

Creative Commons Licences – Points to Note

The information below is intended for general reference only and does not constitute legal advice. If you have any doubt about your legal rights and liabilities, you are advised to seek independent legal advice.

1. What are Creative Commons ("CC") licences?

CC licences are a set of standard terms copyright licences devised by a private organization called Creative Commons (<http://creativecommons.org/>). The localized version of CC licences was introduced in Hong Kong by Creative Commons Hong Kong on 25 October 2008 (<https://hk.creativecommons.org/>). CC licences aim at facilitating copyright owners in licensing the copyright of their works on the basis of certain preset terms and conditions of their choice. Users may also benefit from CC licences by using the copyright works free of charge, as long as they comply with the terms and conditions of the licences. For further details about the types of CC licences available and their terms and conditions, please refer to the official websites of Creative Commons and Creative Commons Hong Kong.

2. Is licensing under CC licences compatible with the copyright regime of the Hong Kong SAR?

Under the copyright law of the Hong Kong SAR, copyright owners may license the copyright of their works in any of the following ways: (i) through standard terms licences, such as CC licences; or (ii) through licences under licensing schemes; or (iii) on terms negotiated on a case by case basis. Hence, licensing the copyright of one's works under CC licences in appropriate cases is compatible with the copyright regime in the Hong Kong SAR.

3. What should I pay special attention to before licensing the copyright of my work under a CC licence?

There are several forms of CC licence containing different licensing terms and conditions. As in other cases of using standard terms licences, you should first go through carefully all relevant terms and conditions to make sure that you understand their effects and satisfy yourself that they suit your circumstances before you adopt any of them. In particular, before seeking to license the copyright of a work (whether under CC or other licensing terms), you should make sure that you own the necessary rights which are the subject matter

of the licence (especially when your work is an adapted or a derivative work) and that the terms and conditions fully reflect your intention in all respects.

You should note that CC licences are not revocable. In other words, even if you stop offering your work under a CC licence, this will not affect the rights with any copies of the work already in circulation under any CC licence previously granted. Where you are in doubt about any terms and conditions of a CC licence and their effects, you are advised to seek and obtain professional legal advice before granting the CC licence.

4. What should I pay special attention to before using a CC licensed work?

As in any other case of using copyright works under licence, you should carefully read and review all terms and conditions of the licence to make sure that you understand them and that they are sufficient for your purposes before using a CC licensed work. In particular, you should note and bear in mind the scope of the licence and make sure that you do not use the work beyond the permitted scope. If your intended use is not covered by the CC licence applied to the work, you should approach the copyright owner concerned to negotiate for a separate licence. In case you have any doubt about whether a particular use to be made of the work could indeed be covered under the CC licence, you should also approach the copyright owner for confirmation.

Should you are in doubt about any terms and conditions of a CC licence and their effects, you are advised to seek and obtain professional legal advice before using the CC licensed work.