Cold War Steve vs the RPG, Photomontage commissioned by Birmingham Museums Trust, Cold War Steve / Christopher Spencer CC0 1.0. Modified by Michael Gimenez to include the guide authors' faces, CC0 1.0.

See all updates

This guide is designed to help heritage organisations meet The National Lottery Heritage Fund's open licencing requirement.

Attachment	Size
PDF View Digital guide Working with open licences as PDF(2.97 MB)	2.97 MB
PDF View Digital guide Working with open licences (Welsh) as PDF(3.09 MB)	3.09 MB

Digital

Overview

The National Lottery Heritage Fund's licensing requirement supports open access to the rich heritage in the UK and the exciting possibilities of digital transformation in the cultural sector. All materials created or digitised with grant funding are subject to this requirement, which was updated in September 2020.

Open licences and public domain dedications are tools that give the public permission to use materials typically protected by copyright and other laws.

Grantees agree to share:

- Digital outputs under a Creative Commons Attribution 4.0 International licence (CC BY 4.0).
- Code, metadata and media generated during the reproduction of public domain works under a Creative Commons 1.0 Universal Public Domain Dedication tool (CC0 1.0).
- As before, grantees must make these materials publicly available online for at least five years after the project end date.

If your project was submitted or awarded funding before September 2020, you can either adopt the new open licensing requirement or continue to work under the previous licensing requirement.

Who is this guide for?

This guide explains open licensing and provides a step-by-step approach to the open licensing requirement for each stage of your project.

It is aimed at The National Lottery Heritage Fund applicants and grantees but contains useful information for anyone who supports open access to cultural heritage.

Please note this guidance does not constitute legal advice.

Authors

This guide has been produced for The National Lottery Heritage Fund by Dr Andrea Wallace and Dr Mathilde Pavis as part of our Digital Skills for Heritage initiative.

Andrea and Mathilde are both Senior Lecturers in Law at the University of Exeter, with expertise in Intellectual Property and digital culture.

Expand All accordions

Understanding open licences and the public domain

Open licences and public domain dedications are tools that give the public permission to use materials typically protected by copyright and other laws.

Copyright

Copyright will arise in any original content that you or others create, like:

- text
- visual works

- music and sound recordings
- films and broadcasts
- software, database content and computer programs

Copyright first belongs to the makers or producers of these materials and gives them exclusive rights over the works. Works protected by copyright cannot be used without getting permission.

Most countries automatically protect these works through copyright and other laws. This means creators do not need to register their works to receive legal protection.

Protected materials can be identified by the copyright symbol '©' or other rights information nearby. This notice informs the public that the work is protected by copyright laws.

However, copyright protects a work even when this information is not there. This makes it harder to tell whether permission is needed or the materials are free to use, and under what conditions. The safest route is to always assume a work is protected by copyright.

Open licences and public domain dedications reduce these default legal restrictions, making it easier for everyone to access and use materials found online.

Public domain

Not all works will be protected by copyright. These works are said to be in the 'public domain'.

The term 'public domain' refers to materials that are:

- not protected by law, like facts and ideas
- not original enough for protection, like basic descriptive data

The public domain also includes all works for which copyright has expired.

Anyone can use any materials in the public domain for any reason, without permission.

The following image is marked with the CC BY 4.0 licence to show you what this looks like in practice.

Birds eye close up view of a wasp

Pepsis heros (Fabricius, 1798), The Trustees of the Natural History Museum, London, CC BY 4.0

What other rights might exist and who holds them?

Rights other than copyright can apply to materials. Below are brief descriptions of other rights you may encounter in the materials you and others create, use and share.

Performers' rights

Performers' rights can arise in films or sound recordings that capture a person's speech or movement. Performers' rights first belong to the person featured in the recording.

Database rights

Databases are protected under copyright and related rights. These rights belong to the maker or producer of the relevant materials.

Contractual rights

Contractual agreements between creators, producers, employers and distributors may apply to materials and limit their reuse. You may also sign agreements with contributors and donors that limit the reuse of materials.

Privacy and personal data protections

Your project may collect or include information about individuals protected by privacy or data protection laws, like the General Data Protection Regulation. These rights belong to the persons identifiable in the materials.

No rights

You might create or use materials that do not attract any rights, or in which the rights have expired. This can include public domain materials and their reproductions – as long as they do not contain any personal information or sensitive data about other people or communities.

Exceptions

Exceptions in the law may allow you to use, incorporate or share protected materials without seeking permission from the rights holder, although these are limited. Learn more about these exceptions at Copyright User and the Copyright Cortex.

