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The Creative Commons Solution: Protecting Copyright in Short-Form Videos on Social Media Platforms

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ABSTRACT

The rapid development of short-form video social platforms, such as TikTok, has created huge commercial value but also highlights serious copyright infringement problems. Traditional "all rights reserved" protection models may not be adequate in this evolving creative landscape. The paper proposes the use of Creative Commons licenses as a solution to address the imbalance of rights between platforms and users. Creative Commons licenses offer a flexible and convenient range of licensing options and, through ongoing updates and localization, may be better suited to the protection of copyrighted material in the short-form video era. This approach can contribute to the sustainable development of the short-form video industry, while also fostering creativity and protecting the rights of authors and creators.

Keywords: *Short-form video, Copyright infringement, Creative Commons licenses, User-generated content, Intellectual property.*

I. INTRODUCTION

Short-form video social media platforms, such as TikTok, share similarities with previous platforms like Vine and Musical.ly in terms of content style and structure.² These platforms feature short videos that cover a wide range of topics, including lip-syncing, dancing, comedy, technical tutorials, fitness motivation, and more.³ As short videos have become an increasingly popular form of entertainment and communication,⁴ more and more people are creating and sharing them on social media platforms such as Facebook Reels, Instagram Reels, and YouTube

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² Sophia Petrillo, *What Makes TikTok so Addictive?: An Analysis of the Mechanisms Underlying the World's Latest Social Media Craze*, BROWN UNDERGRADUATE JOURNAL OF PUBLIC HEALTH (2021), <https://sites.brown.edu/publichealthjournal/2021/12/13/tiktok/>.

³ *Id.*

⁴ Jimin Zhang, *Analyzes How Short-Form Video Apps Affects Popular Culture and People's Entertainment, Rethinking Communication and Media Studies in the Disruptive Era* EUROPEAN PROCEEDINGS OF SOCIAL AND BEHAVIOURAL SCIENCES (2022), <https://www.europeanproceedings.com/article/10.15405/epsbs.2022.01.02.23> (last visited Mar 22, 2023).

Shorts.⁵ However, the issue of copyright protection in short videos is complex and poses many challenges.⁶ It is common for users to replicate the format of popular videos on these platforms, incorporating well-liked clips or sounds.⁷ Nonetheless, as a significant amount of the content on these platforms is subject to copyright laws, it raises questions about whether these posts are fair to copyright owners. Some argue that these platforms leverage user-generated content and copyrighted material without providing adequate economic compensation to creators and owners of intellectual property.⁸ This situation also makes users hesitant to share their videos due to copyright concerns.⁹

This article aims to address the uncertainty surrounding short video distribution by discussing the current copyright issues faced by such videos. It suggests that short video platforms can mitigate these issues by leveraging the benefits of the Creative Commons licensing system.

II. CURRENT SITUATION AND PROBLEMS OF COPYRIGHT PROTECTION UNDER SHORT VIDEO

(A) Defining Social Media, Short-Form Video, and 'Work' for Copyright Protection

a. Defining Social Media

Social media refers to web-based platforms or applications that enable users to engage with one another and share information instantly with the public.¹⁰ It is any digital technology that allows users to generate and share content in real-time.¹¹ Social media includes a wide variety of websites and apps, ranging from those that focus on sharing links and brief written messages, such as Twitter, to those that facilitate the sharing of photographs and videos, such as Instagram.¹²

⁵ Three Reasons Why Video Content is the Only Way to Reach Younger Consumers, BYUH BDIGITAL (2021), <https://bg.byuh.edu/bdigital/three-reasons-why-video-content-is-the-only-way-to-reach-younger-consumers> (last visited Mar 22, 2023).

⁶ The Relationship Between TikTok and IP Law, *The Relationship Between TikTok and IP Law*, IP & TECHNOLOGY LAW SOCIETY (2021), <https://sites.usc.edu/iptls/2021/01/14/the-relationship-between-tiktok-and-ip-law/>.

⁷ Yuxin Yang, *Understanding Young Adults' TikTok Usage---Real People, Creative Videos that Make Your Day*, Jun., 2020, https://communication.ucsd.edu/_files/undergrad/yang-yuxin-understanding-young-adults-tiktok-usage.pdf.

⁸ Joanne E. Gray, *The geopolitics of 'platforms': the TikTok challenge*, 10 INTERNET POLICY REVIEW (2021), <https://policyreview.info/articles/analysis/geopolitics-platforms-tiktok-challenge> (last visited Mar 21, 2023).

⁹ Kim Komando & Fox News, *You might be breaking the law online and not even know it*, (2021), <https://www.foxnews.com/tech/you-might-be-breaking-law-online-not-even-know-it>; D. B. S. Interactive, *How Not to Get Sued: Six Copyright Myths You Need to Know*, DBS INTERACTIVE (2016), <https://www.dbswebsite.com/blog/how-not-to-get-sued-six-copyright-myths-you-need-to-know/> (last visited Apr 3, 2023).

¹⁰ N. F. I. Team, *What Is Social Media? - Everything You Need To Know*, NFI (2022), <https://www.nfi.edu/what-is-social-media/>.

¹¹ *Id.*

¹² *Id.*

Users create profiles on social media platforms and can produce and share content, such as photos, videos, and text. They can also identify other users whose content they would like to follow or react to and provide content for their profile.¹³ Social media businesses use algorithms to predict the information displayed and the order in which it appears, depending on a person's profile data.¹⁴ Content from following people and companies that pay to advertise their content will be included in the feed.¹⁵

Social media platforms can be categorized into different types, such as social networks, media networks, review networks, discussion networks, audio platforms, video platforms, disappearing content platforms, shoppable social media platforms, live stream platforms, business platforms, closed/private community platforms, and inspirational platforms.¹⁶ Some of the most popular social media platforms across the globe include Facebook, Instagram, TikTok, YouTube and Douyin.¹⁷

b. Defining Short Form Video

Short-form videos are a type of media that emphasizes brevity in length, typically ranging from 15 to 60 seconds and not exceeding 5 minutes.¹⁸ They are often created and shared using mobile devices, and have been defined as videos that take seconds to watch.¹⁹ Although referred to by various names such as "short video" or "instant video clip," the term microcontent or micro-media more accurately encompasses this phenomenon.²⁰ Microcontent refers to information that is published in a concise format, and is constrained by the software and devices used to view digital content.²¹ As a media phenomenon, microcontent has given rise to new forms of media content, practices, experiences, and circulation.²²

Short-form videos are becoming increasingly popular as a valuable tool.²³ Vine, a six-second looping video app, dominated the market in the early to mid-2010s with over 200 million monthly active users.²⁴ However, it was shut down by Twitter, its owner, in 2016.²⁵ Instagram

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Yiting Wang, *Multimodal Analysis: Researching Short-Form Videos and the Theatrical Practices* (2021), <http://hdl.handle.net/10125/76003>.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ Mike Hao Jiang, *Enlightened: Can short-form news videos open minds?*, Jun., 2021, <https://dspace.mit.edu/handle/1721.1/140989> (last visited Apr 11, 2023).

²⁴ *Id.*

²⁵ *Id.*

initially allowed users to share only one-minute videos but later introduced IGTV for longer videos.²⁶ Despite this, its standalone app was downloaded by only 7 million of its 1 billion-plus users in 18 months since its launch in 2018.²⁷ In contrast, TikTok, a short-form video sharing app, had 80 million downloads in the US during the same period and has over 2 billion mobile downloads worldwide as of October 2020.²⁸ Established entertainment and social media companies have responded to TikTok's success by launching their own short-form video apps, such as Instagram Reels and YouTube Shorts, both imitating TikTok's interface.²⁹

c. Defining 'Work' in Short Videos for Copyright Protection

To understand the issue of copyright protection in short videos, it is important to define what constitutes a "work" in this context.³⁰ Copyright in the United States protects original works of authorship that are fixed in a tangible medium of expression.³¹ To be eligible for copyright protection, a work must be independently created and possess a certain level of creativity.³² Examples of works of authorship include literary, musical, pictorial, graphic, and sculptural works, as well as audiovisual works and sound recordings.³³ Additionally, the work must be fixed in a tangible medium, such as writing on paper or a hard drive, recording on tape, or sculpting in marble or ice, with the authorization of the author.³⁴ There is no doubt that online short videos qualify as fixation under copyright law.³⁵

(B) Creating, Uploading, and Sharing Short Form Videos

Short form videos have become increasingly popular on various social media platforms such as TikTok, Instagram Reels, and YouTube Shorts.³⁶ Although the platforms have unique features, the basic steps to create, upload, and share short-form videos are similar.³⁷

To create a short-form video on TikTok, users need to download the app, create an account, and

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ Chenfei Yuan, *Research on Copyright Infringement of Network Short Video and Webcast*, 1 LAW AND ECONOMY 51 (2022).

³¹ What is Copyright? | U.S. Copyright Office, <https://www.copyright.gov/what-is-copyright/> (last visited Mar 21, 2023).

³² *Feist Publications, Inc. v. Rural Telephone Service Co., Inc.*, 499 U.S. 340, 345 (1991)

³³ Raven Lanier, *Research Guides: Copyright Basics: Copyrightability*, <https://guides.lib.umich.edu/copyrightbasics/copyrightability> (last visited Mar 21, 2023).

³⁴ *Id.*

³⁵ Yuan, *supra* note 29.

³⁶ Sara Atske, *Teens, Social Media and Technology 2022*, PEW RESEARCH CENTER: INTERNET, SCIENCE & TECH (2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/> (last visited Apr 25, 2023).

