are Creative Commons Attribution NoDerivatives (CC BY-ND), and Creative Commons Attribution NonCommercial NoDerivatives (CC BY-NC-ND).
- The Share-Alike licences are Creative Commons Attribution Share-Alike (CC BY-SA), and Creative Commons Attribution NonCommercial Share-Alike (CC BY-NC-SA).

A Creative Commons licence with a NoDerivative restriction (CC BY-ND, CC BY-NC-ND) means that content cannot be adapted at all.

Share-Alike licensed content *can* be adapted. However, when you are adapting or re-licensing a Share-Alike work to create a new work, you have to use the same Share-Alike licence for that new content. This means that an adaptation or re-licensing of a work under CC BY-SA has to be licensed as CC BY-SA, and an adaptation or re-licensing of a work under CC BY-NC-SA has to be licensed as CC BY-NC-SA. It is possible to replace one Share-Alike licence with a later version of that licence, e.g. you can adapt a work under the CC BY-SA 2.0 (UK) licence, and instead apply a CC BY-SA 4.0 (International) licence.

In essence, a work licensed under CC BY-SA will always stay CC BY-SA. We can say that the CC BY-SA travels with the work, and remains attached to that work.

We now consider a number of different scenarios, involving the use of these

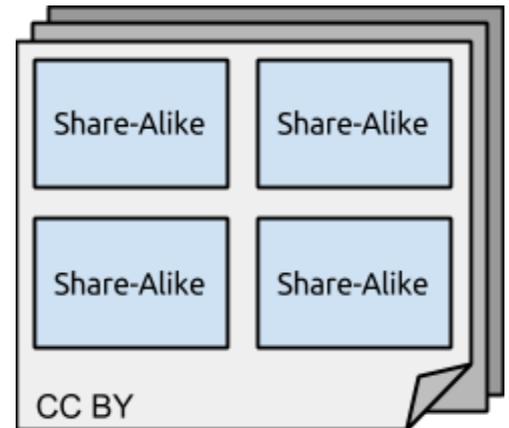


licences.

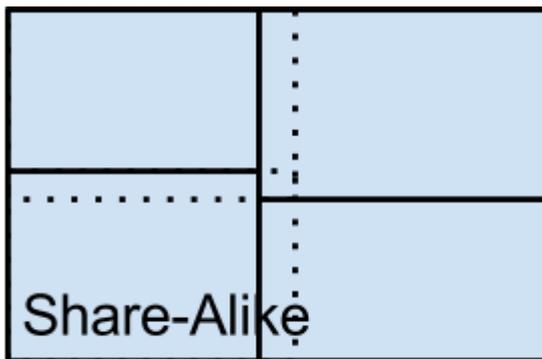
Adaptation vs. inclusion without adaptation

The Share-Alike rule only applies when you are adapting a work, but not when you are including an unaltered work within another document.

This can be illustrated using the diagram on the right. Here, the four images are used without adaptation; they are just placed in a document (such as a text document or a presentation). If you add Share-Alike content to another document without adaptation, you must retain the Share-Alike licence on the Share-Alike content, but you can still license the remainder of the document under CC BY. The Share-Alike content always retains its SA restriction (“the licence travels with the content”).



However, the images shown in the diagrams below are adaptations of the original images. On the left, the images have been cropped to create a collage. On the right, text and graphics have been overlaid.

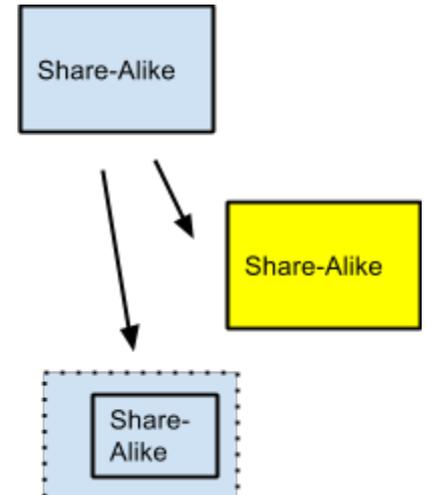


When you adapt Share-Alike content like this, the end result needs to be licensed under the same Share-Alike licence. We’ll look at this in more detail now.

