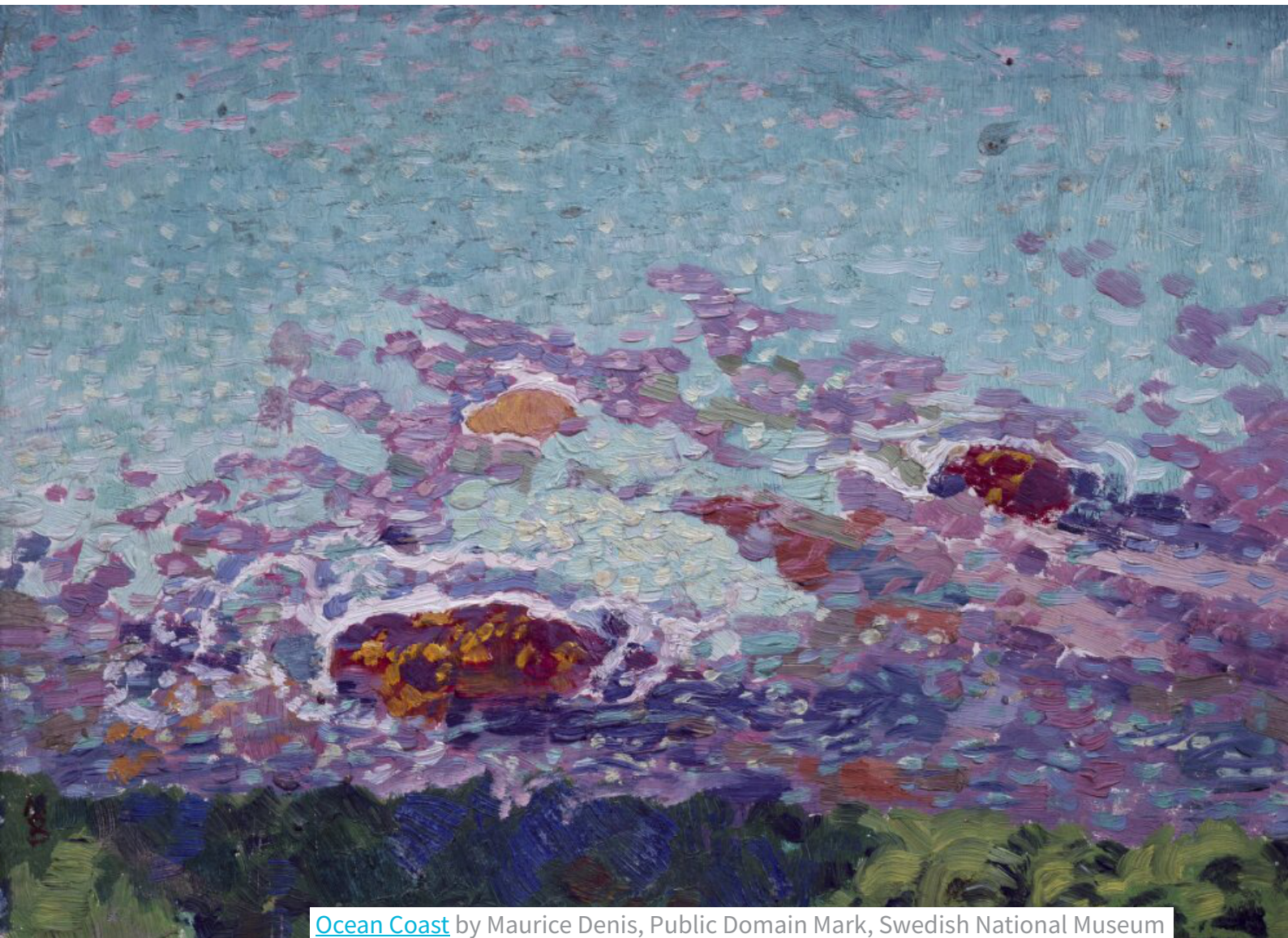


NUDGING USERS TO REFERENCE INSTITUTIONS *WHEN USING PUBLIC DOMAIN MATERIALS*

Creative Commons Guidelines



[Ocean Coast](#) by Maurice Denis, Public Domain Mark, Swedish National Museum

INTRODUCTION

The present guidelines offer design ideas and implementation examples to cultural heritage institutions that wish to encourage users to reference them in connection with uses of digitized public domain cultural heritage materials in their collections. The guidelines are targeted at institutions that share public domain content openly and may be of interest to anyone curious about copyright licensing issues relating to cultural heritage digital objects.

