

## SHARING FAIRLY

### *Sometimes Digital Sharing Isn't Really Sharing*

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#### Purpose

- To promote creative expression and give students experience with the basic idea of copyright.
- To introduce the concept of fair use.

#### Key Concepts

- When we create something original and tangible (recorded in a permanent format)—like a photo, video, drawing, song—we are the copyright owner.
- Copyright protects creative work and helps creators and artists get paid for their work. The goal of copyright is to inspire more creativity.
- Sometimes digital sharing isn't really sharing—it's copying. Making copies of a copyrighted work does not respect the owner's copyright.
- Fair use is an important part of copyright law. It allows us to re-use and share copyrighted works without permission in some ways that are still fair to the artist.



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**Grades:** Appropriate for Grade 3

**Time required:** Part A: 20 - 30 min (copyright)  
Part B: 10 - 15 min (fair use)\*

*\*Note: Depending on your students' understanding of **Part A (copyright)**, consider teaching **Part B (Fair Use)** as a separate lesson. Fair use is covered again and in more detail in the Grade 4 lesson. The Grade 6 video, "Creativity, Copyright, and Fair Use for Ethical Digital Citizens," explains both copyright and fair use and may be used to supplement this lesson.*

#### Preparation

##### Equipment needed:

- Computer/TV screen/iPad to play video.
- Short book; copyrighted image(s); paper; markers/pencils/crayons
- Videos and slides for this lesson are available at:  
[www.copyrightandcreativity.org/elementary](http://www.copyrightandcreativity.org/elementary). Videos are also at this [YouTube Playlist](#).
  - GRADE 3, "Sharing Fairly: Sometimes Sharing Isn't Really Sharing"
  - (Optional) GRADE 6, "Creativity, Copyright, and Fair Use for Ethical Digital Citizens," for further explanation and summary of copyright and fair use

## Notes to Presenter:

- Where possible, download videos and slides rather than stream. View YouTube links in ViewPure.com for more secure viewing.
- Consider doing the optional “Pre-lesson Writing Extension” **before** you teach the lesson, as a way to engage students in the topic and give them an opportunity to be creative.
- This lesson features several activities you may want to integrate into existing curriculum throughout the year. Consider including a short discussion of copyright and/or fair use whenever students begin any creative or research project.
- For more ways to talk about copyright, fair use, and related concepts of ethical digital citizenship, see *Presenter Instructions*, “Integrating Copyright and Ethical Use Concepts into Current Curriculum.”
- **Fair Use for Educators**

Fair use is a legal doctrine that is decided on a case-by-case basis and can be difficult to determine. These lessons simplify fair use for students by saying that students may re-use or share creative work that they “need” for educational purposes. However, it is important for teachers to recognize that the fair use analysis may be different for themselves, and they will have more to consider.

Educators often want to know how they can use copyrighted works in their classroom:

- A specific exception to copyright allows teachers to show or play a copyrighted work in class, without having to rely on fair use at all.
- Displaying or performing a copyrighted work in class is specifically allowed so long as the use is for **face-to-face instruction** at a **nonprofit educational institution**, and the copy the teacher is using was **lawfully obtained**.
- Note that this particular exception allows teachers to show a work, like a movie or photo, but not to make or distribute additional copies.

For other situations—like those that involve making new copies—teachers may need to evaluate whether what they want to do qualifies as fair use. Teaching is a favored purpose under fair use analysis, but all four factors need to be weighed together. Alternatively, some works may be OK to use based on their licensing terms or because they are in the public domain.

**For more information on how fair use works in education, see our Copyright for Educators Online Professional Development:**

[www.copyrightandcreativity.org/professional-development](http://www.copyrightandcreativity.org/professional-development)

Other fair use resources:

- [US Copyright Office: More Information on Fair Use](#)
- [US Copyright Office FAQ sheet](#)
- [US Copyright Office Fair Use Index](#)
- [Stanford University, Center for Internet & Society: "CIS Fair Use Legal Experts Answer Fair Use Questions,"](#) (video)
- [Cornell Law School website](#)
- [Know Your Copyrights Brochure](#)
- [Know Your Copyrights FAQs](#)
- [Stanford University Libraries: Copyright & Fair Use](#)

## ***Pre-lesson Writing Extension (Optional)\****

*The following writing exercises are designed to create context, help students engage with the topic, and prepare them for the lesson discussion.*

*A day or two before teaching this lesson, or as an introduction to this lesson, have students watch the one-minute companion video and complete one of the writing exercises below.*

### **OPTION 1: Write a Character Sketch**

*Play video for students: “Sharing Fairly: Sometimes Digital ‘Sharing’ Isn’t Really Sharing,” available at [www.copyrightandcreativity.org/elementary](http://www.copyrightandcreativity.org/elementary). You may need to play it 2 -3 times. Ask students to write a character sketch about one of the characters in the video.*

Be as creative as you can. There are no wrong answers. Give these characters a life of their own—whatever you want it to be.

