
Public licences

The legal basis for public licences is enshrined in § 2373 of the **Civil Code**. In general, a public licence can be described as a licensing agreement between a licensor and an unlimited, indefinite group of people. The contract is then concluded by the user beginning to behave in accordance with the terms of the licence, i.e. without explicitly notifying the licensor about it.

From an open science perspective, public licences are a **tool for opening up content**: they facilitate the removal of legal barriers that would otherwise prevent the granting of open access to an author's work or database. By using a public licence, the author ensures that everyone can use their copyrighted work or database in accordance with the terms of the licence that is attached to the work without having to conclude an individual licensing agreement with the author or at least request the author's consent to use the work.

The most well-known and widely-used public licences are the **standardised [Creative Commons \(CC\)](#)** licences, which are used worldwide due to their versatility. In recent years their application to project outputs is often required by the [Research Funders' Policies](#). However, other standardised public licences, e.g. [Open Data Commons \(ODC\)](#), created with a specific focus on data licensing, are also available.

Creative Commons Licence

Individual CC licences differ in the extent to which the licensed work can be used – the name of the licence, or the pictogram for the chosen licence, indicates specific rules for the treatment of the licensed work and what the licence prohibits. CC licences are thus an ideal tool for allowing the widest possible range of people to dispose of the work under clearly defined conditions.

CC licences are de facto irrevocable – as soon as the author gives their work a CC licence and makes it available on the Internet, under such a licence the work begins to be distributed in the public domain independently of the author.

Licensing elements

CC licences are made up of individual licensing elements and combinations thereof. There are **four licensing elements**:



- **BY** (Attribution) – is present in each of the six variants of CC licences and means that when using the licensed work, attribution must be given, i.e. the following information must be provided:
 - title of work
 - name of author
 - source (where the work was made available)
 - licence (under which the work was made available)
- **SA** (ShareAlike) - means that if a new (derivative) work based on the (original) work licensed under the SA element is created, this derivative work must be licensed using the same licence as the original work.
- **ND** (NoDerivatives) - means that it is forbidden to build upon the licensed (original) work and create new derivative works, i.e. a collage, remix or translation.
- **NC** (NonCommercial) - means that the licensed work cannot be used for commercial purposes.

Individual Creative Commons licences

The above specified licensing elements combine to create **six licence variants** that authors can choose from. What they all have in common is that a **work can be shared** and the **condition of attribution**, imposed by the BY licensing element, must be met at all times. A user should never not state or adopt the authorship of a work. The six licence variants are listed here, from the most liberal to the most restrictive:



- **CC BY: Attribution.** This licence allows a work to be used in all ways (e.g. translation, creating derivative works, alteration, sharing), including use for commercial purposes, but subject to the condition providing attribution (see above).



- **CC BY-SA: Attribution - Share-Alike.** While this licence allows you to use a work in all ways, attribution must be provided at all times (see above) and users must comply with the condition of Share-Alike (SA) licensing element. This means that, if a user creates a derivative work (a completely new work whose author is the user, but which is based on an original work – typically a translation), when sharing it, they must license it using the same licence as the original work, i.e. CC BY-SA (same or later version).



- **CC BY-NC: Attribution – No Derivatives.** This licence prohibits the creation of new derivative works, typically translations. If derivative works are not created, the work can be used in all ways provided that attribution is given (see above).



- **CC BY-NC: Attribution - Non-Commercial.** This licence prohibits the commercial use of a work. A user may therefore use a work in all ways, if such use does not benefit them commercially. In addition, they must, of course, give attribution (see above).



- **CC BY-NC-SA: Attribution - Non-Commercial - Share-Alike.** This licence allows users to use a work in all ways, provided that such use is not commercial. If a user creates a new (derived) work that they wish to license, they must choose the same licence, i.e. CC BY-NC-SA (same or later version). Of course, even here, the user must attribution (see above) every time the work is used.



- **CC BY-NC-ND: Attribution - Non-Commercial - No Derivatives.** Authors who do not wish their work to be built upon or altered in any way (for example, translated), or for their work to be commercially used, should opt for this licence. Again, there is an obligation to give attribution (see above).