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BACKGROUND

HURRAY FOR OPEN CULTURE!

Cultural heritage institutions play a fundamental role for the communities they serve by caring for and sharing the materials in their collections. The internet and ensuing digital revolution have spurred a wave of institutions opening up their collections online, i.e., widely sharing them digitally for access, use and reuse free of charge and with no or few copyright restrictions. As numerous experts explain in our [Open Culture Voices series](#), openness can lead to countless benefits for local communities and the general public. The Creative Commons (CC) [licenses](#) and [public domain tools](#) are a crucial part of making “open” happen.

NO CC LICENSES TO RELEASE DIGITAL REPRODUCTIONS OF PUBLIC DOMAIN WORKS

A great deal of cultural heritage elements that have been digitized and made available online are in the public domain: they are no longer or never were protected by copyright and may be used by anyone for any purpose without copyright permission. At CC we are adamant: [faithful digital reproductions of public domain works must stay in the public domain](#) — no new copyright or related right should arise over the digitized twin. In that vein, CC licenses cannot be used to release digital reproductions of public domain works, since licenses can only be used in connection with in-copyright content. To share digitized reproductions of public domain materials, we currently recommend the public domain dedication tool (CC0).

“PD BY” — A WIDESPREAD BUT PROBLEMATIC PRACTICE

And yet, a great many institutions use CC licenses (not public domain tools) to release faithful reproductions of public domain material. This is sometimes amusingly referred to as “PD BY.” Why is this such common practice? It turns out that many institutions generally wish to be acknowledged for the role they play preserving, restoring, digitizing, sharing, and overall providing context and meaning for the cultural heritage that they steward. And they use CC licenses (which all require attribution — the “BY” condition) as a means to require users to reference (or “attribute”) them. CC’s public domain tools, by contrast, do not mandate attribution. In fact, our [Needs Assessment Report: Are the Creative Commons Public Domain Tools Fit-for-Purpose in the Cultural Heritage Sector?](#) reveals that the main unmet need with CC public domain tools is for institutions to receive “credit” when material from their collections is reused and shared — about 53% of institutions that responded want a way to ensure users “credit” them.

A note on *better sharing* of public domain materials

We recognize that many collections have found themselves into the stewardship of institutions through complex historical and legal contexts. An object’s copyright status is by no means the only way in which to determine access and use possibilities, let alone determine rightful ownership or guardianship, [as we have stated in relation to open sharing of Indigenous cultural heritage](#).



[Sharing Public Domain Collections CC-BY ?!?!?](#) by Brigitte Vézina is a remix of "[The Scream](#)" by Edvard Munch (1893), Public Domain, National Museum Oslo. Licensed CC BY 4.0

REFERENCING HOST INSTITUTIONS THROUGH CC LICENSES IS ILL-ADVISED

We generally sympathize with institutions wishing to be referred to when public domain digital objects from their collections are used and for users to “[give credit where credit is due](#).” However, we strongly advise against using CC licenses to achieve this in practice for four key reasons:

- it creates uncertainty as to the copyright status of the material;
- it is misleading and creates confusion for users as to the access and use conditions for the material;
- it creates a situation where the licenses are invalid, ineffective, and unenforceable;
- it does not necessarily lead to a mention of the institution, as our [attribution guidelines](#) and the [licenses](#) only require mention of the copyright work’s title, author or creator, license, and source (typically a URL).

WHAT ARE INSTITUTIONS TO DO?

