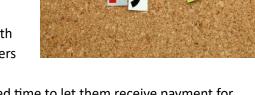# COPYRIGHT IN THE REAL WORLD
Images and Print

Purpose

To promote creative expression and give students experience understanding copyright protections and consequences. To reinforce fair use concepts.

Key concepts

- There are many different kinds of artists and creators producing the media we experience digitally.
- Artists may give permission for people to use their work in several different ways.
- Many artists want others to share and collaborate with their work. Creative Commons allows them to tell users how their work can be re-used or shared.
- Copyright is a protection given to creators for a limited time to let them receive payment for their work. It's an incentive for authors and creators to devote time and money to producing new works. In this way, copyright encourages speech and creativity.
- **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 work (like a photo in a collage or a parody).

Grades: Appropriate for Grade 6   **Time required**: 45 - 60 minutes

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Preparation

Equipment needed:

- Computer/TV screen to show videos and graphics
- *[Optional]* Internet with screen for showing examples of copyright and Creative Commons
- Media required for this presentation:
    - **SLIDES:** Available at www.copyrightandcreativity.org/elementary
    - **VIDEO**: Grade 6 —"Creativity, Copyright, and Fair Use for Ethical Digital Citizens," available at www.copyrightandcreativity.org/elementary or 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.
    - **OPTIONAL VIDEO**: "Creative Commons Licences Explained," available at https://www.youtube.com/watch?v=4ZvJGV6YF6Y

- - **INFOGRAPHICS:** available at www.copyrightandcreativity.org/elementary
    - **INFOGRAPHIC**: "Free Speech, Copyright, & Fair Use"
    - **INFOGRAPHIC**: "10 Things You Should Know about Copyright"

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 for other lesson plans throughout the year—any situation where students will need to search the Web for images, sound recordings, published books, or movie clips. Consider including a short discussion of copyright and/or fair use whenever students begin any creative project 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."
- **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 creative 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.

  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

If time permits, consider showing some or all of the K-5 videos, and have a brief discussion about the concepts that each of these videos teaches:
> Example: "This week we are learning about copyright. Look what the *[5ᵗʰ graders, etc.]* are learning about copyright . . ."

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

> **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 benefits 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.
> **Grade 5:** "COPYRIGHT IN THE REAL WORLD: Music, Movies, Software, eBooks, Video Games"—A girl discovers the consequences of illegal copying.

Lesson

Today, we're going to talk about copyright and 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[1], including copyright, is an important part of being a good digital citizen.

Copyright Review
Remember, **copyright** protects all kinds of creative work so that artists/creators can get paid for their effort. This includes original writing (stories, poems, articles), 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.[2] 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

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[1] 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.
[2] Rodgers, Emily Puckett and Kristin Fontichiaro. *Super Smart Information Strategies. Making Use of Creative Commons.* Ann Arbor, MI: Cherry Lake, 2013. Print.

authors and creators to devote time and money to producing new works. In this way, copyright encourages speech and creativity.

It's important for us to remember that copyright also applies to the creative work we access online. As digital citizens, we need to be aware of how we are accessing and sharing others' work, so that we can do so in ethical ways. Here's a short video about the ethics of sharing and using others' creative work in our own work. As you watch, think about what you would do in these situations.

INTRODUCE VIDEO: *"Grade 6—Creativity, Copyright, and Fair Use for Ethical Digital Citizens,"* www.copyrightandcreativity.org/elementary or *YouTube Playlist*. *As this video is longer and teaches both copyright and fair use, consider pausing the video after the copyright section (1:28) to have a brief discussion about what students have learned about copyright. Play the remainder of the video (1:28 – 3:58) and have a discussion about fair use and how it affects both students and teachers.*

> *VIDEO SUMMARY: 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 them 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.*

DISCUSSION

PLAY VIDEO
Copyright Section(0:00 – 1:28)
> ASK: What do you think about that situation?
> Is what happened fair? *[Accept responses.]*
> How would you have handled this situation? *[Accept responses.]*
> What are ways we can find copyrighted media that are fair and respect the artist? *[Accept responses: Using legal streaming sites—Netflix, Pandora, Spotify, etc; share playlist ideas/links.]*
>
> *[Pause]*

Fair Use Section (1:29 – 3:58)
> ASK: What did you learn about fair use? *[Accept responses.]* What does it mean?
> Have any of you heard of it before? *[Accept responses.]*
> How does fair use affect us as students and teachers? *[Accept responses.]*
> When is it appropriate to share copyrighted work? *[Accept responses: for school projects or for making something new and transformative, like a parody.]*

These are great ideas. We always want to share fairly. As the video discussed, there are times when work can be used or shared without permission.