³⁷ Werner Geysler, *The Ultimate Guide to Short-Form Video Content*, INFLUENCER MARKETING HUB (2022), <https://influencermarketinghub.com/short-form-video-content/>.

explore the app's tools to create engaging videos.³⁸ Users can record a video in real-time or upload a video from their camera roll, edit the video by adding filters, effects, and music, and add relevant hashtags and captions to help reach a larger audience.³⁹ Once the video is complete, it can be shared on the TikTok profile or other social media platforms.⁴⁰

Instagram Reels is a feature within the Instagram app that allows users to create short videos with music and visual effects.⁴¹ To use Instagram Reels, users need to open the Instagram app, tap the camera icon, and select the Reels option.⁴² Users can record a 15-second video, add music and effects, and share it with their Instagram followers or the greater Instagram community.⁴³

YouTube Shorts is a feature that allows creators to make short-form videos up to 60 seconds long using just a smartphone and the Shorts camera in the YouTube app.⁴⁴ Users need to download the YouTube app and tap the "Create" button to select the "Create a Short" option.⁴⁵ Users can record up to 60 seconds of footage, add filters, text overlays, and music, edit the video, and share it on the YouTube platform.⁴⁶

In summary, creating short-form videos on various social media platforms is a straightforward process that involves downloading the app, exploring the tools, recording and editing the video, adding relevant hashtags and captions, and sharing it with the audience.

(C) Copyright Policy for Short Video Platforms

TikTok's Intellectual Property Policy states that it respects others' intellectual property rights and prohibits users from sharing or posting content that infringes on someone else's copyrights, trademarks, or other intellectual property rights.⁴⁷ The policy acknowledges that unauthorized use of copyrighted content does not always constitute infringement and that copyright infringement exceptions may exist in various countries.⁴⁸ TikTok outlines the process for

³⁸ Paige Leskin, *The ultimate guide to Tik Tok, the hot app Gen Z is obsessed with and Facebook is terrified of*, BUSINESS INSIDER (2019), <https://www.businessinsider.com/tiktok-how-to-use-short-form-video-app-gen-z-2019-6>.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Lance Whitney, *How to Create Short-Form Videos With Instagram Reels*, PCMAG, <https://www.pcmag.com/how-to/how-to-create-short-form-videos-with-instagram-reels> (last visited Apr 11, 2023).

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Get started creating YouTube Shorts, YOUTUBE HELP, <https://support.google.com/youtube/answer/10059070?hl=en#zippy=%2Chow-do-i-create-shorts>.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Copyright Policy | TikTok, (2021), <https://www.tiktok.com/legal/page/global/copyright-policy/en>.

⁴⁸ *Id.*

copyright holders to submit infringement reports and for users to file counter-notifications if they believe the claim is incorrect.⁴⁹ However, the policy does not provide users with a straightforward way to indicate that they are using a work with the owner's permission under a Creative Commons license. Implementing this feature would benefit TikTok's community and provide clarity to creators and users about the permitted uses of copyrighted works.

Instagram's Copyright Policy explains that copyright protection covers original works of authorship, including visual, audio, and written works, as long as they meet the minimal threshold of creativity.⁵⁰ The policy notes that only the original author of the work can own the copyright and that there are exceptions, such as works created within the scope of employment, which may belong to the employer.⁵¹ The policy emphasizes that copyright owners have the right to prevent others from copying or distributing their work without permission, and that copyright protection is limited in time.⁵² However, if users want to apply a Creative Commons license to their content, they must do so manually, which can be challenging and time-consuming.

YouTube's Copyright Policy requires creators to upload only their own content or material for which they have obtained proper authorization.⁵³ While using YouTube Shorts, creators can make short video clips using others' content but only after receiving explicit consent.⁵⁴ Creators can also license their videos under a Creative Commons license, allowing others to use and reuse their work subject to the terms of the license.⁵⁵ However, YouTube's Copyright Policy lacks clarity regarding fair use and its application to user-generated content. Since September 2021, YouTube users who want to use Creative Commons licenses need to complete an additional step.⁵⁶ If users want to remix videos created by others, they will require consent,⁵⁷ but the conditions of this consent are unclear. Therefore, YouTube should promote the use of Creative Commons licenses more extensively.

(D) Exploring Motivations and Overcoming Copyright Limitations

⁴⁹ *Id.*

⁵⁰ Copyright, INSTAGRAM HELP CENTER, <https://help.instagram.com/126382350847838> (last visited Apr 11, 2023).

⁵¹ *Id.*

⁵² *Id.*

⁵³ YouTube Copyright & Fair Use Policies - How YouTube Works, YOUTUBE COPYRIGHT & FAIR USE POLICIES - HOW YOUTUBE WORKS, <https://www.youtube.com/howyoutubeworks/policies/copyright/> (last visited Apr 11, 2023).

⁵⁴ *Id.*

⁵⁵ Creative Commons - YouTube Help, <https://support.google.com/youtube/answer/2797468?hl=en> (last visited Apr 11, 2023).

⁵⁶ *Id.*

⁵⁷ YouTube Copyright & Fair Use Policies - How YouTube Works, *supra* note 52.

1. Diverse and Low-Budget Creation Techniques using Common Editing Tools

Short video platforms like TikTok have become popular due to their diverse and low-budget creation techniques.⁵⁸ Users employ simple and improvisational methods, while others follow the trend of "Slacktivism" - a popular activism approach that uses simple, short, and low-effort methods to convey messages and encourage participation.⁵⁹ These techniques follow a low-budget and minimal resources format, often using just a phone and natural lighting or a ring light.⁶⁰ Most users on short video platforms use common editing techniques available on the platform, such as blending external content, duet-ing and stitching features, captions, images, and green-screen effects to create their videos.⁶¹ They also follow popular TikTok trends to convey their messages, such as filming styles, trending audio, and hashtags.⁶²

However, existing copyright laws may restrict the use of copyrighted materials for video creation, discouraging users from creating content due to the complex copyright system, which may infringe on the rights of others. Creative Commons licenses offer a solution to these issues by allowing creators to share their works with certain conditions, such as attribution and non-commercial use. This allows greater flexibility in the use of copyrighted materials on short video platforms, encouraging the creation of diverse and low-budget content.

2. Wider Reach for Spreading Messages

Short videos are also used as a means of communication. They are often used to convey important messages or to share information with others.⁶³ Short videos are often used as a form of self-expression.⁶⁴ Creators use them to share their thoughts, feelings, and experiences with others.⁶⁵ One of the main motivations for creating short videos is to gain acceptance and

⁵⁸ Daniel Le Compte & Daniel Klug, "It's Viral!" - A Study of the Behaviors, Practices, and Motivations of TikTok Users and Social Activism, in COMPANION PUBLICATION OF THE 2021 CONFERENCE ON COMPUTER SUPPORTED COOPERATIVE WORK AND SOCIAL COMPUTING 108 (2021), <https://dl.acm.org/doi/10.1145/3462204.3481741> (last visited Apr 24, 2023).

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ Victor Potrel, *Council Post: Five Insights Into The Popularity Of Short-Form Video Content*, FORBES, <https://www.forbes.com/sites/forbescommunicationscouncil/2022/09/06/five-insights-into-the-popularity-of-short-form-video-content/> (last visited Mar 21, 2023).

⁶⁴ STUDENT USES YOUTUBE FOR SELF-EXPRESSION, <https://www.mvnews.org/student-uses-youtube-for-self-expression/> (last visited Mar 22, 2023); Zenaida Gonzalez Kotala, *Student Research Week: The Power of TikTok in Self-expression*, UNIVERSITY OF CENTRAL FLORIDA NEWS | UCF TODAY (2022), <https://www.ucf.edu/news/student-research-week-the-power-of-tiktok-in-self-expression/>; Gene Del Vecchio, *TikTok Is Pure Self-Expression. This Is Your Must-Try Sampler.*, FORBES (2020), <https://www.forbes.com/sites/genedelvechio/2020/06/06/tiktok-is-pure-self-expression-this-is-your-must-try-sampler/>; Alexandra Surprenant, *Fashion on TikTok: Self-expression gone sponsored*, THE DARTMOUTH (2023), <https://www.thedartmouth.com/article/2022/04/fashion-on-tiktok-self-expression-gone-sponsored>.

⁶⁵ Xiang Bi & Cunchen Tang, *Research on the Motives Affecting the Behavior of Short Video's Creators*, 8 IEEE ACCESS 188415, 188421 (2020).

recognition from others.⁶⁶ Many people post videos on social media in the hope of going viral and becoming famous.⁶⁷ Users prefer TikTok over other social media platforms because of its ability to reach a wider audience, particularly for social activists who aim to spread their message beyond their immediate circle of friends and family.⁶⁸ TikTok's algorithm promotes content based on video feeds, rather than on the number of followers or connections a user has, making it easier for users to exchange information and ideas.⁶⁹ This is in contrast to other social media platforms that require audience members to connect or follow a user before they can see their content, limiting the reach of social activists and their messages.⁷⁰ TikTok's algorithm allows for greater visibility and engagement with content, making it more effective for social activists to achieve their goals.⁷¹

However, the existing copyright system may limit the ability of users to create and share content on short-form video platforms. Alternative licensing systems, such as Creative Commons, can provide greater flexibility and freedom for users while protecting the rights of copyright holders.

3. Importance of Connecting with the Audience

Short video platforms like TikTok provide a way for people to connect with others on a global scale.⁷² For influencers, social connection is a significant outcome of posting content.⁷³ They value the opportunity to connect with fellow influencers, followers, and networks, and even consider their followers as a second set of online family and friends.⁷⁴ Influencers appreciate their audience, as they provide them with a sense of belonging, happiness, and companionship.

⁷⁵

However, the existing copyright system may limit the ability of creators to express themselves fully and connect with their audience. Adopting Creative Commons licenses may provide a more flexible and accessible framework for creators to share their content and build meaningful connections with their audience.

⁶⁶ Yang, *supra* note 6 at 4.

⁶⁷ Zhiwen Dong & Tian Xie, *Why People Love Short-Form Videos? The Motivations for Using Tiktok and Implications for Well-Being*, (2022), <https://papers.ssrn.com/abstract=4089602> (last visited Mar 21, 2023).

