

	Science, Education and Innovations in the Context of Modern Problems Issue 12, Vol. 8, 2025
	Title of research article  Creative Commons Licences as a Framework for Balancing Intellectual Property Rights and Knowledge Accessibility in the Digital Environment: A Legal and Ethical Perspective
Kermache Hajar	Dr. University of Batna 1, Human Security Laboratory Algeria E-mail: hajar.kermache@univ-batna.dz
Hadfi Besma	Dr. University of Souk Ahras, Laboratory of Rights and Freedoms in Comparative Systems Algeria Email: b.hadfi@univ-soukahras.dz
Issue web link	https://imcra-az.org/archive/387-science-education-and-innovations-in-the-context-of-modern-problems-issue-12-vol-8-2025.html
Keywords	Creative Commons licences; intellectual property rights (IPR); copyright; fair use; open access; digital environment; knowledge sharing; authors' moral rights; Arab legal systems; public domain; innovation policy; comparative law; ethical use of information.
Abstract This study critically examines the legal, ethical, and practical implications of Creative Commons (CC) licences as an evolving mechanism for reconciling intellectual property rights (IPR) with the principles of open access and public knowledge dissemination in the digital era. It explores the theoretical underpinnings and historical evolution of the CC framework, situating it within the broader landscape of copyright reform and digital innovation. The paper analyses how CC licences—ranging from the most restrictive to fully open variants—empower authors to determine the conditions under which their works can be used, modified, or distributed. By integrating comparative legal analysis and empirical insights from Arab jurisdictions, this research investigates how CC licences function as complementary instruments to traditional copyright systems rather than replacements thereof. It also highlights their contribution to promoting academic collaboration, innovation, and cultural exchange in digital environments. Special attention is given to the legal infrastructures supporting CC adoption in Arab countries, challenges of awareness and enforcement, and the role of digital platforms in enabling equitable access to intellectual creations. The findings underscore that Creative Commons licences represent a hybrid legal model that harmonizes protection with openness, ensuring that intellectual property continues to serve both individual authors and the collective good. In this sense, CC licences foster an ethical ecosystem where creativity, sharing, and legal certainty coexist, ultimately contributing to sustainable digital development and democratized knowledge access.	
Citation. Kermache H.; Hadfi B. (2025). Creative Commons Licences as a Framework for Balancing Intellectual Property Rights and Knowledge Accessibility in the Digital Environment: A Legal and Ethical Perspective. <i>Science, Education and Innovations in the Context of Modern Problems</i>, 8(12), 506–521. https://doi.org/10.56334/sei/8.12.42	
Licensed © 2025 The Author(s). Published by Science, Education and Innovations in the context of modern problems (SEI) by IMCRA - International Meetings and Journals Research Association (Azerbaijan). This is an open access	

article under the **CC BY** license (<http://creativecommons.org/licenses/by/4.0/>).

Received: 01.03.2025

Accepted: 10.09.2025

Published: 10.10.2025 (available online)

Introduction

Intellectual property marks the decisive starting point in safeguarding human thought and creativity. Technological developments have facilitated the detection of infringement upon it and contributed to the establishment and enforcement of relevant laws worldwide. The international community has actively sought to implement these laws and pursue offenders. However, given the extensive proprietary nature of such rights, which grant authors perpetual moral rights and limited-term economic privileges while permitting fair use of their works, it has been logical to devise a legal innovation enabling the utilisation and dissemination of these works despite the exclusivity granted to authors. This system is premised on certain author-granted concessions, applied without absolute protection, for reasons often related to the public interest and the collective benefit derived from broader accessibility and use of creative work.

This rationale prompted global efforts to establish laws and licences that allow beneficiaries to maximise the utility of creative outputs while enabling authors to apply varying degrees of exceptions and permissions to their works, known as Creative Commons licences. Through these licences, authors' rights become more accessible and transferable within the digital environment, providing creators and rights holders with an uncomplicated means of defining the freedoms and options they wish to apply to their intellectual creations. In essence, innovators gain the ability to retain certain rights while extending others, particularly as Creative Commons licences impose no financial burdens on authors. Consequently, these licences serve both creators and users, contributing to societal development through innovation.

Creative Commons licences thus constitute an extension of traditional copyright, not a substitute for it. They facilitate engagement with the evolving digital environment while affording a degree of protection to both creators and users in the digital domain.

Significance of the Study

This study aims to investigate the role of the Creative Commons licence in safeguarding, disseminating, exchanging, and sharing creative works and knowledge within the digital sphere while ensuring that the rights of original authors are preserved. It further aims to guarantee that such protection does not conflict with the inherent nature of the digital space, which is characterised by constant and accelerated communication, publication, transfer, and integration.

Research Methodology

To achieve the intended objectives of this research, it was necessary to rely on specific methodological approaches. This study employs a descriptive method to provide a comprehensive account of the current state of the subject, covering its various dimensions, including a definitional overview of the Creative Commons licence, alongside the research's scope and core concepts.

The analytical method was also adopted to examine the global and Arab contexts of Creative Commons licence usage and to review prominent platforms that make their resources available in accordance with such licences.

Research Problem

The internet and digital advancements have created unprecedented opportunities for accessing, sharing, and collaborating on creative human work, all of which remain subject to intellectual property rights. However, the participatory possibilities offered by the digital environment often intersect with the restrictive provisions embedded in intellectual property laws worldwide. To address this tension between the creator's capacity to share digital works globally and the need to regulate and protect such rights, the Creative Commons licence was established. It provides a means of reconciling what technology enables with what intellectual property law restricts. Moreover, it offers creators an alternative

approach to sharing their work under more flexible conditions, transitioning from the traditional “all rights reserved” framework to the more open concept of “some rights reserved.”

