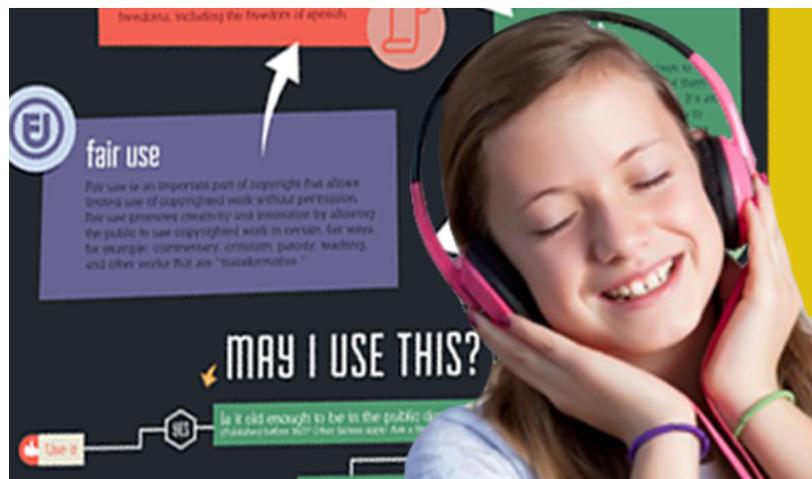


Copyright & Creativity

For Ethical Digital Citizens

Presenter Instructions

Elementary



Presented by the Internet Education Foundation with gratitude and appreciation for the many education and legal experts who worked with iKeepSafe to review and revise the curriculum for accuracy in copyright law and relevance for educators.



Introduction

Esteemed Educators,

These materials aim to provide accessible and practical information about copyright – its protections, its limitations, and its role in encouraging creativity. Rather than just emphasizing what copyright prohibits, the goal here is to offer useful and positive information about what copyright allows and how students can successfully navigate and rely on copyright in their own roles as creators.

As creative projects arise in the course of teaching, you have a valuable opportunity to help students become ethical digital citizens by helping them understand how we benefit when we live by the rule of law and respectfully access, use, create, and share protected creative works to enhance learning.

In order for the internet to function as a free and open entity, we need citizens to choose to live ethically in their digital communities. We know from research that digital piracy begins as early fourth grade¹. Helping students understand the civic boundaries we agree to abide as we interact in digital spaces will give them an ethical edge as they make creative work themselves and as they use others' work.

AASL Library and Common Core Standards consider a basic understanding of copyright and fair use to be essential 21st century skills, and our goal is to make these concepts easy to integrate into lessons and assignments already planned in your curriculum.

Why teach copyright to students?

Giving students a basic understanding of how copyright and fair use work together to encourage creative work is essential for several reasons:

- **Basic Student Competencies**

Students today grow up with powerful technologies at their fingertips from very early ages. Through these technologies, they experience digital worlds where they access, share, and generate their own creative work. This hyper-connected environment creates an immediate, practical need: students need to know the rules of the road in these digital worlds, and copyright and fair use are an important part of the law.

- **The Future of Creativity**

Beyond the students' immediate needs, the future of creativity will be affected by how we choose to interact with creative work. We all want to encourage great new books, music, movies, and art for everyone to enjoy. To keep creativity flowing in a world where copying and distributing are so easy, we look to copyright. Technology doesn't just make it easier to copy—it also makes it easier to create, and we want our own creations respected.

- **The Future of the Internet**

How we interact with each other online is also important for the future of the internet. Noted internet and civil liberties expert, Jerry Berman recently explained: "In order for the internet to function as a free and open entity, we need citizens to choose to live ethically in their digital

¹ "Survey of Internet and At-risk Behaviors" (2008). Rochester Institute of Technology.
Retrieved from: <https://scholarworks.rit.edu/cgi/viewcontent.cgi?article=2426&context=article>

environments.” We all benefit when we connect online ethics with the benefits of existing in an online world where people choose to play fair. Helping students understand the civic boundaries we agree to abide by as we interact in digital spaces will give them an ethical edge as they make creative work themselves and as they use others’ works.