In 2022 a [CC Open Culture Platform](#) working group led by Deborah De Angelis ([CC Italy](#)) and Tomoaki Watanabe ([CC Japan](#)) investigated this issue in detail and developed [proposals for technical, legal, and social interventions](#) to address the problem of “PD BY.”

Now, inspired by the working group’s social intervention, we have developed simple design ideas to show host institutions how they can make it easy and appealing for people using openly licensed or public domain material to reference them. Using the [Behavioural Insights Team’s EAST Model](#) — a simple framework to create behavior change or to encourage certain outcomes through “nudges” — we offer a few ways for institutions to provide a comprehensive “reference statement,” if and where appropriate. These user experience ideas can be used in conjunction with CC licenses and tools. While we do not provide technical guidelines with HTML/CSS code on how to implement the proposed features, we hope this resource will equip institutions with a design blueprint that they can implement in their technological environment.

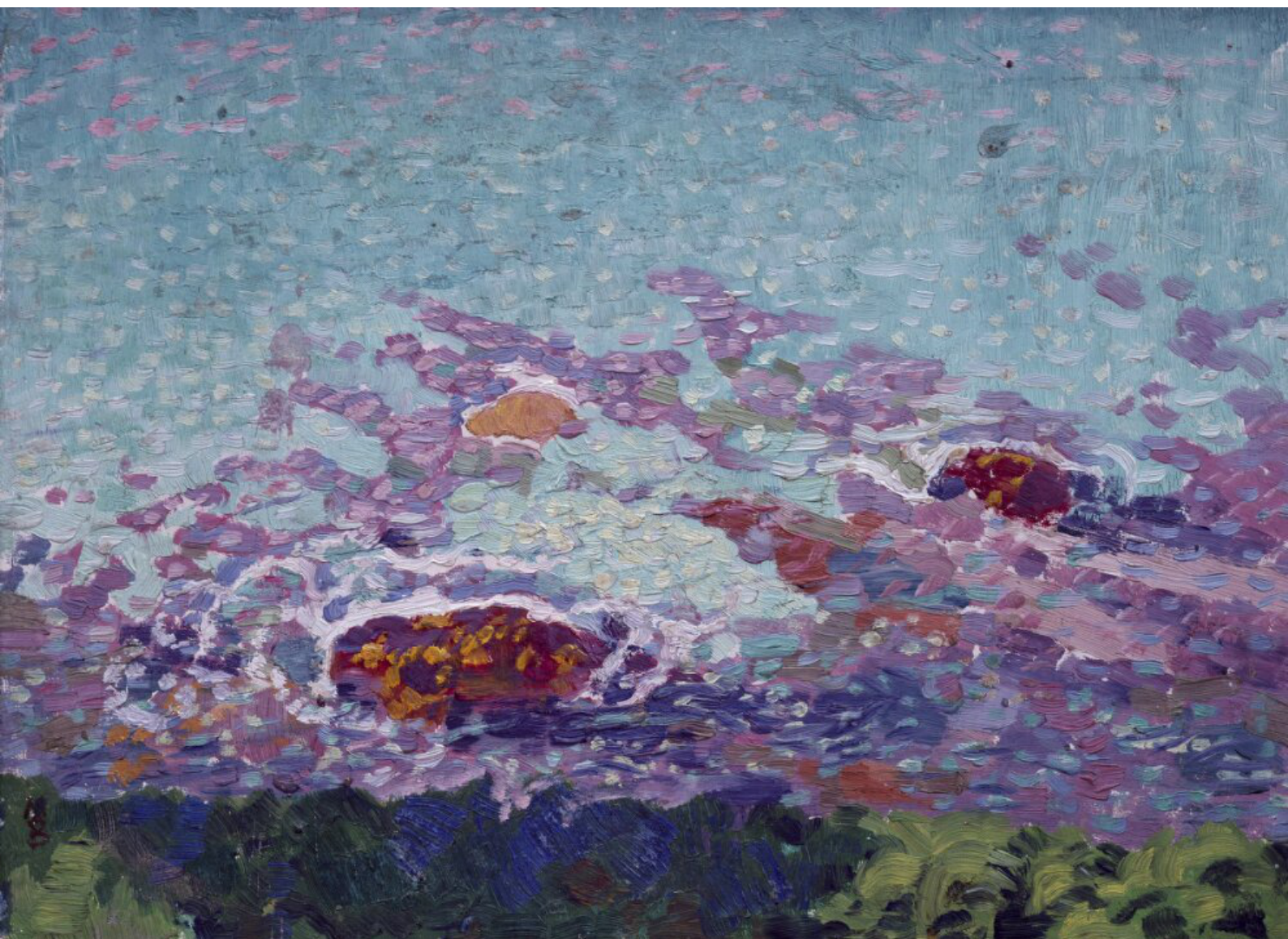
CREATIVE COMMONS GUIDELINES FOR INSTITUTION REFERENCE

WHAT INFORMATION SHOULD BE INCLUDED?

An appropriate statement should include the following information:

- Title
- Author or Creator
- License or Permissions
- Institution
- Source

Here is an example:



Ocean Coast by Maurice Denis, Public Domain Mark, Swedish National Museum

<https://collection.nationalmuseum.se/eMP/eMuseumPlus?service=ExternalInterface&module=collection&objectId=23187>

HOW CAN INSTITUTIONS NUDGE USERS?

Institutions may nudge or encourage their users to refer to them using the Behavioral Insights Team's EAST model:

- Easy — **Make it easy** for people to reference.
- Attractive — Make it something they **want to do**.
- Social — Connect the action to **social value**.
- Timely — Provide information at the **right moment**.

In summary, here are easy and strategic ways institutions may apply the [EAST model](#):

How to make it easy:

- Enable one-click to copy the reference
- Auto-highlight the text of the reference

How to make it attractive:

