

Case Study: Copyright Environment and Use of Creative Commons Licenses in Australia

by Scott Cormier

Australia's copyright environment

Creative Commons (CC) works within copyright laws to offer creators a more flexible alternative in the growing digital culture of sharing, revising, and remixing creative works. Australia has willingly accepted the tools that CC provides, and with a few adaptations, CC Australia has grown to successfully allow creators to take a “some rights reserved” approach to protecting their work. The CC Affiliate Network has helped spread licenses worldwide, and its work on Australia’s “ported license suite” is one example of how the willingness to adapt to a country’s special needs can lead to their support and engagement.

Like other users, Australia sees Creative Commons as a best practice standard, and it is one of only three jurisdictions to be working on their 4th ported version of the CC licenses.¹ Experts have changed formatting and language as needed, to better align licenses with Australian legal requirements and drafting conventions. They also considered the successful versions of CC licenses in New Zealand, along with user feedback, to ensure clarity and ease of use.²

Australia's debate over fair use/fair dealing

Most countries follow a flexible approach to limitations and exceptions to copyright laws, using a “three-step” test defined at the Berne Convention to determine “fair use.” In Australia, however, Parliament meets to list specific exemptions to copyright law in a process known as “fair dealing,” to legally define individual exceptions to copyright infringement. The Australian Productivity Commission acknowledges that their intellectual property arrangements need work,³ and the debate over whether Australia would benefit from adopting a “fair use” approach continues.

Australian schools and universities support the “fair use” approach to copyright. They can clearly see that laws have not caught up to the uses of copyrighted materials in classrooms, and educators are paying for material that they feel should be freely available. In one report, Australian schools are shown to pay 14 times more per student to use copyrighted works than New Zealand schools.⁴ Creative Commons licenses could be a great help to Australian academics, and there are many opportunities for engagement.

Australia uses CC licenses

Academic institutions are not alone. No matter how the fair use/fair dealing debate is resolved, public norms are being influenced by institutions people trust, like the Queensland Museum and the National Library of Australia, that use CC licenses. When people access the Parliament’s central web portal to find important federal documents, and transcripts of Parliamentary Sittings, they will see the information published under a Creative Commons BY-NC-ND Version 3.0 Australian license.⁵ The Australian Copyright Council offers links to Creative Commons Licenses and information on their website.⁶ Finally, the Creative Commons Australia team is very helpful in drawing public attention towards challenges that need to be faced, and opportunities that are out there that allow people to share, reuse, or remix information in today’s digital world. The future is bright for Creative Commons in Australia.

Sources

1. [CC Ports by Jurisdiction](#) by [Aurelia Schultz](#), [Luis Villa](#), October 2014, available under a [Creative Commons Attribution 4.0 International License](#) (CC BY 4.0)
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4. [Attachment A, The Copyright Advisory Group-Schools of the Standing Council on School Education and Early Childhood, Submission to the Australian law reform Commission](#), by the National Copyright Unit, [Australian Government Productivity Commission](#), available under a [Creative Commons Attribution 3.0 Australia](#) (CC BY)
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