Hence, the following research problem arises:

How are Intellectual Property Rights Utilised Under Creative Commons Licences?

Several subquestions complement this question:

- What are Creative Commons licences, their types, and their spectrum from restriction to openness?
- How are the methods of access implemented according to Creative Commons licences?
- What is the situation of the Arab world regarding the application of Creative Commons licences?
- What are the platforms that offer Creative Commons resources, and how do they provide access within these licences?

To answer this overarching question, the study is divided into two principal axes: the first titled **"Concept of Creative Commons Licences"** and the second **"The Reality of Using Creative Commons Licences."**

First Axis: Concept of Creative Commons Licences

With the advent of digital content and the increasing use of the internet, the distribution and dissemination of innovations in various forms and levels have become more accessible. This also created opportunities for collaborative work and the creation of new, valuable works, which is considered a genuine opportunity to encourage creativity and increase knowledge production, in addition to fostering integration between technology and communication methods among members of society.¹

The emergence of free and open-source software has made information easier to access, offering potential opportunities for learning and assisting others regardless of material profits. However, this inevitably leads to violations of authors' rights, prompting authors and companies benefiting from copyright laws to take measures to limit such unlawful exchanges.²

One negative consequence of these measures is the imitation of creative opportunities enabled by digital technology and problem-solving assistance, which may compel users to negotiate with or seek permission from the original author. This could lead to the disregard of these laws or even the cessation of creativity altogether. Therefore, the option of traditional licences is no longer effective in this context, which led to the emergence of new licences called "Creative Commons." These licences facilitate the material rights of authors, making them more accessible and transferable in the digital environment, and provide creators and licence holders with an easy way to specify the freedoms and conditions they wish to apply to their creative works. Creators thus gain access to some special rights, particularly since Creative Commons licences impose no costs on authors. Consequently, creative Commons licences serve and benefit both creators and users of their creations, thereby contributing to societal development through innovation.³

First: Definition of the Creative Commons Licence

¹ Souad Baanaka, "Free Access to Information: The Model of Creative Commons in the Library and Information Sector," *Journal of Humanities and Social Sciences*, Issue 43, June, p. 117.

² Published article on <https://course.openmedproject.eu/ar/>, accessed 25/02/2025, at 18:36.

³ Lahoucine Ou Bari, "What Do You Know About Creative Commons Licences," article available at <http://www.new-educ.com/creative-commons-licences>, 2014, accessed 18/02/2024, 02:05, p. 12.

Creative Commons licences represent a type of licence for the utilisation of intellectual property rights, aiming to establish a balance within the traditional "all rights reserved" model created by copyright law. They offer a simplified and standardised method for all parties, from individuals to large corporations and institutions, to specify the scope of copyright permissions for their creative works. The interaction between these licences and their users leads to the growth and dissemination of the digital commons, which is a collection of content that may be copied, redistributed, modified, altered, and derived from, all within the framework of copyright law.⁴

Initially, this licence was issued by the Creative Commons organisation, an international nonprofit headquartered in San Francisco, United States. It was founded on January 15 2001, by Lawrence Lessig, Hal Abelson, and Eric Eldred, with support from the Public Domain Centre of the United States. The organisation aims to expand the availability of creative works for public use and to enable building upon them in compliance with intellectual property law requirements.⁵

This licence was explicitly designed to operate with the internet, making content licenced under its terms easy to search for, discover, and use. It provides producers, creators, and others with free licences at the point of publication, defining the authorised uses of their works by others under specific conditions.⁶

Licensing under Creative Commons began in 2002 and is currently in use in many countries worldwide. The Creative Commons website offers a search engine to locate various types of works licenced under Creative Commons across multiple sites, accessible via the following link: <http://creativecommons.org>.

Creative Commons licences aim to "build a logical and flexible layer for the protection of intellectual property in response to increasingly stringent current conditions." The organisation sponsoring these licences pursues this goal by offering a set of tools that enable authors to specify the restrictions or freedoms they wish to apply to their creative works. It also provides an online platform to assist authors in selecting the licence best suited to their needs and requirements, in addition to supporting projects aligned with the organisation's objectives, thereby promoting creativity in the internet age.⁷

The Creative Commons organisation is not a law firm, nor does it provide legal services or advice. The distribution of Creative Commons public licences does not create an attorney-client relationship or any other kind of relationship. The organisation offers its licences and related information "as is," provides no warranties regarding its licences or any material licenced under their terms, and assumes no liability whatsoever for damages resulting from the use of these licences to the fullest extent permitted by law.⁸

Upon the use of any of these public licences, the licensor grants the public permission to use the licenced material under specified terms and conditions. If no authorisation is needed, for example, owing to an applicable copyright exception or limitation, then such use is not governed by the licence. Creative Commons licences grant permission only under copyright, and certain other rights the licensor has the authority to grant. Nevertheless, the use of licenced material may be restricted for other reasons, including the existence of copyright or other rights held by third parties. The licensor may also impose special conditions, such as requiring attribution for any modifications or describing the changes made.⁹

The following question arises: how is the Creative Commons licence used?

⁴ Official website of the Creative Commons organisation, <http://creativecommons.org/licenses>, accessed 20/02/2025, 18:23.

