

Copyleft Licenses for Repositioning the Frontiers of Open Access Environment: An Evaluation

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Abstract

Management of ever growing information explosion has caused the paradigm shift from Closed Access to Open Access (OA) which in turn is contributing to the extended facets of access policy. The realization of need of OA to information has been robust than ever before. The intention of OA is suppressed with existing copyright policies which have given rise to 'copyleft' that evolved as a part of OA movement. With the emergence of copyleft concept, efforts are being made to finding ways to break traditional copyright lock for the effective and free diffusion of information. The present paper discusses the features and importance of copyleft. The study gives an account of Creative Commons Share-Alike (CC SA) and GNU Free Documentation License (GFDL) that are parallel to copyleft and gives a brief comparison. The study also aims to indicate the shortcomings of these licenses and recommends factors for improvisation. A description of libraries dealing with OA movement is given at the extended part of the paper.

Keywords: Copyleft, Copyright, Creative Commons (CC) License, GFDL (GNU Free Documentation License), Open Access

1. Introduction

In the changing phase of information society, the open access concept is gaining increasing importance as information utility is more generalized than ever before. Open access adds strength and value to knowledge management which is one of most prioritized concerns of information sector. Any research result or information activity or pragmatic motion which is a product of knowledge process, basically propose to reach the every possible intend user. Knowledge activities are more perceived to be intending the public utility unlike financial returns as in the present scenario. A researcher aims to progress and further the knowledge in the respective

field. Commercial publishers placing electronic locked doors which only opens for a subscription key. Digital mode of information creating more disparity than printed information and publishers with technological advancement are systematically managing to create the information gap (Pavlovic, 2010). An open access material, as it reaches wide range of population the author also gets more credit than in proprietary distribution. By giving a new dimension to OA concept, information and communication technology is being advance in keeping pace with information explosion and channelizing the information flow to the manageable streams. The open source software movement witnessed the primary roots of OA concept which also impacted on digital information. This eventually resulted in Open Science (Garcia-Penalvo, 2010). Open Data, Open Content, Open Knowledge, Digital



Rights are new stems of OA concept that have taken the OA movement to the new heights (Fig 1).

Copyright issues have been a great obstacle for open access to information for ages. Though communities are well aware of openness, IPR issues and commercialization of the work are still being constraints in implementing the open access environment (Fry et al 2009). It is fair enough to protect the one's right to protect his/her work from being used, modified and redistributed for commercial or noncommercial purpose at the best interest of author. But, with ever-enhancing information explosion, information sector which is responsible for distribution of information without barriers is shouldered the accountability to deliver information for prolonging the knowledge activities such as education, research and public utility.

copyright owner's rights and acknowledging users' interest go hand in hand.

2. Objectives

- ❖ To overview the importance of OA in the changing dimensions of information utility.
- ❖ To discuss the features of copyleft, CC SA and GNU GFDL.
- ❖ To discuss and compare the attributes of CC SA and GNU GFDL in relation to copyleft.
- ❖ To examine the merits and shortcomings of existing copyleft licenses and recommend the best practices for enhanced information utility.
- ❖ To evaluate the role of libraries in embarking upon OA culture.

