



Webinars

Webinar #17: Managing Copyright with Open Source Licenses and Creative Commons

Diogo Morais Oliveira, April 21st, 2021

DISCLAIMER

- Views are my own.
- This presentation is not legal advice. Legal advice can only be provided with regards to specific factual circumstances in the context of an attorney-client relationship.

The vision

*The Internet of the future should be more **open**, provide better services, more intelligence, greater involvement and participation. It needs to reflect the European social and ethical values: free, open and more interoperable.*

[Source](#)

SUMMARY

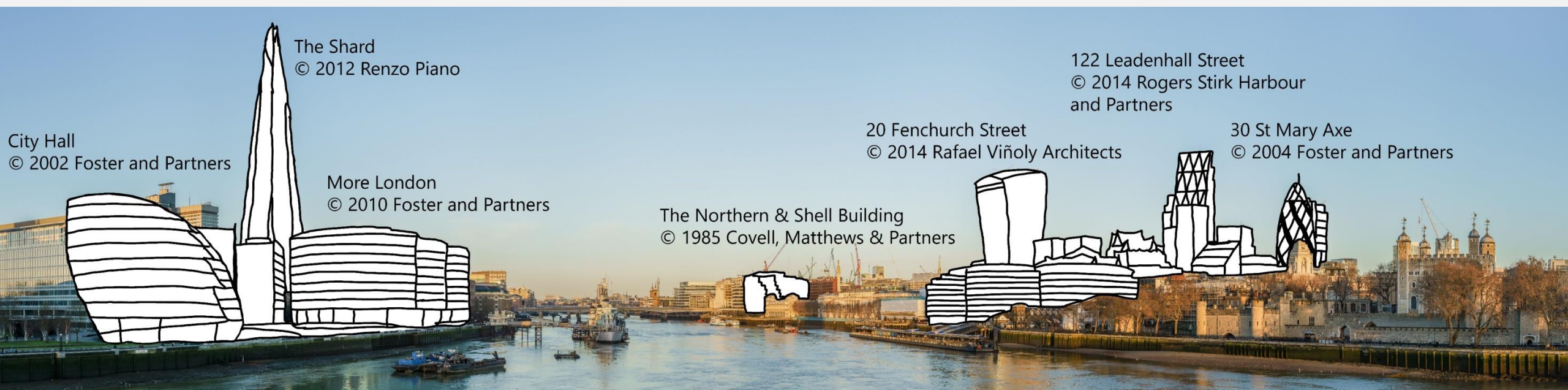
- Basic copyright law.
- Open Software Licenses
- Creative Commons Licenses
- Open business models.

INTELLECTUAL PROPERTY

“Intellectual property refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce.”

[WIPO](https://www.wipo.int/)





The Shard
© 2012 Renzo Piano

City Hall
© 2002 Foster and Partners

More London
© 2010 Foster and Partners

The Northern & Shell Building
© 1985 Covell, Matthews & Partners

20 Fenchurch Street
© 2014 Rafael Viñoly Architects

122 Leadenhall Street
© 2014 Rogers Stirk Harbour
and Partners

30 St Mary Axe
© 2004 Foster and Partners

BEST CASE SCENARIOS FOR COPYRIGHT



FREEDOM OF PANORAMA

IN PORTUGAL

Freedom of panorama is a fundamental element of European cultural heritage and visual history.

Rooted in freedom of expression, it allows painters, photographers, filmmakers, journalists and tourists alike to document public spaces, create masterpieces of art and memories of beautiful places, and freely share it with others.

WHAT IS FREEDOM OF PANORAMA?

- 1 Derived from the German word *Panoramafreiheit*, freedom of panorama generally refers to the right to visually document works of architecture, sculptures, street art, or other copyrighted works, as long as they are permanently located in public spaces. In Portugal, the exception covers all sorts of documentation—not only photographs and video footage.
.....
- 2 The exception is justified by freedom of expression and public interest.

HOW DOES IT WORK?

- 1 All uses are exempted: users can share pictures, videos, drawings, or other reproductions of works located in public places. They are also permitted to create and share adaptations—all without infringing rights in the original work.
.....
- 2 All works permanently located outdoors or in public interior spaces can be documented.
.....
- 3 Users may be able to benefit commercially from reproductions and adaptations created under the exception, as long as such uses pass the three-step test (see “limits” on the other page).
.....
- 4 Users must give credit to the authors of the underlying works.

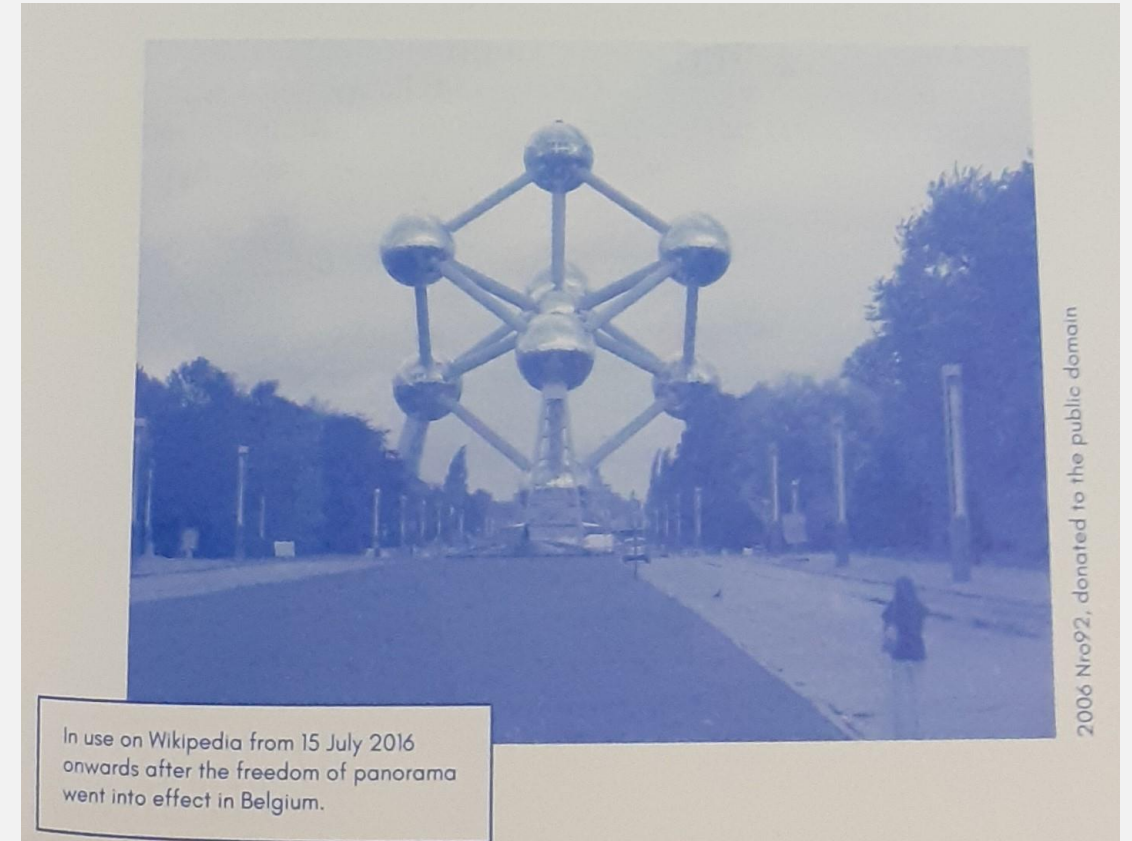
WHO CAN USE IT?