⁵ Official Wikipedia website, <https://ar.wikipedia.org>, accessed 26/02/2025, 15:45.

⁶ Simone Alibrandi, *Creative Commons User Guide*, translated by Heba Farid, 2014, article published at <http://creativecommons.liberbooks.org/creative-commons-a-user-guide-Arabic-v1.0.pdf>, accessed 26/08/2025, 16:23.

⁷ Official website of the Creative Commons organisation, <http://creativecommons.org/licenses>, accessed 22/05/2025, 18:23.

⁸ Creative Commons, *Who Uses CC?*, retrieved from <http://creativecommons.org/who-uses-cc>, accessed 24/04/2025, 18:21.

⁹ Rehab Abdelhady El-Soweifi, "Creative Commons and Its Role in Protecting Intellectual Property Rights in the Digital Environment (Case Study: Fayoum University)," *Journal of Library and Information Science Research*, Cairo University, Vol. 12, March 2014, p. 158.

To answer this question, one should visit the link <https://creativecommons.org/choose> and select the licence under which the digital work will be made available. The service provider can guide the copyright holder to the "Choose" tool for the Creative Commons licensing framework, where the system prompts the user to answer several questions. These include whether commercial use of the work is allowed, i.e., "Yes" or "No," and whether others are permitted to modify the work, i.e., "Yes" or "No," provided that they share their new creations under the same conditions. It also involves determining the jurisdiction authority for the licence: the "International" or "National" version.

The user also has the option to input additional descriptive metadata about the work, which can be included in a searchable database of works available under "Creative Commons Licences." The site offers a suitable licence on the basis of the copyright holder's choices, and this licence has three "versions": the "Lawyer" version, the "Individual" version, and the "Computer" version. These are generated automatically for each licence and can be easily attached to digital works, enabling the expression of the same contractual conditions for stakeholders who may have very different informational needs, thus making them sound both individually and socially.

Similarly, it is assumed that an ordinary individual is unlikely to read legal contracts, whereas lawyers require detailed information to understand collaborative licences. The best approach for a computer when searching the web is to organise and structure information in a predefined format, based on assumptions that are grounded in reality.¹⁰

There are two main functional requirements for Creative Commons licences: standardisation of usage and international scope. The licence designers identified typical or intended uses of protected works in the digital environment, such as making a copy, hosting a copy on a website, distributing a copy, or using parts of the work in a new creation, and formulated licence drafts to permit these actions. This standardisation of uses enables the creation of an automated system for open digital content licensing, applicable to most individual transactions involving digital works. This standard can also serve as a basis for building similar licensing schemes.¹¹

Given that digital intellectual property easily crosses national borders via the internet, licence designers emphasised that licences must reflect the global nature of the web. Therefore, "localised versions" were created to comply with international legal agreements, such as the TRIPS Agreement (World Trade Organisation) and the Berne Convention (World Intellectual Property Organisation). These international versions have been translated into legal texts. However, due to the uniformity of uses permitted, Creative Commons licences focus on user objectives rather than the differences in copyright law across jurisdictions.¹²

The functional need here is to provide a series of typical-use contracts in three readable versions: for lawyers, individuals, and computers, which unify the allowed uses of the works concerned. These have been translated into different legal forms and possess broad international applicability. Such functional requirements also serve national libraries adopting open access strategies or projects.¹³

Second: Categories of Creative Commons Licences

Creative Commons licences consist of two parts: the first includes the "freedoms" the author permits in their work, and the second specifies the conditions for using these freedoms.

First Part: Freedoms Granted by the Licensor to the Licensee

These licences allow the copying of the work as follows:

¹⁰ Naser Abou Zaid Al-Kashki, "Creative Commons Licences and Their Impact on Intellectual Property Rights: An Analytical Study," *Journal of Library, Archives, and Information Science*, Vol. 3, No. 5, 2021, p. 5.

¹¹ Official website of the Creative Commons organisation, previous reference.

¹² Ahmed Nour Badr, *The Knowledge Society Between Intellectual Framework and Practical Applications*, Dar Al-Masria Al-Saudia for Publishing and Distribution, Cairo, 2011, p. 132.

¹³ Mohamed Al-Assar, *Opposition to Intellectual Property Rights and the Role of Creative Commons in Protecting These Rights in the Digital Age (Analytical Study)*, Master's Thesis, Alexandria University, 2011, p. 15.

- Everyone has the right to "share copies of the work, distribute it, and transmit it."
- You have the freedom to "use, reuse, and incorporate the work into other works."
- Without restrictions.



This means that the creator has dedicated the work to the public domain by waiving all rights to the extent permitted by law. Users may copy, distribute, and modify the work for any purpose, including commercial uses, without the creator's permission and without attribution.¹⁴

Second Part: Conditions Imposed by the Licensor for Using the Work

Creative Commons licences include four main conditions from which the licensor may choose according to their preferences:

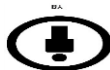
- **ShareAlike:** The freedoms granted by the author remain applicable to derivative and modified copies of the licenced work.



- **NonCommercial:** The work cannot be used commercially. If copies are distributed, they cannot be exploited commercially or financially. Commercial use requires permission from the licensor.



- **Attribution:** The work must be credited to the author or licence holder appropriately but without implying endorsement. This condition is present in all Creative Commons licences and requires attributing the work to its creator whenever it is used.