- Say thank you for using the item
- Make the information obvious to users
- Provide all the information at the same time

How to make it social:

- Share number count of downloads
- Share number of times reference information is copied
- Show an example of an appropriate reference
- Invite users to tag the institution on social media
- Build trust by showing the source

How to make it timely:

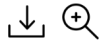
- Trigger a pop-up when the item is downloaded
- Provide the reference with the downloaded file
- Send the reference by email
- Provide user accounts to keep track of users' own downloads

WHAT WOULD A NUDGE LOOK LIKE IN PRACTICE?

In this section we offer four design ideas of what these strategies might look like in practice:

- A “copy” button
- An automatic “pop-up”
- A text file download option
- A user profile keeping a record of downloads

Button to easily copy a reference statement



Title Ocean Coast
Medium Oil paint on Paper
Artist Maurice Denis, 1870-1945
Acquisition Purchased 1967
Inventory Number NM 6137
Category Paintings
License [Public Domain Mark](#)
Link <https://collection.nationalmuseum.se/eMP/eMuseumPlus?service=ExternalInterface&module=collection&objectId=23187>

Reference Copy
 Ocean Coast by Maurice Denis, Public Domain Mark, Swedish National Museum
<https://collection.nationalmuseum.se/eMP/eMuseumPlus?service=ExternalInterface&module=collection&objectId=23187>

Pop-up displays the reference statement

Download a text file with the material

| Name | Size | Kind |
|---------------|------|-------|
| image.jpg | 3mb | Image |
| reference.txt | 3kb | Text |

User profile with a record of downloads

User

- Profile
- Settings
- Downloads**
- Log out

Downloads

Ocean Coast by Maurice Denis, Public Domain Mark, Swedish National Museum

<https://collection.nationalmuseum.se/eMP/eMuseumPlus?service=ExternalInterface&module=collection&objectId=23187>

Copy

...

MAKING IT WORK: ORGANIZING DATA FOR DESIGN

In this section we offer examples of limited frameworks (all operating within JSON-LD) and platforms that provide a suitable structure to include a reference statement.

What is JSON-LD?