Introducing open licences and tools

Open licences are upfront permissions that allow anyone to freely use, transform and share materials protected by copyright according to the terms of the licence. Open tools can be used to signal that materials are not protected by law or have been dedicated to the public domain.

Marking your materials with an open licence or tool

Anyone can publish their materials under an open licence or public domain dedication. Many funders have open licensing requirements to ensure funded materials are made freely available to the public.

Creative Commons (CC) is an organisation that provides a range of open licences and tools to publish original and public domain content. You can publish your digital outputs by marking them with CC licences and tools. There is no need to register your organisation or the materials anywhere.

You can publish someone else's materials with a licence or tool only if they give you permission to do so.

Creative Commons (CC) licences and tools

Creative Commons (CC) licences and tools are widely used by the heritage sector globally because they are recognised and trusted by users. These standardised licences and tools give anyone coming into contact with your materials a clear and reliable understanding of how they are allowed to reuse them.

CC licences and tools are available in more than 40 languages. They are designed to release materials worldwide.

They are also machine readable and searchable online. This means they can be read by computers and returned in searches by people looking for open and reusable materials.

What is the difference between a CC licence and a CC tool?

CC licences can be used for materials protected by intellectual property law. This will be the case for most of the content you create during the project.

CC has two licences for openly licensing original content: CC BY and CC BY-SA. Other CC licences are not 'open' because they restrict commercial reuse (like CC BY-NC).

CC tools can be used for materials in the public domain or for materials the rights holder dedicates to the public domain. CC has two tools for public domain content: CC0 and the Public Domain Mark.

Because the public domain is defined by law, what is not protected by copyright can vary from one country to the next. This is why CC often recommends using the CC0 1.0 tool instead of the Public Domain Mark. The CC0 1.0 tool operates as a 'no rights reserved' alternative or fallback licence for users in any country. The Public Domain Mark should only be used for very old works or non-original materials known to be in the public domain worldwide.

For more information on CC tools and licences, visit the Frequently Asked Questions about Creative Commons section of their website.

Case studies: Using wiki to share open materials

The word 'wiki' refers to a website built using collaborative editing software. Many UK heritage organisations share open digital content through wiki-based sites.

Wikipedia & Wikimedia UK

Wikipedia is a well-known wiki-based website. The Wikimedia Foundation and its UK chapter support Wikipedia and other sites, like Wikimedia Commons and Wikidata, that enable millions of users worldwide to access and share materials.

Materials contributed must be openly licensed or dedicated to the public domain. This ensures everyone can freely use and reuse what is shared.

University of Edinburgh

The University of Edinburgh Wikipedian in Residence Ewan McAndrew and student intern Emma Carrol combined a 2003 Survey of Scottish Witchcraft (1563-1736) dataset with data from archives, like historical maps and surveys.

They cross-referenced the residences of the almost 4,000 people accused of witchcraft with their modern-day locations. This new dataset was then uploaded as CC0 to Wikidata and visualised on a digital map.

National Library of Wales

The National Library of Wales and Wikipedian in Residence Jason Evans used Wikimedia platforms to reach local and global audiences.

Infographic - refer to description beneath image

Impact of sharing with Wikimedia during the residency, Jason Evans, CC0

Image description

Infographic image produced for a report on the Wikimedia UK Residency at the National Library of Wales. It shows that between April 2015 and April 2017, material shared by the National Library of Wales on Wikimedia generated:

- 265million image views
- 115 language editions using National Library of Wales images
- 22 media appearances
- 8,000 third party media uploads

The Scottish Wildlife Trust

The Scottish Wildlife Trust shares materials under the CC BY-SA open licence on a dedicated MediaWiki page so more people can collaborate and contribute to tackling climate change and biodiversity loss.

Imperial War Museum

The Imperial War Museum shared metadata as CC0 and uploaded it to Wikidata.

This work led to exciting new projects too. Data Developer James Morley used this data and other open datasets to create the website A Street Near You. Users can enter a postcode or address to locate people in their community who served and died in the First World War. The project went viral, reaching more than 240,000 people in three days.

Expand All accordions

Benefits of open licences

Open licences and public domain dedications expand access to heritage and enable new, innovative and entrepreneurial uses of your digital outputs.

Your outputs can be connected with other open content or used to make entirely new works. This ensures the widest possible number of people can benefit from your organisation's work.

Public benefits

Public benefits might include:

- Schools and universities using your materials in their educational resources.

- Other organisations connecting their digital resources with your materials or developing new services for the heritage sector around your digital outputs.
- Millions of users engaging with your materials through open knowledge platforms like Wikimedia Commons, Wikipedia and Wikidata.
- Citizen science and volunteer engagement using your materials to generate new knowledge.
- Scholars and engineers using your materials to innovate in AI, machine learning, computer vision and computational research.