- **NoDerivatives:** The work cannot be altered or built upon. If modifications, corrections, translations, or derivations are desired, permission must be obtained from the licensor.¹⁵



Creative Commons licences facilitate authors in specifying the rights they retain and those they waive, granting other permissions according to their wishes, thereby realising the principle of "some rights reserved." These licences use indicators to clarify the applicable licence and do not conflict with the freedoms granted by legal frameworks for users of creative works protected under copyright law, such as copyright exceptions and fair use. Creative Commons licences require licencees to obtain permission before performing any acts solely reserved by law to the licensor and not expressly allowed by the licence. Licencees must attribute the work to the licensor, include copyright notices with all copies, and provide a link to the licence for all copies. They are not permitted to use technological measures to restrict others from using the work.¹⁶

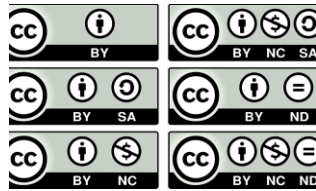
¹⁴ Creative Commons, *Who Uses CC?*, retrieved from <http://creativecommons.org/who-uses-cc>, accessed 24/04/2025, 09:27.

¹⁵ Official Wikipedia website, <https://ar.wikipedia.org>, accessed 26/02/2025, 17:03.

¹⁶ Ahmed Nour Badr, previous reference, p. 134.

Third: Creative Commons Licence Packages

The Creative Commons licences are divided into six packages, as shown in the diagram below.



The first licence/Attribution to the creator "BY": "CC = BY Attribution"



Type of use: Commercial and noncommercial. It allows copying, modifying, quoting, redistributing/publishing, publicly displaying or sharing work, and licensing to others.

This licence permits others to redistribute, modify, change, and build upon the work, whether for commercial or non-commercial purposes, as long as they attribute the original work to you within the work or any modifications. This licence is the most permissive in the Creative Commons suite and is the best choice to ensure the broadest possible dissemination and use of licenced materials.¹⁷

The second licence/Attribution - NonCommercial: BY-NC = NoncommercialNoncommercial Share Attribution Alike



Type of use: Noncommercial only.

Allows: copying, modifying, quoting, redistributing, publishing, publicly displaying, or sharing work, with the possibility of granting licences to others.

This licence permits others the freedom to redistribute, modify, change, and derive from the work for noncommercial purposes only. While derivative works must attribute the original work and be noncommercial, they are not required to be licenced under the same terms.¹⁸

Third licence/Attribution - ShareAlike: CC BY-SA = Attribution Share Alike

¹⁷ Hussamuddin Kamel Al-Ahwani, "The internet as a Means of Exploiting Works and Copyright," Arab Journal of Culture, Tunisia, 2003, Vol. 22, Issue 2003, p. 2.

¹⁸ Muhammad Abdelaziz Ibrahim Abu Hamama, *Creative Commons Licences and Information Facilities: An Analytical Study of the Horizons of Application and Its Regulations in the Arab Environment*, Master's Thesis, Menoufia University, 2019, p. 23.



Type of use: Commercial and noncommercial. Allows: copying, modifying, quoting, redistributing/publishing, publicly displaying, or sharing the work, and licensing derivative works under specified terms.

This licence permits others to freely redistribute, modify, change, and derive from their work for commercial or non-commercial purposes, provided that they attribute the original work to its creator and licence their derivative works under the same terms. This licence is often compared to "copyleft" licences used for free and open-source software, where all derivative works carry the same licence, thereby allowing commercial use. If the original licence prohibits commercial use, commercial exploitation is not permitted.

Fourth Licence/Attribution - No Derivatives: CC BY-ND = Attribution No Derivatives¹⁹



Type of use: Commercial and noncommercial. Allows: copying, redistributing/publishing, publicly displaying, sharing work, and granting licences to others. Does not allow: modifying or quoting.

Fifth Licence/Attribution - NonCommercial - ShareAlike: CC BY-NC-SA



Type of use: Noncommercial, Noncommercial only, "Attribution No Derivatives".

Allows: copying, modifying, quoting, redistributing/publishing, publicly displaying or sharing the work. Licensing derivatives work under specific conditions.

This licence permits others to modify, improve, and build derivative versions of the work, but only for noncommercial purposes, provided the original work is attributed to you and derivative works are licenced under the same conditions. Translation, modification, and building upon the work are allowed, and all derived works will carry the same licence and thus remain noncommercial.²⁰

The sixth licence/Attribution - NonCommercial - No Derivatives: "CC BY-NC-ND = Attribution Non Commercial No Derivatives" The sixth licence/Attribution - NonCommercial - No Derivatives: "CC BY-NC-ND = Attribution Non Commercial-No Derivatives"

¹⁹ Souad Bouanka, "The Role of Creative Commons in Supporting the Open Access Movement in the Arab World," Proceedings of the 20th Conference of the Arab Federation for Libraries and Information, titled Towards a New Generation of Information Systems and Specialists: A Future Vision, Riyadh, p. 32.

²⁰ Lahoucine Ou Bari, previous reference, p. 15.



Type of use: Noncommercial.

Allows: copying, redistributing/publishing, publicly displaying or sharing work, and granting licences to others.

Does not allow: modifying or quoting.