Adapting a single Share-Alike work

The next scenario we consider is adapting a single Share-Alike work to create another one (the adaptation). Typically, this means:

- cropping an image or changing colours;
- overlaying graphics on to an image;
- cutting a clip from a movie or audio file;
- editing a text (where all your changes are original, i.e. not pasted from other sources).



In these cases, if the original work has a Share-Alike licence, the resulting work (the adaptation) needs to be licensed under the same licence. For instance, if you crop a CC BY-SA image, the new image has to be licensed under CC BY-SA. As always, you must [properly credit all of the sources](#) with the [required attribution](#) and licence information — see below on how to attribution adaptations.

As we saw above, the SA work resulting from adapting another SA work can still be included in a document that is CC BY licensed overall. This means that the document can be used under CC BY, with the exception of the part that is CC BY-SA, which needs to retain its original licence.

Adapting several Share-Alike works to create another

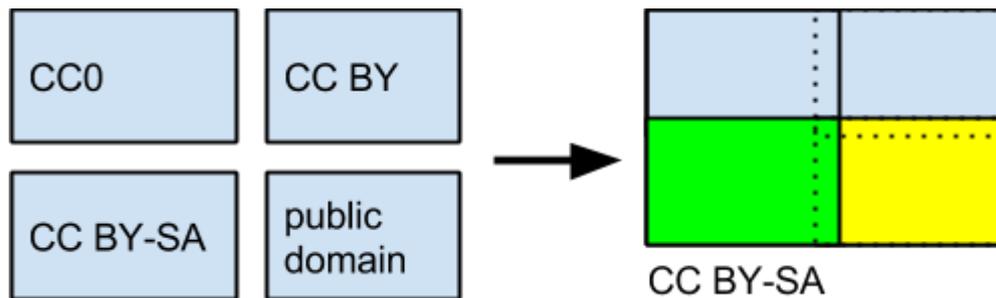
The next scenario shows how a number of original works can be combined to produce a separate work (the adaptation), and where one or more of the original works has a Share-Alike licence.

The Share-Alike licence of the original work(s) means that the adaptation has to be licensed under the same licence as the original. For instance, combining a number of CC BY-SA images to form a new image means that the new image has to be licensed under CC BY-SA.

There are two SA licences (CC BY-SA and CC BY-NC-SA), and content under those licences cannot be adapted to jointly form a single new work. However, you can combine content licensed under Share-Alike with content licensed differently to

create an adaptation, as follows:

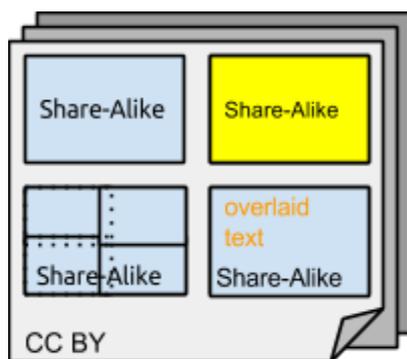
- You can adapt works under CC BY and CC BY-SA to produce an adaptation under CC BY-SA.



- You can adapt CC BY, CC BY-NC and CC BY-NC-SA material to result in CC BY-NC-SA; however you cannot use CC BY-SA in that mix.

In both adaptations, you can also include CC0 and public domain works. For further information, please refer to the [detailed chart showing which CC-licensed material can be remixed at Creative Commons](#), or use the [OER IPR Support Creative Commons Licence Compatibility Wizard](#).

As we saw above, the resulting SA work from such an adaptation can still be



included in a document that is CC BY licensed overall. This means that the document can be used under CC BY, with the exception of the part that is CC BY-SA, which still needs to retain its original licence.

The image on the left schematically shows four Share-Alike works that were adapted (and need to be licensed under the same Share-Alike licence), but are then included in a document that is CC BY licensed overall.

Share-Alike content in a movie

Remember that adding a song as a soundtrack to a video is always an adaptation. So if you use a CC BY-SA song as a soundtrack (even without changing the song), the whole video needs to be licensed as CC BY-SA. Similarly, adding images to a video are also adaptations. If you add a CC BY-SA image to a video, the whole video needs to be licensed as CC BY-SA. This also means that you cannot use NoDerivatives material in movies.