AASL Library Standards and Common Core Standards identify understanding copyright and fair use as essential 21st century skills. Our goal is to make these concepts clear and accessible to students and to give them the knowledge and skills they’ll need to be successful in the digital world. We anticipate that these lessons will prove practical and relevant in multiple curricula that deals with creative work.

As creative projects arise in the course of your teaching, you have a valuable opportunity to help students become ethical digital citizens by helping them understand how we benefit when we live by the rule of law and respectfully use creative works.

For more information on how copyright and fair use apply to educators, see our online professional development video series for educators, [Copyright & Creativity for Ethical Digital Citizens Professional Development for Educators](http://www.copyrightandcreativity.org/professional-development), available online at www.copyrightandcreativity.org/professional-development

Curriculum Outline

For convenience, the lessons are identified by grade level, but please do not allow this to limit your use of all the materials. All lessons in each unit are appropriate for all grades within that unit and may be presented together as a unit.

LESSONS

UNIT 1: Grades K – 2 Pre-copyright Concepts

NOTE: Kindergarten, Grade 1, and Grade 2 lessons are all suitable for Unit 1 grades and work together to teach pre-copyright ethical concepts.

- **Kindergarten (Respect the Person):** To promote creative expression and help students realize the importance of attribution—getting credit for the work they do and giving credit to others for their creative work.
- **Grade 1 (It’s Great to Create and Play Fair):** To promote creative expression and help students understand the creative process of sharing and inspiration. To help students be fair with creative work.
- **Grade 2 (Creativity and Sharing Fairly):** To promote creative expression, help students understand ownership concepts associated with creative work, and encourage students to think about how their work might be shared.

UNIT 2: Grades 3 – 6 Copyright and Fair Use

NOTE: Grades 3, 4, 5 and 6 lessons are all suitable for those grades and work together to teach copyright and fair use as part of ethical digital citizenship.

- **Grade 3 (Sharing Fairly—Sometimes Digital “Sharing” Isn’t Really Sharing):** To promote creative expression and give students experience with the copyright symbol and basic concepts of copyright. To introduce the concept of fair use.

- **Grade 4 (Copyright Concepts—Digital Sharing Ethics):** To promote creative expression and give students an experience that helps them understand the challenges and benefits of respecting ownership and copyright, particularly in digital environments. To explore the concept of Fair Use.
- **Grade 5 (Copyright in the Real World—Music, Movies, Software, e-Books, Video Games):** To promote creative expression and give students an experience that teaches them how to identify copyrighted work and understand Creative Commons licenses for finding creative work.
- **Grade 6 (Copyright in the Real World—Images and Print):** To promote creative expression and give students experience understanding copyright guidelines and consequences, and introduce them to Creative Commons for images and print. To reinforce fair use concepts.

SLIDES

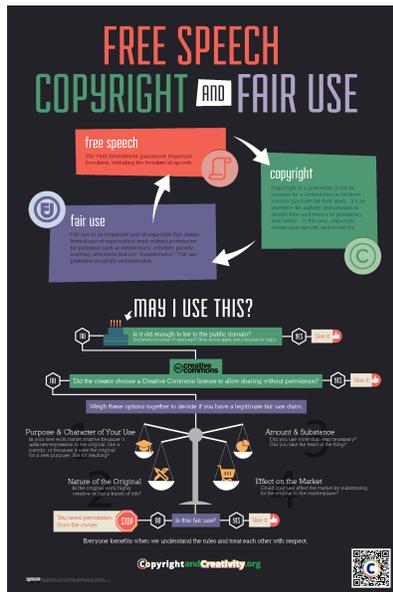
Each lesson has a ready-to-use slide presentation that includes all the videos and visuals recommended for teaching the lesson. Slides are available on the lesson pages at:

www.copyrightandcreativity.org/middle-school/



INFOGRAPHICS

- **Free Speech, Copyright, and Fair Use** provides succinct definitions and visuals to explain the relationship between free speech, copyright, and fair use.
- **10 Things You Should Know About Copyright** explains the basics of copyright, what it covers, and what it doesn't.



Key Concepts

COPYRIGHT

When students create something original and tangible such as a drawing, original writing, photograph, song lyrics and music, or even a computer program, they are the copyright owner. Copyright is a limited protection given to writers and artists, and it helps them receive payment for their work. The goal of copyright is to inspire more creative work.