This licence is the most restrictive, allowing others only to download and share their work with others, provided they credit the original work to you, without making any modifications or using it for commercial purposes. It is often referred to as the "free advertising" licence. If you wish to publish under a Creative Commons licence, you must choose the licence that matches the elements you want for your work.²¹

Therefore, works subject to Creative Commons licences include the following:

- The work must be attributed to its creator.
- Permission must be obtained from the licensor when performing any acts prohibited by the licence.
- Copyright notices must be retained in all copies of the work.
- The licence must be named, and a link to it must be included in all copies of the work.
- The original work must be acknowledged when modified, along with a clear description of the modifications made.

Fourth: The period specified for Creative Commons licences.

All international agreements and national legislation recognise the author's right to protect his literary, artistic, and scientific work throughout his lifetime and for fifty years after his death. Although Creative Commons is a nongovernmental organisation, the international trend toward its implementation has given its licences a legislative or legal dimension. Several legal regulations have been proposed to reform intellectual property laws, expand the scope of benefits from international digital knowledge content, and promote their development.²²

The duration and scope of Creative Commons licences can be explained as follows:

Creative Commons licences remain valid throughout the period of the author's copyright and related rights licenced herein and for fifty years after the author's death. However, if the terms of this public licence are violated, the rights granted under it shall automatically terminate.

When the right to use licenced materials is terminated due to noncompliance with the licence, as explained earlier, this right is automatically reinstated from the date the violation is remedied, provided that the remedy occurs within a maximum of thirty days from the date the violation was discovered.

²¹ Official website of the Creative Commons organisation, previous reference.

²² Rahab Abdel Hadi Al-Suwaifi, *previous reference*, p. 163.

Upon explicit reinstatement by the licensor, the licensor also retains the right to offer the licenced materials under separate terms and conditions or to discontinue distributing the licenced materials at any time, without this resulting in the termination of this public licence.²³

Second Section: The Reality of Using Creative Commons Licences

Copyright grants creators a set of exclusive rights over their creative works, which generally include the right to reproduce, distribute, display, and modify their works. These works often bear the phrase "All Rights Reserved," indicating that the creators retain all rights granted to them by law. However, upon the expiry of these rights, the work enters the public domain, and the heirs of the copyright holder can no longer prevent others from engaging in such activities under copyright law, except for the moral rights reserved for them.

In contrast, Creative Commons licences are intellectual property licences designed to protect the author and preserve copyright while allowing the creator to publish and distribute their work, offering limited types of uses to the public. These licences provide a set of options between retaining all rights and waiving all rights (i.e., placing the work in the public domain), an approach known as "Some Rights Reserved."

In this section, we examine the status of creative commons in Arab countries and identify the primary institutions and platforms that utilise these licences.

First: Creative Commons and the Arab Countries.

Among the countries that have adopted Creative Commons licences are Japan, the USA, China, Australia, and France. In the Arab world, the "Arab Commons" initiative was launched in 2007 to promote the culture of Creative Commons and open access in the region by protecting creativity in the digital environment, encouraging the production and dissemination of Arabic content under licenced agreements, building and developing the Arab digital public library, raising awareness and encouraging Arab states to adopt these licences by integrating them into their national intellectual property laws. The initiative also sought to identify and make available creative Arab works published under such terms for public access.²⁴

The first website encouraging the adoption of Creative Commons licences in the Arab world was created by Dr Anas Taweela and named "Arab Commons," accessible at www.arabcommons.org. This website offers support and guidance to Arab artists, authors, and creators in selecting the most suitable Creative Commons licence for their work. It also gathers and shares artistic, literary, and creative works published under these licences with a broad audience. By December 2007, Arab Commons had reached a collection of 11 textual books, seven poetic works, several artistic works, one magazine, and 11 Arabic-language articles, all of which were released under Creative Commons licences.²⁵

Jordan and Egypt are among the Arab countries that have carried out the legal translation of Creative Commons licences. Jordan integrated them into its legal system and reformulated them in accordance with Jordanian law. The official launch of the project took place on November 15, 2009, making all Creative Commons licences available in Arabic. Thus, Jordan became the first Arab country whose judiciary officially recognised this type of licence.²⁶

The Algerian legislation has not yet included specific legal provisions regarding Creative Commons licences, despite their significant role in protecting digital intellectual property rights. It is therefore necessary to develop a suitable legal framework for such licences in Algeria to increase authors' confidence by stimulating digital creativity, participation, innovation, and information sharing while keeping pace with modern technological advancements.

²³ Mohamed Al-Assar, *previous reference*, p. 17.

²⁴ Souad Bouanaka & Roumisa Saddous, *Open Access Through Creative Commons (An Applied Study on Arab Information Institutions' Websites)*, Moroccan National Library, Vol. 2, 2018, p. 36.

²⁵ Souad Bouanaka, *The Role of Creative Commons in Supporting the Open Access Movement in the Arab World*, *previous reference*, p. 34.

²⁶ Hanan Manasriya, *Legal Protection of Intellectual Works in the Digital Environment*, PhD Dissertation, Faculty of Law and Political Science, Blida University, 2019–2020, p. 473.

Second: Reality of Platform Implementation of Creative Commons Licences.

In addition to countries, many organisations have adopted Creative Commons licences. Among these is UNESCO, which has implemented a policy of free access to its publications, issuing hundreds of books and reports under a licence that allows unrestricted use. These works have been deposited on their dedicated, free-access page.

