

## COPYRIGHT IN THE REAL WORLD

### Music, Movies, Software, eBooks, Video Games

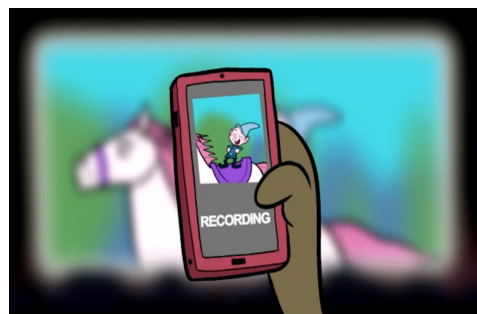
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#### **Purpose**

- To help students understand how to interact with the creative work all around them.
- To give students an experience identifying copyrighted works.
- To introduce students to Creative Commons for finding creative work.
- To encourage students to respect artists' rights as an important part of being an ethical digital citizen.

#### **Key Concepts**

- When we respect each other's creative work, we encourage more creativity. Art and media found online should be respected in the same way we respect other media, like books and DVDs being sold in a store.
- Copyright protects creative work and helps creators and artists get paid for their work. The goal of copyright is to inspire more creativity.
- **Creative Commons** allows artists to communicate how they will allow their work to be shared or re-used without asking for permission.
- **Fair use** is an important part of copyright that lets us copy or re-use copyrighted work without permission in certain ways that are still fair to the artist/creator. For example, for teaching or school projects, for giving commentary or criticism, or for making something completely new—transformative—using elements of the original (like a photo in a collage or a parody).



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**Grades:** Appropriate for Grade 5

**Time required:** 45 - 60 minutes

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#### **Preparation**

##### **Equipment needed:**

- Computer/TV screen to show video
- A slide presentation that needs music—presentation can include class photographs or photographs from students
- Media required for this lesson:

- **SLIDES:** Available at [www.copyrightandcreativity.org/elementary](http://www.copyrightandcreativity.org/elementary)
- **VIDEO:** “GRADE 5: Copyright in the Real World,” available at [www.copyrightandcreativity.org/elementary](http://www.copyrightandcreativity.org/elementary) or Elementary [YouTube Playlist](#).
- **VIDEO:** MS Lesson 4 Video 4.9, “Help! I Need Something: Finding Creative Work with (Almost) No Restrictions—Public Domain and Creative Commons,” available on [YouTube](#) and in [G-Suite](#).
- **INFOGRAPHICS:** available at [www.copyrightandcreativity.org/elementary](http://www.copyrightandcreativity.org/elementary)
  - INFOGRAPHIC: “Free Speech , Copyright, & Fair Use”
  - INFOGRAPHIC: “10 Things You Should Know about Copyright”
- **OPTIONAL VIDEO:** “Grade 6—Creativity, Copyright, and Fair Use for Ethical Digital Citizens,” available at [www.copyrightandcreativity.org/elementary](http://www.copyrightandcreativity.org/elementary) or [YouTube Playlist](#)
- **OPTIONAL VIDEO:** “Creative Commons Licences Explained,” available on [YouTube](#)

#### Notes to Presenter:

- Where possible, download videos and slides rather than stream. View YouTube links in ViewPure.com for more secure viewing.
- This lesson features several activities that may be useful throughout the year as other learning experiences will require students to go online to get creative work and re-use it in their own presentations or projects. 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 the *Presenter Instructions*, “Integrating Copyright and Ethical Use Concepts into Current Curriculum.”
- Consider doing the optional “Pre-lesson Writing Extension” *before* teaching the lesson as a way to engage students in the topic and give them an opportunity to be creative.
- **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 as 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 the C&C Professional Development course at: [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 future discussion.*

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

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

*Play video for students, "GRADE 5: Copyright in the Real World (Part 1)," available at [www.copyrightandcreativity.org/elementary](http://www.copyrightandcreativity.org/elementary) or [YouTube Playlist](#). You may need to play it two or three times. Ask students to write a character sketch about one or all of the characters in the video.*

Be as creative as you can. There are no wrong answers. Give each character a life of his/her own—whatever you want his/her story to be.

*Prompt with questions:*

- Who is your character?
- What is his/her name?
- How long have these friends known each other?
- Who are the people in his/her family? What are they like?
- What is his/her backstory?
  - Where does he/she live?
  - Where did he/she used to live?
  - What exciting thing might have happened to him/her back in 2<sup>nd</sup> grade, 3<sup>rd</sup> grade, etc.?
- What is he/she looking forward to?
- What is he/she afraid of?