Licences containing three licensing elements (CC BY-NC-SA and CC BY-NC-ND) are quite restrictive, as combinations of multiple licensing elements represent more restrictive conditions for users. In particular, we do not consider the ND licensing element to be suitable for making content available in open access mode, especially data, as it limits most of the essential means of reusing them; the ND condition would essentially limit the use of data only to the possibility of verifying that the data within the collection are mutually derived (e.g. a graph is generated from the data). With this in mind, we recommend using more liberal licences, particularly the CC BY and CC BY-SA licences. These two licences

are the only ones considered open licences in the meaning of the [Berlin Declaration on Open Access](#) , as they allow wide use of licensed works (including the creation of derivative works and the commercial use of licensed content).

If you are not sure which licence to choose, use the simple [application to choose the appropriate licence](#) .

Versions and national adaptations of Creative Commons licences

In addition to the specific licence variant, you must also select the licence version. If you choose a licence in version 3.0 and older, you can also choose one of the available national adaptations of the licence.

Licence versions are numbered; these are different versions of licences, numbered in ascending order of year of origin. The oldest version of the licences is version 1.0 from 2002, and the most recent is version 4.0 from 2013.

National adaptations. For licences in version 3.0 and earlier, there is a so-called general or generic licence (designated Generic for versions 1.0, 2.0 and 2.5, and Unported for version 3.0), as well as national (adapted) versions, i.e. versions with content deviations resulting from differences between the legal codes of individual countries. The adapted versions of licences are marked with the abbreviation for the relevant country (e.g. the abbreviation AT in the CC BY 2.0 AT licence means that the licence in version 2.0 is adapted to the Austrian legal code). **For the most recent version 4.0, the adapted versions no longer exist, as it is the only one of the versions that is international.** This means that only translations into different languages are available, while the content of the licensing terms always remains the same, because they have been formulated so as to comply with the laws of all states. For this reason, **we would strongly recommend using the latest international version 4.0.**

A full list of all versions and national adaptations of CC licences (including links to the full text of the licensing terms) can be found [here](#) .

How do I apply a Creative Commons licence to my work?

First of all, you must clarify whether you have the right to license the work, i.e. if there are any restrictions on your copyright (e.g. whether you have concluded a licensing agreement with the publisher that would not allow further licensing under a public licence, whether you have the consent of all co-authors, or whether or not it is an [employee work](#)).

If you are authorised to license the work, then all you have to do is select a specific licence and attach to the work (ideally in the most visible place, e.g. on the opening page of the text or on the opening slide of the presentation) information about and a link to the text of the licensing terms for the selected licence. Such information about the attached licence may look like this: "*This work is licensed under the [Creative Commons Attribution 4.0 International Licence](#) ."* The procedure is not formalised and there is no requirement to register or report anywhere. CC licences are available **free of charge** to anyone who is interested in using them for their works.



Introduction to Open Science

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11. 7. 2024

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In addition to a textual mark, **pictograms**, which are available for [download](#) on the Creative Commons website, can also be used to mark the work with a licence (the attached pictogram should contain a hyperlink to the text of the licensing terms of the selected licence).

However, if the work is to be made available in **printed form**, the full URL address of the licensing terms should be given instead of the hyperlink.

Public domain

The most open way to publish an author's work is to "release" it into the public domain. This means that the author has waived all copyright to the work so that it can be used by anyone for any purpose without any restrictive conditions and even without the need to credit the author. The waiving of copyright (**copyright waiver**) is facilitated by special types of public licences, e.g. [Creative Commons Zero \(CC0\)](#) licence, which is usually not included among the six basic variants of CC licences listed above, or the [Open Data Commons Public Domain Dedication \(ODC-PDDL\)](#) licence. A work in the public domain can be clearly identified by the following pictograms:



However, under Czech copyright law, copyright cannot be waived. This means that a Czech author cannot attach, for example, the CC0 licence to their work. Should the author nevertheless do so, this licence will be interpreted under Czech law as the CC BY licence, which provides users with the widest range of authorisations and therefore most closely approaches the CC0 licence in terms of content. However, the situation is different for [special rights of a database creator](#). Unlike copyright, these **can be waived** and the use of a CC0 or ODC-PDDL licence is therefore permissible.

If the term of [economic rights](#) to the work (seventy years from the death of the author) expires, the author's work also becomes part of the [public domain](#). However, unlike works to which the author has waived copyright, author must always be credited when using these works.

Useful resources

Publications

ALA. 2020. [Creative Commons for Educators and Librarians](#). Chicago: ALA

Websites

Creative Commons: www.creativecommons.org

Creative Commons - Frequently Asked Questions: <https://creativecommons.org/faq/>