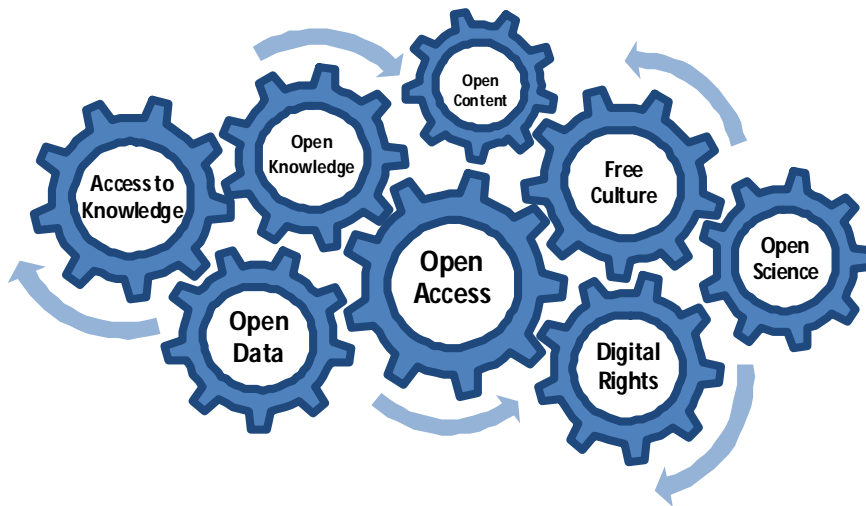


Figure 1: Movements evolved with OA concept

In this phase of transition, the concept of 'Copyleft' endeavors to provide solution, where protection of

3. Copyleft: a new dimension to OA

Richard Stallman coined the word 'copyleft' in 1985 in GNU manifesto. Copyleft is relatively new practice of offering people the right to freely copy and modify work and use it. Copyleft is a form of licensing and can be used to maintain copyright conditions for works ranging from computer software to documents and art. Copyleft can be described as an alternative to "all rights reserved". Though copyleft concept was evolved keeping in mind the copyright issues related to software programs, naturally it deals with any work that can be governed by copyright law. One who wants his/her work to be openly available free of all copyright restrictions usually positions it in public domain which in other words is non-copyrighted. Eventually, the question of hazardous act of using, modifying and redistributing such works on commercial or proprietary basis arises. With this, the intention of the first creator to distribute the content for free use is restrained. Copyleft enables creators to apply copyright terms to their work in such a way that it allows others to use for their intended purpose but the creator still gets credit for his work. Copyleft movement is not about the rights of authors or creators; rather it is about the users' rights to use and consume creative works (Dussollier, 2006).

The Copyleft places restrictions on using a copylefted work for proprietary or commercial purpose. A copylefted work, no matter how many times or to what extent the modifications are done, it always remains free for the further users. In the chain of users, the entitlement of free use and distribution which is given by the first creator is inherited to the last user and there cannot be any proprietary intervention that suppresses the intention of free distribution.

The copyright license protects author's work from getting copied, modified and redistributed. Though 'fair use' permits one to use the work and share for agreed purposes, at times, infringement of law may be a concern for the use of work by common users. In the recent years, the concept of copyleft has taken its shape more vigorously due to the increasing awareness of OA among the people. With the principles of copyleft there exist two licenses namely CC SA and GFDL.

3.1 CC SA (Creative Commons Share-Alike)

CC (Creative Commons), founded by Lawrence Lessig, is a platform that helps people to share knowledge to make it openly accessible for everyone on agreed terms. Flickr, Wikipedia, Youtube, Skill Commons and many more social and knowledge related sites have been platform for sharing CC (Creative Commons) contents (CCP). There have been distinguished levels in CC licenses to fit into wide range of conditions that arise while giving universal access to shared knowledge. Under CC, an author has a privilege to set the level of protection to his/her work which defines the degree of freedom of user. The bottom line of any CC licensed work is that appropriate credit should be given for the original author irrespective of kind of license. 'CC SA' is like copyleft concept where in, it allows a user to use existing knowledge and create new knowledge based on it. A creator, in CC, cannot place restrictions on certain part of the work which he/she wants that to remain invariable. Unlike in copyright, rather than the normal one-to-one use license, a CC SA works as a grant of permission from one-to-all on specified considerations by the creator (Goss, 2007). In copyleft, eventually except the restricted parts, the work falls under OA and does not mean to prohibit others from improving it.

Though CC SA and copyleft are appearing to be same, they branch out to slightly differ in the consecutive stages. A copylefted work automatically works the way a CC SA works. Whereas, a CC SA may differ with variations such as prohibition of commercial use (Wikipedia 1). The CC Share-alike contents are well known in comparing with other types of open licenses. May be due to this reason, contents such as Wikipedia which are share-alike licensed appear to be very often in the results when a query is formulated (Wikipedia 2). The objective of CC is to provide OA to information and CC0 among the CC licenses even facilitates an author to put his/her work under public domain (CCL).

