

LEARNING FROM THE PAST? A REVIEW OF CREATIVE COMMONS' 2021-2025 STRATEGIC PLAN IN LIGHT OF THE PAST TEN YEARS.

Founded in 2001, the Creative Commons (CC) has long been a keystone for the open access community. An international nonprofit chartered to extend and sustain knowledge sharing and advocacy, CC has represented and acted as the the de facto custodian of sharing culture in the 21st century.

Embarking this year on its third decade of advocacy for legal, technical, and public solutions to support open sharing culture and communities, CC finds itself at a crossroads. In December, the Creative Commons announced its most recent 5-year plan with the release of a new report, “Creative Commons Strategy 2021-2025.” The product of three months of aggressive re-tooling in coordination with members of the Creative Commons Global Network (CCGN) and other stakeholders, this strategic vision document is presented by CC’s CEO Catherine Stihler as a “fresh start for Creative Commons” (1), one offering novel approaches capable of addressing new issues in the Intellectual Property ecosystem, alongside community practices at the heart of permissive/open access licenses, with a mind towards sustainable growth, intentional action, and strong advocacy for reuse, remix, and sharing culture. “We know the open sharing ecosystem is broken” Stihler notes, “and we stand ready to fix it” (6).

This new direction is centralized around three strategic goals (advocacy, innovation, and capacity building) each mapped to a single course of action (see figure below), and associated with a set of aspirational metrics of success. Core to this term’s metrics are concepts of access, inclusion, and equitability (5), and strategically all three goals are mediated by a premise of public interest and values of “integrity, accountability, insight, and humility” (6).

STRATEGIC THEME	2011-2015	2016-2020	2021-2025
Ecosystems & Sharing Culture	"Scale adoption of our tools" <i>"Focus our adoption efforts where a 'conversion' has great downstream effects - e.g., foundation and government funder policy and technology platforms such as Google."</i>	Collaboration <i>"helping creators across sectors,"</i> Supporting collaboration and engagement for creators, contributors, and users in the global CC	GOAL 1 Advocacy <i>"Reshape the Open Ecosystem"</i> To support equitable and prosocial sharing in the public interest
Technology, Strategy, & Services	"Serve as trusted steward of interoperable commons infrastructure"	Discovery <i>"creating a more vibrant and usable commons"</i> Supporting the creation of new tools & services for "enabling discovery, use and re-use of free openly-licensed works in the commons"	GOAL 2 Innovation <i>"Enhance the Open Infrastructure"</i> To foster sustainable and ethical sharing in the public interest
Sector-level Partnership & Buy-in	Global & extra-organizational scale <i>"continue to enhance our affiliate network, look for other means of scaling without growing resource requirements, and make global accessibility and functionality [...] a priority requirement"</i>	Advocacy <i>"work together to share open content"</i> Generate policy and analytic advocacy <i>"supporting and collaborating with the CC affiliate network and communities"</i>	GOAL 3 Capacity Building <i>"Transform Institutions"</i> To make knowledge and cultural heritage assets as openly accessible as possible
Operational Sustainability	"Build and support the organization optimal for executing our Mission and accomplishing our Vision"	Cross-cutting action A strategic approach which acknowledges that "the initiatives CC will undertake will often cut across the three categories" and "one action may impact multiple intermediate outcomes."	CORE VALUES <i>"Agile Leadership"</i> <i>"Global Inclusivity"</i> <i>"Informed Intention"</i>
VISION STATEMENT	<i>"Our vision is nothing less than realizing the full potential of the internet – universal access to research, education, full participation in culture – to drive a new era of development, growth, productivity."</i>	<i>"Creative Commons will, within 3-5 years, foster a vibrant, usable, and collaborative global commons, powered by an engaged community of creators, curators, and users of content, knowledge, and data. We will do so by focusing in three intermediate outcomes: discovery, collaboration, and advocacy."</i>	"A world where knowledge and culture are equitably shared in ways that serve the public interest."

Goal 1: Reshape the Open Ecosystem

Presented through a theme of "advocacy" (8), this goal is characterized by shifts in "laws, policies, norms and public opinion that affect the open ecosystem." While success is primarily measured in organizational information, awareness, and community visibility, CC leadership also focuses here on having "amplified diverse voices in the open movement" in order to have outsized impact on copyright policy within various communities (9).

Goal 2: Enhance the Open Infrastructure

As an “innovation”-oriented goal, Goal 2 aligns with past efforts to remain informed about what communities and sectors use various legal and cultural apparatuses of the open movement and to understand how they are leveraged to organizational, economic, political, and public benefit (10). Core metrics presented in this goal include the completion of analytic review of this utilization and the leveraging of partnerships to reduce the economic and ethical impact of open content practices across those same sectors. Again, of special note is a focus on accessibility, both in terms of multi-lingual documentation and better tools which are more accessible, intuitive, and well-documented.

Goal 3: Transform Institutions

Finally, as a course of action to increase the capacity of the open ecosystem, the CC leadership aims to “motivate public and private institutions in the cultural heritage, education, research and data, and government sectors to open their content in legally robust ways” (11). This goal also possesses the most concrete metric—the publishing of case studies with a specific focus on sector-level shifts in open culture. However, this is also the goal where the globally-inclusive and accessible sub-theme falls off in deference to the broader and less-defined “public good.”