Anyone can benefit from the freedom of panorama exception: citizens, individual artists, organizations, and companies.

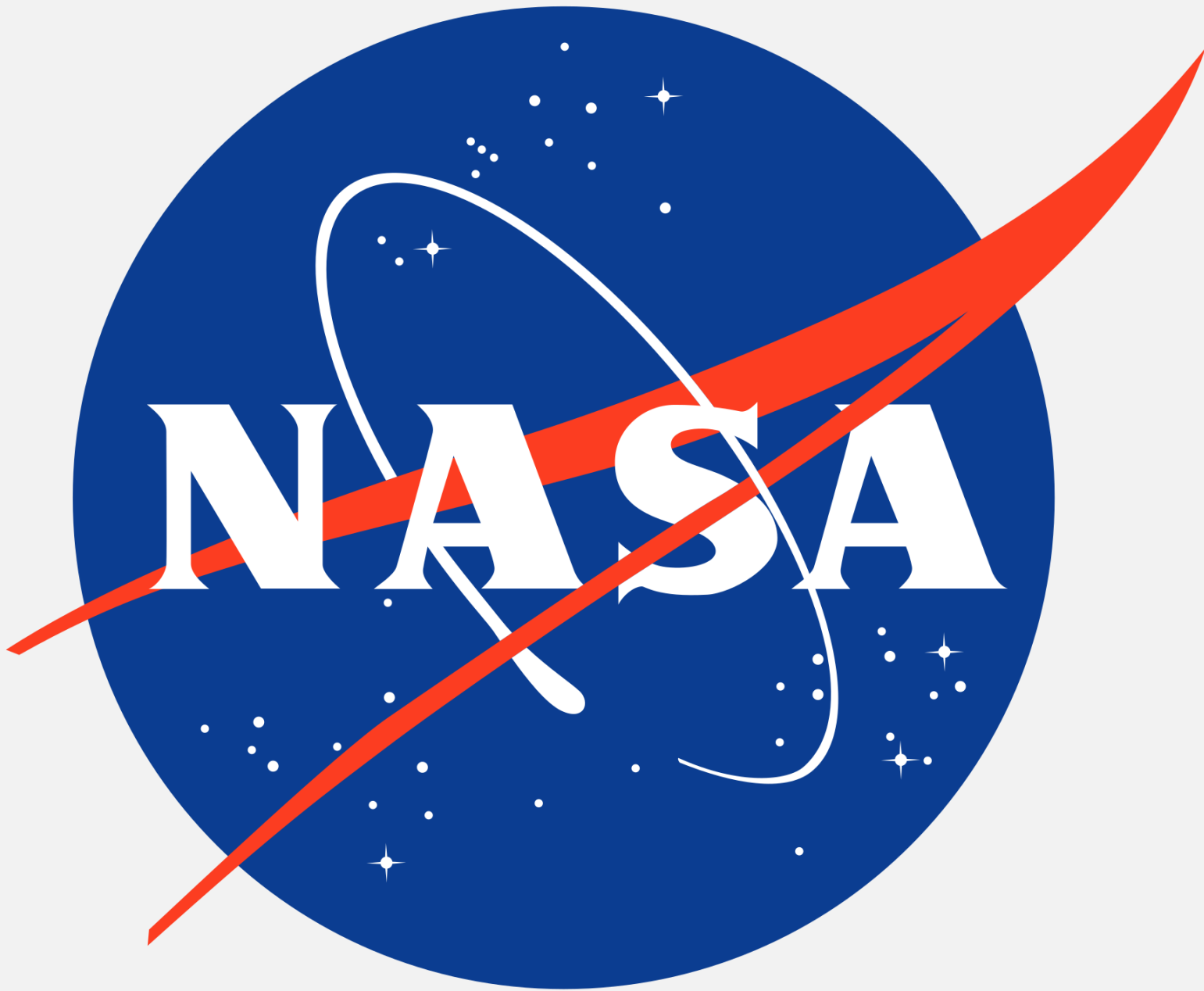
IS IT FREE?

Yes, it is free. No remuneration is due to authors or rights holders of the featured work.

FREEDOM OF PANORAMA



Images from “Copy this book – An artist’s guide to copyright” by Erin Schrijver










NASA "worm" logotype 1975–1992

 **More details**

 File author: [Shisma](#) 20:46, 24 August 2014 (UTC) - <http://adc.gsfc.nasa.gov/adc/images/nasa-logo.gif> Created with iDraw & SublimeText2

NASA logo as used until 1992.

 **Public Domain**  
 File: NASA Worm logo.svg
 Created: 9 April 2007



tomsachs • Seguindo
Greenwich House Pottery



tomsachs CHAWAN
Greenwich House Pottery
16 Jones St NYC
May 6 - June 8, 2018
Opening reception: Sunday, May 6, 2-4pm
Gallery hours: Wednesday-Saturday, 12-6pm.



Hell Raiser, 2018
English porcelain, high fire reduction, temple white glaze, NASA red engobe inlay, gold luster, Traditional Kintsugi by Gen Saratani. @kintsugi_class_ny
S/N: 2016.089

53 sem



Curtido por andresaraiva e
outras 6.501 pessoas

3 DE MAIO DE 2018

Adicione um comentário...

Publicar





Busca



heronpreston • Seguir



heronpreston Happy 60th year anniversary @nasa !!! - Here's a look back at my stratosphere photoshoot for the launch of my collection and if you haven't seen the film "Above the Clouds" yet check it out on YouTube. 🚀☁️🌍🌞👁️🔧 Now lets get our ass to mars !