*Prompt with questions:*

- Who is your character?
- What is his/her name?
- Who are his/her friends? How long have they known each other?
- Who are the people in his/her family? What are they like?
- What’s his/her backstory?
  - Where does he/she live?
  - Where did he/she used to live?
  - What exciting thing might have happened to them back in kindergarten, first grade, etc.?
- What is he/she looking forward to?
- What is he/she afraid of?

### **OPTION 2: Write a Story**

*Play video for students, “SHARING FAIRLY: Sometimes Digital Sharing Isn’t Really Sharing,” available at [www.copyrightandcreativity.org/elementary](http://www.copyrightandcreativity.org/elementary). You may need to play it 2 -3 times. Ask students to write the story they see portrayed in the video.*

Give your story a beginning, a middle, and an end. Use your creativity. Make it interesting.

*Prompt with questions:*

- Who are the main characters? What are their names?
- Give setting: Be specific and add to what you see.
  - Where are they? Where do they go to school?
  - What are they doing?
- What is happening here?
- How do the characters feel about it?
- How does this story end?

**\* NOTE: These exercises may also be done orally as a class discussion before the copyright lesson. Write the story or character sketch on the board as students contribute ideas.**

## **Review (Optional)**

If time permits, consider showing some or all of the K-2 videos, and have a brief discussion about the concepts they teach. For example: “This week we are learning about copyright. Look what the [first graders] are learning.”

Review concepts and show videos, available at [www.copyrightandcreativity.org/elementary](http://www.copyrightandcreativity.org/elementary) or see the YouTube playlist. [Copyright and Creativity Elementary Lesson Videos](#).

**Kindergarten:** “Respect the Person”—Two friends learn the importance of respecting names on artwork (attribution).

**Grade 1:** “It’s Great to Create”—Two friends discover the fun and benefit of creative collaboration.

**Grade 2:** “Creativity and Sharing Fairly”—A child decides how her photographs will be shared.

## **Lesson: Part A—Copyright**

### **ACTIVITY**

*Show a book to the class. Let them see the copyright information and symbol in the front of the book. Discuss what copyright means.*

**Copyright** is a protection given to artists and creators to help them get paid for their work. It creates an incentive—the possibility of a reward—for spending time and money to make new works. When artists know that their art will be protected by copyright, they are encouraged to make even more creative work.

Copyright protects all kinds of creative work, such as drawings, original writing, video, photographs, song lyrics and music, or even a computer program. If you created it, you are the copyright owner.

If I write a book or make a movie or draw a picture, I can sell it and get paid. Copyright law protects my book or movie or picture, so someone else can’t take it, make copies, and sell it without paying me.

The copyright symbol (©) is a reminder that the book is protected by copyright law.

All original work is copyrighted even if there is no symbol. And this protection isn’t just for famous, professional creators, it’s for you and me too.

*[Show a few images (art or photography) with the copyright symbol.]*

*[Show a few images (art or photography) without the copyright symbol.]*

When you create something original and write it down, record, or save it, you are the copyright owner. This is true of all kinds of creative work: drawings, original writing, video, photos, songs and music, even computer games and programs. You get to decide how your work will be shared and distributed.

*[Note: Help students understand that creative work must be written down, recorded or saved in a tangible form to get copyright protection. “Tangible” means that you can see, feel, touch, or use the new art. On the other hand, an idea floating around in your head cannot be copyrighted.]*

**OPTIONAL—PLAY VIDEO: Grade 6: “Creativity, Copyright, and Fair Use for Ethical Digital Citizens.”** first half only (0:00 – 1:28), available at [www.copyrightandcreativity.org/elementary](http://www.copyrightandcreativity.org/elementary).

**SUMMARY:** Video explains the basic concepts of copyright and fair use and how they work together to encourage more creative work:

**Copyright (0:00 – 1:28)** Students learn why copyright matters to themselves and the artists they care about and shows one real-life situation where an artist is affected by how media is shared.

**Follow-up to the Pre-lesson Writing Extension:** If students did the pre-lesson writing extension (character sketch or story about the characters in the Grade 3 video: “Sharing Fairly: Sometimes Digital Sharing Isn’t Really Sharing”, hand their stories back to them, or use art project they’ve already completed.

Think back to your story/character sketch/art project. You did great work on those. Did you know, you created an original work with legal protection? Congratulations!

*[Show students how to draw a copyright symbol and write the year next to it.]*

When you make something creative like this, it’s automatically protected by copyright even without the copyright symbol.

Do you like to share the things you create?

*[Yes/no. Take responses.]*

What kinds of things do you like to share online?

*[Music, images, text, video, photographs, etc.]*

How do you want your work shared with others?

*[Give as a present, take a picture and post online, print a picture and give it to a friend, etc.—all of these are sharing.]*

How does it feel to be the one to decide how your work will be shared?

*[Accept responses.]*

What kinds of creative work do you make or share digitally?

*[Accept responses.]*

Is it fair to share *others’* creative work this way?