“TOWARDS A VIBRANT, USABLE COMMONS”: CONSIDERING THE PLAN IN LIGHT OF THE LAST 10 YEARS OF CC STRATEGY

The 2021 plan comes at the end of a decade of broad success in the global commons marked by significant public losses in the domains of copyright and IP control. After the 2002 establishment of CC licenses and several years advancing a legal apparatus capable of protecting the intellectual property of Copyleft creators, the period of 2011 to 2020 was one marked by advocacy, unification, and the coalescing of a coalition of scholars, legal experts, content creators, developers, and platform owners committed to supporting alternatives to the modern copyright ecosystem.

This plan, as outlined in the report and reviewed here, is solid, measured, and likely to broadly succeed. It continues much of the work of the past decade. It is quite likely that Goal 3 will be an area where extending past efforts could be entirely fruitful—these sectors are likely to have outsized impacts based on their proximity to various public welfare activities, and are likely to be an area of primary impact in the coming five years with the growth of Free and Open Source as resources of first resort for many such institutions (Setia & Rajagoplan 2020); with enhanced familiarity and dependence upon various sharealike and attribution licenses (and increased exposure to CC licenses specifically) the sharing ethos is increasingly likely to be

adopted within such communities and to spread in public services broadly. This enculturation, in hand with economic, workflow, and disclosure benefits (Jokonya 2015), may indeed cross a saturation in the coming 5 years—though the degree to which this strategic plan will put a finger on that scale is yet to be seen.

Overall, Stihler’s positioning these goals as a novel approach or new directions for the organization is somewhat surprising. For one thing, it seems quite familiar, harkening back to the 2011-2020 plans which both called for very similar alignments around expansion and cementing of shared capabilities among and between sectors, all tied together through a robust advocacy campaign. As expressed in the 2016 vision statement by then-CEO Ryan Merkley:

Creative Commons will, within 3-5 years, foster a vibrant, usable, and collaborative global commons, powered by an engaged community of creators, curators, and users of content, knowledge, and data. We will do so by focusing in three intermediate outcomes: discovery, collaboration, and advocacy (5).

Much of what is carried forward in the current plan lives within this statement—a statement which further extends from the 2011-2015 strategic plan’s targeting of potential impacts on “global welfare from the use of CC’s tools” in a bid for more public advocacy alongside an interoperable apparatus and stewardship of commons culture and infrastructure (Creative Commons 2010). If the new CC strategic vision is advocating for a fresh start for the organization, it is clearly nonetheless a continuation of the past vision—for better and for worse. This is not inherently negative – indeed, the continuity of vision and adherence to past leadership’s decades-long targets indicates a strong goals-minded organization making continual progress. However, it also raises into question the viability of a continuation of strategies that have to this point done little to prevent a broken ecosystem, as described by Stihler and this year’s Creative Commons executive report. If there is a path to “fixing” the open sharing ecosystem, it does not present itself here as much different from the actions already taken that at best cemented it where it currently is.

Of higher concern in this term is a shift in the level of both effort and detail contained within this broad strategy compared to past years. While both the 2011 and 2016 reports included varying levels of risk assessment, capital and other resource alignment, and action planning, the 2021 plan is scant on details of how, precisely, the Commons intends to execute on its current vision. At the same time, the claim of “over three months of stakeholder engagement” does pale slightly in light of the six-month effort to not only produce but also test components of the 2011 strategy (creativecommons.org, 2010), and the more than year-long engagement of the CC

Board in “intensive consultation, discussion, brainstorming, analysis, and testing” across the global commons (CC Board 2015). For a set of themes centralized around an ethic of inclusion and community ownership, and given CC’s highlighting of the process as “designed to be inclusive and transparent” (Stihler 2020) this dramatic reduction in integration with the communities in question is concerning. Furthermore, such differences in output, scale, and effort make the absence of organizational risk disclosure, more firm metrics, and awareness of cross-cutting efforts and impacts more of a red flag than they might have otherwise been. Hopefully these more concrete structures will manifest (and be broadly disseminated) in the coming months and years.

CONCLUSION

The global commons is, as noted by CC leadership both current and historical, imperiled. As the 2016 report notes, “Creative Commons didn’t change copyright,” and “while CC has been successful, our work will not be complete until we light up that universe of content and creators” (3). Is the 2021 plan a step in this direction? Perhaps, but it is not likely to be an outsized one. As the “theory of change” section of the 2011 plan contemplates, “sharing is growing rapidly, but so is control” across policymakers and corporations, all with “vastly greater resources at their disposal” to impose their legal and cultural will on the commons (2011).

For organizational leadership (and a sharing community) structured around transparency and accountability (6), it would be nice to see—in light of claims of novelty, fresh views, and a readiness to fix a broken ecosystem—a more aggressive, formalized, and tactical set of goals out of the current plan. At minimum, a more robust course of actions and connection to the structured metrics provided will be necessitated in the coming term if leadership hopes to enact meaningful change. However, a continuity of leadership and vision is not inherently detrimental, and stability in mission and purpose is one of the great assets of the global commons. There is much cause to be optimistic, especially when considering the incredible accomplishments touted by the same leadership in last year’s “State of the Commons” report (Heath 2020). To say the least, it will be interesting to witness where the next five years of effort take the commons and how such activity will impact sharing culture broadly.

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