32 sem



14.342 curtidas

1 DE OUTUBRO DE 2018



Women **Men** Kids

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NASA Regulations for Merchandising Requests

Strict laws and regulations govern NASA policy regarding merchandising requests for producing NASA-related merchandise. NASA-related merchandise is any product which features NASA identifiers, emblems, devices or imagery. Companies interested in producing NASA-related merchandise must notify NASA's Office of Communications at NASA Headquarters in writing by sending e-mail to Bert Ulrich (bert.ulrich@nasa.gov). Requests should describe the intended use of NASA identifiers, emblems, devices, or imagery on the product. If possible, detailed layouts or sketches of the product should be included. When all legal and policy requirements have been met, NASA will send the merchandiser an approval by e-mail. A general overview of NASA policy follows:

- Companies interested in producing NASA-related merchandise have equal access to NASA information.
- There is no licensing or exclusivity agreement with NASA.
- As a U.S. government agency, NASA will not promote or endorse or appear to promote or endorse a commercial product, service or activity. Therefore, there are strict regulations and restrictions on the use of any of the NASA identifiers, emblems or devices, including without limitation the NASA Insignia (the "Meatball" logo), the NASA Logotype (the "Worm" logo), and the NASA Seal as addressed in more detail below.
- NASA identifiers, emblems, devices, imagery, etc. can be used as decoration on the product, but should not be used in a manner that suggests "co-branding" of products.
- No third-party identifiers, logos or other trademark visuals (including non-logo trademarks) can be shown together with the NASA Materials on products in a manner that suggests NASA jointly created the product or that the producer of the product is sponsored or endorsed by NASA.
- Logos and other trademarks or branding of the product producer/distributors should be separate from the NASA Materials used as decoration on the product, and should be limited to use on tags, insoles of shoes, and other areas of the product where product branding typically appears. For example, in the case of a T-shirt featuring the NASA Insignia as decoration on the front of the shirt, the logo of the company producing the T-shirt can appear simply on the collar tag, a hem tag, on the sleeve, or other location as typical for the company's brand; however, company logos or branding will not be placed near the NASA Insignia, or in such location(s) as detracts from the NASA Insignia decoration on the front of the shirt.
- Product hangtags should not include any NASA identifiers, emblems or devices, though other NASA imagery may be appropriate.
- Clothing collections cannot use the NASA name as a title or as part of a title for any collection.
- The determination as to whether a company's branding on the product improperly violates the prohibition against co-branding will be made by NASA in its reasonable discretion after consultation with the producer.
- Many NASA images (moving and still) which have been made publicly available by NASA may be used for merchandising purposes. However, there are rules regarding the appearance or use of astronauts' or NASA employees' names, likenesses, position title, or other personality traits on commercial products. Astronauts or employees who are currently employed by NASA cannot have their names, likenesses or other personality traits displayed or position title used on any commercial products, advertisements or commercial product packaging. Astronauts or NASA employees who are retired from the agency can grant permission for the use of their names, likenesses or other personality traits in their discretion, but their former affiliation with NASA may not be used to promote any product, service or activity. For deceased astronauts or employees, their estates may retain rights in the deceased person's name, likeness or other personality traits, so permission may still be needed.
- There are many images (moving and still) which have been made publicly available by NASA featuring astronauts in space suits where the astronauts face may be shielded or not easily recognizable, but where some other aspect of the photo may indicate the astronaut's identity – like a name tag or simply the historical context of the photo. In such a case, the restrictions set forth above may still be applicable, so permission may still be necessary.
- When all legal and policy regulations have been met and approval by the Office of Communications is obtained, the merchandiser can access downloadable NASA imagery online or may



Vantablack grown on metal foil By © Surrey NanoSystems - Surrey NanoSystems, CC BY-SA 3.0,
<https://commons.wikimedia.org/w/index.php?curid=34139563>





“Cloud Gate” by Anish Kapoor. Photo:Source, Fair use,
<https://en.wikipedia.org/w/index.php?curid=18060270>



Anish Kapoor’s “Cloud Gate” (2006) following the artist’s recent
recoating in Vantablack (photo courtesy City of Chicago)

LEGAL NOTIONS

Intellectual Property



```
graph TD; A[Intellectual Property] --> B[Industrial Property]; A --> C[Author's Rights, Neighbouring Rights, Suis Generis Rights]
```

- Industrial Property

- Author's Rights
- Neighbouring Rights
- Suis Generis Rights

Industrial Property

Identification and
Distinction

Trademark



Development of
Products

Design

D M n.º

Solution of
Problems

Patent

Pat.n.º



| Territoriality | Deadline | Novelty | Registration

AUTHOR'S RIGHTS



NEIGHBOURING RIGHTS



SUI GENERIS RIGHTS



AUTHOR'S RIGHTS

[The Berne Convention for the Protection of Literary and Artistic Works](#)

- Original works
- Automatic protection (no need of registration)
- Moral (perpetual) and Patrimonial Rights (70 years)
- Exceptions and Limitations
Fair Use (USA)

PATRIMONIAL RIGHTS

They allow the owner to control, authorize and / or prohibit the use and exploitation via reproduction, public communication, distribution, translation, etc.

By contract:

- employment and provision of services, they may be held by persons other than the author.
- they can be transferred (totally and partially) or licensed.

LICENSES

- * permission to use a copyrighted work.
- * grant any or all of the rights associated with copyright.
- * can impose restrictions: type or place or usage, duration
- * does not transfer ownership of the copyright.

SOFTWARE

A “computer program” is a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.

[United States Copyright Act, 17 U.S.C. § 101](#)

SOFTWARE

- * Software created in a company is deemed as a **collective work**.
- * If a software is created by an **employee** [or following the instructions of a **work concessionary**], the program's beneficiary holds all related rights.

Copyright Exceptions: The legitimate user of a program may always use it or correct errors, upload, view, run, transfer and store it (back-up copy).



FOR HOW LONG DOES THE PROTECTION LAST?