Organisational benefits

Organisational benefits might include:

- More public engagement in line with your organisation's missions.
- Bringing heritage to the foreground because more collections can be viewed and engaged with online.
- Creative reuse and remixing of your materials by the public.
- More media coverage and academic and public interest.
- Increased traffic to websites, digital platforms and interactions on social media.
- Cost savings associated with rights and reproduction overhead through self-service media delivery.

Examples of creative reuse and remixing

> *"Isn't it right that we do what we say we do, reflect Birmingham to the world, and the world to Birmingham? Our audience isn't only locally in Birmingham. We want to share things worldwide; the benefits should be global."*
>
> *Linda Spurdle, Digital Development Manager at Birmingham Museums Trust*

In 2018, the Birmingham Museum and Art Gallery freely shared their public domain artwork collections with the public as CC0. They also collaborated with artist Cold War Steve and the collective Black Hole Club to remix the collections.

Cold War Steve later shared his own creations as CC0 and encouraged the public to make installations of his artworks through the 'You, Me & Cold War Steve' international exhibition project.

> Benny's Babbies, Cold War Steve CC0
>
> Benny's Babbies, Cold War Steve CC0

Welcome to the open movement

Connect with others

Almost 900 cultural institutions, organisations and universities have released digital outputs under open licences or to the public domain. You can see the ongoing list of these organisations, including those in the UK, on the Open GLAM Survey managed by Douglas McCarthy and Andrea Wallace. (CC BY)

See it for yourself

Give it Away to Get Rich is a video by Effie Kapsalis (Senior Program Officer for Digital Strategy, Smithsonian Institution) summarising her research on the benefits cultural organisations have seen after releasing high-quality images to the public domain. (2016)

Hear it for yourself

Interviews with Linda Spurdle (Digital Development Manager, Birmingham Museums Trust) on the Digital Works podcast (2020) and with Douglas McCarthy (2020, CC BY) highlight the exciting opportunities and benefits following the release of the public domain collection as CC0.

Keep passing it on

The UNESCO open Educational Resources website has reports, openly-licensed materials and other useful tools for preparing your project to be reused by the public in a range of exciting ways. It includes how to promote your materials for educational reuse.

Expand All accordions

The National Lottery Heritage Fund open licensing requirement

All projects supported by The National Lottery Heritage Fund agree to share their digital outputs through an open licence or public domain dedication. This requirement applies only to works created with the project funding.

The open licensing requirement

Original content

All projects will apply the CC BY 4.0 licence to all original content created during the course of the project.

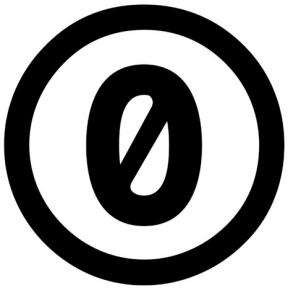
You continue to own the works produced under the grant. The CC BY 4.0 licence allows everyone to share and adapt your works for any purpose, even commercially. Users must attribute you and indicate whether any changes have been made.

You will need permission to use a different licence. To do so, please get in touch with your contact at The National Lottery Heritage Fund.

Code and metadata

All projects will apply the CC0 1.0 tool to all code and metadata created during the course of the project, like software code or technical data generated during digitisation.

The CC0 1.0 tool tells everyone that the works are in the public domain and any rights have been waived worldwide to the fullest extent allowed by copyright and database law. Users can copy, modify, distribute and perform the work, even for commercial purposes, without first seeking permission.



Left: Creative Commons Public Domain Declaration (CC0) button. Right: CC0 icon

> *"Our new licensing requirement helps us to increase access to the UK's rich heritage and promote the innovative use of digital across the sector."*
>
> *Josie Fraser, Head of Digital Policy, The National Lottery Heritage Fund*

Scope of the open licensing requirement

What materials does the open licensing requirement apply to?

The open licensing requirement applies to all funded projects of all sizes, and all materials created and commissioned as a result of the funding.

Examples include:

- images and 3D models
- text, research and datasets
- software, metadata and code
- educational materials and exhibition catalogues
- project reports and publications
- web and app content
- sound and video recordings

Not everything created in the course of your project, like emails between team members and records of meetings, must be shared or openly licensed. We do however encourage you to share any workflow processes, findings and other work as openly as possible for the benefit of others.

Projects are not allowed to 'hold back' higher resolution or better-quality digital outputs they produce. Everything should be published under the appropriate licence or public domain dedication.