Notably, most of these works are available under a special licence prepared by the Creative Commons organisation, enabling all users worldwide to download, copy, distribute, translate, reuse, adapt, and develop them at no cost. The only two conditions linked to this licence, known as "CC BY SA," are attributing the work to its author and explicitly acknowledging UNESCO as the original copyright holder. That derivative works be distributed under a licence identical to the original licence under which the work was issued.²⁷

Among the websites and platforms that adopt Creative Commons licences are the following:

1- Google

Google remains the world's leading search engine, offering the ability to search for materials and images that can be reused under the previously mentioned licences. To do this, click the settings button on the right side of the page, then select Advanced Search. At the bottom of the advanced search page, there is a usage rights field where the desired licences can be selected before the Advanced Search button is pressed.

2- YouTube

Founded in 2005, YouTube is an online platform owned by Google that specialises in publishing various videos from different fields and sources. It provides creative Commons licences, which are standard means for content creators to grant permission to other users to use their work. YouTube allows content creators to mark their videos with a Creative Commons licence, specifically the "CC BY" licence.

If a "CC BY" licence is applied to your video, you retain copyright, but the use of your work by other content creators is subject to the terms of the chosen licence. The default licence setting for all uploaded videos is YouTube's standard licence. Since Creative Commons licences apply only to original content you create, you cannot mark a video with a Creative Commons licence if it has a content ID claim. Marking your original video with a Creative Commons licence means you grant the entire YouTube community the right to reuse and modify the video.²⁸

Among the most important videos eligible for Creative Commons licences are original content created by yourself, videos marked with the "CC BY" licence, and videos that fall within the public domain.

On YouTube, videos subject to Creative Commons licences can be identified and selected by using the "Filter" icon, which offers several advanced search options, including Creative Commons licences. Once selected, videos licenced under Creative Commons and available for modification and derivation according to the licence type are displayed.

3- Wikipedia

The Wikipedia page summarises the use of content under Creative Commons licences, highlighting that it empowers individuals worldwide to collect, develop, and publish educational content under free licences or as donations to the public domain. Users can read, print, and reuse articles and other media freely under an open licence, contribute to Wikipedia sites or projects, and edit them. Contributions and edits made by others to these platforms are also licenced under free and open licences.²⁹

²⁷ Mohamed Abdel Aziz Ibrahim Abu Hamama, *previous reference*, p. 26.

²⁸ Source: Article published on <https://support.google.com/youtube/answer/2797468?hl=ar>, accessed on 26/02/2025 at 18:00.

²⁹ Wikipedia's official website, *previous reference*.

4- HINARI Program

HINARI is a program created by the World Health Organisation in collaboration with major publishers to provide access to health research. It enables developing countries to access one of the largest global collections of health and biomedical literature. The program includes over 13,500 journals, 60,000 e-books, and 115 other information sources, all of which are made available to health institutions in more than 115 countries, regions, and territories. The materials have been translated into 30 languages and benefit thousands of health workers and researchers.³⁰

5- Books and Educational Works

Creative Commons licences are not limited to websites, images, or videos; they also apply to printed materials, allowing authors to add licensing information manually. Many publications bear Creative Commons licences on their covers. One example is the book "Intellectual Property Rights", authored by Mouayed Zidan, which displays such licensing information on its cover.



Third: Evaluation of Creative Commons Licences.

Creative Commons are considered a valuable tool for promoting creativity and innovation. It provides a flexible and adaptable licensing framework that balances the rights of authors with the public domain. Authors can retain their rights and attributions while granting permissions for copying, redistribution, and noncommercial use of their work.

Creative Commons also facilitate access to digital information and its availability, thereby enhancing the personal website impact of authors, as it is more practical in the digital environment and more flexible than traditional copyright. The widespread adoption of Creative Commons licences by many countries and educational institutions has given it official status, easing its future adoption and integration into legal frameworks.

The high flexibility in using Creative Commons licences and the universal standardisation of their icons worldwide, regardless of language differences, has made these uniform licences more understandable and eliminates the need to contact the rights holder directly.

On the other hand, creative commons face several challenges and drawbacks:

- Authors sometimes fail to select licences carefully and may be unaware of the types and differences between them. Some users mistakenly believe that content bearing a Creative Commons symbol is free of all restrictions, overlooking the fact that each licence carries specific conditions. The authors also make greater mistakes in not choosing licences carefully.
- Once a licence is granted, it cannot be withdrawn or retroactively changed. If an author licences work under Creative Commons and later retracts or changes it, the new licence cannot be legally applied retrospectively.

³⁰ Mohamed Abdel Aziz Ibrahim Abu Hamania, *previous reference*, p. 30.

- The Creative Commons organisation itself cannot sue or punish individuals who violate licences, as it lacks judicial or enforcement authority. Its role is limited to coordinating and organising licensing issues between parties. The burden of litigation and enforcement falls on the author, as stipulated by the intellectual property laws of their country.

This balance of flexibility and legal limitations defines both the strengths and the weaknesses of the Creative Commons licensing system.

Conclusion

In conclusion, traditional licensing options for exploiting intellectual property rights have become ineffective in the digital environment. This has led to the emergence of new licences, such as the Creative Commons (CC) licence, which aims to make intellectual property rights more accessible, widely used, and aligned with the latest developments in the internet world. Creative commons represent a new mechanism for protection in the digital environment. However, these licences are not substitutes for authors' rights in the digital environment. They are not widely adopted or popular, especially in the Arab world, as they do not constitute a legal system but were created by a nonprofit organisation. This causes many countries to not recognise this framework, and implementations remain limited and individual.