15 YEARS
AFTER THE DATE
OF COMPLETION

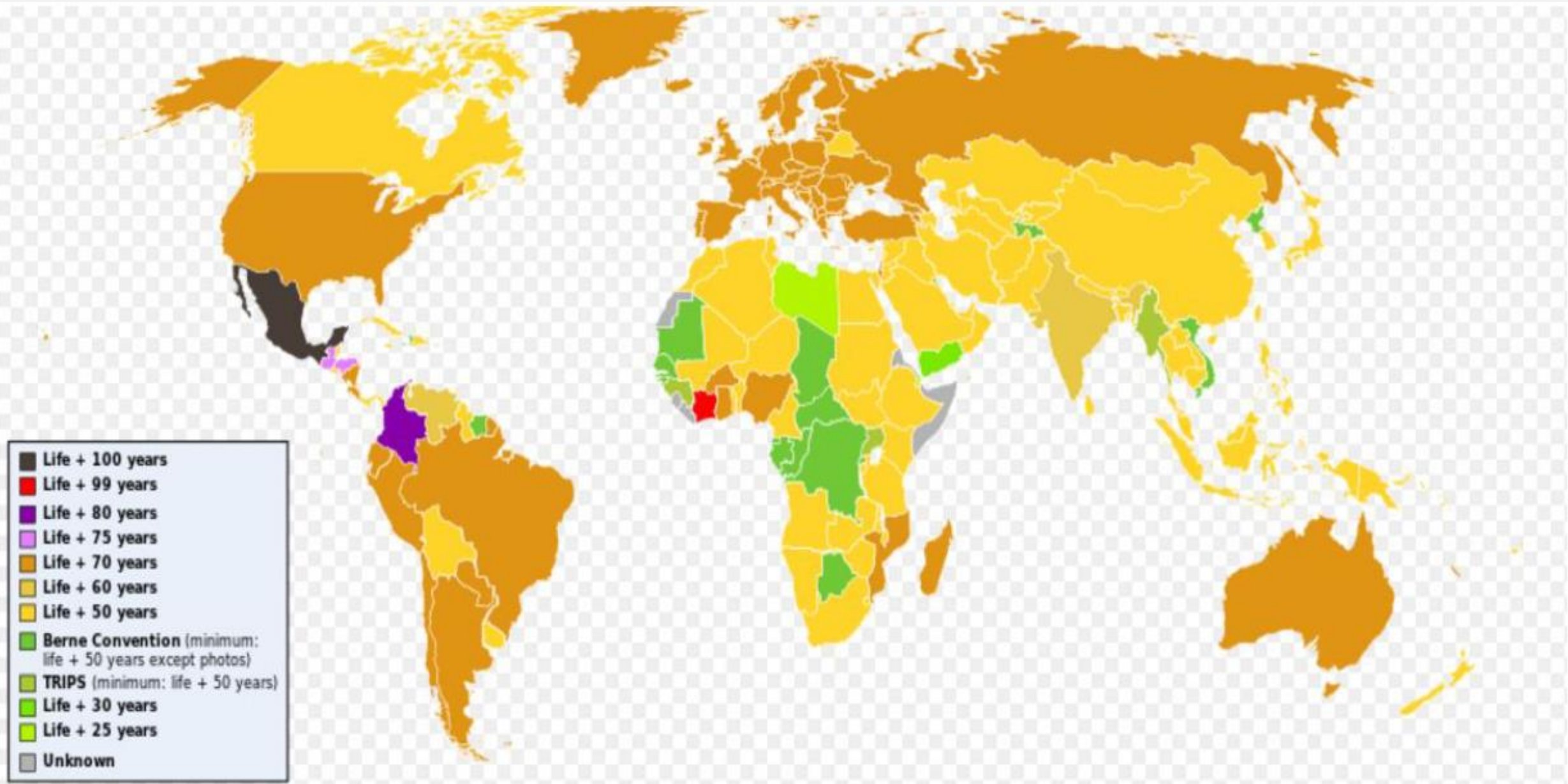
50 YEARS
AFTER THE FIRST
PERFORMANCE...

70 YEARS
AFTER THE DEATH OF THE
AUTHOR OR THE DATE
OF FIRST PUBLICATION

SUIS GENERIS
RIGHTS

NEIGHBOURING
RIGHTS

AUTHOR'S
RIGHTS



https://en.wikipedia.org/wiki/List_of_countries%27_copyright_lengths#/media/File:World_copyright_terms.svg



OPEN SOURCE SOFTWARE



Public Domain

OPEN SOURCE SOFTWARE

Free Software

Open Source Software History:

- Richard Stallman: GNU, Free Software Foundation, General Public License (GPL)
- Berkeley Software Distribution License (BSD)
- Mozilla Public License / Linux / Apache: corporate open source licenses

The Open Source Initiative: the body who determines what open source means, and approves licenses as being open source



open source
initiative
Approved License

Source: www.opensource.org

- 1. Free Redistribution.**
- 2. Source Code.**
- 3. Derived Works.**
- 4. Integrity of the Author's Source Code.**
- 5. No Discrimination Against Persons or Groups.**
- 6. No Discrimination Against Fields of Endeavor.**
- 7. Distribution of License.**
- 8. License Must Not Be Specific to a Product.**
- 9. License Must Not Contaminate Other Software.**
- 10. License Must Be Technology Neutral.**

OPEN SOURCE LICENSES

Licenses that comply with the Open Source Definition:
allow software to be freely used, modified and share.



GENERAL PUBLIC LICENSES “GPL”

- Part license, part manifesto
- Reciprocity/Copyleft
- Purpose is to increase amount of publicly available software and ensure compatibility
- Licensees have right to modify, use or distribute software, and to access the source code

WHAT IS COPYLEFT?



Copyleft is the practice of granting the right to freely distribute and modify intellectual property with the requirement that the same rights be preserved in derivative works created from that property.



BERKELEY SOFTWARE DISTRIBUTION LICENSE

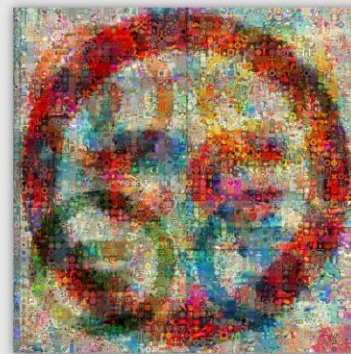
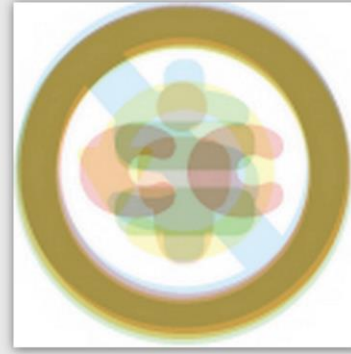
- Same basic rights as GPL
- No copyleft provisions, i.e. licensees can take software licensed under the BSD private
- Can re-release software under a different license



