CC tools and PSI: Supporting attribution, protecting reputation, and preserving integrity

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In an earlier blog post, we promised to share some useful "things you may not know" about legal and technical aspects of CC tools, especially as they relate to the release of public sector information. Publishers of PSI – which may include governments and their agencies, but also others – have a strong desire to receive the credit they deserve through proper attribution, while simultaneously safeguarding their reputations when information is re-used. They also care about preserving the integrity of the information they provide, so that the original can be differentiated from modified forms, and can be easily located. CC's legal tools provide sound and tested solutions for each of these needs.

Attribution

Creative Commons tools provide a sophisticated, flexible method for attribution that addresses the needs of those making PSI available (licensors) and those using the information (licensees). Attribution is a condition of all Creative Commons licenses. This requirement calls for preservation of any copyright notice, attribution (recognition of the licensor as the copyright holder of the work) and the URL (link) to the original work if provided as well as to the CC license. The attribution requirement thus serves the dual purpose of ensuring that the publisher of PSI receives appropriate credit, and that provenance information for published PSI is kept intact.

CC licenses allow governments and others releasing public sector information to define how they want to be attributed, in advance at the point of publication. For instance, a licensor may request a specific attribution statement separate from or in addition to credit for the individual author or the releasing agency, or request that attribution be made to another person or entity altogether, such as a funder, publisher or journal. Below is an example attribution statement that includes attribution to an author and credit to a funder, though any number of custom statements might be crafted:

An evaluation of non-motorized traffic accidents from 2000-2010, by Mary Smith. Funded by the Polish Ministry of Transport. Available under a Creative Commons Attribution 3.0 Poland license.

Licensors may also request not to be attributed at all, and can require users to remove the credit otherwise required. For example, if PSI released under a CC license is aggregated with other content and published in a collection, or if the PSI is itself modified (when a CC license permitting modification is applied), then the licensor may request removal of the credit to which it is otherwise entitled from the collection or the modified work, regardless of the reason. This removal mechanism enables the publisher to distance itself from re-uses, a feature that may also be used to protect the licensor's reputation.

CC tools also make it easy for users of PSI to comply with attribution requirements. CC licenses allow for flexibility in the way attribution is implemented depending on the means used by a licensee to re-distribute the information. There may be different expectations for attribution based on the format in which the PSI is re-used. For example, providing attribution to the author when re-distributing information via a blog post is different than crediting the author within a video remix. All CC licenses provide that attribution must be provided in a manner "reasonable to the medium or means" used by the licensee, and for credit to be provided in a "reasonable manner." This flexibility facilitates compliance by licensees – minimizing the risk that overly onerous and inflexible attribution requirements are simply disregarded as being too difficult – while at the same ensuring

that credit is still provided.

CC's straightforward yet flexible method of attribution makes it easy for users to "do the right thing." Licensees are more likely to use and republish the information and provide proper attribution, just as intended by the publisher, because no fixed or unbending form(at) is dictated. At the same time, institutions releasing PSI consistently receive the credit they are due.

Reputation

Governments and others want to release PSI and allow others to re-use, build upon, and combine the information with other materials in impactful and meaningful ways, yet some may be concerned that their reputation might be tarnished depending on how the information is re-used. Protecting the reputation of publishers is critical, and CC licenses have several features that help ensure that this high priority need is met. In addition to the credit removal mechanism mentioned above, CC licenses also contain a "no endorsement, no sponsorship" clause. This standard feature of all CC licenses prohibits licensees from implicitly or explicitly asserting or implying any connection with, sponsorship or endorsement by the licensor without express, prior written consent. Any violation of this clause results in automatic termination of the licensee's right to use the CC-licensed PSI.

CC licenses help protect reputation in other ways, too. When PSI is licensed under a CC license that permits modifications (any license without the "NoDerivatives" condition), anyone modifying the information must clearly label or identify that changes have been made. This marking requirement puts users of the modified work on notice that the original has been modified, helping ensure that modifications are not wrongly associated with the original publisher of the PSI. This feature, in combination with the requirement that the URL for the original must be provided, properly distances the original publisher of the information from the modifications (whether or not desired) and facilitates comparison of the original with the modified version. Finally, CC licenses do not grant permission to use anyone's trademarks or official insignia, nor do the licenses affect other laws that may be used to protect one's reputation or other rights – those rights are all reserved and may be enforced separately by the publisher of the PSI.

Integrity

Some publishers of PSI may worry that information they release may be changed for the worse, re-used in a way that compromises the integrity of the original, or mixed with information from other sources in a way that compromises the integrity of the original release. CC licenses guard against these worries in several ways. Importantly, when PSI is released under a CC license permitting modification, any modifications that are made do not affect the integrity of the original material because any changes are made to a copy of the released information. The original remains intact and preserved, exactly as released (most typically) on the publisher's website. Additionally, the attribution and credit requirements described above require that adaptations provide a link to the URL for the original (if provided), ensuring everyone has access to the authoritative work in its unmodified form for reference and comparison purposes. These mechanisms, together with the requirement that modified works be clearly marked to alert downstream users that modifications have been made (and the original may be easily be found through the link to its URL), provide a net of safeguards to help preserve the integrity of the original PSI release.

CC tools offer flexible yet legally and technically robust mechanisms for ensuring attribution in the preferred manner of the publisher (when credit is desired). They also protect publishers' reputations and alleviate concerns about preserving the integrity of the original information. These mechanisms work together easily and seamlessly, giving confidence to publishers choosing CC licenses for their PSI.