If you are worried about hosting, your contact at The National Lottery Heritage Fund can help you find a solution.

How does the requirement apply to projects digitising public domain works?

You cannot claim new rights in any non-original materials generated when reproducing public domain works with grant funding. This includes but is not limited to faithful reproductions of public domain works (like scans and 3D data) and the other materials generated (like metadata and paradata).

To make sure these materials are not mistaken for materials under copyright, you should clearly identify these public domain assets using the CC0 1.0 tool.

Working with third party materials

Third parties might include:

- paid suppliers
- commissioned creators
- unpaid collaborators
- members of the public.

New third party materials are subject to the open licensing requirement, with exceptions allowed. Pre-existing materials require the third party's permission to be openly licensed.

How does the requirement apply to new materials created by third parties?

There is an expectation that all materials created during the project are shared under the open licensing requirement. This should be discussed early on with third parties so that any exception to use an alternative licence can be requested, if necessary.

Where third parties are paid, the open licensing requirement should be included in the contract. Examples include:

- Freelancers contracted to create content, like photographs or social media posts.
- Computer programmers or engineers who create new code, platforms or apps.
- Artists who are commissioned to remix or create new works.

The National Lottery Heritage Fund funded A guide to copyright and working with suppliers to create digital content (2023).

Where third parties are unpaid, the open licensing requirement should be consented to. Examples include:

- members of the public who make contributions of interviews or other creative works during research or community workshops .
- volunteers or users who contribute to your digital platform

How does the requirement apply to existing materials created by third parties?

If your project uses pre-existing materials, you need permission from the rights holder to apply the open licensing requirement.

For example, if your project establishes an archive, the new materials funded by the project must be openly licensed. Examples include:

- guidance on how to use the archive
- a publication about the archive
- curators' notes and research
- outputs made by or with third parties

- even the platform itself, if developed with grant funding

If your archive incorporates existing materials, the rights holder decides whether they can be openly licensed.

- if your organisation owns the rights, this is your decision
- if a third party owns the rights, you cannot openly license the work without their permission

You can still use the materials and make them available in your archive. Just let users know which works are protected by copyright and attribute the rights holder, if known.

Making your materials publicly available

How long should project materials remain publicly available?

Digital outputs need to be publicly available for at least five years from the project completion date. This will vary with the overall value of your project (in the case of larger awards, this requirement extends to 20 years).

Digital outputs can be published anywhere online as long as the public has free and unfettered access to them. People should not be required to register, fill out forms or seek special permission to access and download your materials.

They can be housed on your website or project platform. You can also use free repositories, like Wikimedia Commons or GitHub.

Open licences and tools are irrevocable. This means your digital outputs will remain openly licensed even after five years. In other words, once a work is released under an open licence, the public always has the right to use it under the relevant terms and that permission cannot be withdrawn. Requests to take down the work can always be made. But keep in mind it may not be possible to take down all copies of a work online.

Selecting the right platform to share materials

Always make sure the platform used to share materials can support the licence, so you can reach more people with your project. You can find this information in the terms and conditions or licensing features of the platform you wish to use. This will increase the sustainability of the materials' publication, access and reuse.

For example, YouTube allows creators to use the CC BY or the Standard YouTube Licence. Publication under other terms would require editing the video descriptions to include the alternative licensing information.

The Frequently Asked Questions on Creative Commons and Open Access and the Fact Sheet on Creative Commons and Open Science have more guidance about how to openly licence materials. (2017, CC BY)

This article by Kelly Fitzpatrick (2017) discusses how four cultural organisations use GitHub to share data and code.

Expand All accordions

Exceptions to the open licensing requirement

You should plan your project according to all the funding requirements, including the open licensing requirement. This may raise concerns around some project outputs. For example, you may decide some materials are not appropriate to share openly. You should raise any concerns with your contact at The National Lottery Heritage Fund as early as possible.

Exceptions for sensitive materials and data

Examples of materials that may not be appropriate for open licensing for ethical reasons include:

- images of, or contributions by, children, young people and vulnerable adults
- artefacts, knowledge or memories of cultural significance to the communities of origin
- ancestral remains, spiritual works or funerary objects
- research, data or other media produced around the above examples

Exceptions for pre-existing materials

Projects should seek to obtain permission to release pre-existing materials from third parties wherever possible. There may be reasons why permission is withheld, and if so these contributions can be excluded from the open licensing requirement.

Share your experience

If you develop a creative or useful approach to these considerations, others will find that experience helpful. Please share these approaches publicly, with The National Lottery Heritage Fund or contact the authors of this guide. We would like to learn more about your experience.