THE MOZILLA PUBLIC LICENSE (MPL)

- More expertly drafted
- Serve as a model for later commercial licenses
- Different provisions on relicensing
- No copyleft

OPEN SOURCE IDEAS IN OTHER CONTEXTS

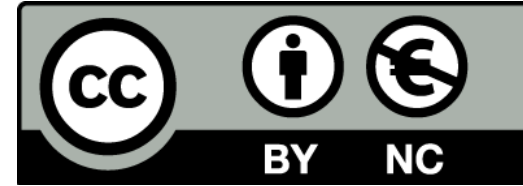


[Source](#)

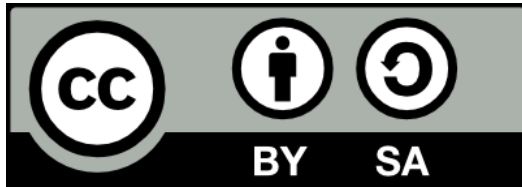
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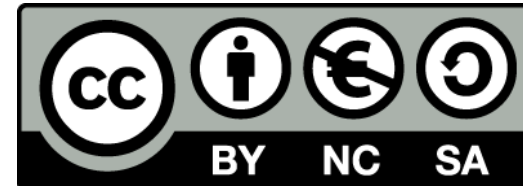
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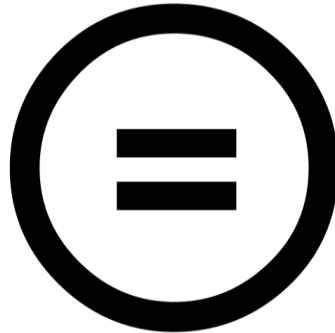


BY

NON COMMERCIAL



NC



ND

NO DERIVATIVES



SA

SHARE ALIKE



What can you license?



Author's rights and neighbouring rights
Data base *suis generis* rights.

What does not apply?



Moral rights
Industrial property rights (trademarks,
patentes, designs)
Personality rights

Fluxo de fotos



PRO

Franz Johann Morgenbes...

Gerngross-Edelgard-3

+ Seguir

1.619

visualizações

2

favoritos

0

comentários

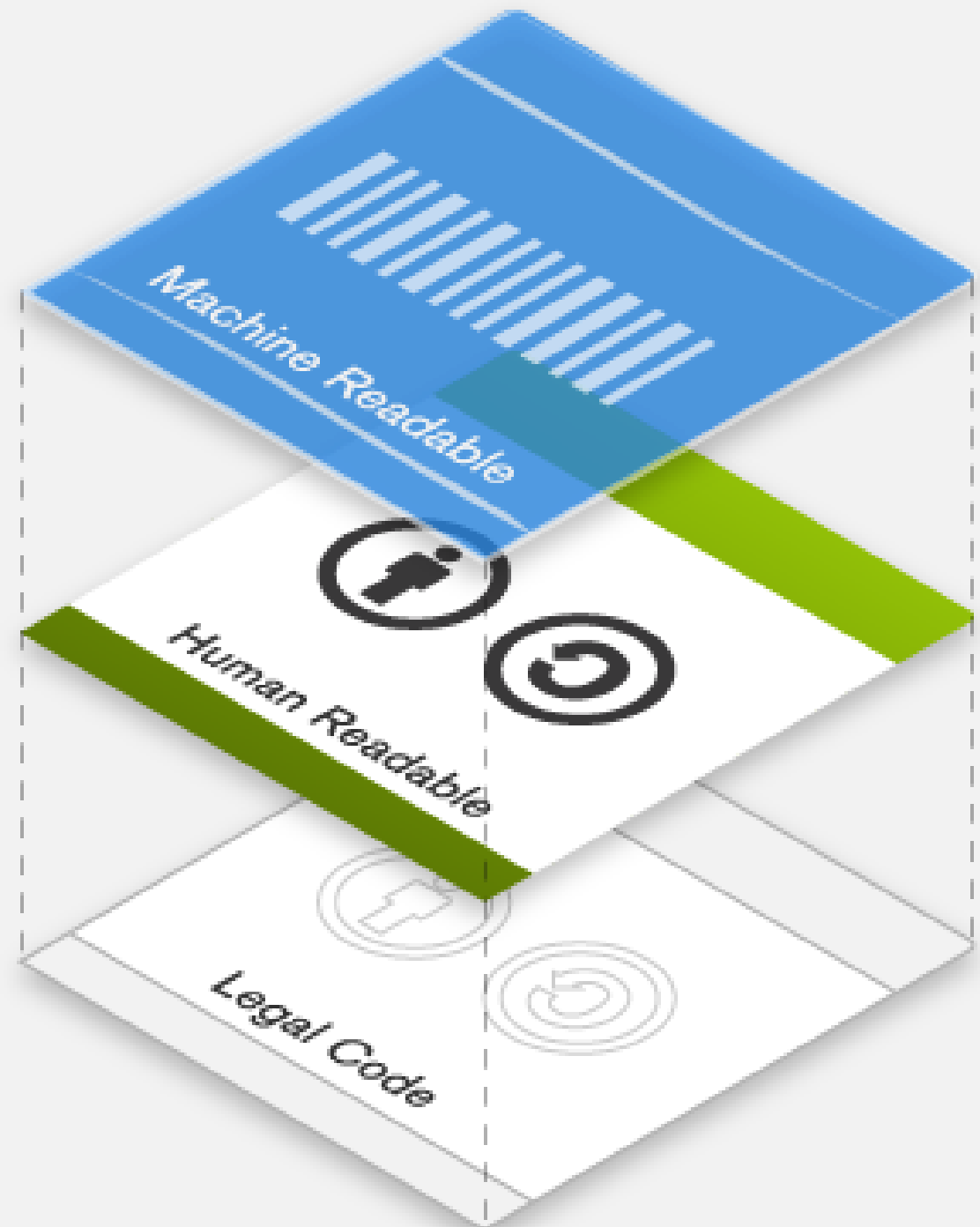
Tirada em 13 de maio de 2013



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Brooklyn Museum




Collection size: 61,503 images

Cleveland Museum of Art




Collection size: 32,285 images

Digitalt Museum




Collection size: 266,672 images

Metropolitan Museum of Art




Collection size: 488,879 images

Museums Victoria



Collection size: 85,575 images


Rijksmuseum



Collection size: 29,999 images


OTHER COLLECTIONS

Animal Diversity Web




Collection size: 15,554 images

Bēhance




Collection size: 6,475,678 images

Culturally Authentic Pictorial Lexicon




Collection size: 15,142 images

DeviantArt




Collection size: 271,362 images

Flickr




Collection size: 314,071,586 images

Flora-On




Collection size: 55,010 images

Geograph Britain and Ireland




Collection size: 1,244,387 images

McCord Museum




Collection size: 218,720 images

PhyloPic




Collection size: 3,428 images

Rawpixel




Collection size: 63,150 images

Sketchfab




Collection size: 13,788 images

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Collection size: 276,966 images

Thingiverse




Collection size: 29,461 images

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Collection size: 6,284,237 images

World Register of Marine Species



Collection size: 23,716 images



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Rise from the Ashes Event



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People

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Search our archives for music for your video, podcast or school project at dig.ccmixer.org

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Phoenix
We Sense W...
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Syndication

Welcome to ccMixer

Global Music Community



Create with 45,000 musicians around the world — through a community of sharing and open music.