Share-Alike: example attribution

The Share-Alike attribution works in the same way as other Creative Commons licences (c.f. “Creative Commons - Best practices for attribution”, included with this Guidance). Here’s an example:

	
<p>Jumping humpback whale, by Dirk Kirchner, CC BY-NC-SA 2.0</p>	<p>Whale Icon, by Björn Haßler, CC BY-NC-SA 4.0, adapted from Jumping humpback whale, by Dirk Kirchner, CC BY-NC-SA 2.0</p>

The above image has been taken from Flickr (“[Jumping humpback whale](#)”).

1. **Left image:** The image is scaled to fit into the table cell. Scaling doesn’t create a new work, so the image is attributed to the original creator, and the original licence (CC BY-NC-SA, 2.0) is provided.
2. **Right image:** The original image has been used to create a whale icon (for a school project on whales, for example). To create this icon, the image has been cropped, and the colours have been adjusted. This creates a new work (“Whale Icon”), which needs to be licensed under the same Share-Alike licence, or a later version of the same licence. The licence chosen by the creator is the CC BY-NC-SA 4.0.

Note that the attribution for the image on the right includes both the title and creator of the new work (Whale Icon, Björn Haßler), together with the new licence (CC BY-NC-SA 4.0), as well as the title and creator of the original work (Jumping humpback whale, Dirk Kirchner, CC BY-NC-SA 2.0).

Reusing content from documents

It may be the case that a document as a whole is licensed under one particular licence (e.g. CC BY), but various elements in the document are licensed under other Creative Commons licences (e.g. images within the document).

Let's imagine a document, with a story, that is illustrated with two images, licensed as follows:

- The overall document "My CC Safari" (and the story within it) is licensed under a CC BY-SA licence.
- The image "CC Lion" is licensed under a CC BY licence.
- The image "CC Zebra" is licensed under a CC BY-ND licence.

This means that:

- You can adapt the story (i.e. the text) as you like, but the adaptation has to be made available under the same licence.
- Independently of the licence for the overall story, the images can be used under their respective licences. The "CC Lion" image can be used freely (including adaptation), with the usual acknowledgement. The "CC Zebra" image can be used, but only without adaptation, because of the CC BY-ND licence.

As a second example, imagine a document that includes both text and images licensed under CC BY-SA (such as a Wikipedia page). You are free to take content from this page (such as images or parts of text), as long as you attribute and license your work under the same licence (CC BY-SA).

Use cases for Creative Commons licensed content

The following lists give example use cases for how Creative Commons content can be used.

Use permitted by all Creative Commons licences (c.f. [Guidance 3, Rules 1 and 2](#)). All Creative Commons works can be used in the following ways (under the original licence; with the original attribution; without adaptation):

- Making copies of the work, e.g. copying a lesson plan, copying worksheets, etc.; printing the work onto paper;
- Sharing these copies with others;
- Posting content online, e.g. on the schools website, VLE, school intranet, Edmodo, facebook;
- Performing the work (e.g. performing music or plays);
- Converting the file format (e.g. from Word docx to OpenOffice odt; from odt to PDF; from jpg to png; from wav to mp3; from wmv to mp4);
- Resizing an image (e.g. from 600x400 to 60x40);
- Transcoding a movie (e.g. from high bitrate to low bitrate);
- Converting an unencrypted DVD to a movie (e.g. mp4);
- Playing an unedited video in the background of a live concert;
- Reproducing the work on a poster or display board, e.g. as part of a book display;
- Embedding the whole work within another work.

Where a Creative Commons work comes complete with sufficient attribution (such as a lesson plan that has the attribution statement in it), you can simply share that work, as long as you do not adapt it. If there is sufficient attribution within the work already, there is no need to add further attributions.

Including an unmodified work. Without the work being "translated, altered, arranged, transformed, or otherwise modified" (see licence deeds), all Creative Commons works can be



- reproduced on websites;
- included in a document (e.g. text document, presentation, pdf, ebook);
- and be included in a collection, e.g. including a short story in a collection of short stories (by creating a zip file that contains the individual stories, or creating a single document with all the unmodified stories);

as long as the work is attributed, as usual (including the source, author and original licence).