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

*Play video for students: "GRADE 5: Copyright in the Real World (Part 1)," available at [www.copyrightandcreativity.org/elementary](http://www.copyrightandcreativity.org/elementary) or [YouTube Playlist](#). You may need to play it two or*

three times. Ask students to write the story they see portrayed in the video. Give your story a beginning, middle, and an end. Use your creativity. Make it interesting.

*Prompt with questions:*

- Who are these characters?
  - What are their names?
  - What are they interested in?
  - How long have they been friends?
- Give setting:
  - Where are they?
  - What are they doing? *Be specific and add to what you see.*
- What do you see happening here?
  - How do the characters feel about what is happening?
  - What is the theater manager thinking? What will he do?
- Write some dialogue. What are the characters saying to each other?
- 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-4 videos and have a brief discussion about the concepts that each of these videos teaches. For example: “This week we are learning about copyright. Look what the [first graders, etc.] are learning about.”*

*Review concepts and show videos, available at [www.copyrightandcreativity.org/elementary](http://www.copyrightandcreativity.org/elementary) or YouTube playlist: [Copyright & 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.

**Grade 3:** “SHARING FAIRLY: Sometimes Digital Sharing Isn’t Really Sharing”—A student artist discovers how illegal copying hurts.

**Grade 4:** “COPYRIGHT CONCEPTS: Digital Sharing Ethics”—Two friends experience the process of creating, performing, and permission.

*Consider also showing the Grade 6 video—“Creativity, Copyright, and Fair Use for Ethical Digital Citizens” and Infographic—as they provide summaries and visuals of the basics of copyright and fair use.*

## Lesson

Today we're going to talk about being fair when we share digitally. At the beginning of the year, do you remember signing (or digitally signing) the school's Acceptable Use Policy? *[Accept responses, and prompt with further reminder: This is the document we all have to sign before we're allowed to use school computers.]* The Acceptable Use Policy communicates school and district expectations for being good digital citizens as we use technology. Respecting intellectual property<sup>1</sup>, including copyright, is an important part of being a good digital citizen.

### Copyright Review

Remember, copyright is a set of rights that protects all kinds of creative work so that artists/creators can get paid for their effort. This includes original writing (stories), art, photographs, audio, images, music, song lyrics, even the doodle you drew on your napkin at lunch! It doesn't matter if it was created by a famous artist or you.<sup>2</sup> When you create an original work, you get to decide who can:

- make copies,
- distribute copies,
- display or perform the work in public, and
- make spin-offs; we call these derivatives (for example, like a book being made into a movie).

These rights are given to artists and creators to encourage them to make even more creative work. The Supreme Court has called copyright "an engine of free expression," because it provides incentive for authors and creators to devote time and money to producing new works. In this way, copyright encourages speech and creativity.

**Pre-lesson Writing Extension:** *If students did the pre-lesson writing extension (character sketch or story about the characters in the video, "GRADE 5: Copyright in the Real World, Music and Movies," return their stories to them, or use an art project they've already completed.*

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

How might you know if something is copyrighted? *[The circle © indicates copyright, but copyright protection exists even without the symbol. Creators have ownership over their work, unless they sell it to someone else.]*

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<sup>1</sup> Intellectual property is a blanket term that refers to creations of the intellect that are protected by law to encourage creativity. Intellectual property rights are the protections granted to the creators of intellectual property. They include copyright, trademarks, patents, industrial design rights, and in some jurisdictions trade secrets. Artistic works including music, literature, discoveries, inventions, words, phrases, symbols, and designs can all be protected as intellectual property. This curriculum educates specifically about the intellectual property governed by copyright.

<sup>2</sup> Rodgers, Emily Puckett and Kristin Fontichiaro. *Super Smart Information Strategies. Making Use of Creative Commons*. Ann Arbor, MI: Cherry Lake, 2013. Print.

Where have you seen the copyright symbol? *[At the front of books, in movies, on images, posters, etc.]*

*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.

Usually, you can't copy it or download it without purchasing it unless the artist is giving it away or if it's so old that it's in the public domain. We're going to watch a short video about the consequences of unauthorized (illegal) copying. As you watch the clip, think about what you would do in this situation.

**PLAY VIDEO:** "GRADE 5: Copyright in the Real World," [www.copyrightandcreativity.org/elementary](http://www.copyrightandcreativity.org/elementary) or [YouTube Playlist](#).

