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Attribution Remix

Embedded attribution in Creative Commons content

Embedded attribution is necessary in order to place re-mixed work in a historical context, balance creator and public rights, and encourage continued adoption of Creative Commons (CC) licensing. CC licenses are often embedded directly in digital works. If prescribed by the original creator, re-use must contain attribution. However, many examples of re-mixed works (like audio files, videos, or photographs) contain attribution on a credits page or in a caption that is separated from the original digital work. CC could be improved by requiring that, when specified by the original creator, digital re-mix publications require attribution directly in the digital file as metadata. (February 2010)

Introduction

Creative Commons (CC) adds an important dimension to the area of copyright by allowing content creators to set their own terms of use for their works. Traditional US copyright laws grant copyright ownership to a creator at the moment of fixed expression. Although this protects works from unintended use, the laws have a chilling effect on free expression because potential content users are often wary of challenging complex laws (Electronic Frontier Foundation, 2009), and content owners do not always desire

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complete control over re-use of their work (Creative Commons, 2009). CC licensing addresses this issue by allowing content creators and content users to share a clear set of guidelines for re-use of work as outlined by the original creator.

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Why is embedded attribution necessary?

Embedded attribution is necessary in order to place re-mixed work in a historical context, balance creator and public rights, and encourage continued adoption of CC licensing.

Add context to remix culture. “No one writes from nothing,” says Yochai Benkler, a professor at Yale Law School. “We all take

the world as it is and use it, remix it” (Boyton, 2004). Cultural innovators like DJ’s and postmodern artists are part of what Lawrence Lessig terms “remix culture,” often sampling and re-contextualizing both current and historical content to create new insights (Remix culture, 2009). Re-mixing allows creators to innovate, criticize, and re-examine cultural norms. But, unless content participants are steeped in the culture that is sampled, an opportunity for placing the re-used work in a historical and cultural context is lost. Requiring embedded attribution honors the original creator and adds credibility to the re-mixed work in the same way that listing sources adds credibility to academic publications. Attribution can also enhance the reputation of both creator and re-creator, making non-shared works more valuable and adhering to Lessig’s admonition that “freedom [enhances] the social value of the controlled: this is a lesson that will recur.” (Lessig, 2001, p. 48).

Balance creator/public rights. Embedded attribution balances creator and public rights by allowing content to be remixed but placing content in a historical framework and allowing content participants to quickly and easily connect to that history. According to Siva Vaidhyanathan “creativity depends on the use, criticism, supplementation, and consideration of previous works” (2001, p. 1). Embedding attribution allows proper consideration of previous works and honors freedoms for the creator, re-creator, and public. In reference to 1993’s *White v. Samsung Electronics*, Judge Alex Kozinski commented that “Overprotecting intellectual property is as harmful as under-protecting it. Creativity is impossible without a rich public domain.” (Lessig, 2001, p. 204). Embedding attribution balances protection with freedom and encourages creators to contribute to a rich public domain.

Encourage continued CC licensing. Em-

bedded attribution offers users a richer experience and ensures creators accrue the reputation that attribution affords. Making attribution an easy-to-use, expected practice furthers the goals of CC and encourages continued CC licensing.

How can embedded attribution be adopted?

Adoption of embedded attribution is possible by creating a new framework for attribution expectations and deploying a new system for attribution mechanisms.

Create a new framework for attribution expectations. According to Lessig, “the digital world is closer to the world of ideas than to the world of things” (2001, p. 115). Creating attribution links between content sources builds a web of ideas benefiting content participants and subsequent re-mixers. For contemporary content creators, “the challenges for art are now no longer to make different and better content, but to make different and better networks” (Cubit, 2010 p. 578). Embedded attribution transforms re-mixed content into a network of sources that can be further examined.

Deploy a new system for attribution mechanisms. In order for embedded attributions to become widely used, content-generating applications must allow attribution metadata to be placed into content easily and simply. The applications should employ a standard, machine-readable attribution system, with prompts to remind content creators to embed this information at appropriate intervals. Applications should support embedded attributes during content importing and exporting. CC licensing requiring attribution should specify embedded attributes whenever possible.

For example, when publishing works that include a CC attribution requirement, a DJ who wishes to create a audio “mashup” consisting of short snippets of several songs

must embed machine-readable attribution inside each snippet. These attributions would be available to listeners using applications that support metadata. The resulting re-mixed song could potentially allow listeners to immediately jump from the short sample back to the original song, and even offer immediate purchase of the original song.

Remixed content situated in a network of content sources allows a nuanced experience not possible by simply consuming re-mixed content without embedded attributes.

Conclusion

In order to support continued innovation, creators require access to a rich domain of public resources. CC licensing with embedded attributions validates remix culture by contextualizing re-mixed works in a historical and cultural network. Embedded attribution provides users with a richer content experience while balancing creator and public rights. Creating a new framework for attribution expectations and implementing new systems for attribution mechanisms will encourage content creators to embrace CC licensing while retaining the merits afforded by attribution. Content re-mixers will have access to cultural resources but will be charged with the responsibility of crediting their sources. Content participants can enjoy and be challenged by new expressions and will participate in contextualized experiences allowing further exploration and continued expression.

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