⁶⁸ Le Compte and Klug, *supra* note 57.

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² Jennie Giardino, *Social Media Influencer Motivation: Exploring What Drives Micro-Celebrities to Produce Content Using Social Exchange Theory*, THESES, 26–28 (2021), <https://scholarworks.rit.edu/theses/10734>.

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

(E) Addressing Copyright Issues on Short-Form Video Platforms

Short-form videos on platforms like TikTok and Instagram have gained immense popularity as a means of expression and entertainment. However, the "all rights reserved" copyright model, which assumes that creators have complete ownership of the content in their videos, has resulted in numerous copyright issues. This model can be especially problematic for short videos that combine original and borrowed content, making it difficult for creators to obtain permission from all copyright holders. This chapter explores how Creative Commons licenses can provide a clear licensing framework for short-form video platforms. This framework can facilitate the sharing of creators' work while also protecting their intellectual property rights. This chapter discusses the pros and cons of this approach and how it can address copyright issues faced by short-form video creators.

1. Why People Infringe on Intellectual Property Rights

The issue of copyright infringement is not new, but with the rise of the internet and digital technologies, it has become more prevalent than ever. The UK Intellectual Property Office's (IPO) Online Copyright Infringement Tracker report (2018) sheds light on the reasons why people infringe on intellectual property rights.⁷⁶ The report surveyed 5,034 internet users aged 12 and older and based in the UK, and found that 27% admitted to consuming at least one item of online content illegally in the past three months.⁷⁷ The most common reasons for committing copyright infringement were: it is free (44%), it is easy/convenient (41%), and it is quick (38%).⁷⁸

The fact that people infringe on intellectual property rights because it is free is not surprising.⁷⁹ People are naturally attracted to free things,⁸⁰ and the internet has made it easier for them to access free content.⁸¹ Moreover, the ease and convenience of accessing online content also contribute to the problem.⁸² The internet has made it easy to find and download content, and

⁷⁶ INTELLECTUAL PROPERTY OFFICE (UK), *Online copyright infringement tracker survey (8th Wave)*, 1 (2018), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/729184/oci-tracker.pdf.

⁷⁷ *Id.* at 61.

⁷⁸ *Id.* at 41–51.

⁷⁹ *Id.*

⁸⁰ Eva M. Krockow, *Why We Love Free Stuff Too Much*, PSYCHOLOGY TODAY (2019), <https://www.psychologytoday.com/us/blog/stretching-theory/201908/why-we-love-free-stuff-too-much> (last visited May 3, 2023).

⁸¹ Sara Atske, *4. The internet will continue to make life better*, PEW RESEARCH CENTER: INTERNET, SCIENCE & TECH (2019), <https://www.pewresearch.org/internet/2019/10/28/4-the-internet-will-continue-to-make-life-better/> (last visited May 3, 2023).

⁸² Sara Atske, *The Internet and the Pandemic*, PEW RESEARCH CENTER: INTERNET, SCIENCE & TECH (2021), <https://www.pewresearch.org/internet/2021/09/01/the-internet-and-the-pandemic/> (last visited May 3, 2023).

people can do it from the comfort of their own homes.⁸³ Additionally, the speed with which people can access and download content is also a contributing factor.⁸⁴ The internet has made it possible to download large files in a matter of minutes, making it easier for people to access and consume content quickly.⁸⁵

The report also looked at the measures that would persuade people to stop pirating content. The most common responses were if legal services were cheaper (22%) and if it was clearer what is legal and what isn't (21%).⁸⁶ This suggests that there is a need for greater clarity around copyright laws and licensing. Short-form video platforms, such as TikTok, currently have an unclear licensing status for videos created by creators. However, this problem can be solved through the use of Creative Commons licenses.

Creative Commons licenses are a set of standardized licenses that allow creators to share their work with others while retaining some of their rights. These licenses make it easier for creators to grant permission for others to use their work, while also ensuring that they are credited for their work. By using Creative Commons licenses, short-form video platforms can provide creators with a clear licensing framework, which would make it easier for them to share their work while also protecting their intellectual property rights.

In conclusion, the reasons why people infringe on intellectual property rights are complex and varied. However, the rise of the internet and digital technologies has made it easier for people to access and consume content illegally. To address this problem, there is a need for greater clarity around copyright laws and licensing. The use of Creative Commons licenses can provide short-form video platforms with a clear licensing framework, which would make it easier for creators to share their work while also protecting their intellectual property rights.

2. Problems of the "All Rights Reserved" Model

Short videos have become a popular form of expression and entertainment in recent years.⁸⁷ With the rise of social media platforms, such as TikTok and Instagram, short videos are being created and shared at an unprecedented rate.⁸⁸ However, this surge in popularity has also led to a number of copyright issues.⁸⁹

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ INTELLECTUAL PROPERTY OFFICE (UK), *supra* note 75 at 41–51.

⁸⁷ Lisa Montenegro, *Council Post: The Rise Of Short-Form Video: TikTok Is Changing The Game*, FORBES, <https://www.forbes.com/sites/forbesagencycouncil/2021/08/27/the-rise-of-short-form-video-tiktok-is-changing-the-game/> (last visited Apr 25, 2023).

⁸⁸ Atske, *supra* note 35.

⁸⁹ TikTok: A Copyright Time Bomb?, IP BYTES (2021), <https://blogs.luc.edu/ipbytes/2021/03/29/tiktok-a->

One of the problems with copyright protection in short videos is the "all rights reserved" model. This model assumes that all rights to the content in a video belong to the creator, unless explicitly stated otherwise.⁹⁰ While this model may work well for longer-form content, it can be problematic for short videos that often contain a mix of original and borrowed content. For example, a short video may include snippets of music, clips from movies or TV shows, and other copyrighted material. The "all rights reserved" model would require the creator to obtain permission from each of the copyright holders before including their content in the video.⁹¹ This can be a time-consuming and costly process, especially for creators who are not familiar with copyright law.⁹²

Furthermore, even if the creator does obtain permission from all the copyright holders, they may still be vulnerable to copyright infringement claims. This is because the "all rights reserved" model does not provide any clear guidance on how much of a copyrighted work can be used without permission.⁹³ In the case of short videos, where the use of copyrighted material is often limited to short clips or snippets, it can be difficult to determine whether or not the use is considered fair use.⁹⁴

Another issue with the "all rights reserved" model is that it does not account for the fact that many short videos are collaborative efforts. For example, a group of friends may create a short video together, each contributing their own original content. Under the "all rights reserved" model, each individual would own the copyright to their own content, potentially creating a situation where multiple copyright holders have conflicting rights.⁹⁵

To address these problems, some creators have turned to alternative models of copyright

copyright-time-bomb/ (last visited Mar 21, 2023).

⁹⁰ Contact Servicedesk Library Contact form, *What does "All rights reserved" mean?*, WUR (2019), <https://www.wur.nl/en/article/what-does-all-rights-reserved-mean.htm> (last visited Mar 22, 2023).

⁹¹ WIPO, Korean Intellectual Property Office, & Korea Invention Promotion Association, *Module 05-Copyright and Related Rights*, IP PANORAMA, at 35.

⁹² Copyright and Ownership--Copyright Law, the Internet, and Distance Education, http://web.worldbank.org/archive/website00236B/WEB/COPY_01.HTM (last visited Mar 22, 2023); Copyright Infringement Notice from the ISP: A Guide, ROSENBLUM LAW, <https://rosenblumlaw.com/our-services/criminal-defense/copyrightinfringement/isp-copyright-infringement-notice/> (last visited Mar 22, 2023).

⁹³ Definition of Copyright All Rights Reserved, LEGAL BEAGLE, <https://legalbeagle.com/5011073-definition-copyright-all-rights-reserved.html> (last visited Apr 25, 2023).

⁹⁴ The Surprisingly Confused History of Fair Use: Is It a Limit or a Defense or Both? – Marquette University Law School Faculty Blog, (2011), <https://law.marquette.edu/facultyblog/2022/10/the-surprisingly-confused-history-of-fair-use-is-it-a-limit-or-a-defense-or-both/> (last visited Mar 22, 2023); John Maddox, *Copyright Violation and Personal Liability in Education: A Current Look at "Fair Use,"* 1995 BRIGHAM YOUNG UNIVERSITY EDUCATION AND LAW JOURNAL 97, 99 (1995).

⁹⁵ Tehila Rozencwaig-Feldman, *The Author and the Other: Reexamining the Doctrine of Joint Authorship in Copyright Law*, 32 FORDHAM INTELLECTUAL PROPERTY, MEDIA AND ENTERTAINMENT LAW JOURNAL 172 (2021); Avoiding Joint Pain: Treatment of Joint Works of Authorship Conditions, <https://www.bakerdonelson.com/avoiding-joint-pain-treatment-of-joint-works-of-authorship-conditions> (last visited Mar 22, 2023).

protection, such as the Creative Commons license.⁹⁶ The "all rights reserved" model of copyright protection is not well-suited to the unique challenges posed by short videos. As the popularity of short videos continues to grow, it is important for copyright law to evolve to better accommodate this type of content.⁹⁷ By exploring alternative models of copyright protection, such as Creative Commons licenses, we can better balance the rights of creators with the needs of users and the public.

