

Creative Commons licences

The information below is intended for general reference only. 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/>). Creative Commons Hong Kong will soon be officially launched on 25 October 2008 and a localized version of CC licences will be introduced in Hong Kong (<http://hk.creativecommons.org/>). CC licences are meant to facilitate copyright owners in licensing their work for use by others free of charge and on the basis of certain preset terms and conditions.

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

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

3. What should I pay special attention to before licensing my work under 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 effect and satisfy yourself that they suit your circumstances before you adopt any of them. In particular, before you seek to license 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 licences granted under CC 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 the subject matter of the licence involves valuable intellectual property rights, you are advised to seek and obtain professional legal advice before granting the licence under CC.

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 work could indeed be licensed under CC, you should also approach the copyright owner for confirmation.

Should you anticipate that valuable intellectual property rights will get involved in the course of using the CC licensed work, you are advised to seek and obtain professional legal advice before using the CC licensed work.

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