Creative Commons Olympics

NBC Universal’s decision to use Creative Commons licensed photographs in Olympic broadcast is an example of how media conglomerates can collaborate with amateurs, but it also reveals potential problems of letting non-lawyers negotiate copyright licensing agreements. To avoid the pit falls, media companies need to adopt policies and best practises for using amateur licensed works. These guidelines should instruct how a production should attribute collaborating authors and how the Creative Commons terms affect the licensing of the productions. The guidelines should also instruct how producers can seek alternative licensing arrangements with amateurs.

1. From Flickr to Olympics
February 2009, on an especially cold day, author and Harvard scholar Doc Searls shot some pictures of ice crystals that had formed inside the old storm windows of his apartment, and put them up on the online photo-sharing site Flickr. Searls is no newcomer when it comes to sharing his photos online. He is sharing many of his 34,000 photos generously with the Creative Commons licenses that give the public a royalty free permission to use the licensed work under certain terms. After Searls released the photos, he waited for nature to take its course.

In November 2009, a producer of the NBC television network sent an email to Searls. NBC wanted to use his photos in the upcoming Vancouver Olympic Games. However, NBC had some problems with the attribution part of the Creative Commons license that Searls was using. Searls agreed over an email to waive that and let NBC credit him in the end credits with the rest of the NBC’s creative team.

NBC used Searls’ ice crystal images in transition graphics, in background of the digital studio sets, in event information graphics, scoreboards and in many other graphic elements of the NBC’s Olympic broadcasts. Searls’ photos, which had received just over 1000 views in Flickr suddenly, had a daily audience of 25 million Americans. In his popular blog, Searls expressed excitement that NBC used his photos in the Olympics and concluded, “It’s a big win for Creative Commons too.”

The case study raises several questions. Was it really a win for the Creative Commons? Did Searls waive the whole CC license or just the attribution requirements? What if the only license NBC had was the modified CC license? Is there something we can learn from this experience on how media companies should deal with using amateur works and Creative Commons licenses?