

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Protecting and Promoting
the Open Internet

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GN Docket No. 14-28

Comments of Creative Commons – United States

Introduction

Creative Commons United States (CC USA) (<http://us.creativecommons.org/>) is the United States affiliate of Creative Commons, Inc. (CC) (<http://creativecommons.org/>), focusing on U.S.-specific issues and activities. We provide a voice for CC user questions and interests where the laws of the United States are the subject of political debate and online advocacy.

As the national Creative Commons affiliate, CC USA gives sustained attention to U.S.-specific policy and legal developments, such as state government support for the development of open educational resources. We provide outreach, education, and support to local organizations and communities that use (or could use) the Creative Commons license suite.

The Creative Commons copyright licenses and tools forge a balance inside the traditional “all rights reserved” setting that copyright law creates. Our tools give everyone from individual creators to large companies and institutions a simple, standardized way to grant copyright permissions to their creative work. The combination of our tools and our users is a vast and growing digital commons, a pool of content that can be copied, distributed, edited, remixed, and built upon, all within the boundaries of copyright law.

Why the Open Internet Matters for Creative Commons Users and the Public

Creative Commons users in the United States deserve to have the content they create be available over the Internet on the same basis and at the same data rates as content owned or controlled by large commercial interests with the ability to negotiate special terms of Internet access. While CC licenses are used by many large organizations (see <http://creativecommons.org/who-uses-cc>), many creators of CC-licensed material are small or independent creators, or are creators producing content as part of a non-profit or publicly funded project. One of the specific benefits of CC licenses is that they allow individual creators to remove copyright barriers to the greatest possible public dissemination of their work. A level playing field, in the form of net neutrality and a free and open Internet is essential to further this goal.

Access to Open Educational Resources Matter to Students and Teachers

Since many other commenters have addressed the inequities that less well financed speakers on the Internet would face from a multi-tier system of access or connectivity, CC USA here draws the Commission's attention to the internal inconsistency between its goals for promoting educational uses of the Internet and a proposal to permit favored access arrangements.

Among the wide range of CC-licensed materials are Open Educational Resources (OER), which include online courses, courseware, textbooks, and a wide range of other learning resources. Open Educational Resources (OER) are teaching, learning, and research materials in any medium that reside in the public domain or have been released under an open license that permits their free use and re-purposing by others. (For more information about OER projects, see <http://creativecommons.org/education>).

It would be directly counter to the public interest if students' access to these materials were disadvantaged either at home or at public libraries. As schools attempt to build high-quality OER resources to meet curriculum guidelines and to control costs, it would be a huge step back if access to these resources were not on an equal footing with content made available by those who can pay for favored Internet distribution. As states (for example the Washington State Open Course Library <http://opencourselibrary.org/>) and the federal government (TAACCCT Program see <http://www.doleta.gov/taaccct/> and <http://creativecommons.org/tag/taaccct>) invest resources in creating high quality OER, it would be counterproductive to reduce student access to these materials or to put these materials at a competitive disadvantage.

For students from the K-12 level to community college students, access to free OER materials can make school more effective and more affordable. See <http://us.creativecommons.org/archives/905> Access to online content including multimedia content and online tools are an important part of many schools' implementation of OER curricula. The FCC has recognized the importance of broadband internet access for students and learning through the E-Rate program, and should act consistently here to ensure that student access to educational materials is not disadvantaged when connecting outside of school.

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