**VIDEO SUMMARY:** *Students learn about the consequences of ignoring copyright in this video. Two friends are at a movie theater. One begins recording the movie with her smartphone and is caught by the theater manager.*

### **Discussion**

Let's talk about the consequences. What do you think happened to the girl recording the movie on her phone? *[After listening to responses, help students understand that they could be fined, and some theaters call the police if they find someone making a video of movies.]*

What would you have done in this situation if you wanted to share how much you liked a movie but also show respect to the artists and the theater? *[Accept responses; tell your friends about the movie, write a blog post, email the trailer to friends, post the trailer on social media.]*

### **ALL-TOGETHER QUIZ**

You just discovered a new song that you love. You're really excited about it—how do you share it? *[Pick a song as a class.]* How can we share this song?

1. Can you sing it to a friend? YES
2. Can you let your friend listen to it on your device? YES
3. Can you link to the singer's website on Facebook or your blog? YES
4. Can you explain the lyrics (or publish something online, explaining what you think the lyrics mean)? YES
5. Can you post a review of it on your blog with an excerpt of the lyrics? YES
6. Can you copy the song onto your friend's device? NO
7. Can you upload it to a P2P filesharing site? NO
8. Can you upload it to your own private file storage site (Dropbox, iCloud, Google Drive, SkyDrive, etc.) and share the link with your friends so they can download it? NO
9. Can you use your computer's CD burner to burn copies of the song onto writable CDs for all of your friends? NO
10. Can you copy and paste the full lyrics onto your blog or website? NO

11. Can you use email or instant messaging to send a digital copy of the song to your friends?  
NO
12. What if the song has a “Creative Commons” label, which indicates that the artist allows sharing? YES! We’ll talk more about Creative Commons and its licensing system later.

**OPTIONAL VIDEO:** “GRADE 6: Creativity, Copyright, and Fair Use for Ethical Digital Citizens” explains the concepts of copyright and fair use and how they work together to encourage more creative work, available at <http://www.copyrightandcreativity.org/elementary> or [YouTube Playlist](#).

### **Fair Use Review**

Creative work gets a lot of protection from copyright, but there are special situations where we’re allowed to copy or share copyrighted works without permission. We call these “fair uses.” **Fair use** is an important part of copyright that allows us to share or re-use someone else’s copyrighted work in certain limited ways that are still fair to the artist/owner. For example, in general, you can re-use or copy something, if you need it:

- for a school project (like quoting from a book for a book report),
- for commentary or criticism of a work, like playing a clip of a movie in a movie review
- for news reporting (like showing a piece of art while reporting about it)
- for new art—using someone’s creative work in our own new art, so that the original is transformed into something completely new or for a new purpose (like using a photo in a photo collage). [OPTIONAL: Consider playing this short clip (:59) of [Optimus Prime, Transform!® available on YouTube](#) or in [G-Suite](#).]

### **Creative Commons**

However, when you need a creative work to re-use in your own work (like music for a video) and it’s not a fair use situation, it’s good to know where to find media that is free and legal to copy and re-use. Does anyone know where you might look to find music, movies, and other creative works that are free and legal to copy and reuse? [Let students respond. They may not know any sites.]

This video shows us where to go.

**PLAY VIDEO:** MS Lesson 4 Video 4.9, “Help! I Need Something: Finding Creative Work with (Almost) No Restrictions—Public Domain and Creative Commons,” available on [YouTube](#) and in [G-Suite](#).

From what you learned in the video, where can we go to find work that is free and legal to use? [Accept responses: Creative Commons and public domain.]

We can go to the **Creative Commons** website. [Show the Creative Commons webpage: <http://creativecommons.org/about>] Creative Commons (CC) is a licensing system that artists can use to give blanket permission (in advance) for their work to be shared and re-used in specific ways for free.

Creative Commons has a search portal that allows us to search for photos, music, and other media with Creative Commons licensing. [Show the Creative Commons search page:

<http://search.creativecommons.org/>] or in any Google search, go to TOOLS → USAGE RIGHTS. The different CC licenses show how the artist/creator will allow his/her work to be used (e.g., with attribution or without, or for non-commercial uses only, etc.).

Why do you think some artists use Creative Commons licenses to allow their work to be shared for free? *[Accept responses: they want their creation to be used and shared.]* Sharing work openly online can have many benefits. Artists can self-publish their work, gather followers, build a brand, and advertise. It means more artists can get their work out to fans who may never have accessed it otherwise. More people than ever before are creating artistic work, because online sharing helps them get their work to an audience.

