



University
of Southampton

Legal Aspects of Creative Commons

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Cambridge Conference 2007

Workshop 2: Models for Geospatial Rights
Management (July 16, 2007)

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Origin of



Eldred v. Ashcroft,

[537 U.S. 186](#) (2003)



Prof. Lessig




Mr Eric Eldred

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Legal Ethos of



- ‘Open content’: i.e. pro-public domain and pro-free use and re-use;
- Reversal of ‘normal’ copyright assumptions re. third party use (‘some rights reserved’);
- Directed (although not limited) to the individual, and;
- High online ‘visibility’ and ease of use of works made available under  licenses.

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Methodology

- Limited ‘menu’ of licenses, and;
- License expressed in three ways:

Human-Readable Commons Deed



Lawyer-Readable Legal Code



Machine-Readable Digital Code



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Proposed Geospatial Data Licenses

1. *Private* access;
 - 2+3. *Public* access  *'Free advertising'* license;
Standard  (with click-through) license;
 4. *Commercial* access;
 5. *Emergency* access, and;
 6. *Offline* access.
- C.F. Institutional use by [MIT](#) and the [BBC](#)

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Legal issues using

- *Jurisdiction* and *IPRs* (despite '[porting](#)');
- *Contract*, and;
- *Legal ethos, clash of cultures, and using the Creative Commons 'brand'*.

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Legal Status of



- Rhetoric vs. actuality, and;
 - Case law (Dutch and Spanish cases).
-
- N.B. [Gowers Report](#) (December 2006) at 3.33

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Advantages of



- *Speed*;
- *Simplicity* and *ease of use* for content users and consumers;
- *Branding*;
- *Flexibility* for content providers, and;
- *Promotion*.

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Contact

If you wish to discuss any issues arising from this presentation, then you can contact Caroline Wilson at:

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