# **Collections and adaptations – how they differ, what to consider**

## **What is a collection**

A collection consists of multiple independent works, for example a book of images or a journal made up of articles by multiple authors. The works that make up the collection are clearly independent from each other. The selection and arrangement of the works, as well as any added illustrative text or other elements by the person who compiled the collection is the contribution of said compiler. This contribution may or may not qualify for copyright protection based on applicable law (which differs around the world). The works used in the collection do not come under the copyright of the person making the compilation. They remain under their own licenses (or public domain, or in some cases just copyright).

## **Licensing considerations for a collection**

The creator of the collection has the power to choose a license for his own contribution only, and not for the works by others in the collection.

It is possible (and legal) to have works under different licenses in the collection and yet a different license for the collection itself. However, the creator should take into account how it will affect re-users. For example, if a work in the collection is NC-licensed but the whole collection is CC BY, the re-user can’t use the collection for commercial purposes without removing the NC-licensed work. Therefore, it’s best to use this approach only when the works in the collection are separable and the re-user can easily remove/replace the for example, NC-licensed work.

## **What is an adaptation**

An adaptation (also called a remix or a derivative work) is created when one or more existing works are used as a basis for a new work that itself is original enough to gain copyright protection. While the rules for what constitutes an adaptation vary between jurisdictions, translations of works and film adaptations of books are generally considered adaptations around the world.

Some modifications are not considered adaptations, for example spelling corrections. Also, quoting from a work for illustrative purposes is not making an adaptation.

At the other end of the spectrum we have the case where, under Finnish copyright law[[1]](#footnote-1) , if adapting is of such magnitude that new work becomes independent of the original so that the original and new work are not experienced as the same work[[2]](#footnote-2), the new work is called “free association” which doesn’t require permission from the copyright holder of the original work.

When dealing with a work labelled with an ND-license, it can be challenging to evaluate if the considered use constitutes adaptation prohibited by the license.

## **Licensing consideration for an adaptation**

There are two main areas to consider: the compatibility of the licenses for the works being used as the basis for the adaptation and the license choice for the adaptation itself.

License compatibility refers to what licenses can be mixed together to form the adaptation. The license that the creator chooses for the adaptation itself is called the Adapter’s License. The adapter’s license only applies to his adaptation, the underlying work(s) continues to carry its own license.

Check list for adapter

1. Make sure that you are not using ND-licensed content. The underlining work(s) must carry licenses that allow for an adaptation and distribution of said adaptation.
	1. Note that in the current license suite 4.0 all licenses, including ND, allow the creation of adaptations. However, under the ND-licenses, distribution of the adaptation is not permitted.
2. When using multiple underlying works, make sure their licenses are either the same or compatible. Creative Commons offers a [chart](https://creativecommons.org/faq/#can-i-combine-material-under-different-creative-commons-licenses-in-my-work) to check compatibility. Here are some observations:
	1. The two SA-licenses do not mix together, as both require the same license to be used.
	2. CC BY, public domain and CC0 are compatible will all licenses (that allow adaptations).
	3. CC BY-SA is compatible with CC BY and the two public domain tools.
	4. CC BY-NC is compatible with NC-SA, CC BY and the two public domain tools.
	5. CC BY-NC-SA is compatible with CC BY, CC BY-NC and the two public domain tools.
3. In selecting the license for the adaptation, make sure you respect the underlying licenses. Creative Commons offers a [chart](https://creativecommons.org/faq/#if-i-derive-or-adapt-material-offered-under-a-creative-commons-license-which-cc-licenses-can-i-use) to check suitable licenses in relation to underlying works. Here are some observations:
	1. If any of the underlying works is licensed with the NC-element, it is recommended for the re-users’ benefit that the adaptation itself be NC-licensed as well.
	2. If any of the underlying works is licensed with the SA-element, then the adaptation itself must be licensed with the same SA-element.
	3. If all the underlying works are CC BY only, or a mix of CC BY and public domain, any of the six CC-licenses are suitable.
	4. If all underlying works are in the public domain, CC0 is also a suitable choice.
4. Don’t forget to include attributions and license information of the underlying work(s) in your adaptation.
	1. It is recommended to use the TASL approach (title, author, source, license).

## **Example of a collection**

Attachment 1 (CAT Collection) is an example of a collection. It is made up of 5 works by various creators plus my own contributions. For illustrative purposes, let’s assume that the selection and arrangement of the works that I have done, as well as the short introduction I’ve prepared fulfill the requirement of individuality and originality and is considered to be under copyright. This means that I control how I want my contributions to be used. My license choice for my contribution has no effect on the status of the individual works I have included in the collection, they remain under their own licenses or public domain, as applicable.

### **Sources**

[Tekijänoikeuslaki](https://www.finlex.fi/fi/laki/ajantasa/1961/19610404#L1P3) (original text of the Finnish Copyright Act in Finnish)

[Unofficial translation of the Finnish Copyright Act](https://www.finlex.fi/en/laki/kaannokset/1961/en19610404.pdf)

Hietanen, Herkko and Puranen, Niko. [Remix-teos – vapaa muunnelma vai jälkiperäinen teos?](https://tekijanoikeus.turre.com/remix-teos-vapaa-muunnelma-vai-jalkiperainen-teos/) , web page, accessed 29.7.2023

[4.3. Finding and Reusing CC-Licensed Work](https://certificates.creativecommons.org/cccertedu/chapter/4-3-finding-and-reusing-cc-licensed-work/)  by [Creative Commons](https://creativecommons.org/). [CC BY 4.0.](https://creativecommons.org/licenses/by/4.0/)

[4.4. Remixing CC-Licensed Work](https://certificates.creativecommons.org/cccertedu/chapter/4-4-remixing-cc-licensed-work/)  by [Creative Commons](https://creativecommons.org/). [CC BY 4.0.](https://creativecommons.org/licenses/by/4.0/)

[If I create a collection that includes a work offered under a CC license, which license(s) may I choose for the collection?](https://creativecommons.org/faq/%22%20%5Cl%20%22if-i-create-a-collection-that-includes-a-work-offered-under-a-cc-license-which-licenses-may-i-choose-for-the-collection)  by [Creative Commons](https://creativecommons.org/). [CC BY 4.0.](https://creativecommons.org/licenses/by/4.0/)

[License compatibility chart](https://creativecommons.org/faq/#can-i-combine-material-under-different-creative-commons-licenses-in-my-work)  by [Creative Commons](https://creativecommons.org/). [CC BY 4.0.](https://creativecommons.org/licenses/by/4.0/)

[Adapter’s license chart](https://creativecommons.org/faq/%22%20%5Cl%20%22if-i-derive-or-adapt-material-offered-under-a-creative-commons-license-which-cc-licenses-can-i-use) by [Creative Commons](https://creativecommons.org/). [CC BY 4.0.](https://creativecommons.org/licenses/by/4.0/)

### **License statement**

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1. Copyright Act section 4 [↑](#footnote-ref-1)
2. [Remix-teos – vapaa muunnelma vai jälkiperäinen teos?](https://tekijanoikeus.turre.com/remix-teos-vapaa-muunnelma-vai-jalkiperainen-teos/) [↑](#footnote-ref-2)