NOTE: When you use Creative Commons licensed works, you may still need to credit the owner, or follow other restrictions, depending on the license they chose.

*Do a search demonstration to find a creative work (image, music, or video) with a Creative Commons license. Start at the Creative Commons search page: <https://search.creativecommons.org>. Show the license. Point out the license icon.*

*Review some of the CC licenses: <https://creativecommons.org/licenses>*

- *Scroll down to view the specific licenses, beginning with ATTRIBUTION.*
- *Show the icons that represent some of the licenses.*
- *Click to “View the License Deed” to see a “human-readable” description of the license.*

*Review the summary of the license—what is allowed and not allowed.*

**OPTIONAL VIDEO:** *For a good video summary of Creative Commons licenses, play “Creative Commons Licences Explained,” available at: <https://www.youtube.com/watch?v=4ZvJGV6YF6Y>*

**OPTIONAL HANDOUT:** *“Creative Commons Licenses,” below.*

*Explain that if the photo carries a license that requires attribution (icon: person in circle), students should give attribution when they use the photo and include:*

- *the name of the work (if available),*
- *the name of the creator (if supplied),*
- *a copyright notice (if supplied with the photo), and*
- *a link to the photo.*

*This is also true of other Creative Commons licensed work: songs, video, etc.*

*To see best practices for attribution and show simple examples to your students, visit: [https://wiki.creativecommons.org/wiki/Best\\_practices\\_for\\_attribution](https://wiki.creativecommons.org/wiki/Best_practices_for_attribution)*



*Creative Commons icon indicating that attribution is required.*

## **Public Domain**

Another place you can go to find creative work that is free to share and re-use is the Public Domain. These works are old enough that they no longer have copyright protections. In the US, the public domain includes all creative works that were published more than 95 years ago (e.g., in 2020, all works published before 1925).

Find public domain works by searching “public domain” + “whatever you’re looking for” (example: public domain images dancers).



## **Activity: Find a Song**

### **Creative Commons**

*Direct students to the Creative Commons search page (<http://search.creativecommons.org>).*

Do a search for music. Look for a song with a CC license that can be used in a slideshow or video.

*[Slideshow topics may correlate with current class curriculum.]*

*Search may be done as a class, small groups, or individually.*

*Ask students to add the song to photo slideshow or video and give credit according to its Creative Commons license. If the song holds a license requiring attribution, explain that according to the license, students should add a "Works Cited" slide to the end of the slideshow/movie, including the song name, owner's name (if available), and link to where the song can be found online.*

### **Public Domain**

Do another search to find a public domain image that can be used in the slideshow or video. *[Search: public domain image + the thing you're looking for.] Add the image to slideshow/video. Add attribution to the Works Cited slide. NOTE: Works in the public domain do not have to be cited to comply with copyright law, but as good students, we cite all our sources to avoid plagiarism.*

*Share the work of several students/groups:*

Is sharing these songs respectful? Is it fair?

*[Accept responses.]*

Why?

*[Accept responses.]*

How else might you use media you find with Creative Commons licenses or works in the public domain? What other art or projects could you make?

*[Accept responses.]*

What should you do if you can't find copyright or CC licensing information?

*[As yourself if you might be in a legitimate fair use situation; contact the artist; use a different work; create your own work; etc.]*

## **Wrap Up**

Art and media found online should be respected in the same way we respect other media, like books and movies sold in a store. It's an important responsibility to be aware of how artists want their work shared or used. Copyright and fair use help us know how to share fairly. When we create, share, and

play fair with creative work—our own and others’—we become part of a large community of ethical digital citizens.

END

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**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 reviewed copyright and fair use for creators and collaborators. We also learned about the consequences of copyright and how we can create responsibly by using media ethically and legally. Many people want to share their work online for others to use freely. This can be done easily at Creative Commons. If you're interested, you can view the lesson here:

"Copyright in the Real World: Music and Movies"  
[www.copyrightandcreativity.org/parents](http://www.copyrightandcreativity.org/parents)

We hope your child will continue to create and to appreciate how we all benefit when we respect each other's work. This is one of the foundations of copyright.

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

*Ask your child to show you Creative Commons online ([www.creativecommons.org](http://www.creativecommons.org)) and teach you how to find songs and/or videos that are available (and legal) to use for their own creative projects. Look at the different licenses together and talk about what they mean for sharing.*



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