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*.]*

SHOW INFOGRAPHIC: "Free Speech, Copyright, and Fair Use," available at www.copyrightandcreativity.org/elementary. This infographic explains these concepts. *[Walk through the flow of the infographic as needed to help students understand the concepts.]*

When your work does not fall under the fair use guidelines, it's good to know where to find media that is free and legal to use. Does anyone know where you can find text or photos that are free and legal to use for creative projects? *[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.]*

Public Domain

We can use text and images in the public domain. What is the public domain?

> *[Accept responses.]*

Yes, it means that the intellectual property rights have expired, so they are free to share. That includes any work published more than 95 years ago (*e.g.*, in 2020, any work published before 1925). Other factors may apply. If you want to confirm that an image, book, song, or work of art, etc., is in the public domain, **ask a librarian** for help. You can easily find images that are in the public domain here: http://www.flickr.com/commons.

Creative Commons

Another place we can go is the Creative Commons website.

> *[Show the Creative Commons webpage: http://creativecommons.org/about.]*

This website provides a space where people all over the world can license their own works to share and use other creators' works responsibly and respectfully.

> *[Show the Creative Commons introductory video, "Wanna Work Together," available on YouTube and G-suite.]*

Show students the different licensing icons. Explain two or three icons specifically.

OPTIONAL HANDOUT: *"Creative Commons Licenses"*

OPTIONAL VIDEO: *"Creative Commons Licences Explained," available here:*
https://www.youtube.com/watch?v=4ZvJGV6YF6Y.) Video explains how CC licenses work and how to decide which license to use, based on how you want to share your work.

Activity 1: Photo Novella

Use this activity to build on a theme or lesson that you are already teaching. Ask students to make a photo novella documentary (or a slideshow/presentation/creative work)—on a topic relevant to your curriculum—using authorized images they find online. (See instructions for making a photo novella here: http://www.wikihow.com/Write-a-Novella.)

In addition to Creative Commons, show students how to search for photos using Google Images. Under the "gear" icon, go to the "Advanced" settings. Under the drop down menu for "usage" rights, have the students search only for images that are "free to use, share or modify."

Have a discussion about how authors can choose to make their works more freely available or choose to limit rights to use, share, and modify their works. Remind students that if they wanted, because of fair use, they could use copyrighted images for school projects, but their work could only be shared in an educational setting (e.g. the classroom, a closed class website).

Choose 2 or 3 student presentations and share them with the class.

> Besides our assigned project, how else can you use images you find using these search engines? What other art or projects could you create?
> *[Accept responses.]*
> For each idea shared, ask the class, "Is that playing fair? Is that respectful?"
> *[Accept responses.]*

Activity 2: Share Your Own Creative Work

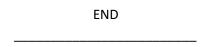*Create a class Flickr account (www.flickr.com).*
Ask the students to send you a photo that you will upload to a class Flickr account or blog.
Ask the students to decide how they want their photograph to be used by other users or how they want to license it.

Review uploaded photographs and CC licenses. Choose a photograph.

> How can this photograph be used by others in the class? Others on the website?
> *[Accept responses.]*
> How do you feel about sharing your work this way?
> *[Accept responses.]*

Wrap Up

It's an important responsibility to be aware of how an artist wants his or her work shared or used. If we are aware of copyright and fair use, we can use creative work responsibly, support the work of other artists, and we can responsibly create our own work.

END

_____

If you are using these resources in the classroom, please let us know!
www.copyrightandcreativity.org/feedback

Dear Parent,

At school today, we learned about copyright and how to collaborate responsibly, using online resources ethically and legally. If you're interested, you can view the lesson here:

Copyright in the Real World: Images and Print
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 work. This is one of the foundations of understanding copyright.

For fun and to reinforce this concept, consider doing the following activity with your child:

Ask your child to show you the Creative Commons website online (www.creativecommons.org) and teach you how to find images 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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Creative Commons Licenses

The following Creative Commons licenses allow you to give advance permission for your work to people looking for creative work they can use.

INSTRUCTIONS: Choose a creative work that you made (photo, song, video, poem, drawing, painting). Consider the CC licenses below. If you were going to post your work for others to use, which license would you choose? Why? Share with your group.

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