III. OVERVIEW OF CREATIVE COMMONS LICENSE AGREEMENT

(A) Exploring the Creative Commons License: Origins, Objectives, and Applications

There are two types of licenses: end-user license agreements (EULAs) and public licenses.⁹⁸ EULAs are concerned with how a particular copy of the content is used and usually don't permit end-users to alter the underlying work or distribute copies to new users.⁹⁹ Public licenses, on the other hand, allow anyone to use the work according to the license terms and typically allow licensees to share or distribute the licensed material under specific conditions.¹⁰⁰

Creative Commons License is a type of public license that allows creators to share their works with others while still retaining certain rights.¹⁰¹ This license was created in response to the traditional "all rights reserved" copyright, which limits the ways in which works can be used and shared.¹⁰² Under a Creative Commons License, the creator of a work can choose to allow others to use their work for certain purposes without asking for permission.¹⁰³ These purposes might include non-commercial uses, such as sharing the work with others or incorporating it into new creations.¹⁰⁴ Alternatively, the creator might choose to allow commercial uses of their work,¹⁰⁵ such as using it in a movie or book, but require that the user give credit to the creator.¹⁰⁶

1. Origins

Creative Commons was founded in 2001 by Lawrence Lessig, Hal Abelson, and Eric Eldred with the support of the Center for the Public Domain.¹⁰⁷ The organization was created to address

⁹⁶ Megan Lotts, *Copyright, Fair Use, and the Creative Commons in the 21st century*, ARTICLES 5, 4 (2011).

⁹⁷ Potrel, *supra* note 62.

⁹⁸ Christina Mulligan, *Licenses and the Property/Contract Interface*, 93 INDIANA LAW JOURNAL 1073 (2018) 1073, 1107 (2018).

⁹⁹ Mulligan, *supra* note 97.

¹⁰⁰ *Id.*

¹⁰¹ About The Licenses - Creative Commons, <https://creativecommons.org/licenses/>.

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ About CC Licenses, CREATIVE COMMONS, <https://creativecommons.org/about/cclicenses/> (last visited Mar 21, 2023).

¹⁰⁶ *Id.*

¹⁰⁷ History - Creative Commons, <https://wiki.creativecommons.org/wiki/History> (last visited Mar 21, 2023).

the tension between creators' ability to share digital works globally and copyright regulation.¹⁰⁸ The origins of Creative Commons can be traced back to the passage of the Copyright Term Extension Act (CTEA) in the United States in 1998, which increased the copyright term from death + 50 years to death + 70 years.¹⁰⁹ The traditional approach to copyright law grants exclusive rights to creators, allowing them to control how their works are used, reproduced, and distributed.¹¹⁰ While this system has its benefits, it also poses challenges for those seeking to use and share creative works, especially in the digital age where information is easily and widely distributed.

The origins of the Creative Commons License can be traced back to a series of conversations between legal scholars, artists, and advocates for open access and free culture.¹¹¹ These conversations centered around the need for a new approach to copyright law that would allow for greater creativity, innovation, and collaboration.¹¹² In 2001, Lawrence Lessig, a law professor at Stanford University, published a book titled "The Future of Ideas: The Fate of the Commons in a Connected World," which argued for a more flexible and open approach to copyright law.¹¹³ Lessig and other scholars, including James Boyle and Hal Abelson, went on to form the Creative Commons organization in 2002.¹¹⁴

Since its inception, the Creative Commons License has been widely adopted by creators, publishers, and organizations around the world.¹¹⁵ Today, millions of works are licensed under Creative Commons, including everything from photographs and music to scientific research and educational materials.¹¹⁶

2. Purpose

The Creative Commons licenses were created to provide a balance within the traditional "all rights reserved" setting that copyright law creates.¹¹⁷ They give creators a standardized way to

¹⁰⁸ 1.1 The Story of Creative Commons | Creative Commons Certificate for Educators, Academic Librarians and GLAM, <https://certificates.creativecommons.org/cccertedu/chapter/1-1-the-story-of-creative-commons/> (last visited Mar 21, 2023).

¹⁰⁹ Valerie Magno, *Library Home: OER Background: Creative Commons (CC) - Licensing and OER: Timeline*, <https://library.fvtc.edu/CreativeCommons/Timeline> (last visited Mar 21, 2023).

¹¹⁰ 17 U.S. Code § 106.

¹¹¹ Esther Hoorn, *Contributing to Conversational Copyright: Creative Commons Licences and Cultural Heritage Institutions*, in *OPEN CONTENT LICENSING 203, 205* (Lucie Guibault & Christina Angelopoulos eds., 2011), <https://www.jstor.org/stable/j.ctt46mtjh.10>.

¹¹² *Id.*

¹¹³ Marc Garcelon, *An information commons? Creative Commons and public access to cultural creations*, 11 *NEW MEDIA & SOCIETY* 1307, 1316 (2009).

¹¹⁴ History - Creative Commons, *supra* note 106.

¹¹⁵ 1.1 The Story of Creative Commons | Creative Commons Certificate for Educators, Academic Librarians and GLAM, *supra* note 107.

¹¹⁶ *Id.*

¹¹⁷ About The Licenses - Creative Commons, *supra* note 100.

grant copyright permissions to their creative work, allowing everyone from individual creators to large companies and institutions to share, collaborate, and remix their work without the need to ask for permission in each instance.¹¹⁸

The licenses are built on core values of sharing, openness, collaboration, knowledge, and creativity.¹¹⁹ They enable creators to give implicit permission for the public to use, share, and remix their work under certain circumstances without needing to contact the author or negotiate terms of use.¹²⁰ One of the main goals of Creative Commons licenses is to promote open access to knowledge and creativity.¹²¹ By allowing creators to share their works with others, Creative Commons licenses can help to democratize access to information,¹²² especially in academic settings where access to research can be costly and limited.¹²³ Another benefit of Creative Commons licenses is that they can help to foster collaboration and innovation.¹²⁴ By allowing others to build on their work, creators can encourage the development of new ideas and the creation of new works that may not have been possible otherwise.

In summary, Creative Commons licenses serve an important purpose in allowing creators to share their works with others while still retaining certain rights to their work. By promoting open access and encouraging collaboration, Creative Commons licenses can help to advance the development of knowledge and creativity in a wide range of fields.

3. Practice

The use of Creative Commons licenses has become increasingly popular in various fields, from academic research to online photo sharing.¹²⁵ As short-form video platforms like TikTok continue to grow in popularity, it is important to explore how Creative Commons licenses can be applied to this medium. By examining the successful applications of these licenses in other fields, we can gain valuable insights into how they can be used to promote creativity and

¹¹⁸ About CC Licenses, *supra* note 104; About The Licenses - Creative Commons, *supra* note 100.

¹¹⁹ Andrea Bearman, *The Purpose of the Creative Commons Licenses*, <https://pressbooks.palni.org/anoerworkshop/chapter/the-purpose-of-the-creative-commons-licenses/> (last visited Mar 21, 2023).

¹²⁰ How and why use Creative Commons licensed work | Opensource.com, <https://opensource.com/article/20/1/what-creative-commons> (last visited Mar 21, 2023).

¹²¹ What We Do, CREATIVE COMMONS, <https://creativecommons.org/about/> (last visited Mar 22, 2023).

¹²² US, partner countries launch declaration for the internet, CREATIVE COMMONS (2022), <https://creativecommons.org/2022/04/28/declaration-for-the-internet/> (last visited Mar 22, 2023).

¹²³ Open Access, CREATIVE COMMONS, <https://creativecommons.org/about/program-areas/open-access/> (last visited Mar 22, 2023).

¹²⁴ Scott Paul McGinnis, *Some Rights Reserved: A Brief Introduction to the Creative Commons*, TOWNSEND CENTER FOR THE HUMANITIES, <https://townsendcenter.berkeley.edu/blog/some-rights-reserved-brief-introduction-creative-commons>.

¹²⁵ Michael Carroll, *Creative Commons and the New Intermediaries*, WORKING PAPER SERIES (2005), <https://digitalcommons.law.villanova.edu/wps/art34>.

collaboration on these video-sharing platforms.

a. Wikipedia

Creative Commons licenses have become increasingly popular as a means of sharing content online. One well-known example of this practice is Wikipedia, the world's largest collaborative online encyclopedia.¹²⁶

Wikipedia is a free online encyclopedia that anyone can edit. As of March 2023, it contains more than 6.6 million articles in English¹²⁷ and articles in 331 other languages.¹²⁸ All of these articles are available under a Creative Commons license, which allows anyone to reuse and redistribute them with certain conditions.

Wikipedia uses the CC BY-SA (Attribution-ShareAlike) license for its content.¹²⁹ This license allows anyone to share and adapt the content, as long as they give proper attribution to the original source and release any derivative works under the same license.¹³⁰ This means that Wikipedia's content can be freely used by anyone for any purpose, as long as they follow these conditions.¹³¹

Creative Commons licenses have played a crucial role in the success of Wikipedia, enabling the platform to become a valuable source of information accessible to anyone with an internet connection.¹³² The licenses allow for the reuse and distribution of Wikipedia's content, creating a vast repository of knowledge that has proven invaluable to students, researchers, and individuals seeking information on a wide range of topics.¹³³

In addition to facilitating the sharing of information, the use of Creative Commons licenses has helped to ensure the accuracy and quality of Wikipedia's content.¹³⁴ By inviting users to contribute and edit articles, Wikipedia harnesses the collective knowledge of its community to create a comprehensive and reliable encyclopedia.¹³⁵ The use of these licenses also ensures that

¹²⁶ Wikipedia:Largest encyclopedia, WIKIPEDIA (2022), https://en.wikipedia.org/w/index.php?title=Wikipedia:Largest_encyclopedia&oldid=1092087314 (last visited Apr 24, 2023).

¹²⁷ Wikipedia:Size of Wikipedia, WIKIPEDIA (2023), https://en.wikipedia.org/w/index.php?title=Wikipedia:Size_of_Wikipedia&oldid=1142199517 (last visited Mar 19, 2023).

¹²⁸ Wikipedia, WIKIPEDIA (2023), <https://en.wikipedia.org/w/index.php?title=Wikipedia&oldid=1145244243> (last visited Mar 19, 2023).

¹²⁹ Wikipedia:FAQ/Copyright, WIKIPEDIA (2022), <https://en.wikipedia.org/w/index.php?title=Wikipedia:FAQ/Copyright&oldid=1110016711>.