Copyright includes a set of rights. These rights let the creator of a work decide how others can use that work. When students make something, they get to decide who can use their work in these ways:

- make copies, like prints, photocopies, or digital copies;
- make any new versions or adaptation, using part of the work or all of it (for example, making a movie from a book);
- distribute copies, such as in a bookstore or on a website;
- display the work in public, for example, at an art gallery or on a website; and
- publicly perform the work if it's a play, piece of music, ballet, or anything else that can be performed by others

A creative work is original writing, art, photographs, audio, images, music scores, song lyrics, sound recording or even specific dance steps of a ballet. All of those can be copyrighted.

NOTE: All original, tangible art is copyrighted whether or not there is a copyright symbol. The copyright symbol is sometimes used, but is not necessary to protect the artist or writer's ownership rights.

FAIR USE

Fair use is an important part of copyright that allows limited use of copyrighted work without permission. Fair use promotes creativity and innovation by allowing the public to use copyrighted work in certain ways that are still fair to the owner, for example: commentary, criticism, parody, teaching, and for creating new works that are "transformative."

Students may use art and media that is copyrighted without permission IF:

- it's specifically for a school project (a genuine educational purpose).
- it's NOT for public consumption (*e.g.*, being republished to the Web where it could hurt the owner's market.) The student is using copyrighted material in private settings, as in an online classroom where a login is required to participate, or within the four walls of a traditional classroom. [Example: YouTube is not private.]
- it's a "transformative work," like a parody, or something so new and different that it is "transformed."

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**.
- 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 Professional Development 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](#)

PUBLIC DOMAIN

In these lessons, the term “public domain” is used to refer to all the creative works that are free to use because the copyright either has expired or never applied in the first place. In the United States, this includes creative work published more than 95 years ago (*e.g.*, in 2020, all works published before 1925). For works created during the last 95 years but before 1978, copyright status is more complicated and depends on whether copyright holders took the proper steps to register and renew their copyrights. For works created since 1978, copyright protection is basically automatic and will not expire for many years. (For more details or to determine if a specific work is in the public domain, see: <http://librarycopyright.net/resources/digitalslider/index.html>).

In addition to works for which copyright has expired, the public domain also includes works created by the government (documents, websites, photographs, and video). Finally, because copyright does not cover facts, ideas and discoveries, the term “public domain” is often used to refer to these categories, as well. For purposes of these lessons, however, we use the term “public domain” to refer to the body of creative works not currently protected by copyright.

NOTE: An image, such as Van Gogh’s “Starry Night” may be in the public domain, although a specific photo may be owned by the photographer who took the photo. For more information see: <http://copyright.cornell.edu/resources/publicdomain.cfm>.

CREATIVE COMMONS

Creative Commons is a nonprofit organization that provides copyright licenses allowing artists to communicate with the public about how a work can be used or shared. For example, the work can be shared with attribution, or altered with attribution.

NOTE: Creative Commons does not replace copyright. Creative commons licenses work with copyright. For more information see: <http://us.creativecommons.org/>

TRANSFORMATIVE WORK

A transformative work is a creative work that uses another copyrighted work, but changes it in such a way that the original work is not infringed upon. This could mean the literal or cultural meaning of the work is changed, as in a parody, or when portions are used for a commentary or review. The new work must be different in a way that it does not supersede, or compete, with the original.

INTELLECTUAL PROPERTY

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, 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.

Using Media in Student Projects

Often when we assign a project to students, we want them to use images, video, graphics, songs, or other copyrighted work in the assignment. We want you, and your students, to understand what's legal so you can feel confident as you help students explore their creativity and make new and engaging art—music, movies, photos, video games, etc.

Here are a few guidelines:

If you are using a copyrighted work for teaching or for a school project, it's almost always allowed, for example:

- pictures and graphics for a book report to show the cover of the book, images of the city or country of the book's setting, or artist's renditions of the book and/or characters;
- images and music for a slideshow to teach a history topic; and
- video clips or whole movies (depending on the use) to help you teach an important concept.