Main Findings

- 1- Creative Commons licences facilitate access to and availability of information, as well as improve the personal online presence of authors.
- 2- They contribute to expanding the circle of beneficiaries of digital content, encouraging the legal sharing of information, and reducing information monopolies.
- 3- Creative Commons licences do not replace intellectual property rights; instead, they extend and build upon them, allowing authors to modify their licence terms to suit their needs continuously.
- 4- One of the most important features of Creative Commons licences is their standardisation, which makes them easier for authors and users to understand.
- 5- Algerian legislation has not yet established legal provisions for Creative Commons licences, despite the significant role they play in protecting digital intellectual property rights.

Second: Recommendations

On the basis of the findings of this study, a set of recommendations can be proposed to increase awareness of the importance of creative commons licences and increase their usage as follows:

- 1- Urge Algerian legislators, as well as Arab and international legislatures, to include Creative Commons licences within the Copyright and Related Rights Law, as these licences are well suited to the digital environment.
- 2- Develop an appropriate legal framework for this type of licence to build trust among authors by encouraging digital creative work, participation, innovation, and information sharing while also keeping pace with modern technological developments.
- 3- Algerian and Arab universities should be encouraged to publish their members' academic works, theses, and journal articles under Creative Commons licences.
- 4- Raise awareness of the importance of Creative Commons licences in knowledge accessibility by involving civil society organisations and coordinating with media bodies, universities, and all influential social sectors. This can be achieved through workshops to better introduce Creative Commons licences, their values, and legal sanctity, promot-

ing respect for these licences, their lawful use, and protecting them from violation. Additionally, websites that educate the public, particularly internet users, about intellectual property rights and their associated obligations should be coordinated with internet service providers.

Intellectual property (IP) remains a foundational pillar in the protection of human creativity, embodying the intersection of moral recognition and economic rights. The continuous evolution of digital technologies has profoundly transformed the production, dissemination, and consumption of creative works, simultaneously enhancing accessibility while amplifying the risks of infringement and misappropriation. In response, the international community has strengthened IP frameworks and enforcement mechanisms to protect authors' interests. Yet, the restrictive nature of traditional copyright systems often clashes with the dynamic, collaborative ethos of the digital age.

The emergence of Creative Commons licences represents a pivotal shift toward adaptive legal frameworks that reconcile ownership with openness. By allowing creators to define the specific terms under which their works may be shared or reused, CC licences bridge the gap between protection and dissemination. These licences are not a repudiation of copyright but an evolution of it—designed to enable authors to participate meaningfully in the digital commons while retaining control over attribution and use.

Methodology

This study employs a qualitative legal and comparative approach, combining doctrinal analysis with interpretive review of international agreements and digital copyright frameworks. It examines the Creative Commons licence suite (CC BY, CC BY-SA, CC BY-ND, CC BY-NC, CC BY-NC-SA, and CC BY-NC-ND) to delineate their legal implications for authors, institutions, and end users. Furthermore, the research adopts a comparative perspective by analysing the legal adaptation and reception of Creative Commons in Arab jurisdictions, focusing on the legislative structures in Algeria, Tunisia, Egypt, and the United Arab Emirates. Data were collected through analysis of legal texts, Creative Commons policy documents, and academic discourse. This methodological triangulation allows for a comprehensive understanding of the interaction between IPR protection and digital dissemination norms.

Discussion

The study finds that CC licences represent an essential innovation within the intellectual property landscape, allowing for graduated levels of authorial control and public access. They embody the principles of transparency, accessibility, and participatory knowledge creation—core tenets of the digital knowledge economy. Within Arab contexts, however, the adoption of Creative Commons remains limited by factors such as low legal awareness, insufficient institutional frameworks, and the absence of formal recognition in certain copyright statutes. Nonetheless, academic institutions and non-profit organizations in the region are increasingly adopting CC licensing as part of their open science and educational resource initiatives. The balance achieved by Creative Commons between moral and economic rights serves as a viable model for sustainable knowledge ecosystems—one that aligns legal formality with ethical flexibility.

Creative Commons licences provide a modern legal mechanism that redefines the interaction between intellectual property and public knowledge. By offering a clear and modular structure for rights management, they strengthen legal certainty while fostering innovation and collaboration. For Arab countries, integrating these frameworks into national copyright regimes could significantly enhance cultural production, academic dissemination, and digital transformation efforts. Ultimately, CC licences represent an ethical and legal bridge between protection and participation—an indispensable tool for a just and accessible digital future.

Acknowledgements

The authors express sincere gratitude to the Human Security Laboratory (University of Batna 1) and the Laboratory of Rights and Freedoms in Comparative Systems (University of Souk Ahras) for their academic support and institutional resources during the preparation of this study.

Ethical Considerations

This research complies with the ethical standards of academic integrity and intellectual honesty. All referenced materials were used in accordance with fair use and proper citation practices. No human or animal subjects were involved in the study.

Funding

The authors received no specific grant or financial support from any public, commercial, or non-profit funding agency for this research.

Conflict of Interest

The authors declare no conflicts of interest related to the publication of this article.