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² On being a creative commoner, CREATIVE COMMONS (2009), <https://creativecommons.org/2009/03/29/on-being-a-creative-commoner/> (last visited Apr 25, 2023).

¹³³ *Id.*; Wikipedia, *supra* note 128.

¹³⁴ On being a creative commoner, *supra* note 131.

¹³⁵ Erik Moeller, *Licensing update rolled out in all Wikimedia wikis*, DIFF (2009), <https://diff.wikimedia.org/2009/06/30/licensing-update-rolled-out-in-all-wikimedia-wikis/> (last visited Apr 25,

any modifications or improvements made to the content are freely available for others to use and build upon.¹³⁶

By providing a legal framework for the sharing and adaptation of content, these licenses have fostered the creation of a diverse and expansive knowledge ecosystem.¹³⁷ As a result, they represent a powerful tool for promoting access to information and innovation in the digital age.¹³⁸ The success of Creative Commons licensing in Wikipedia highlights the potential benefits of open licensing frameworks for content creation and sharing. This model can be applied to short-form video platforms like TikTok, fostering a collaborative and innovative community while respecting creators' rights.

b. Flickr

Flickr is a platform that enables users to upload and share their photos with the world. Users have the option to choose from several Creative Commons licenses when they upload a photo.¹³⁹ These licenses range from the most permissive (CC0), which places the work in the public domain, to more restrictive licenses that require attribution or prohibit commercial use.¹⁴⁰ Once a photo is licensed under a Creative Commons license, others can use it in accordance with the terms of the license.¹⁴¹ For instance, if a photo is licensed under CC BY, others can use it for any purpose, including commercial uses, as long as they provide attribution to the original creator. Flickr offers several Creative Commons licenses, including Attribution, Attribution-ShareAlike, Attribution-NoDerivs, and Attribution-NonCommercial-NoDerivs, each with its own set of conditions that dictate how the photo can be used by others.¹⁴²

To begin with, using Creative Commons licenses on Flickr allows creators to share their works with others in a more flexible manner.¹⁴³ By selecting a Creative Commons license, creators can grant others permission to use their works in different ways, such as for commercial

2023).

¹³⁶ Wikipedia, *supra* note 128.

¹³⁷ On being a creative commoner, *supra* note 131; Wikipedia, *supra* note 128.

¹³⁸ On being a creative commoner, *supra* note 131; Wikipedia + CC BY-SA = Free Culture Win!, CREATIVE COMMONS (2009), <https://creativecommons.org/2009/06/22/wikipedia-cc-by-sa-free-culture-win/> (last visited Apr 25, 2023).

¹³⁹ Flickr photos or video with a Creative Commons Attribution License, <https://www.flickr.com/creativecommons/by-2.0/> (last visited Mar 21, 2023).

¹⁴⁰ Liz D'Angel, *Using Creative Commons and Public Domain to Avoid Copyright Infringement (2 OF 4)*, LIBRARY NEWS (2022), <https://library.jefferson.edu/librarynews/index.php/2022/02/22/using-creative-commons-and-public-domain-to-avoid-copyright-infringement-2-of-4/> (last visited Mar 21, 2023).

¹⁴¹ Creative Commons, FLICKR HELP CENTER (2023), <https://www.flickrhelp.com/hc/en-us/articles/4404070159636-Creative-Commons>.

¹⁴² Flickr: Creative Commons, <https://www.flickr.com/creativecommons/> (last visited Mar 21, 2023).

¹⁴³ Creative Commons, *supra* note 140.

purposes or with modifications.¹⁴⁴ When a user uploads a photo with a Creative Commons license, it can be discovered by others who are searching for photos to use in their own projects.¹⁴⁵ This can lead to increased views, likes, and followers for the creator.

The use of Creative Commons licenses in Flickr demonstrates a viable approach for applying these licenses to short-form video platforms like TikTok. This approach promotes creative collaboration while respecting the rights of content creators, making it a relevant consideration as these platforms continue to expand.

c. Academia: A Focus on Law

Creative Commons licenses present a valuable opportunity for legal educators and researchers to enhance their teaching and research endeavors.¹⁴⁶ By utilizing these licenses, scholars can take advantage of various initiatives, including open educational resources (OER), open access publishing (OAP), open access journals (OAJ), and massive open online courses (MOOCs), which offer numerous benefits.¹⁴⁷ By using existing content, scholars can save time and effort, and multimedia content can be produced to overcome language barriers.¹⁴⁸ Additionally, global publishing and sharing allow legal educators and researchers to reach a broader audience.¹⁴⁹ It is recommended that scholars prioritize OAJ, as this provides free access to current research literature, and publishing in OAJ ensures that research articles are easily accessible to all.¹⁵⁰ Ultimately, Creative Commons licenses offer a range of opportunities for legal education and research, both locally and globally, and should be considered as a valuable tool in achieving these goals.¹⁵¹

The use of Creative Commons licenses is becoming increasingly popular in legal education, with more law journals and casebooks adopting open access policies. These policies allow legal scholars and educators to share knowledge with a wider audience, promote collaboration and innovation, and contribute to the global legal community. For example, Harvard Law School's Journal of Legal Analysis and Duke Law & Technology Review are two law journals that use Creative Commons licenses.¹⁵² The former uses a Creative Commons Attribution-

¹⁴⁴ *Id.*

¹⁴⁵ Flickr photos or video with a Creative Commons Attribution License, *supra* note 138.

¹⁴⁶ Pradeep Misra, *Creative Commons Licenses: Benefits and Implications in Teaching and Research*, 28 195, 206–211 (2022).

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² Journal of Legal Analysis, *General Instructions*, OXFORD ACADEMIC, https://academic.oup.com/jla/pages/General_Instructions; Duke Law & Technology Review, *About DLTR*, DUKE LAW & TECHNOLOGY REVIEW (2011), <https://dltr.law.duke.edu/about/> (last visited Apr 26, 2023).

NonCommercial license, while the latter has adopted the Principles of the Science Commons Open Access Law Program and uses a CC-BY license. Similarly, the Utrecht Law Review in the Netherlands uses a Creative Commons Attribution 3.0 Unported license.¹⁵³

It is worth noting that different Creative Commons license conditions are used in the casebook section. For instance, Brian L. Frye & Elizabeth Schiller's *Professional Responsibility: An Open-Source Casebook* is available under a Creative Commons 0 / No Rights Reserved License.¹⁵⁴ Meanwhile, Stephen Clowney, James Grimmelman, Michael Grynberg, Jeremy Sheff, and Rebecca Tushnet's *Open Source Property: A Free Casebook* uses a Creative Commons Attribution NonCommercial 4.0 International license (CC-BY-NC 4.0),¹⁵⁵ and Gary Myers' *Copyright Law: An Open Source Casebook* uses a Creative Commons Attribution license (CC-BY 4.0).¹⁵⁶ In Taiwan, National Yang Ming Chiao Tung University School of Law's Professor Mark Shope's *An Introduction to the Law of the United States* uses a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International license (CC BY-NC-SA 4.0).¹⁵⁷

The use of Creative Commons licenses in academia, especially in law, has shown the benefits of open access and collaborative knowledge sharing.¹⁵⁸ Introducing these licenses to short-form video platforms like TikTok can extend these benefits and promote accessible and innovative dissemination of legal knowledge. Embracing this opportunity for greater collaboration and creativity is crucial in exploring the full potential of these licenses.

(B) Exploring the Creative Commons Licensing Framework: Elements and Types

1. Four Elements of Creative Commons Licenses

Creative Commons licenses enable creators to grant permission for others to use their work under specific conditions.¹⁵⁹ These licenses consist of four key elements.¹⁶⁰ The first element, Attribution (BY), mandates that the creator be credited when their work is used.¹⁶¹ This

¹⁵³ Utrecht Law Review, *About*, UTRECHT LAW REVIEW, <https://utrechtlawreview.org/about>.

¹⁵⁴ Brian Frye & Elizabeth Schiller, *Professional Responsibility: An Open-Source Casebook*, LAW FACULTY BOOKS AND CHAPTERS (2019), https://uknowledge.uky.edu/lawfac_book/5.

¹⁵⁵ Stephen Clowney et al., *Open Source Property*, OPEN SOURCE PROPERTY, <https://opensourceproperty.org/> (last visited Apr 26, 2023).

¹⁵⁶ Gary Myers, *Copyright Law: An Open Source Casebook*, OPEN EDUCATIONAL RESOURCES (2019), <https://scholarship.law.missouri.edu/oer/3>.

¹⁵⁷ Mark Shope, *An Introduction to the Law of the United States*, (2021), <https://papers.ssrn.com/abstract=3917255> (last visited Apr 26, 2023).

¹⁵⁸ Carroll, *supra* note 124 at 12–14; The Open Education Network, *Law Textbooks*, OPEN TEXTBOOK LIBRARY, <https://open.umn.edu/opentextbooks/subjects/law>.

¹⁵⁹ About The Licenses - Creative Commons, *supra* note 100.

¹⁶⁰ About CC Licenses, *supra* note 104.