If you want to make your work public, you'll need to do a fair use analysis to determine if you have a fair use:

- **Purpose & Character**
Is the new work transformative because it adds new expression to the original—like creating a parody—or because it uses the original in a new way or for a new purpose, like for teaching?
- **Nature of the Original**
Is it highly creative or just a bunch of facts?
- **Amount and Substance**
Did you use only what was necessary for your purpose? Did you use more than was necessary? Did you take the heart of the thing?
- **Effect on Market**
Could your use substitute for the original in the marketplace?

As we teach about using others' creative work and intellectual property, it's important to also emphasize that often students should use their own work. ASK: "Do you really need to use this, or could you accomplish your task just as well with your own creativity: photo, drawing, art, poem, song, etc.?"

NOTE: YouTube has worked out licensing agreements with many of the recording artists and song owners whose music gets posted there. Although publicly posting someone else's song could be an infringement of their copyright, most recording artists choose rather to "monetize" the video, rather than have it taken down from the site, and ads will appear on the video on behalf of the legitimate owner of the song. If YouTube does not have an agreement with the artist, your video may be taken down for copyright infringement, and you will be required to attend YouTube's "Copyright School." Additional infractions will result in the suspension of the account.

Integrating Copyright and Ethical Use Concepts into Regular Coursework

In the course of your teaching, consider ways that copyright and ethical digital citizenship might be integrated into regular classroom discussions and projects throughout the year. The following examples are situations where copyright and related topics might be integrated into other teaching.

General Note to Students about Using Creative Work in School Projects

As you begin any project that will involve using others' creative work, have a conversation:

Often when we're doing a project for school, we want to use images, video, graphics, songs, or other copyrighted work in our assignment. We want you to understand what's legal so you can feel confident as you explore your own creativity and make new and wonderful creations—reports, essays, presentations, music, movies, photos. Here are a few guidelines:

If we're using a copyrighted work for an educational project, it's almost always allowed as long as the work isn't getting distributed beyond the classroom. Some examples include:

- *pictures and graphics for a book report to show the cover of the book, images of the city or country of the book's setting, or artist's renditions of the book or characters;*
- *images and music for a slideshow to teach a history topic;*
- *video clips to help you teach an important concept.*

And remember, you still have to cite your sources!

Bibliography Project

Educators often talk to students about academic ethics and intellectual property, such as avoiding plagiarism, proper attribution, and building bibliographies. As you're teaching about how to cite sources and build a bibliography, mention copyright which is related but different.

CLASSROOM EXAMPLE

When we're copying other people's creative work, we want to avoid plagiarism and copyright infringement.

- *We copied these images and some of the text. Is that allowed?*

- *Just because you cite your sources doesn't mean you're allowed to use something. You need to consider copyright.*
- *Fair use is an important part of copyright that allows us to use these without permission for school projects. However, if you want to publish what you've made online, like upload it to YouTube, there is more to consider:*
 - *Are you making commentary or criticism on the work you're using?*
 - *Have you only used what is necessary, not just included the whole thing?*
 - *Could your work replace the original in the marketplace?*

Any classroom discussion involving academic ethics and intellectual property is a natural time to talk about copyright too.

EXAMPLES (Grades K-2):

Reading Time: Respect for Others' Work

When you read a book to the class, point out the author's name on the front. If appropriate, and if time allows, show the author's website and explore it for a few minutes with the students. (Where is the author from? Where does she live? Has he written other books?) Show the copyright symbol and explain that it means the author can make specific decisions about how the book is shared and sold to others.

Art and Writing Projects: Ownership/Attribution

Throughout the year, remind students of the importance of putting their names on their artwork. After a project, share a few examples with the class. Name the artist and have a class discussion about what is going on in the work. Emphasize how each student has a different or unique style.

Art and Writing Projects: Sharing

After a writing or art project, have a discussion with the class about how they want to share their work with others. Consider having a class blog/website with photos of the art or writing. Make a point to get permission from students before you put their art up on the wall or on a blog/website.

Slideshows and Presentations: Attribution

If you use slideshows or other kinds of presentations in your classroom, include a slide of credits or "work cited." Pause at the end of your presentation to talk briefly about where you found images and media. If you are using a presentation produced by someone else, pause on the credit screen to explain what the credits mean and why they are there.