Explore **remixes**, **samples** and **pells**. Join the mixversation in our **forums**.

Creative Commons allows free non-commercial use of our music - just **Attribute**. (CC-BY tracks can even be used commercially with Attribution!)

Support ccMixer and keep us free for musicians, creators and listeners.

Rise From The Ashes



Rise from the Ashes

"A Remix Event for the Australian Fire Recovery Effort"

There are a few days left to participate in this remix event. Join the mixters that send hope and recovery to Australia with music.

[Find out more here](#)

**PELLS
SAMPLES
REMIXES**

Support ccMixer on Patreon



Will you donate \$1 monthly?

Patreon enables folks who ❤️ ccmixer to support us through a monthly pledge. We thank you!

❤️ **Help us reach our goals** AND get some cool rewards!

❤️ **Get Sustainer Status** by pledging \$10+ per month and **your name will be added to this page!**

Explore Past Events



Explore ccmixer's **previous remix events** — where the community created robust libraries of pells, samples and fully produced tracks — around a vibrant theme.

Amplifiers Event, Dig the Soundtrack, Music Connects Secret Mixer, Freedom to Share, Key Of Love, and Somewhere Over the Border are only a few!

OPEN BUSINESS MODEL

Open Business Model

Manage your deliverables with different licenses, allowing to go from total openness to more restricted licenses and commercially exploit your work

[Learn more](#)

RISKS

- Intellectual property infringement
- No warranties
- Copyleft / ShareAlike
- Copyright attribution and notice requirements
- Enforcement
- License management

BENEFITS

- Increased user base
- Longer useful life
- Increased stability
- Security
- Scalability
- Innovation
- Reduce costs
- Adaptability

HOW TO MAKE MONEY WITH OPEN SOFTWARE?

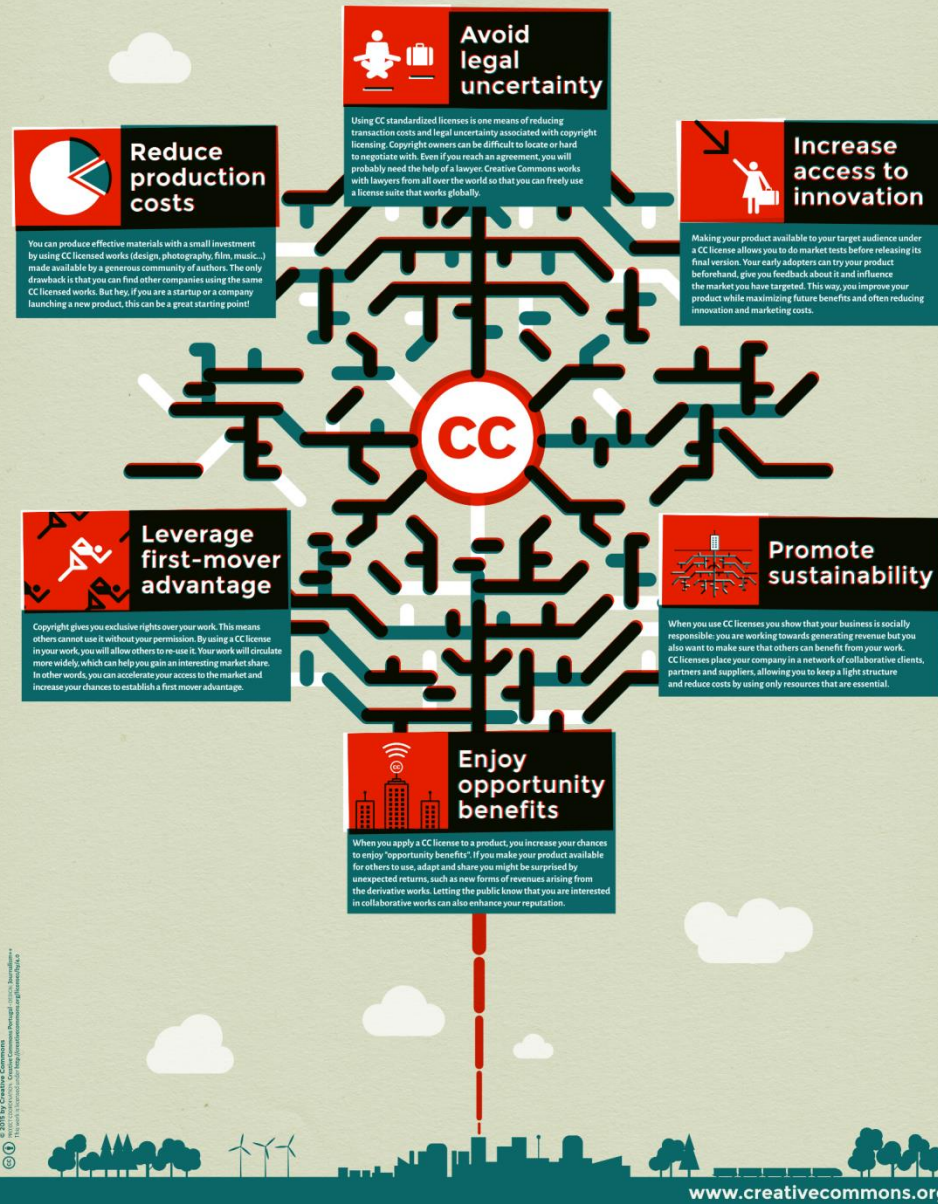
Usually by providing other services, such as:

- Support
- Training
- Customization
- Integration
- Certification
- Offering warranties
- “Freemium”

CREATIVE COMMONS

Toolkit for business

How can my business benefit?