Case studies: Care in collections management

Collections connected to colonialism

The British Library is undergoing a review of the collection of rare books owned by figures who may be associated with wealth obtained from enslaved people or colonial violence as part of its commitment to become an actively anti-racist organisation. The library also makes available an index of previous owners associated with the collections' items and a directory of Western printed heritage collections at the British Library.

Ethical terms of reuse

The Qatar Digital Library's Copyright & Ethical Terms of Reuse policy acknowledges that some cultural materials in the public domain should not be altered or used in ways that can be harmful to the communities of origin. The library recognises that broader rights and interests should apply and requires informed consent of the communities for any commercial use of these materials.

Cultural permissions

The Auckland Museum's Image Orders and Cultural Permissions policy embeds M?ori and Moana Pacific values into the guiding frameworks for all collections, digitisation and rights management. Using the 'open as a rule, closed by

exception' approach, the museum creates filters for levels of openness to protect sensitive materials. It uses a cultural permissions policy that treats access and reuse as separate from intellectual property rights frameworks.

Expand All accordions

Applying the open licensing requirement

The open licensing requirement applies to all of your project materials unless third party rights or other exceptions apply. This section provides a step-by-step approach to meeting the open licensing requirement at each stage of your project.

Stage one: Planning your project

When developing your project idea, you should consider what digital materials you will produce and how they will be publicly shared.

Start by making a list of all of your expected outputs, for example:

- an audio guide
- images and videos of your project
- web content or galleries

Then, identify the rights that could exist in these outputs and who owns them. You do not need to submit this list with your application.

At this stage you should consider whether materials are appropriate for digital access or open licensing. For example, this may require seeking exceptions for ethical reasons – see the exceptions section of this guide.

Remember, at this point you are just planning your project and creating a list to guide your project submission and its management, if successful. You should not start work on your project, including collecting permissions, until your award has been made and you have formal permission to start. Even so, it is important to make any project partners aware of The National Lottery Heritage Fund open licensing requirement.

Stage two: Submitting your application

Your submission should mention any key digital outputs that the project will produce and release according to the open licensing requirement. You should indicate whether third party or sensitive materials may require exceptions.

If your application is successful, you can use your list from stage one to work out how the open licensing requirement applies to your materials and any materials you use.

The next section includes a guide to help you think this through.

Making a list of outputs and rights

Your list should itemise:

- new materials
- pre-existing materials
- rights that might exist

This documentation will be useful for getting permission to apply an open licence, getting an exception to use an alternative licence if necessary, and crediting the creators.

New materials include:

- a photograph of the project taken by a team member or volunteer
- a virtual tour of a UK wildlife habitat
- a website about whale migration patterns in the UK
- digital reproductions of new creative works produced during a project workshop

Entirely new materials are subject to the open licensing requirement and must be released under the CC BY 4.0 license or CC0 1.0 tool. Exceptions can be requested.

Pre-existing materials include:

- a botanical engraving scanned from a book in your collection
- digitised entries from a diary donated to your organisation
- a digitised video of an interview made by an unknown journalist in your archive
- a digitised collection of photographs owned by donors

Third parties may hold rights in these materials and must consent to the open licensing requirement.

Rights in the materials might include:

- copyright
- performers' rights
- database rights
- contractual rights
- privacy and personal data protections
- no rights

These rights are discussed in the introductory section on copyright.

Exceptions:

Finally, consider whether any exceptions are appropriate. The exceptions section of this guide can help you identify these and how to proceed.

Stage three: Starting your project

If your project is successful, you will be able to begin immediately following formal permission to start.

You should make sure partners and collaborators are aware of the open licensing requirement as early as possible. These conversations can shape the way you:

- organise your materials and the project workflow
- collect formal permissions, where necessary
- mark materials with an open licence
- credit and acknowledge any rights holders
- release outputs

This process will make the output management and publication more efficient. The first step is getting informed consent from third parties to apply for an open licence.

How do I get informed consent to use an open licence?

Ask third parties to grant permission to licence their materials. Make sure to get their permission in writing. You can do this in an email, a signed electronic document or hard copy form.

Make sure third parties understand how you intend to use the materials and any implications of open licensing. For example, you could share this guide with them, or any other resources that you find helpful.

What if consent to use an open licence isn't given?

Ask for a licence to use the materials for your organisation's own purposes.

The National Lottery Heritage Fund does not expect you to ask for an assignment of rights or exclusive licence:

- Assignments require third parties to hand all rights in a work over to you.
- Exclusive licences prevent the creator from licensing their work to anyone else.

Both restrict the ability of creators to use their own works. Neither is necessary. A non-exclusive licence should be all you need.