3.2 GFDL (GNU Free Documentation License)

GFDL is a license for open content founded by Free Software Foundation. It was basically designed for a GNU project under copyleft license for free documentation which enables the user to copy, modify and redistribute. GFDL is the counterpart of GNU GPL where the latter deals with license related to software and the former covers textbooks, manual, reference and instructional materials, music and art. In library context, GFDL is applied for any text based material. In GFDL, the modifications are subject to the provision of invariant sections which are determined to be unchanged. Under the same license all copies and derivatives are made available which provides a right to the contributor to commercialize the work. On producing more than 100 copies of derived work, the original document must be made available for the users (GFDL). Though initially it was intended for software, eventually GFDL became major part of websites such as Wikipedia which adopted the license. It makes distribution difficult at times with GFDL as it requires the entire license

copy for the redistribution where only a small portion of the text or just a graphical representation is required (Wikipedia 2). At every distribution of derived work, an entire list of contributors and changes made along the way is to be provided. The basic intention of crediting the author every time when there is a modification is followed in GFDL. Any work uses the GFDL licensed work should unconditionally be GFDL.

4. CC SA Vs. GFDL

Though CC SA and GFDL are developed on the copyleft principles there have been differences in the ways their mechanism functions. CC SA appears to be more popular as many in the present scenario prefer to license their content under CC SA which makes it simple for sharing. The invariant sections of GFDL often found to be a burden for users who want to bring changes through derivative works (Table 1).

Table 1: Comparison of CC Share-alike and GFDL

CC SA	GFDL
·Not bound to distribute the entire text when printing	·Copy of full text of license is required for distribution which may be longer than the document itself in some instances.
· CC SA is human readable and comparatively easier and clearer	·Provides preamble for the terms of the licenses
·Attribution of the author is a basic condition. Does not require the whole license to be provided at every distribution	·Requires front and back covers to be retained and imposes the responsibility to preserve the invariant sections of the work

CC SA is comparatively more well known and has more visibility across the world	·GFDL is more US specific
CC Share-alike requires only an attribution as requested in the source document	·Requires to preserve all the warranty disclaimers

4.1 Downside of Copyleft licenses

- ❖ Though copyleft intends to provide OA to information without any conditions on its use, at execution level, there have been issues as Wiley (2006) points out the 4 Rs i.e. Reuse, Rework, Remix and Redistribute where at each level there are problems associated.
- ❖ The nature of inherited OA of copyleft, in remixing, may become an issue when the chance of copyrighted work found needed to be blended for a derivative work.
- ❖ In GFDL, one who wants to build upon the existing work needs to submit the full copy of license at re-distribution. This causes pile of documents when the modification is very little comparing to the license and where materials such as music and pictures are in question.
- ❖ In the lineage of modifications, the invariant section is not permitted to change even when a researcher realizes the genuine need of modification.
- ❖ GFDL materials are permitted to be used with non-GFDL materials, but one should clearly mention which particular parts of the work are labeled as GFDL. When it comes to materials

such as songs it would be difficult to label the only certain parts of it to be GFDL.

- ❖ Though OA is the central idea of GFDL, violation of any terms may end up in copyright infringement. With this, the basic intention of copyleft is suppressed.
 - ❖ The differences between the licenses of copyleft have been criticized for not being compatible with each other which eventually places impediment to create OA environment.
 - ❖ It is often heard that the license terms of CC and GFDL are not easily understood by users and segments such as ‘invariant sections’ have added more complication to it.
 - ❖ Changes in CC licenses seem to be more often and understanding the terms becomes difficult and legal protection against copyright infringement is opined to be questionable.
 - ❖ CC licenses are not compatible with each other as they are made to serve different purposes. E.g.. A CC-BY can turn into CC-SA but not the other way around.
 - ❖ CC licenses are irrevocable. A licensor, if changes his mind can only stop the distribution under CC but the one who has access to the materials can continue to distribute.
- 5. Recommendations**
- ❖ Policy making at global level for making of OA must take place considering the importance of information utility, social development and public welfare.
 - ❖ Confluence of information professionals, creators, policy makers and users is essential

for addressing possible issues from the stage of creation to utility of any work to be brought into legal frame.

