



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)

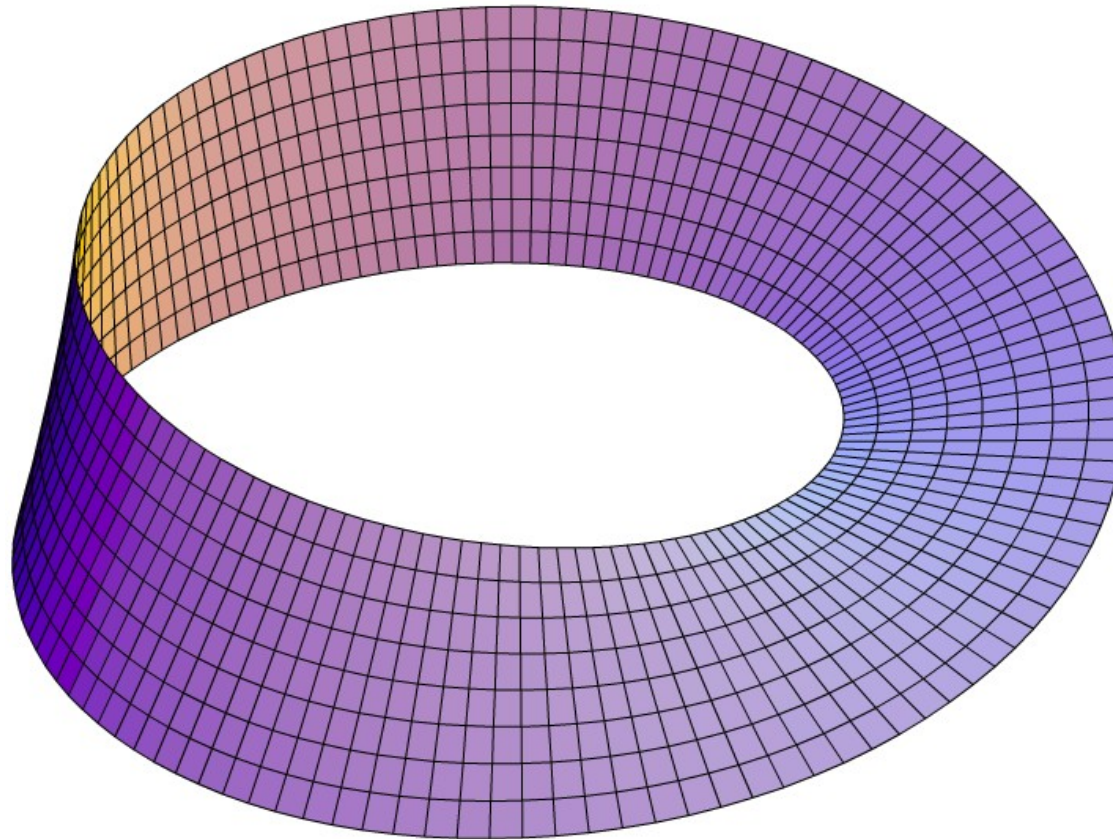


- Comprehensibility // Preciseness
- Simplification
 - Plain Language Campaigns
 - Creative Commons



- 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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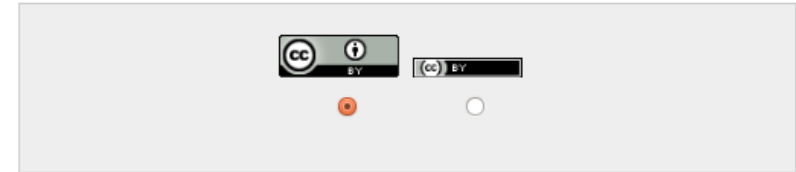
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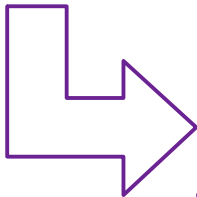
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	It is not clear what work is covered by a license.	The author is not known.	Suspicion of copyright violation exists.
Australia	21/50 (42 %)	15/50 (30 %)	7/50 (14 %)
Czech Republic	25/50 (50 %)	10/50 (20 %)	8/50 (16 %)
Germany	19/50 (38 %)	12/50 (24 %)	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 Unpublished manuscript.)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 infringements (normative consequences)



Thank you for your attention!

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law.muni.cz

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