Your agreement with third parties should aim to be equitable for everyone involved. An equitable agreement should use clear and fair terms for third party permissions or licences. The National Lottery Heritage Fund is happy to assist you in this process if you have questions.

What if I don't know who to ask for consent?

Sometimes it is not possible to locate the rights holder to get permission. We call works like these 'orphan works'. Legal exceptions may allow you to use, incorporate or share these materials. Learn more about orphan works at Copyright Cortex, Copyright User and on the UK Intellectual Property Office website.

As an example, the National Galleries Scotland's Orphan Works and Take Down policy lists all the authors of orphan works alongside instructions to make a 'take down' request. This approach respects the intellectual property rights that exist in the works and enables anyone to come forward with information to help locate the rights holder.

Stage four: During your project

With any project, plans sometimes change. Third parties can change their mind on how their materials should be used. Design your project in a way that allows third parties to withdraw participation. This is compliant with data protection law. Learn more about data protection and privacy in our digital guide to online privacy and security.

In addition, you might select a new format or platform for the project materials. Re-contact third parties to inform them of these changes and reach new agreements, if necessary.

Stage five: Applying the licence or tool

At this stage, you should apply the licence or tool to your project materials. This means marking your project outputs similar to the various examples throughout this guide.

Clearly communicate the licence or public domain dedication when making your materials publicly available. You can do this by including the licence or public domain dedication immediately after the citation along with a link to the terms of reuse. Include the button or icon when possible. Creative Commons also has guidance on how to give attribution.

For example, this guide is licensed CC BY 4.0. This is communicated as:

'Working with open licences: a guide for projects', Andrea Wallace and Mathilde Pavis (2021), supported by The National Lottery Heritage Fund, CC BY 4.0.

The best place to communicate this information is near the work or in another obvious location. For example, with:

- works published online, immediately beside the work
- publications like a book, on the title page
- audiovisual material, in the credits of the film, video or sound recording
- slide deck, on the introductory slide or at the end with other credits
- Word document or pdf, in the introductory information or at the end with other credits
- website, in the footer and the terms of use

You should also embed this information and/or URI link in the metadata. Common fields for rights information include dc:rights or edm:rights.

Marking your project materials

For materials you create and hold rights in, you have two options. You can use either the CC BY 4.0 licence or the CC0 1.0 tool. The terms for each option are included below for reference. The next section contains examples of their use by UK organisations.

CC BY 4.0

With the **CC BY 4.0 licence**, the public is free to:

- **Share** – copy and redistribute the material in any medium or format.
- **Adapt** – remix, transform and build upon the material for any purpose, even commercially.

Under the following terms:

- **Attribution** – users must give appropriate credit, provide a link to the licence, and indicate if changes were made in a reasonable manner, but not in any way that suggests you endorse the user or use.

  CC BY button and icon

  Left: CC BY 4.0 button. Right: CC BY icon

CC0 1.0

With the **CC0 1.0 tool**, the public can:

- **freely** build upon, enhance, distribute and reuse the material
- **for any purposes**
- **without restriction** under copyright or database law

You must apply the CC0 1.0 tool to following categories of outputs:

- any code and metadata created during the course of the project
- media generated during the reproduction of public domain works, such as photographs, digital surrogates and 3D scans

The next section includes examples of licences, tools and citations in practice by UK organisations.

Marking restricted materials

Not everything in your project will be subject to the open licensing requirement. You should communicate to the public which materials are not available for public reuse.

Using other labels to mark restricted materials

We recommend you use the RightsStatements.org labels to mark materials restricted by rights.

RightsStatements.org is an organisation that has designed 12 standardised labels that can be used when CC tools and licences cannot be applied. For example, these labels can be used to mark in-copyright works, orphan works or sensitive materials in which other restrictions may apply.

Rights Statements labels: In Copyright, Unknown Rightsholder and Other Legal Restrictions

For in-copyright works, the appropriate label is In Copyright accompanied by, for example, '© The National Lottery Heritage Fund'.

For orphan works, the appropriate label is Unknown Rightsholder with accompanying text 'All rights reserved'.

For sensitive materials appropriate for online access, the appropriate label is Other Legal Restrictions with accompany text 'Permissions apply'.

How do I communicate what materials are restricted in my project?

For outputs that incorporate multiple materials with different rights statements, you should display the individual rights statements next to each work.

You can do this using text like ‘All rights reserved’ or by attributing the rights holder near the work with the copyright symbol. This communicates to the public that the work is in copyright.

The Getty Institute provides examples on how to best do this. You can see how the Institute applies this in practice in the publications on their virtual library and in the illustration below.