When the a work is included in this way, the resulting website, document or collection of short stories can be CC BY licensed, and does not need to be Share-Alike-licensed. The original work that is included on the website, document or collection retains its original licence (in the case of Share-Alike and NoDerivatives), or a compatible licence (e.g. in the case of NonCommercial) — see further discussion about this within this document.

Adapting a work. Whenever you "translate, alter, arrange, transform, or otherwise modify" an original work, a new work is produced. The list below highlights some example use cases of adapting works. These uses are not permitted for works under CC BY-ND, CC BY-NC-ND. For works under CC BY-SA and CC BY-NC-SA, these uses *are* permitted, but you need to use the same licence for the resulting work. For example:

- Photoshopping a picture or diagram to add to, or alter, its original elements is an adaptation; this include modifications like cropping, adjusting colour, making monochrome, adding effects, removing or adding text or other graphics.
- Editing (adding, removing, correcting words) and translating a text is an adaptation.
- When using an audio track in a movie (even when using the audio track in its entirety), the movie is deemed a derivative work. This means that if the audio track is under CC BY-SA, the movie needs to be licensed under CC BY-SA.
- Similarly, if a CC BY-SA image is included in a movie, then the whole movie needs to be CC BY-SA (and likewise for CC BY-NC-SA).
- Using a sample from one song to make a new song.

The NonCommercial licences

There are a number of Creative Commons licences that have a NonCommercial restriction (CC BY-NC, CC BY-NC-SA, CC BY-NC-ND). We did not discuss this in the main Guidance document, as educational use is deemed non-commercial. However, if you want to use OER for commercial purposes, you cannot incorporate material released under one of the NonCommercial licences.

If you are using content under NonCommercial licences to create content, you will follow similar (but not identical) rules as for Share-Alike content:

- When you adapt NonCommercial content, you need to publish the adaptation under a NonCommercial licence:
 - If the content is CC BY-NC, you can use any other NonCommercial licence, opting for CC BY-NC to keep the content as open as possible.
 - If the content is CC BY-NC-SA, you have to use the same licence.
 - Content under CC BY-NC-ND cannot be adapted (as with all NoDerivatives content).
- When you include NonCommercial content (without adaptation) in another document, that NonCommercial content retains its licence. You can still licence the resulting document under CC BY. However, this new document cannot be used commercially, because there is some NonCommercial content in it. To use the document commercially, you would have to first remove the content licensed under the NonCommercial licence.

Further information about the the NonCommercial licences can be found on the [Creative Commons wiki, see "NonCommercial interpretation"](#).



Using CC0 and the Public Domain Mark

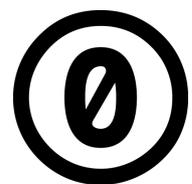
Works in the public domain are free of any copyright restrictions, and can be used in any way (even without the need for attribution). Works that are in the public domain can be recognised through the Public Domain Mark, or with the CC0 mark (see icons further below). Any work marked like this can be used freely, without restrictions.

Works enter the public domain when their copyright expires, which is typically several decades after the author's death. However, the precise duration varies depending on the country and the type of work. Some works also have perpetual copyright, such as the Authorized King James Version of the Bible in the UK, and the play [Peter Pan, or the Boy Who Wouldn't Grow Up](#).

Because of such variations, the Public Domain Mark can be used to mark works that are already in the public domain, i.e. to mark an existing work that is free of known copyright restrictions and clearly convey that status. The Public Domain Mark allows such works to be easily discovered, and provides valuable information about the work. The Public Domain Mark is intended for use with [old works that are free of copyright restrictions](#) around the world.



For a work that you have created, it is also possible to use the CC0 licence to waive as many rights to the extent possible, such as moral rights. Under UK law, it is legally not possible to fully waive copyright, and therefore not possible to place a work in the public domain. However, CC0 grants users comprehensive rights, as if all copyright had been waived. In other words, CC0 permits the same use as you would have for a work in the public domain. From a user's perspective, a work under CC0 and a work in the public domain can be treated the same. You can use the CC0 licence for something that has been created from scratch, or if you are building on other works that are already CC0 licensed or in the public domain.



Attribution

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