References

1. Ahmed, N. B. (2010). *Knowledge society between theoretical framework and practical applications.* Cairo: Dar Al Masriya Al Saudiya for Publishing and Distribution.
2. Al-Ahwani, H. E. K. (2003). Internet as a means to exploit works and copyright. *Arab Journal of Culture*, 22, Tunisia.
3. Al-Assar, M. (2011). *Opposing intellectual property rights and the role of Creative Commons in protecting these rights in the digital age (Analytical study)* [Master's thesis, Alexandria University].
4. Al-Kashki, N. A. Z. (2021). Creative Commons licences and their impact on intellectual property rights (Analytical study). *Scientific Journal of Libraries, Documents and Information*, 3(5).
5. Al-Suwaifi, R. A. (2014, March). Creative Commons and its role in protecting intellectual property rights in the digital environment (Case study on Fayoum University). *Journal of Library and Information Science Research*, 12. Cairo University.
6. Anderson, R. (2019). Open access and the future of scholarly communication: Policy, practice, and progress. *Journal of Scholarly Publishing*, 50(4), 232-247. <https://doi.org/10.3138/jsp.50.4.232>
7. Armstrong, C., & Bitter, J. (2020). Intellectual property in the digital age: Challenges and opportunities for open knowledge. *Information Development*, 36(5), 623-634. <https://doi.org/10.1177/0266666920902841>
8. Benkler, Y. (2017). *The wealth of networks: How social production transforms markets and freedom.* Yale University Press.
9. Bosman, J., & Kramer, B. (2018). Innovations in scholarly communication: Open practices and infrastructure. *Learned Publishing*, 31(2), 85-94. <https://doi.org/10.1002/leap.1152>
10. Bouanaka, S. (n.d.). Open access to information: The model of Creative Commons in the library and information sector. *Journal of Humanities and Social Sciences*, (43), June.
11. Bouanaka, S. (n.d.). The role of Creative Commons in supporting the open access movement in the Arab world. In *Proceedings of the 20th Conference of the Arab Federation for Libraries and Information: Towards a new generation of information systems and specialists - A future vision.* Riyadh.
12. Bouanaka, S., & Saddous, R. (2018). Open access through Creative Commons (Applied study on websites of Arab information institutions). *Moroccan National Library*, 2.
13. Bridy, A. (2022). Creative Commons, copyright, and the digital commons: A legal analysis. *Journal of Intellectual Property Law & Practice*, 17(3), 195-207. <https://doi.org/10.1093/jiplp/jpab098>
14. Chan, L., & Costa, S. (2021). Open science and intellectual property: Rethinking access in the global knowledge economy. *Information Services & Use*, 41(2-3), 211-229. <https://doi.org/10.3233/ISU-210111>
15. Creative Commons. (2021, April 24). Who uses CC? Retrieved from <http://creativecommons.org/who-uses-cc>

16. De Beer, J. (2020). Defining open access and the evolving role of Creative Commons. *International Review of Law, Computers & Technology, 34*(3), 291–308. <https://doi.org/10.1080/13600869.2020.1719005>
17. Elibrandi, S. (2014). *A user guide to Creative Commons* (H. Farid, Trans.). Retrieved from <http://creativecommons.liberbooks.org/creative-commons-a-user-guide-Arabic-v1.0.pdf>
18. Guibault, L. (2019). Copyright limitations and exceptions for education and research: A digital perspective. *European Intellectual Property Review, 41*(7), 406–417.
19. Hanan, M. (2020). *Legal protection of intellectual works in the digital environment* [Doctoral dissertation, Blida University, Faculty of Law and Political Science].
20. Ibrahim Abu Hamama, M. A. A. (2019). *Creative Commons licences in information facilities (Analytical study on application prospects and regulations in the Arab environment)* [Master's thesis, Menoufia University].
21. Liang, L. (2018). Beyond representation: The moral economy of open licensing. *Cultural Studies, 32*(5), 765–784. <https://doi.org/10.1080/09502386.2018.1436332>
22. López, M. A., & Ramírez, E. (2020). Knowledge sharing and Creative Commons: A systematic literature review. *Information, Communication & Society, 23*(9), 1311–1332. <https://doi.org/10.1080/1369118X.2020.1726984>
23. Murray-Rust, P. (2019). Open data, open access, and open source: The triple foundation for knowledge sharing. *Information Services & Use, 39*(4), 279–289. <https://doi.org/10.3233/ISU-190070>
24. Oubari, L. (2014). What do you know about Creative Commons licences? Retrieved from <http://www.new-educ.com/creative-commons-licences>
25. Samuelson, P. (2017). Legal aspects of Creative Commons licensing in academic publishing. *Computer Law & Security Review, 33*(6), 784–795. <https://doi.org/10.1016/j.clsr.2017.06.002>
26. Simoni, E. (2014). *A user guide to Creative Commons* (H. Farid, Trans.). Retrieved from <http://creativecommons.liberbooks.org/creative-commons-a-user-guide-Arabic-v1.0.pdf>
27. Suber, P. (2021). Open access and scholarly publishing reform: An evolving framework. *Learned Publishing, 34*(1), 13–24. <https://doi.org/10.1002/leap.1342>
28. Van der Graaf, M. (2020). Rights management and Creative Commons: The new norm in open access publishing. *Journal of Academic Librarianship, 46*(6), 102221. <https://doi.org/10.1016/j.acalib.2020.102221>
29. Website. (n.d.). Article published on the website. Retrieved from <https://course.openmedproject.eu/ar/>
30. Wikipedia. (n.d.). Retrieved from <https://ar.wikipedia.org>
31. Willinsky, J. (2018). *The access principle: The case for open access to research and scholarship.* MIT Press.
32. YouTube Support. (n.d.). How does Creative Commons licensing work on YouTube? Retrieved from <https://support.google.com/youtube/answer/2797468?hl=ar>