¹⁶¹ Melanie Dulong de Rosnay, *Creative Commons Licenses Legal Pitfalls: Incompatibilities and Solutions*, 1, 27–29 (2009).

requirement is more stringent than legal and social norms, and the license includes three provisions related to attribution: "requested attribution," "unwanted attribution," and "non-endorsement."¹⁶²

The second element, Share Alike (SA), obligates derivatives to be licensed under the same terms as the original work.¹⁶³ This provision ensures that modifications are subject to the same level of freedom and can only be combined with the same type of license.¹⁶⁴ The Share Alike language is clear and specifies what terms are compatible.¹⁶⁵

The third element, Non-Commercial (NC), restricts the use of the licensed work to non-commercial situations.¹⁶⁶ While this provision has been criticized, it supports many business models and clarifies the situation of file-sharing and private remixing.¹⁶⁷ The NC option permits these practices while preserving the possibility of remuneration on commercial uses, such as collecting royalties from a public performance.¹⁶⁸

The fourth element, No Derivative (ND), caters to those who do not want their work modified.¹⁶⁹ This option does not prevent aggregation in a collection, changes of format, or modifications allowed by other jurisdictions' exceptions and limitations.¹⁷⁰ However, reserving modifications does not encourage creativity and reappropriation.¹⁷¹ The BY, SA, and NC license elements provide a degree of control on adaptations that can be achieved without using the ND option.¹⁷² The ND clause should not be used solely to ensure the work's integrity and non-endorsement of the adaptation.¹⁷³

2. Understanding the Six Types of Creative Commons Licenses

The four elements of Creative Commons licenses can be combined in various ways to create six different types of licensed content.¹⁷⁴ These licenses allow creators to grant permission for others to use their work subject to certain conditions, including attribution, share-alike, non-

¹⁶² *Id.*

¹⁶³ Creative Commons — Attribution-ShareAlike 4.0 International — CC BY-SA 4.0, <https://creativecommons.org/licenses/by-sa/4.0/> (last visited Apr 26, 2023).

¹⁶⁴ Dulong de Rosnay, *supra* note 160 at 30–31.

¹⁶⁵ *Id.*

¹⁶⁶ Defining Noncommercial report published, CREATIVE COMMONS (2009), <https://creativecommons.org/2009/09/14/defining-noncommercial-report-published/> (last visited Apr 26, 2023).

¹⁶⁷ Dulong de Rosnay, *supra* note 160 at 31–34.

¹⁶⁸ *Id.*

¹⁶⁹ Creative Commons — Attribution-NonCommercial-NoDerivatives 4.0 International — CC BY-NC-ND 4.0, <https://creativecommons.org/licenses/by-nc-nd/4.0/> (last visited Apr 26, 2023).

¹⁷⁰ Dulong de Rosnay, *supra* note 160 at 34–35.

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ *Id.*

¹⁷⁴ About CC Licenses, *supra* note 104.

commercial use, and no derivatives.¹⁷⁵ By selecting the appropriate combination of these elements, creators can tailor their licenses to suit their individual needs and preferences.¹⁷⁶ Here is a brief overview of each type of license and its definitions:

a. BY

The BY license, also known as the Attribution license, allows anyone to share, copy, distribute, and adapt the work, as long as they give credit to the original creator.¹⁷⁷ This means that others can use the work for commercial purposes, remix or modify it, and share it with others, as long as they acknowledge the creator.¹⁷⁸

b. BY-SA

The BY-SA license, or Attribution-ShareAlike license, is similar to the BY license, but it requires that any adaptations or remixes of the original work be shared under the same license.¹⁷⁹ This means that if someone creates a new work based on the original, they must also license their work under the BY-SA license and attribute the original creator.¹⁸⁰

c. BY-ND

The BY-ND license, or Attribution-NoDerivs license, allows others to share and distribute the work, as long as they do not make any changes to it.¹⁸¹ This means that the work must be used in its original form and cannot be remixed or modified in any way.¹⁸² The original creator must be credited for the work.¹⁸³

d. BY-NC

The BY-NC license, or Attribution-NonCommercial license, allows others to share and distribute the work, as long as they do not use it for commercial purposes.¹⁸⁴ This means that the work can be used for personal or educational purposes, but not for profit. The original creator must be credited for the work.¹⁸⁵

e. BY-NC-SA

The BY-NC-SA license, or Attribution-NonCommercial-ShareAlike license, is a combination

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ *Id.*

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

¹⁸² *Id.*

¹⁸³ *Id.*

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

of the BY, NC, and SA licenses.¹⁸⁶ This means that others can share, distribute, and adapt the work, as long as they give credit to the original creator, do not use it for commercial purposes, and share any adaptations under the same license.¹⁸⁷

f. BY-NC-ND

The BY-NC-ND license, or Attribution-NonCommercial-NoDerivs license, is a combination of the BY, NC, and ND licenses.¹⁸⁸ This means that others can share and distribute the work, as long as they do not make any changes to it, do not use it for commercial purposes, and credit the original creator.¹⁸⁹

(C) Creative Commons Licenses: A Legal Overview

1. The Root of Copyright Law and the Shell of Contract

Creative Commons licenses are legal tools that enable original creators to share their works while maintaining their copyright protections.¹⁹⁰ They are retaining personal rights and transferring part of property rights.¹⁹¹ These licenses rely on copyright law, granting users specific permissions in accordance with it.¹⁹² They cannot permit actions that would be contrary to copyright law, and they only apply to works that are eligible for copyright protection.¹⁹³ Creative Commons licenses are essentially a combination of copyright and contract law.¹⁹⁴ While copyright law provides the framework for the licenses, they function as contracts between the creator and the user.¹⁹⁵ As contracts, they must adhere to contract law principles, including mutual assent and consideration.¹⁹⁶

However, there are some differences between Creative Commons licenses and traditional contracts.¹⁹⁷ For instance, Creative Commons licenses are often provided on a take-it-or-leave-it basis, without negotiation of terms. Additionally, these licenses are frequently accompanied by machine-readable code that can facilitate the automation of permission granting and usage tracking.¹⁹⁸

¹⁸⁶ *Id.*

¹⁸⁷ *Id.*

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁹⁰ About The Licenses - Creative Commons, *supra* note 100.

¹⁹¹ Lydia Pallas Loren, *Building a Reliable Semicommons of Creative Works: Enforcement of Creative Commons Licenses and Limited Abandonment of Copyright*, 14 GEO. MASON L. REV. 271, 279 (2006).

¹⁹² *Id.*

¹⁹³ *Id.* at 279–283.

¹⁹⁴ *Id.*

¹⁹⁵ *Id.*

¹⁹⁶ *Id.*

¹⁹⁷ *Id.* at 278, 302, 312–317.

¹⁹⁸ *Id.*

In conclusion, Creative Commons licenses offer creators a means to share their work with the world while retaining some control.¹⁹⁹ A hybrid of copyright and contract law, these licenses rely on copyright law and are subject to contract law principles.²⁰⁰ They are usually provided on a take-it-or-leave-it basis and may also feature machine-readable code to simplify permission granting and usage tracking.²⁰¹

2. Irrevocability

One of the key characteristics of Creative Commons license agreements is their irrevocability.²⁰² Once a work is licensed under a Creative Commons license, the licensor cannot revoke the license or retract the work from circulation.²⁰³ This means that once a user has obtained a license to use a work under a Creative Commons license, they can continue to use the work under the terms of that license, even if the licensor later decides to change or remove the license.²⁰⁴

This irrevocability is a fundamental aspect of Creative Commons licenses, as it provides certainty and predictability for users who rely on the license to use and share works.²⁰⁵ It also ensures that the licensor cannot unilaterally alter the terms of the license, which could lead to confusion or disputes about the permitted uses of the work.²⁰⁶

However, it's worth noting that while the license itself is irrevocable, the licensor can still choose to stop distributing the work altogether.²⁰⁷ For example, they may remove the work from the internet or cease distribution of physical copies.²⁰⁸ In this case, the Creative Commons license would no longer be applicable to the work, as there would be no means of accessing or using the work.²⁰⁹

Despite the potential risks of the irrevocability of Creative Commons licenses, there are many advantages to using them on short-form video platforms like TikTok. Creative Commons licenses allow creators to retain control over their work while still making it available to a wider

¹⁹⁹ Loren, *supra* note 190.

²⁰⁰ *Id.*

²⁰¹ About The Licenses - Creative Commons, *supra* note 100.

²⁰² Considerations for licensors and licensees - Creative Commons, https://wiki.creativecommons.org/wiki/considerations_for_licensors_and_licensees#Irrevocability (last visited Apr 12, 2023).

²⁰³ *Id.*

²⁰⁴ Rick Anderson, *Q: Can You Revoke a Creative Commons License? A: No. Er... Sort Of? Maybe?*, THE SCHOLARLY KITCHEN (2022), <https://scholarlykitchen.sspnet.org/2022/05/11/q-can-you-revoke-a-creative-commons-license-a-no-er-sort-of-maybe/> (last visited Apr 12, 2023).

²⁰⁵ Yi Ding, *Is Creative Commons a Panacea for Managing Digital Humanities Intellectual Property Rights?*, 38 INFORMATION TECHNOLOGY AND LIBRARIES 34, 37–41 (2019).

²⁰⁶ *Id.*

²⁰⁷ *Id.*

²⁰⁸ *Id.*

²⁰⁹ *Id.*

audience. They also provide a flexible framework for licensing works that can be adapted to different types of content and platforms. Furthermore, Creative Commons licenses can help foster a more collaborative and open culture of sharing and innovation in the digital humanities.

3. The Relationship Between Creative Commons and U.S. Copyright Law

Copyright law and Creative Commons licenses serve different purposes but are complementary and not in conflict with each other.²¹⁰ The current U.S. Copyright Protection System, governed by the Copyright Act of 1976 and subsequent amendments, provides creators with exclusive rights to their work.²¹¹ In contrast, Creative Commons licenses offer an alternative means of licensing creative works that allow creators to share their work while still retaining some control over its use.²¹²

Creative Commons licenses do not replace copyright law but offer an alternative licensing platform that seeks to minimize the costs associated with obtaining licenses by offering specific conditions for sharing creative works.²¹³ While license agreements are used to screen users and determine their eligibility to use copyrighted materials, obtaining licenses can be costly, especially for individual creators.²¹⁴ Creative Commons licenses offer a way to promote free use of creative works, while still providing copyright protection.²¹⁵

Fair use doctrine, a legal exception to exclusive rights granted by copyright law, allows for limited reproduction of copyrighted works for certain uses.²¹⁶ In contrast, Creative Commons licenses provide users with extra rights to use copyrighted materials under specific conditions.²¹⁷ Creative Commons licenses are not intended to undermine the copyright system, and authors of works do not need to give up their copyright when using Creative Commons licenses.²¹⁸

One of the benefits of using a Creative Commons license is that it can help to promote creativity and innovation by making it easier for creators to share their work and encouraging collaboration and the development of new ideas.²¹⁹ However, some creators may be concerned

²¹⁰ WARIYA LAMLERT, *Copyright and Creative Commons License: Can Educators Gain Benefits in the Digital Age?*, INTERNATIONAL ASSOCIATION FOR DEVELOPMENT OF THE INFORMATION SOCIETY (2014), <https://eric.ed.gov/?id=ED557296> (last visited Apr 12, 2023).