*[Accept responses. Yes or no, depending on what the author/artist decided.]*

**Demonstrate the following by handing a book to a student:**

Sharing a digital file is different from face-to-face sharing. If I hand you my book to share it with you, you have the book and I don’t—that’s sharing. If I hand you my phone or tablet, so you can listen to my music, that is sharing. If I share a digital file with you—like a song or a movie or computer game—we both end up with the file. In that case, we made a copy. If I copy my songs for you to put on your phone or tablet, that is not sharing—it’s copying.

Let’s watch a short video about what can happen when we share work we don’t own. As you watch, think about how you would feel if the situation happened to you. What would you do?

**PLAY VIDEO:** “Sharing Fairly: Sometimes Digital Sharing Isn’t Really Sharing,” available at [www.copyrightandcreativity.org/elementary](http://www.copyrightandcreativity.org/elementary)

**VIDEO SUMMARY:** In this video, one student’s business (selling drawings on the playground) is foiled when another student takes a picture of the drawings with a cell phone and makes copies.

## DISCUSSION

What did you think of that? What did you notice in the video?

*[Accept responses.]*

What was the result?

*[Accept responses.]*

Was that fair?

*[Accept responses.]*

How do you think you would feel if that happened to you?

*[Accept responses.]*

What would you have done if you were the one who wanted to share the dragon drawing? How might the work have been shared in a fair way?

*[By asking permission first. Accept responses.]*

Do you think the boy in this story is going to want to bring more of his art to school to share or sell?

*[Accept responses.]*

Remember, the goal of copyright is to inspire more creative work. By giving owners/creators some protection, they are encouraged to make more new creations.

### ***Lesson: Part B—Fair Use***

**Sometimes it’s fair to copy or share copyrighted work without permission.**

Creative work gets a lot of protection from copyright, but there are situations where we’re allowed to copy or share copyrighted works without permission in ways that are still fair to the artist. We call these “fair uses.” For example, as third graders, you are allowed to copy some text from a book to put in a book report. You can use a movie clip in a PowerPoint® presentation or a song in a video you made for a class. However, if you want to take that video and have your mom or dad put it up on YouTube, that might not be fair, so you’ll need to ask some questions, such as: Who owns the song? Do I have permission to publish it?

*[Explain: When you post something online, that’s publishing.]*

Using creative work for school projects is generally a fair use.

There are also other fair uses, but the important thing for a third grader to remember is that fair use allows you to use copyrighted work (original art, writing, dance steps, video games, photographs, graphics, movies, sound recordings, etc.)—legally and ethically—if it’s for school work.

**PLAY VIDEO (optional): Grade 6: “Creativity, Copyright, and Fair Use for Ethical Digital Citizens,”** available at [www.copyrightandcreativity.org/elementary](http://www.copyrightandcreativity.org/elementary). If you have already shown the first half, you may skip ahead to the second half only (1:29 – 3:58).

**SUMMARY:** This video explains the concepts of copyright and fair use and how they work together to encourage more creative work:

**Copyright (0:00 – 1:28)** Students learn why copyright matters to themselves and the artists they care about and shows one real-life situation where an artist is affected by illegal sharing.

**Fair Use (1:29 – 3:58)** Legal concept of fair use is introduced to explain that copyright protected work can be used and shared without permission in certain, limited ways that are still fair to the copyright owner.

## Wrap-up

When we make something creative (original writing, art, photographs, audio recordings, images, song lyrics—even choreographed dance steps and computer games), copyright gives us some control over how that art will be used and shared by others. But there are times when we can copy or share copyrighted work without permission: this is fair use. We always want to be respectful with each other’s creations. Just because we own a copy of something does not mean we have the right to make more copies and give them or sell them to other people.

END

If you are using these resources in the classroom, please let us know!

[www.copyrightandcreativity.org/feedback](http://www.copyrightandcreativity.org/feedback)



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## Dear Parent,

At school today we learned that sometimes digital sharing is not like the sharing we experience in the physical world. Some digital sharing is actually “copying,” where a copy of a digital file is made. This kind of sharing of copyrighted work does not respect the owner’s copyright. If you’re interested, you can view the lesson here:

“SHARING FAIRLY: Sometimes Digital Sharing Isn’t Really Sharing”  
[www.copyrightandcreativity.org/parents](http://www.copyrightandcreativity.org/parents)

We hope your child will continue to create and to understand how we all benefit when we respect each other’s creative work. This is one of the foundations of copyright and an important part of becoming an ethical digital citizen.

### For fun and to reinforce this concept, you can do the following activity with your child:

*Go on a “field trip” throughout your house. As you travel from room to room, point at different objects and ask your child if they will share them with you. Start with objects that belong to your child (i.e. backpack, markers, stuffed animals, toys, etc). Say, “Hey, thanks for sharing.” [Or if they say no . . .] “OK, you get to decide. You can choose to share or not share because you own it—it’s up to you to decide.” Then, ask if your child will share other objects with you that aren’t hers to share (i.e. a sibling’s backpack, the neighbor’s car, etc.) Remind your child she actually can’t decide whether or not to share since it is not hers to give away. Talk about how the same principles exist in the digital world.*



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