Avoid Legal Uncertainty

Increase access to innovation

Promote sustainability

Enjoy opportunity benefits

Leverage first-mover advantage

Reduce production costs

<https://business-toolkit.creativecommons.org/>



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Summary / Samuel Gonçalves



Open House Porto 2016
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How to make the best
windows?
Jofebar/Panoramah!



Gomos System
Summary / Samuel Gonçalves



CorkCrete_arch
DFL - Digital Fabrication Lab



Walking with CVDB
CVDB Arquitectos



Open House Lisboa
Trienal de Arquitectura de Lisboa



Avoid legal uncertainty

USE THIS IMAGE



Queen Elizabeth I ('The Ditchley portrait')
by Marcus Gheeraerts the Younger
oil on canvas, circa 1592
NPG 2561

© National Portrait Gallery, London

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For all licensing and copyright matters

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☐ Read and agree to the [full agreement terms and conditions](#)



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New Book: Testing Business Ideas

Increase the success of any venture by doing rapid experimentation.

Self-Paced Online Courses

Mastering Business Models & Value Propositions

Increase access to innovation










The Business Model Canvas

Designed for:

Designed by:

Date:

Version:

<h3>Key Partners</h3>  <p>Who are our Key Partners? Who are our key suppliers? Which Key Resources are we acquiring from partners? Which Key Activities do partners perform?</p> <p>MOTIVATIONS FOR PARTNERSHIPS Optimization and economy Reduction of risk and uncertainty Acquisition of particular resources and activities</p>	<h3>Key Activities</h3>  <p>What Key Activities do our Value Propositions require? Our Distribution Channels? Customer Relationships? Revenue streams?</p> <p>CATEGORIES Production Problem Solving Platform/Network</p>	<h3>Value Propositions</h3>  <p>What value do we deliver to the customer? Which one of our customer's problems are we helping to solve? What bundles of products and services are we offering to each Customer Segment? Which customer needs are we satisfying?</p> <p>CHARACTERISTICS Newness Performance Customization "Getting the Job Done" Design Brand/Status Price Cost Reduction Risk Reduction Accessibility Convenience/Usability</p>	<h3>Customer Relationships</h3>  <p>What type of relationship does each of our Customer Segments expect us to establish and maintain with them? Which ones have we established? How are they integrated with the rest of our business model? How costly are they?</p> <p>EXAMPLES Personal assistance Dedicated Personal Assistance Self-Service Automated Services Communities Co-creation</p>	<h3>Customer Segments</h3>  <p>For whom are we creating value? Who are our most important customers?</p> <p>Mass Market Niche Market Segmented Diversified Multi-sided Platform</p>			
	<h3>Key Resources</h3>  <p>What Key Resources do our Value Propositions require? Our Distribution Channels? Customer Relationships? Revenue Streams?</p> <p>TYPES OF RESOURCES Physical Intellectual (brand patents, copyrights, data) Human Financial</p>		<h3>Channels</h3>  <p>Through which Channels do our Customer Segments want to be reached? How are we reaching them now? How are our Channels integrated? Which ones work best? Which ones are most cost-efficient? How are we integrating them with customer routines?</p> <p>CHANNEL PHASES 1. Awareness How do we raise awareness about our company's products and services? 2. Evaluation How do we help customers evaluate our organization's Value Proposition? 3. Purchase How do we allow customers to purchase specific products and services? 4. Delivery How do we deliver a Value Proposition to customers? 5. After sales How do we provide post-purchase customer support?</p>				
<h3>Cost Structure</h3>  <p>What are the most important costs inherent in our business model? Which Key Resources are most expensive? Which Key Activities are most expensive?</p> <p>IS YOUR BUSINESS MODEL Cost Driven (leanest cost structure, low price value proposition, maximum automation, extensive outsourcing) Value Driven (focused on value creation, premium value proposition)</p> <p>SAMPLE CHARACTERISTICS Fixed Costs (salaries, rents, utilities) Variable costs Economies of scale Economies of scope</p>			<h3>Revenue Streams</h3>  <p>For what value are our customers really willing to pay? For what do they currently pay? How are they currently paying? How would they prefer to pay? How much does each Revenue Stream contribute to overall revenues?</p> <table><tr><td>TYPES Asset sale Usage fee Subscription Fees Lending/Renting/Leasing Licensing Brokerage fees Advertising</td><td>FIXED PRICING List Price Product feature dependent Customer segment dependent Volume dependent</td><td>DYNAMIC PRICING Negotiation (Bargaining) Yield Management Real-time-Market</td></tr></table>		TYPES Asset sale Usage fee Subscription Fees Lending/Renting/Leasing Licensing Brokerage fees Advertising	FIXED PRICING List Price Product feature dependent Customer segment dependent Volume dependent	DYNAMIC PRICING Negotiation (Bargaining) Yield Management Real-time-Market
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DESIGNED BY: Business Model Foundry AG
The makers of Business Model Generation and Strategyzer

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The game is simple. Each round, one player asks a question from a black card, and everyone else answers with their funniest white card.