²¹¹ 17 U.S. Code § 106, *supra* note 109; Copyright Law of the United States | U.S. Copyright Office, <https://www.copyright.gov/title17/> (last visited Apr 12, 2023).

²¹² LAMLERT, *supra* note 209.

²¹³ *Id.*

²¹⁴ *Id.*

²¹⁵ *Id.*

²¹⁶ 17 U.S.C.S. § 107.

²¹⁷ LAMLERT, *supra* note 209.

²¹⁸ *Id.*

²¹⁹ *Id.*

about losing control over their work, or about the potential for their work to be used in ways that they do not approve of.²²⁰ Additionally, the use of Creative Commons licenses can sometimes lead to confusion or uncertainty about how a particular work can be used or shared.²²¹

Overall, both copyright law and Creative Commons licenses serve the same goal of promoting creativity and advancing the public good.²²² While there may be some tension between the two systems, they are complementary, and both provide creators with different ways of protecting their rights and controlling the use of their work.²²³

4. Creative Commons Enforcement

Enforcement of Creative Commons licenses is a relatively new area of law and litigation is virtually nonexistent.²²⁴ While the Creative Commons believes that its licensing scheme should be legally enforceable, it is unsure of the exact enforcement mechanism it should use.²²⁵ However, American courts are beginning to address the implications of the Creative Commons movement on copyright and contract law.²²⁶ The Federal Circuit's decision in *Jacobsen v. Katzer* is the only case to directly address enforcement of Creative Commons licenses.²²⁷ In this case, the court held that the terms of the Artistic License are enforceable copyright conditions.²²⁸ This decision provides a limited avenue for relief for public license holders.²²⁹ If a creator's license terms are violated, regardless of whether the right violated exists in the copyright, he or she may pursue a copyright action.²³⁰ However, the evidentiary burden and cost of pursuing litigation in federal court may prove too high for most individual license holders to pursue.²³¹ If the district court's conclusion is correct that these licenses are nonexclusive and therefore not eligible for copyright protection, this leaves public licensors in a legal quagmire.²³² The creator holds a valid copyright in his or her work, but the copyright statute does not cover the specific requests of the license, making the creator ineligible to receive statutory damages.²³³ While the

²²⁰ *Id.*

²²¹ *Id.*

²²² *Id.*

²²³ *Id.*

²²⁴ Ashley West, *Little Victories: Promoting Artistic Progress Through the Enforcement of Creative Commons Attribution and Share-Alike Licenses*, 36 FLORIDA STATE UNIVERSITY LAW REVIEW 903, 910–911 (2009).

²²⁵ *Id.*

²²⁶ *Id.*

²²⁷ *Jacobsen v. Katzer*, 535 F.3d 1373 (Fed. Cir. 2008).

²²⁸ *Id.*

²²⁹ West, *supra* note 223 at 911–916.

²³⁰ *Id.*

²³¹ *Id.*

²³² *Id.*

²³³ *Id.*

Creative Commons license specifies that any violation of the terms of the license will terminate the violating licensee's use of the work, it is unclear what relief a licensor would seek if the licensee did not cease his use of the work.²³⁴ Nonetheless, the court's decision in *Jacobsen* provides some certainty that public licensing regimes are enforceable as a matter of law, and this is a positive development for creators who want to share their works with the public while retaining some control over how they are used.²³⁵

IV. FEASIBILITY OF CREATIVE COMMONS LICENSE FOR SHORT VIDEOS

As noted in the case of *Jacobsen v. Katzer*, the court explained that “There are substantial benefits, including economic benefits, to the creation and distribution of copyrighted works under public licenses that range far beyond traditional license royalties.”²³⁶ There are substantial benefits to the creation and distribution of copyrighted works under public licenses that go beyond traditional license royalties. By applying Creative Commons licenses to short-form videos, creators can enjoy greater control over their works while also granting others the ability to use and share their content under certain conditions.

Yet, implementing Creative Commons licenses on short-form video platforms presents challenges, such as incentivizing participation in the licensing process. Users can be encouraged to adopt Creative Commons licenses for their videos through financial and non-financial incentives. Additionally, clear and concise information about Creative Commons licenses should be provided to users on short-form video platforms. This ensures creators comprehend the licensing terms and conditions and can make informed decisions about licensing their works. Overall, Creative Commons licenses have potential to benefit creators and users alike, and should be considered as an option to address copyright concerns in this context.

(A) Implementation of Creative Commons Licenses on Short-Form Video Platforms

1. Voluntary or Mandatory Implementation

The decision to implement Creative Commons licenses on short-form video platforms is an important one, as it has implications for both content creators and users. The choice between voluntary and mandatory implementation is a complex issue, which requires careful consideration of the benefits and drawbacks of each approach.

Voluntary implementation of Creative Commons licenses allows content creators to have control over their content and how it is used. This approach recognizes the importance of

²³⁴ *Id.*

²³⁵ *Id.*

²³⁶ *Jacobsen v. Katzer*, 535 F.3d 1373 (Fed. Cir. 2008), *supra* note 226.

intellectual property rights and provides a way for creators to protect their work while still allowing others to use it under certain conditions. By giving creators the option to apply a Creative Commons license to their work, they can choose the specific terms and conditions that apply, including the type of license and the attribution requirements.

On the other hand, mandatory implementation of Creative Commons licenses would require all content on the platform to be licensed under a Creative Commons license. While this approach would increase the amount of content available for use under Creative Commons licenses, it could potentially limit the rights of content creators. Mandatory implementation may also create a burden for content creators who may not wish to license their work under a Creative Commons license, as it could require additional effort on their part to remove the license or opt-out of the system altogether.

Moreover, mandatory implementation could be seen as a restriction on the freedom of content creators, who should have the right to choose how they distribute and share their work. A mandatory approach could also create legal issues, as some content creators may have exclusive contracts with other companies or may have licensed their work to third parties under different terms, which could conflict with a mandatory Creative Commons license.

2. The Benefits of Voluntary Implementation

Voluntary implementation of Creative Commons licenses on short-form video platforms has several benefits. First and foremost, it empowers content creators to make their own choices about how their works can be used and distributed. By giving creators the ability to choose whether or not to apply a Creative Commons license, they are able to maintain control over their works while still allowing others to use them in certain ways. Additionally, voluntary implementation can lead to a greater understanding and appreciation of Creative Commons licenses among content creators and users, which can help to promote the use of these licenses in other contexts.

One of the main benefits of voluntary implementation of Creative Commons licenses is that it promotes flexibility in copyright licensing. Under traditional copyright laws, creators hold exclusive rights to their works and can restrict how they are used by others.²³⁷ However, the use of Creative Commons licenses allows creators to retain some of their rights while granting permission for certain types of uses. This enables creators to make their works more widely available while still maintaining control over how they are used.

²³⁷ 17 U.S. Code § 106, *supra* note 109.

Moreover, voluntary implementation of Creative Commons licenses can foster innovation and collaboration among content creators. By allowing creators to share their works with others under specific conditions, such as requiring attribution or prohibiting commercial use, Creative Commons licenses facilitate the creation of new works that build upon existing ones. This, in turn, can lead to the development of new ideas and the advancement of knowledge in various fields.

Another advantage of voluntary implementation of Creative Commons licenses is that it can benefit content users. When creators apply a Creative Commons license to their works, they provide clear and concise instructions on how others can use and share their content. This reduces confusion and legal uncertainty for users, who can rely on the terms of the license to determine what actions are permissible. Additionally, Creative Commons licenses can make it easier for users to find and access high-quality content, which can be used for educational, research, or creative purposes.

Finally, voluntary implementation of Creative Commons licenses can contribute to a more equitable and inclusive creative ecosystem. By allowing creators to share their works with others under specific conditions, Creative Commons licenses can help to ensure that content is accessible to people who might not otherwise have the resources or permission to use it. This can include individuals in low-income countries, underrepresented communities, or those with disabilities. Moreover, by promoting the use of open licenses, Creative Commons licenses can help to counteract the concentration of power and wealth in the hands of a few dominant players in the creative industries.

3. The Drawbacks of Mandatory Implementation

On the other hand, mandatory implementation of Creative Commons licenses on short-form video platforms has several drawbacks. First, it can be difficult to enforce a mandatory Creative Commons license requirement, especially on platforms with a large number of users. This can lead to a situation where some users are not complying with the license requirement, which can undermine the effectiveness of the license overall. Additionally, mandatory implementation can be seen as overly restrictive by some content creators, which can lead to resentment and pushback against the platform.

Second, mandatory implementation of Creative Commons licenses can limit the ability of content creators to control how their work is used. While Creative Commons licenses do allow creators to specify certain terms and conditions for their work, such as attribution or non-commercial use, they still relinquish some control over how their work is ultimately used. For

example, a creator may not want their work to be used in certain contexts, such as political campaigns or controversial videos, but a mandatory Creative Commons license could potentially allow for such uses without the creator's consent.

Third, mandatory implementation of Creative Commons licenses can also create confusion for users who may not fully understand the nuances of the licenses. While Creative Commons licenses are designed to be user-friendly and easy to understand, there can still be misunderstandings or misinterpretations of the license terms. This can lead to unintentional violations of the license terms and potential legal issues for both the platform and the users.