> Infographic image with the title ‘Navigating multiple licences and maintaining rights information’
>
> Credit: Andrea Wallace, CC0 1.0

Image description

Infographic image with the title ‘Navigating multiple licences and maintaining rights information’. The image is a stylised representation of the title page of a publication. The page is white with a brown heading reading ‘Project Output’ in capital letters. This heading is followed by a subheading in the same colour reading ‘Your info’ comma CC BY 4.0. A black arrow points to this line and indicates that it should include your information and the CC tool or licence. The page also features a stylised image of a rainbow against a blue background. You can read ‘Image’, the copyright symbol, and ‘Info’, written in pink in the caption below the image. A black arrow points to the text in the caption and indicates that it should include the citation for the image and rights information. Black bullet points and black straight lines to the right of the image invoke text filling the rest of the cover page.

Expand All accordions

Examples in practice

There are many ways to cite a work with the open licence or public domain dedication. Although the CC0 tool does not legally require users to attribute the source, providing a citation will enable them to do so more easily. This section provides examples in practice by UK organisations.

Images

Wellcome Collection

Purple jar

The Wellcome Collection makes a range of original materials available under the CC BY licence.

Purple medicine jar. Credit: Wellcome Collection. Attribution 4.0 International (CC BY 4.0).

Birmingham Museum & Art Gallery

Elaborate certificate

Birmingham Museums Trust releases images of public domain works for reuse under the CC0 1.0 Universal Public Domain Dedication tool via the Digital Image Resource platform.

Certificate of thanks, Illustrated by I. E. Harper. Birmingham Museum & Art Gallery, CC0 1.0.

Data, 3D data and datasets

Some projects will create datasets, metadata and code. In these cases, consider drafting a metadata specific policy that makes clear users may access and reuse these materials made available as CC0.

University of Dundee

The University of Dundee Museum, the Scottish Maritime Museum and the Science Museum Group release 3D models CC0 via Sketchfab.

Natural History Museum

The Natural History Museum makes high resolution images and datasets available for download through the Data Portal.

Sharing your materials

Once your project materials are ready to be shared, you should consider which platform you will use to deposit your materials. Digital outputs need to be publicly available for at least five years from the project completion date.

Explore your options

The British Library uses GitHub to release data CC0. The National Library of Wales has converted its metadata collection to Wikidata, which requires data to be released CC0 for platform integration.

Other organisations, like the Royal Botanic Gardens, Kew and the National Library of Scotland release materials and metadata through their collections integration with Europeana. Newcastle Libraries uses Flickr to release images CC BY.

Many organisations also openly release their Application Programming Interface (APIs). Open APIs enable software to integrate CC0 metadata and run commands in order to create new products and applications around open materials.

Support good citation practice

You can support good citation practices by providing the credit you would like to accompany the works as they are reused. Users can copy and paste this information easily.

Update your website's copyright policy or terms of use to convey materials produced with funding from The National Lottery Heritage Fund are available for reuse.

The Annex section of this guide has sample terms that can be copied and modified for your website policy.

If you find anything in this resource helpful, you are welcome to repurpose the text in your own policy or rights management documentation.

We would appreciate acknowledgement by a credit similar to the one below:

Some of the guidance in [this resource] has been repurposed from 'Working with open licences: a guide for projects', Andrea Wallace and Mathilde Pavis (2021), supported by The National Lottery Heritage Fund, CC BY 4.0.

More on copyright and open licensing

OpenGLAM Medium

The OpenGLAM Medium has many articles on how to implement open access, like this series by Anne Young (Director of Legal Affairs & Intellectual Property at Newfields). Articles are published CC BY or CC0, which means they can be translated into other languages for greater impact.

Copyright User

CopyrightUser.org is an online resource to make UK copyright law more accessible to anyone who makes or encounters copyright protected works. It includes guidance on how to understand, license and respect the rights recognised by UK copyright law. (CC BY, 2020)

GLAM3D.org

GLAM3D.org is an online resource for anyone from beginner to expert level on how to create, manage and release a 3D open access program. (CC BY, 2020)

Copyright Cortex

The Copyright Cortex is an online resource dedicated to copyright law and digital cultural heritage. It was developed to provide cultural organisations with information and expert commentary on how copyright law affects the creation and management of digital heritage. The website contains an ongoing catalogue of research, resources and evidence, and an open access text on UK copyright law and heritage management called Copyright 101. (CC BY-NC)

RightsStatements.org

The RightsStatements.org Guidelines for Applying the Rights Statements provides more practical advice on how to embed and display the rights statements with digital objects. (CC0 1.0)

The CC Certificate

Learn more about Creative Commons licences and tools through their open access certificate programme.