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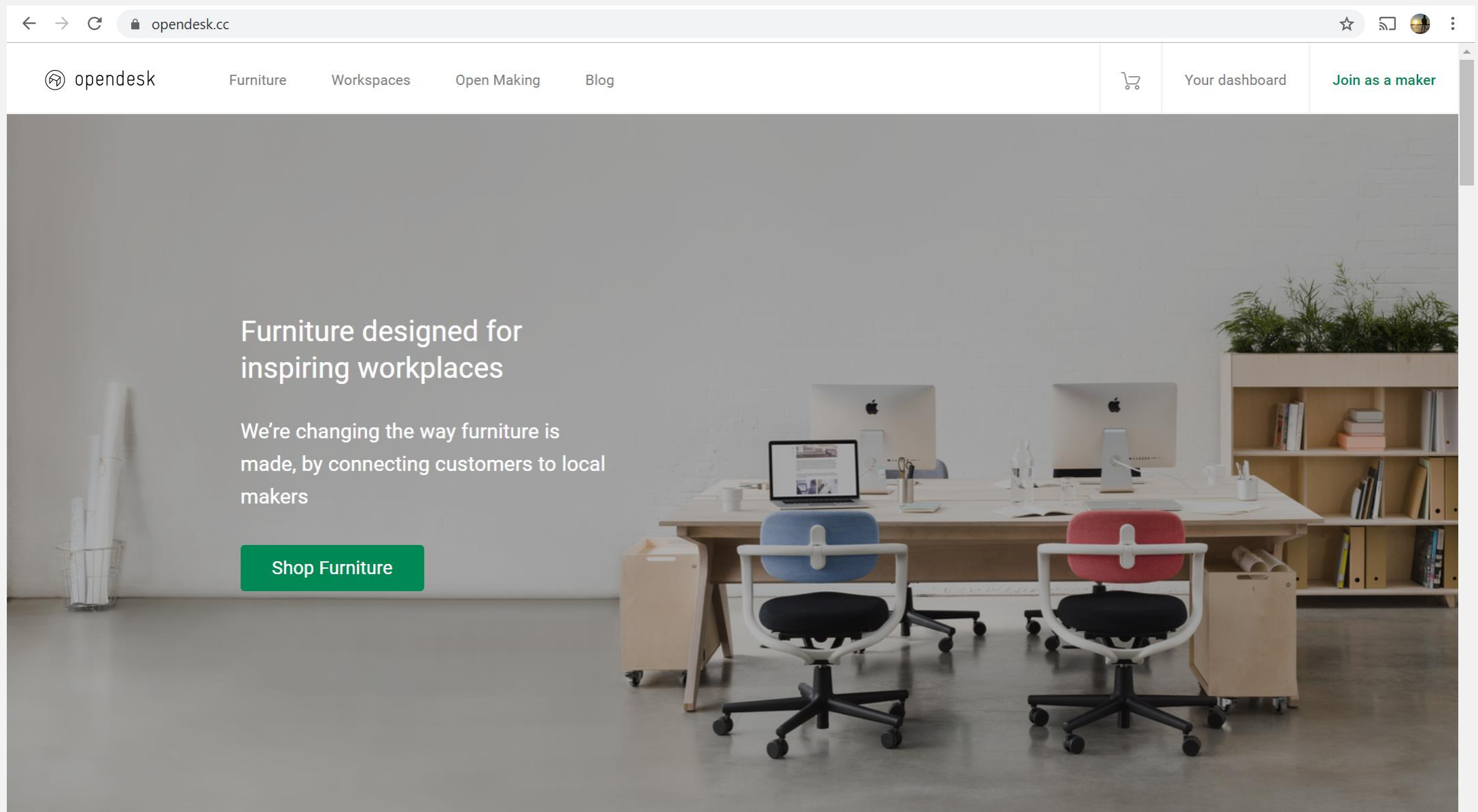
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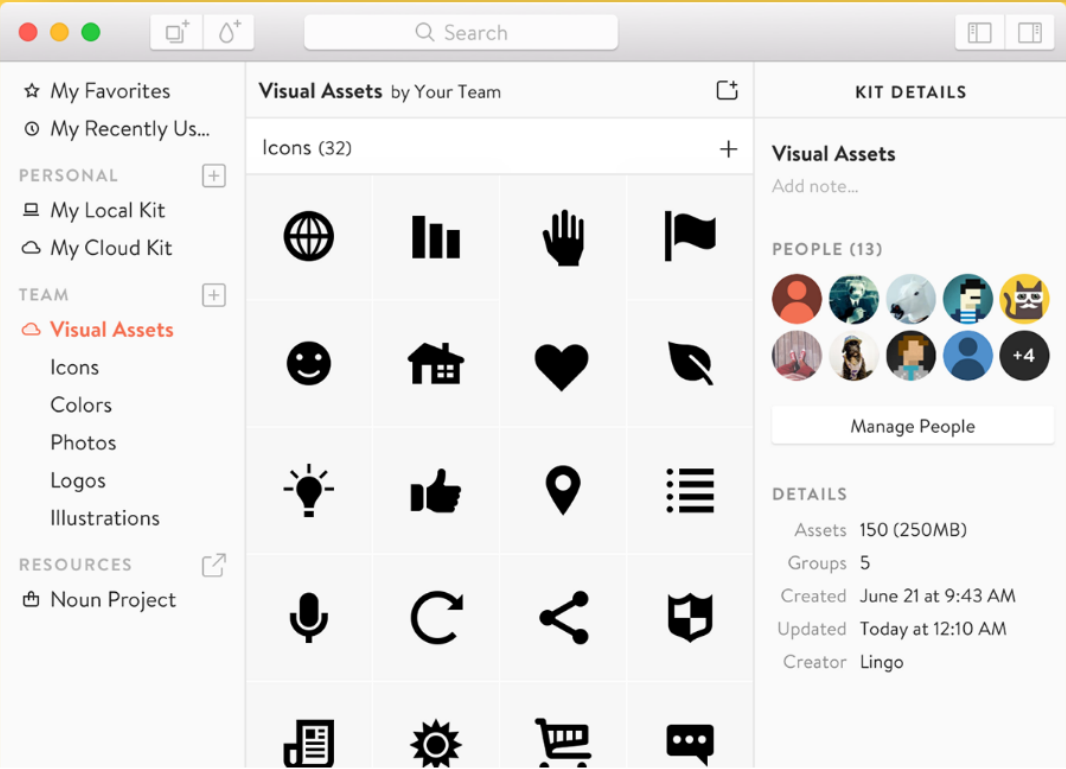
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1.7



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Why? - Problem and Shared Outcome Sought

Key Partners



- The people/ structures that can help you find your key resources (or even provide them!).

Key Activities



- The activities you need to perform in order to deliver your solution.

Value Proposition



- The value proposition your solution offers - what you do and why is it better or unique.

Customer Relationships



- The customer relationship you develop with which one of your segments and/ or for each one of your activities - how you deliver your activities.

Customer Segments



- The groups you believe to be interested in your solution; the people you want to buy and/ or use your solution.

Key Resources



- The resources you need to perform the key activities (starting with the team!).

Channels



- The channels you use to approach your segments.

CC Licensed Work



- CC licensed materials/ content/ products one can find online to use and remix and integrate in your own production/ works, reducing production costs and gaining access to an immense network of creative people.

Common Good



- Highlight the common good (social, environmental, cultural...) intrinsic to your value proposition.

CC Licenses



- Using the licenses for your own production/ works is a way to reach your segments more rapidly and make sure they'll keep sharing, reusing and remixing it, giving you feedback and helping you improve your work.

Cost Structure



- The costs you will have for putting resources together and performing the activities as you planned (partnerships and CC licensed work can help reduce your cost structure).

Revenue Streams



- The revenues you will have for delivering your solution through the channels you selected and the relationships you established with your customers (different segments and the adoption of CC licenses in your own production can help increase your revenue streams).



TEA PARTY



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