Fourth, mandatory implementation of Creative Commons licenses can also have negative financial implications for content creators. While Creative Commons licenses do not prevent creators from earning money from their work, they do allow others to use the work without paying for a license or permission. This can limit the potential revenue streams for creators, especially in cases where their work is widely used and popular.

Finally, mandatory implementation of Creative Commons licenses can potentially limit innovation and creativity in content creation. While Creative Commons licenses are designed to encourage sharing and collaboration, mandatory implementation can lead to a situation where creators feel pressured to use certain licenses or to conform to certain expectations in order to participate in the platform. This can limit the diversity of ideas and approaches in content creation, potentially leading to a less vibrant and innovative creative community overall.

(B) Enticement for Individuals to Participate in Creative Commons Licensing

One of the challenges of implementing Creative Commons licenses on short-form video platforms is how to entice individuals to participate in the licensing process. There are several approaches to this issue, including financial incentives and non-financial incentives.

1. Financial Incentives

Creative Commons licensing provides various benefits for creators, including potential financial incentives. By allowing others to use their works under a Creative Commons license, creators can expand their audience and gain exposure, which can lead to increased revenue streams through advertising, sponsorships, and merchandise sales. Some platforms also offer revenue-sharing programs, where creators receive a portion of the platform's advertising revenue generated by their content.

Another financial incentive is crowdfunding, which creators can utilize by offering their works for free but asking for donations from users who enjoy their content. This approach can be

particularly useful for creators who are starting and lack a large audience or established revenue streams.

Moreover, participating in Creative Commons licensing can open up opportunities for creators to monetize their works through licensing and collaborations. By allowing others to use their works under a Creative Commons license, creators can establish themselves as experts in their field and gain recognition for their talents. This recognition can lead to collaborations with other creators, businesses, and organizations, which can result in paid partnerships and commissions.

It is important to note that financial incentives are not the sole motivators for individuals to participate in Creative Commons licensing. Some creators may be driven by a desire to promote their works, share their ideas with a wider audience, or contribute to a larger community. Additionally, Creative Commons licensing can promote open access and advance the public good, which can be essential considerations for creators who prioritize public interest over financial gain.

However, financial incentives remain a significant factor in motivating creators to participate in Creative Commons licensing, particularly those who rely on their creative works as a primary source of income. It is thus crucial to continue exploring ways to support and incentivize creators who participate in Creative Commons licensing, including developing new revenue-sharing models and crowdfunding platforms that can help creators earn a living while sharing their works with the world.

2. Non-financial Incentives

Creative Commons licensing provides not only financial incentives but also several non-financial incentives that can motivate creators to participate in this licensing scheme. Recognition and exposure are among the non-financial incentives that creators can gain by allowing their works to be used under a Creative Commons license. It enables creators to reach a wider audience and gain exposure, which can be especially useful for those who aim to build their portfolio or establish themselves in a particular field.

Another non-financial incentive is the opportunity for collaboration. By offering their works under a Creative Commons license, creators can attract other creators who may be interested in collaborating or using their works in their projects. This can lead to new and exciting opportunities for creators to work on projects that they may not have had access to otherwise.

Moreover, non-financial incentives can align with personal values and goals. For instance, many creators believe in the importance of free and open access to information and works. Utilizing a Creative Commons license can be a way to support those values and contribute to the free

flow of information, which can benefit society as a whole. It can also provide the satisfaction of contributing to a larger community or cause, which can be especially appealing for creators who value social responsibility and making a positive impact.

Furthermore, participating in Creative Commons licensing can provide opportunities to improve one's skills and expertise. Creators can receive feedback and constructive criticism from other creators who use their works, helping them refine their skills and improve the quality of their works. This can ultimately lead to more recognition and exposure in the long run.

Participating in Creative Commons licensing can also have a positive impact on the creator's reputation and credibility within their field. By openly sharing their works and making them accessible to others, creators can demonstrate their expertise and willingness to contribute to the field. This can lead to increased respect and recognition from peers and colleagues, which can be especially valuable for those looking to establish themselves in their field.

It is important to recognize that non-financial incentives can often be just as important, if not more so, than financial incentives for many creators. While financial gain can be a motivating factor for some, many creators are driven by a desire to create and share their works with others. By participating in Creative Commons licensing, creators can fulfill this desire while also benefiting from the many non-financial incentives that come with sharing their works openly and freely.

In conclusion, both financial and non-financial incentives play a significant role in encouraging creators to utilize Creative Commons licensing. The enticements for individuals to participate in Creative Commons licensing on short-form video platforms are diverse and can be highly motivating. As the digital age continues to evolve, the implementation of Creative Commons licenses on short-form video platforms is becoming increasingly essential. Creators should be aware of the potential benefits of utilizing Creative Commons licensing and consider both financial and non-financial incentives when making their decision.

(C) Creative Commons Licensing Best Practices for Short-Form Video Platforms

1. Providing Clear and Concise Information About Creative Commons Licenses

These platforms should encourage the use of Creative Commons licenses and provide clear and concise information to their users about how to use them properly.

To start, it is important for short-form video platforms to educate their users about the different types of Creative Commons licenses available. There are six different types of licenses, each with its own set of conditions for use. These conditions include attribution, non-commercial

use, and the requirement to share any modifications under the same license.

Platforms should also provide guidance on how to properly attribute Creative Commons-licensed content. Attribution is a requirement for all Creative Commons licenses, and platforms should provide clear instructions on how to attribute the creator of the work.

Another important consideration is to ensure that users understand the limitations of Creative Commons licenses. While these licenses grant permissions to use and share work, they do not necessarily grant permissions to use a creator's likeness or to use their work for commercial purposes. It is important for platforms to make sure their users understand these limitations and how to properly use Creative Commons-licensed content.

Platforms should also encourage creators to use Creative Commons licenses by making it easy for them to choose the appropriate license for their work. This could involve adding a Creative Commons license option to their upload process, or providing guidance on how to choose the right license for their specific needs.

In addition to providing information about Creative Commons licenses, platforms should also enforce proper use of the licenses. This could involve monitoring for unauthorized use of Creative Commons-licensed content or providing tools to report misuse of content.

In conclusion, short-form video platforms should provide clear and concise information about Creative Commons licenses to their users. By doing so, platforms can encourage the use of Creative Commons licenses and ensure that users understand how to properly use and attribute Creative Commons-licensed content. This will help to promote a culture of sharing and collaboration among creators on these platforms.

2. Making It Easy for Users to Apply Creative Commons Licenses

One way platforms can do this is by offering a simple and user-friendly interface that guides users through the licensing process. The interface should clearly explain the different types of Creative Commons licenses and the conditions that can be set, such as whether or not the content can be used commercially or modified. By simplifying the language and steps involved in applying a license, users can be encouraged to apply licenses to their content and help protect their rights.

Platforms can also offer a default setting that applies a specific type of Creative Commons license to all user-generated content. This can help ensure that all content on the platform is licensed and can be used by others, while also reducing the burden on users to apply licenses to each piece of content individually.

Another best practice is for platforms to clearly display the Creative Commons license information on each piece of content, including the type of license, the conditions set, and attribution requirements. This can help other users understand how they can use the content and give proper credit to the original creator.

Overall, incorporating best practices for Creative Commons licensing can help promote the sharing and use of creative works on short-form video platforms, while still protecting the rights of the creators. By making it easy for users to apply licenses to their content, platforms can encourage responsible and ethical use of creative works and foster a vibrant community of creators and users.

3. Ensuring Compliance With Creative Commons Licenses

One way that platforms can promote compliance with Creative Commons licenses is by implementing an automated system that checks the license of all user-generated content before it is uploaded to the platform. This system can verify that the license terms are properly specified and can alert users if there are any issues or concerns. For example, if a user attempts to upload content that is licensed for non-commercial use only, but the platform detects that the content is being used for commercial purposes, the user can be alerted to the issue and asked to correct it.

In addition to automated checks, platforms can also provide tools to help users understand how to comply with the license. This can include guidelines for attribution or use limitations, as well as educational resources that explain the meaning and scope of the Creative Commons licenses. These tools can help to ensure that users are aware of their obligations and can create content that is compliant with the license they have chosen.

Platforms can also create a system for reporting license violations and responding to user complaints. This can help to address instances where users have uploaded content that does not comply with the license terms or where other users have misused content in violation of the license. Platforms can provide a clear process for reporting violations, investigate reported violations promptly, and take appropriate action to address any issues that arise.

Finally, it is important for platforms to keep up-to-date with changes and updates to the Creative Commons licenses. Creative Commons periodically updates its licenses to reflect changing legal and technological contexts, and platforms should ensure that they are aware of these changes and incorporate them into their policies and procedures. By staying informed and up-to-date, platforms can ensure that they are providing the best possible support for their users and promoting compliance with the Creative Commons licenses.

In conclusion, by implementing best practices such as automated checks, user tools, reporting systems, and staying informed, platforms can help ensure compliance with Creative Commons licenses for short-form video content. This can ultimately benefit both users and the platform by promoting responsible use of content, reducing the risk of legal issues, and fostering a more collaborative and creative community.

V. CONCLUSION

In conclusion, the use of Creative Commons licenses can provide a solution to the current copyright issues faced by short-form video creators on social media platforms. By allowing for greater flexibility and freedom in the use of copyrighted works, Creative Commons licenses can promote collaboration, knowledge sharing, and innovation. However, to effectively implement this licensing scheme, short-form video platforms must provide clear information about the different types of licenses available, make it easy for users to apply these licenses, and ensure compliance with the licensing terms.

Furthermore, it is recommended that the implementation of Creative Commons licenses on these platforms be voluntary rather than mandatory, with both financial and non-financial incentives provided to encourage participation. By following these guidelines, short-form video platforms can create a more equitable and inclusive creative ecosystem, empowering creators to share their works while retaining control over their use.
