

# Creative Commons and the Grand Challenge to Make Legal Language Simple

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Tento projekt je spolufinancován Evropským sociálním fondem a státním rozpočtem České republiky.











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- Using legal language
- Law and legal language
- Efforts to simplify legal language
- Creative Commons licensing platform



- On the very edge of actual comprehensibility (Legalese)
- Often used erroneously (misunderstandings)
- Often avoided (fear of errors)





- Comprehensibility // Preciseness
- Simplification
  - Plain Language Campaigns
  - Creative Commons

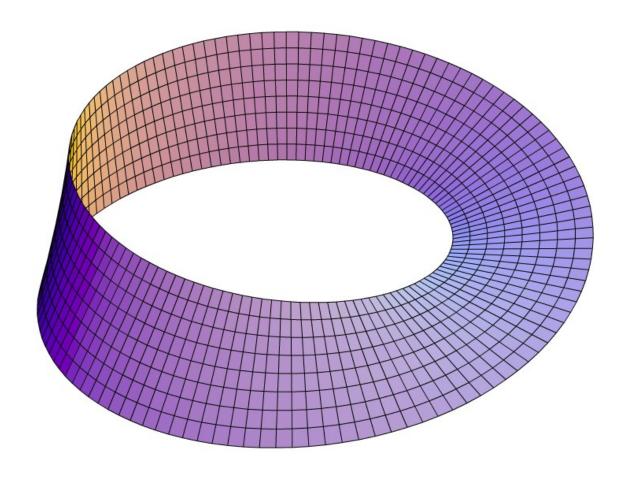


- Perceivable as separate systems
- Existentially interconnected
- User-interface-system model

Law is a language. (White, 1982)







## **Möbius Strip**

(http://commons.wikimedia.org/wiki/File:Moebius\_Surface\_1\_Display.png)

- Dangers of ignoring the interconnectedness
- System of Law behind the interface of legal language

Legal effect of a normative sentence cannot be simply read-off the surface of the text. (Hutton, 2009)





 Legitimate tendency to communicate Law depending on the audience

 Adjusting the interface may modify the scope of system functions available to

the user

- Importance of context
- Context preserving simplification ('easification')





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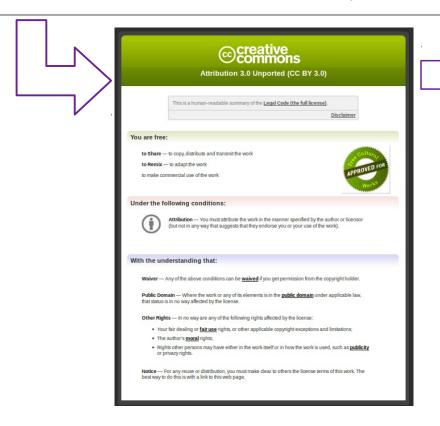
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	It is not clear what work is covered by a license.	The author is not known.	Suspicion of copyright violation exists.
Australia	21/50 (42 %)	15/50 (30 %)	7/50 (14 %)
Czech Republic	25/50 (50 %)	10/50 (20 %)	8/50 (16 %)
Germany	19/50 (38 %)	12/50 (24 %)	5/50 (10 %)
USA	17/50 (34 %)	6/50 (12 %)	15/50 (30 %)
Total	82/200 (41 %)	43/200 (21,5 %)	35/200 (17,5 %)

## Summary of brief internet survey

(Koscik, M., Savelka, J. 2011. Dangers of over-enthusiasm in licensing under Creative Commons. Unpublished manuscript.)



# **Complicated Concepts (hidden):**

- Irrevocability
- Non-commercial use
- No warranty





## **Case Law**

- Curry v. Audax
- Lichôdmapwa v. L'asbl Festival de Theatre de Spa
- Chang v. Virgin Mobile





- Legitimate to adopt different legal language depending on needs and requirements
- Consequent loss of context and/or certain system functions not inherently negative, but may entail a danger of system malfunctions
- In the domain of Law the malfunctions are manifested as potential infringments (normative consequences)





## Thank you for your attention!

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