



what is it?

It's a general term, covering a range of licences that can be applied to creative output, from poetry, photography and music to design specifications and software. The main idea is to allow others to do what you'd like them to be able to do with your work – but then, after they've used it, copied it, and/or amended it, the conditions in the licence you chose will still apply. So, for example, it will prevent companies from taking the work of others that has been made freely available, changing it a little, and then 'enclosing' it by charging for it and preventing it from being used freely.

Copyleft is not a negation of copyright – it's actually protected by copyright law (copyright encloses the authorship of artistic output – compared to patents, which enclose the invention of methods and tangible things). It uses copyright law to legally enforce the will of the creator of a piece of work, no matter how many times it's used, passed on and amended. The creator is always credited in future iterations of their work.

Software was not subject to copyright at all until the mid-1970s, after which time, the corporate world started to patent the software they developed. This was labelled the 'Second Enclosure Movement', and was the subject of Michael Heller's famous 1998 essay *The Tragedy of the Anticommons*, which concluded that patent rights can prevent useful and affordable things coming to market. This was in opposition to *The Tragedy of the Commons*, by Garrett Hardin, who claimed that common use of a resource would deplete it (although he wasn't describing a true commons, which is well-governed by its users).

Copyleft also involves the licensing of non-software content, such as images, text etc. A



Richard Stallman, who developed the first copyleft licences – GNU software licences.

range of 'share-alike' licenses has been developed by the Creative Commons – a non-profit organisation founded in 2001.

There's also open source hardware, covering the design, documentation and associated software of physical products. The Open Source Hardware Association describes it as: 'hardware whose design is made publicly available so that anyone can study, modify, distribute, make, and sell the design or hardware based on that design.'

what are the benefits?

For many artists, copyright isn't helpful in maximising the number of people they can reach. Copyleft tools are extremely useful in helping you reach the widest possible audience, whilst keeping the level of control that you want – protecting what you create under your own terms, but allowing others to improve your creation. This helps overall creativity. However, copyleft isn't about abolishing copyright – just providing an alternative type of copyright for those who want it. Copyleft allows a community of people to create a 'bubble', and collectively decide its boundaries, so that they can gather people and energy together to work towards the agreed objective. Copyleft can create the space, collectively or individually, where you can work towards a goal, and make social agreements on the fate of the project.

So with copyleft, you set the boundaries of your own commons. You have the freedom to decide what can happen with the fruit of your work. You can protect it. You might want to make it available in the public domain, or you might want to control the destination of your work in other ways. This notion of control, of freedom, and of the flexibility provided by a range of licences, is very important. Copyleft licences prevent the corporate enclosure (by amending and patenting / copyrighting) of work that the originator wanted to remain open.



Creative Commons licenses have a '3-layer' design: a legal layer to satisfy lawyers; an accessible plain-language layer; and a 'machine-readable' layer that search engines and other tech can understand.



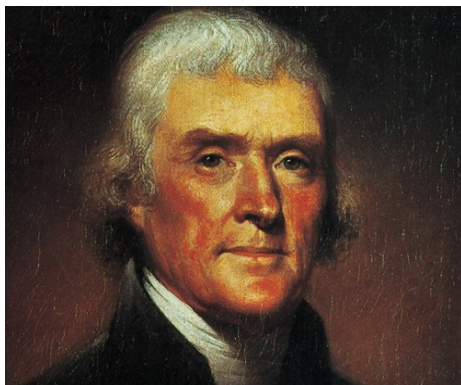
what can I do?

Copyright law differs between countries, so it's a good idea to have a basic understanding of how it works in your country. As mentioned, copyleft is, ironically, protected by copyright law, and so your work should have a copyright notice – the backwards 'C' in the icon at the top of page 1 has no legal standing, and is only for amusement.

Software: the GNU General Public Licence (GPL) is the most popular copyleft software licence. GitHub's choosealicense.com is a good way to find a license that fits your needs, and tldrLegal.com has more copyleft licences.

Other creative work: info for beginners can be found on the Creative Commons website. Find the licence that best describes how you'd like your work to be used, and the licence will be generated for you, along with an icon, that can be used on your work. For example, you can allow others to copy, amend and sell your work, or you can forbid it – it's up to you. But whatever you choose will remain with the work in perpetuity.

There are variants of Creative Commons licences called 'Copyfair' licences, where a distinction can be made between the different types of organisation that might want to use, amend and sell the work. For example, with the 'peer production' licence (PPL) the right to commercially gain from the work is restricted to organisations that distribute any surplus generated to their members (e.g. co-ops or commons organisations), rather than extract it to pay owners / shareholders. The inventor of the PPL, Dmytri Kleiner, suggested that it maybe shouldn't be used for software, because, if corporations are allowed to



"Knowledge is the common property of mankind." – Thomas Jefferson.

use and amend your work, but without being able to then privatise and enclose it, it means that they've employed their huge resources to improve the software for small businesses, community enterprises, individuals, co-ops etc. to use. Everyone gains, and corporations pay for it!

If you write music, Damien Riehl and Noah Rubin's work might interest you. They used AI to write every conceivable melody, using every combination of notes possible, to put them all into the public domain. Their objective was to end copyright infringement - so lucrative for lawyers.

Business models are changing. The internet has made it difficult and expensive to hang on to intellectual property. The new model is to make your work as available as possible. Get a critical mass of people interested, as quickly as you can - get them to work for free to spread the word about you and your work, and to improve your original idea. People who do this successfully, rather than trying to ring-fence the product they're selling, can make a living from consultancy, books, offers of other work, or even TV appearances – and still sell more of the original product.

Copyleft is part of the 'knowledge commons' - a mode of governance, a set of internal rules for a group of people participating in the creation of something. Remember, absolute openness can leave you exposed to someone else coming along, taking your creation and copyrighting / enclosing it and selling it. So before making something available in the public domain, it might be better to go the legal route of copyrighting it first. If you want to make sure it remains available for everyone, it's your duty to make sure that you go through the right legal processes.

Consumers - by using copyleft content, you're accepting the terms and conditions in the licence attached to it; and you always have to acknowledge the original creator of the work.

resources

- lowimpact.org/copyleft for much more info, contacts, articles, links & books, including:
- Kate Darling, *Creativity Without Law*
- David Berry, *Copy, Rip, Burn: the Politics of Copyleft and Open Source*
- James Boyle, *the Public Domain*
- creativecommons.org – Creative Commons
- gnu.org/licenses – GNU licences
- oshwa.org – Open Source Hardware Assoc.

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