

Information Sheet on Creative Commons “NC” and “ND” Restrictions

COL Copyright Group (July 2008)

Please see www.col.org/copyright for the latest information on this topic.

The No Derivatives restriction means:

You may download an ND work, copy, communicate and distribute it, provided you do not change it in any way.

You may include the complete ND work in a collective work – i.e. as one item such as one article or picture in a collection of articles or pictures. You may include a complete ND work in a study guide and refer to sections in it.

You may change the computer (electronic) format, in order to copy, communicate and distribute the work. For example, if the work is in MS DOC format, you may change it to ODT or PDF.

If you want to translate the work into another language including Braille, make changes to the work, or copy substantial excerpts from it, you need permission from the rights holder of the work (this is typically the author, institution or publisher who made the work available).

The Non-Commercial restriction means:

NC operation

The NC element in the CC licences means that you may use the work only in the cases described as follows. For all other uses you need permission from the rights holder of the work (this is typically the author, institution or publisher who made the work available). The rights holder may ask for a royalty from your profits or for a compensation for the transaction.

P2P Networks

You may distribute NC licensed works over peer-to-peer networks.

Allowable NC User

You may download an NC licensed work, copy, communicate and distribute it, provided you, are a non profit organization, educational institution or library according to your national law and no money changes hands in relation to the work. If you are a commercial organization, you may still use an NC licensed work in the way defined above provided you are using it in the context of a non-profit project and provided you can show that the project that includes the work was budgeted on a break-even basis.

If you fall under any of the above categories of NC licensed work users, you may use the NC work without obtaining any extra permissions from the rights holder, even if money changes hands, provided you meet the specific conditions described in the following scenarios:

Advertising Issues

1. If you plan to use an NC work for an advertising campaign you need to obtain permission from the rights holder. (e.g. Alice's CC_BY_NC licensed photo of University X cannot be used by University X's for its advertising campaign).
2. If you plan to make access to your educational material conditional upon viewing of an advertisement (e.g. click-through advertising of a publisher) or you include advertisement in your material (e.g. inclusion of a campus bookstore or a publishing house in a podcast of your educational material), you need to obtain permission from the rights holder.

Service Provision

3. You may provide an educational service (e.g. fees paid for a course) when the use of CC material is incidental and qualitatively or quantitatively insignificant to the service (e.g. you charge ONLY for the teaching and NOT for providing the study packs or a minor part of the material is CC_NC licensed) even if there is money changing hands in relation to such service.
4. If there is money changing hands as a condition for accessing the work (e.g. charging for the access to a CC_NC licensed work in the context of a course), it would be good practice to obtain permission from the right holder.

Collective Works

5. If money changes hands as a condition for accessing a work which is made up of other works (e.g. an anthology) and the CC_NC licensed works are a significant qualitative or quantitative part of that collective work, you need permission from the right holder.
6. You may introduce an optional-only contribution in relation to the use of a CC_NC licensed work or a collective work of which a substantial part are NC licensed works.

Derivative Works

7. If you produce a derivative work based on a CC_BY_NC_SA licensed work, you may only use the derivative work in relation to a monetary exchange only under the conditions described in the scenarios 1 to 6.
8. If you produce a derivative work under a CC_BY_NC licence, you may use the derivative work in relation to an exchange of money only if the original work is a qualitatively and quantitatively insubstantial part of it (e.g. inclusion of a single resized and processed NC licensed picture in a 200 pages study pack) or the monetary contribution is optional (e.g. accepting donations for the distribution of a textbook comprising of various excerpts from NC licensed works).

You should note that the definition of terms like “non-profit” or “non-commercial” vary across different countries’ legal systems. Creative Commons is consulting with users and legal systems in an effort to standardise the meaning of “non-commercial” in accordance to the national legal systems where the licences are applied. Potential users of this licence may need to seek clarification, or consult legal advice with a jurisdiction expert prior to using the licence.