[JSON-LD](#) is a lightweight [linked data](#) format. Linked data empowers people that publish and use information on the web. It is a way to create a network of standards-based, machine-readable data across websites. JSON-LD is easy for humans to read and write and is based on the already successful JSON format. It provides a way to help JSON data interoperate at web-scale. JSON-LD is a standard across the platform examples below and is recommended by the major search engines and makes use of the [Internationalized Resource Identifiers \(RDIs\)](#).

DATA FRAMEWORKS

Schema.org “CreativeWork”

[Schema.org](#) is a collaborative, community activity with a mission to create, maintain, and promote schemas for structured data on the internet. The schemas are a set of “types,” each associated with a set of properties, which are arranged in a hierarchy. It is the best option for search engine discoverability.

The “[CreativeWork](#)” type has numerous properties including:

- Name (title)
- Author and Creator
- License and Structure Data License
- Publisher
- URL
- Copyright Notice and Credit

These properties make it possible to structure data of a collection in a standard and machine readable way. The input data can be used to populate another property, e.g., the copyright notice or credit property.

IIIF “requiredStatement”

The [International Image Interoperability Framework \(IIIF\)](#) is a global standard for collections management and is widely used by cultural heritage institutions around the world.

IIIF’s “[requiredStatement](#)” is text that must be displayed when an item is displayed or used. For example, the “requiredStatement” property can present copyright or ownership statements, and reference to the owning and/or publishing institution, or any other text deemed critical to display to users.

IIIF’s “[cookbook](#)” for rights statement offers code guidelines and instructions.

Creative Commons recommends that institutions include in the “requiredStatement” all the information they wish users to reference. This includes the title, creator or author, the name of the providing institution, copyright status, license or public domain tool, and the source.

A note on ccREL

The [Creative Commons Rights Expression Language \(ccREL\)](#) is the Creative Commons standard for machine-readable expression of copyright licensing terms and related information. ccREL is based on the World Wide Web Consortium's Resource Description Framework (RDF). It was proposed in 2008 and support for the standard has diminished significantly since then. ccREL is no longer recommended for search engine discoverability. For search engine discovery, we recommend using Schema.org "CreativeWork".

SHARING PLATFORMS

There are quite a few platforms on which institutions may wish to share digital objects from their collection. Here are two of them, which already implement some of the design ideas presented in these guidelines.

Europeana

[Europeana](#) is an aggregator of European cultural heritage collections. It uses open APIs and other tools to gather information on digital collections and provide the world with access and a directory to Europe's digitized collections.

The platform provides users with a statement when they download an item. The statement is populated with information from the providing institution and is part of the minimum [required metadata](#) for contributing to Europeana — it currently includes a reference to the providing institution. The statement follows the format: [title] by [creator] - [year] - [provider], [country] - [rightStatement].

Wikimedia Commons

[Wikimedia Commons](#) is the Wikimedia movement's collection of media files, including images, sounds and videos. It provides users with a statement when the uploader has added it to the item's metadata. The [attribution notice](#) can be written in or populated using the metadata information and include the item's title, creator, publishing institution, and copyright license or public domain tool. This is best included in the "[Other fields = {{Credit line}}](#)" section.

ADDITIONAL SUPPORT

Are you ready to implement one of these designs? Do you have comments on how to expand or improve these guidelines, especially on the technical aspects? Would you like to help make this resource available in other languages?

- Contact us at info@creativecommons.org
- Join the [Open Culture Platform](#) to engage with peers
- Sign up for our [volunteer translation process](#)

ACKNOWLEDGEMENTS

These guidelines have been prepared by Connor Benedict, Open Culture Coordinator, and Brigitte Vézina, Director of Policy and Open Culture, Creative Commons. It has benefited from useful feedback from members of the [Open Culture Platform](#) working group led by Deborah De Angelis (CC Italy) and Tomoaki Watanabe (CC Japan) as well other Creative Commons community members, and Creative Commons staff, to whom the authors are immensely grateful.

IMAGE CREDITS

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- [Sharing Public Domain Collections CC-BY ?!?!?](#) by Brigitte Vézina is a remix of “[The Scream](#)” by Edvard Munch (1893), Public Domain, National Museum Oslo. Licensed CC BY 4.0
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