Expand All accordions

Annex: draft terms and conditions for your website

When your digital outputs are ready for publication, you can use or adapt the text below for your terms of use. Terms of use tell your web visitors how they can engage with the information or the materials you have made available, whether on your website or another platform.

General terms of use

Reusing materials on our website

Much of the content on this website is protected by intellectual property rights. Some materials produced with the support of The National Lottery Heritage Fund are released under Creative Commons open licences and tools. These materials are free for you to download and reuse under the terms below.

How to identify open access materials

Our open access projects and materials include [insert a list and link to the outputs].

With materials marked with the **CC BY 4.0 licence**, you are free to:

- **Share** – copy and redistribute the material in any medium or format.
- **Adapt** – remix, transform and build upon the material for any purpose, even commercially.

Under the following terms:

- **Attribution** – users must give appropriate credit, provide a link to the licence, and indicate if changes were made in a reasonable manner, but not in any way that suggests we endorse the user or use

These materials are protected by copyright and have been openly licensed for any reuse purpose, as long as these terms are followed. Learn more about the CC BY 4.0 licence on the Creative Commons website.

Where possible, these materials are accompanied by the following button or icon:

CC BY button and icon

With materials marked with the **CC0 1.0 tool**, you can:

- **freely** build upon, enhance, distribute and reuse the material
- **for any purposes**
- **without restriction** under copyright or database law

These materials are in the public domain. Learn more about the CC0 1.0 tool on the Creative Commons website.

Where possible, these materials are accompanied by the following button or icon:

CC0 button and icon

Public Domain Usage Guidelines

This text was drafted by Creative Commons and Europeana and can be included on your website to support users in their reuse of public domain materials.

Public domain materials can be used by anyone, for any purpose, without restriction. We ask that you use the following guidelines when making use of public domain materials.

Give credit where credit is due

When you use a public domain work please credit the author or creator. Please also credit the institution (such as the archive, museum or library) that provided the work, as the more you credit the institution the greater the encouragement to put more public domain works online.

Protect the reputation of creators and providers

When you use or modify a public domain work you should not attribute the changes to the creator or the provider of the work. The name or logo of the creator or provider should not be used to endorse the modified work or any use of it without their consent.

Show respect for the original work

Please do not use the work in any way that is unlawful and misleading. When you modify and redistribute a public domain work, any changes made to the original should be clearly indicated. You should label the work to show you have changed it, so that other users know who made the changes.

Show respect for the creator

If the creator, or provider on behalf of the creator, has asked that a public domain work should not be changed or that it should be used in certain contexts only, then please respect their wishes.

Share knowledge

If you use a public domain work to generate new work or if you have additional information about it (such as where it came from, its author, content or other possible rights holders), please share your knowledge. That may include tagging, annotating or commenting on a public domain work that is published online and sending back this information to the institution that holds the original object.

Be culturally aware

If the work includes culturally sensitive elements you should not change or use these in ways that might be derogatory to other cultures or communities.

Support efforts to enrich the public domain

Users of public domain works are asked to support the efforts of cultural and scientific heritage organisations to care for, preserve, digitise and make public domain works available. This support should include monetary contributions or work in kind, particularly when the work is being used for commercial or other for-profit purposes and the provider is a public

or non-profit institution.

Preserve public domain marks and notices

Users of a public domain work should not remove any public domain mark or notice that has been applied, or provide misleading information about its copyright status.

This usage guide is based on goodwill. It is not a legal contract. We ask that you respect it.

Telling users about your openly licensed materials

Organise information on your website

The Metropolitan Museum of Art has two web pages for reuse policies. One is for Image and Data Resources, which discusses the open access policy, includes screenshots and links to thematic sets of images for users to dive into. Another is for Frequently Asked Questions: Image and Data Resources, which goes into more detail for the more risk averse or cautious user.

The Smithsonian Institution takes a similar approach with an Open Access FAQ that clearly explains how users can reuse, transform and share digital assets without asking permission. It encourages users to 'Create. Imagine. Discover'.

Give clear guidance on access and reuse

The York Museums Trust's Image Policy & Requests clearly sets out what users can expect when encountering open access images published in the online collection. It includes screenshots and instructions on how to download, along with guidance on how the images can be used.

See what others are doing

The 'Rights Policy or Terms of Use' column in the Open GLAM Survey contains other examples of website terms in use by cultural organisations around the world.

Expand All accordions

Thank yous

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Sharing this guide

This guide was produced by Dr Andrea Wallace and Dr Mathilde Pavis at the University of Exeter for The National Lottery Heritage Fund.

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