- ❖ To make aware the author community of importance of OA to information and to persuade the authors to adopt copyleft for their works.
- ❖ Setting up of a proper tracking system to monitor each copylefted work to assure of not getting them commercialized and non-acknowledgement of chief contributor.
- ❖ For time being, to provide OA to newly published content, authors can choose to publish under either 'Green OA' where author publishes the article in a commercial publication but makes it available in a self-archival repository for OA or 'Gold OA' where the author directly goes for OA journals alone (Jeffery, 2006).
- ❖ Realization of need of merging all existing copyleft policies under one entity or making them as to be as openly accessible as public domain is a requirement of the day.
- ❖ The ideology of 'knowledge for everyone' should be promoted so as to create a consciousness of the need of 'publicly funded research to be publicly available'.

6. OA Policies and Challenges for Libraries

Libraries are in the juncture to answer the effects of information gap as they encounter with intricacy of providing seamless access to information every day. With ever declining financial resource, no library can be self-sufficient to acquire all the knowledge published along the time. Libraries, through their network, manage to get the digital version of the

information for their users. At times, digitizing a copyrighted document may become illegal. The objective of library professionals to provide information to the users may end up themselves as well as users in facing legal consequences. A researcher cannot expect more than citations and wide visibility to his/her work in most instances. But, commercial publishers have hold on access which limits the access to subscribers alone. Awareness of copyright laws at national and international levels has become a burdening addition to the modern librarianship. Though librarians are not legal experts, librarianship is perceived and induced to be dealing with everything that links to information and knowledge. Libraries are shouldered with liability of constant efforts to protect the human right to information where the large fraction of the published information is only meant for those who can afford it is a reality (Pavlovic, 2010). Libraries are finding their ways within the framework to align with OA movement as follows.

- ❖ Numerous universities, research libraries around the world are demonstrating positive attitude by being voice of and advocating OA policy.
- ❖ Including many libraries of national importance across the globe have initiated their own institutional repositories and are managing to provide OA to the literature contributed by the faculties of the parent organization.
- ❖ Migration of libraries from proprietary library management software to open source library management software is recording significant increase in the last decade (Muruli, 2014; Krist, 2009). Libraries are forming communities to handle all possible situations during implementation and maintenance and are drifting

towards self-sufficiency. Open source software such as Koha, Greenstone, NewGenLib under GNU GPL are making enormous difference in OA arena for libraries (Fox, 2006).

- ❖ Libraries are congregating the sources of OA journals and OA institutional repositories and providing links to such sources through their platform to cater the needs of patrons to some extent. OA oriented institutions such as Project Gutenberg, Biodiversity Heritage Library and Digital Library of India can be huge sources of information for libraries to rely on.
- ❖ Practicing OA culture in libraries, be it a library software or sources of information, and instilling patrons to use and train on open environment will certainly help the information community overcome barriers to information. Libraries can take initiative to influence users who could be potential authors to adopt OA license to their works.
- ❖ Through the well-connected information networks at distinguished levels, libraries may seek updates on any additions to OA repository and resource sharing can intern bring the equilibrium in access.

7. Conclusion

Realization of importance of OA to information is ubiquitous. With copyleft concept, CC SA and GFDL have been platforms for information flow to reach the users in OA environment. Though CC SA and GFDL are making mark by providing framework for the information diffusion, relatively, there are practical issues associated with these policies such as incompatibility in combining works, attribution to the author on derived works, invariant sections

and difficulties in comprehending policy terms. The existing copyleft licenses are found to be less effective with their drawbacks in dealing with OA and redistribution.

The need of seeding the awareness of OA policies among both authors and users is imperative. Constituting an authority for framing policies considering all dimensions of OA concept needs to be done at international level and policies should be uniform in their nature to deal with issues associated with international information exchange. Merging the existing policies to rule out the inconsistencies or bringing out a new policy correcting imperfections of existing policies may serve the need. Participation of creators, library professionals and users in policy making helps to foresee and avoid the obstructions in the implementation level. With the augmentation of realization of information needs, it is expected that the OA policies will be customized to match the user needs in the near future.

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