EXAMPLES (Grades 3-6):

Beginning of the Year Disclosures and Acceptable Use Policy

As students are given expectations for their technology use for the year, copyright and respecting intellectual property should be discussed as essential parts of being ethical digital citizens. The Acceptable Use Policy communicates school and district expectations for digital citizenship as we use technology. Respecting intellectual property—including copyright law—is an important part of being a responsible digital citizen.

Art/Language Arts/Social Studies

African Mask or Other Reproduction Artifact

As you begin your research, you'll need to identify the style. Search out a valid website with reputable authorship. Remember to ask yourself: Is this a genuine design or could it

be the upload of another student putting pictures of his or her African mask? Consider, is this a legitimate URL from a trusted educational source?

Always cite your sources. This is the first step in showing respect for other artists and being fair with their work. Citing your sources also builds trust with your audience—they understand you know how to interact with other’s work.

To what extent are you allowed to adapt something you see online and copy it to use in your own work in class? [Use the infographic, “Free Speech, Copyright, and Fair Use” (www.copyrightandcreativity.org/Fair-Use-Infographic) to guide students through a fair use analysis.]

Book Report/Review

As you explain requirements for a book report, take the opportunity to have a short conversation to introduce and/or remind students about copyright and how it might affect them.

CLASSROOM EXAMPLE

It’s important to understand what’s legal so you can feel confident as you explore your own creativity.

Notice the copyright notice at the front of the book. What year was this copyrighted? What does that mean? [It means the book was likely published that year or it could be an older book and the copyright was renewed that year.]

As we write about this author’s intellectual endeavor, we’ll be using our own words to express our thoughts about the book. What you produce here is also an original work, and therefore, protected by copyright law. If you’d like others to be able to share it, go to www.creativecommons.org, and choose a license that will allow them to share your work easily while still publicly showing that you are the owner.

In your book report, you will be including (copying) passages from the book. Is this copyright infringement? [No. We can copy sections of a book, images, songs, poems, almost anything for an educational purpose—that is part of educational fair use.]

What if you want to publish your book report online in a review blog? Are those quoted passages—published online—a copyright infringement? . . . Go ahead and guess if you don’t know. We’ll talk about it. [No. Anyone can copy sections of a book to use in criticism (positive or negative). This is part of fair use].

Here are websites that make it easy to make a correctly formatted Works Cited or Bibliography page:

- <http://www.easybib.com/>
- <http://citationmachine.net/index2.php>

[Additional Resources for Online Research:

- <http://www.factmonster.com/>
- <http://encyclopedia.kids.net.au/>]

History Project

As you explain requirements for the history project take the opportunity to have a short conversation with students about how, as ethical digital citizens, we respectfully use other people’s work, and live by the rule of law—even online, especially when no one is watching.

CLASSROOM EXAMPLE

Collect images of Native American homes to illustrate a report. Cite every source you consult: “Based on [_____] image in [website/encyclopedia, etc.] . . .”

If we’re using these images for a school project, do we need to ask permission from the owner? [No, though a request for permission might be offered as a courtesy. Educational fair use allows us to use copyrighted works to enhance our education.]

Instead of using whatever images you want, pretend you’re working on a project for a newspaper or magazine, and you must use images that are either in the public domain or have a Creative Commons license that allows it to be used in this way.

- Go to the Creative Commons portal and search for images that can be used for commercial purposes: <http://search.creativecommons.org>.
- Search Flickr for photos that are in the public domain and therefore free to use in your project: <http://www.flickr.com/commons>.
- Go to a stock photo site and look for images you might consider for your project. Look for licensing information. How does the owner allow the image to be used?
- *[If applicable, consider having students explore these collections of primary documents:*
 - <http://www.americaslibrary.gov>
 - <http://memory.loc.gov/ammem>
 - <http://archive.org>

Music

Write a song for class [*e.g. about a historical figure, or to teach about the planets in the solar system*]. Write it down or record it so it is in a fixed, copyrightable form. Assert your ownership by deciding how you hope other people to use your work. Choose copyright or a Creative Commons license: <http://creativecommons.org/choose>.

Explain: When you create something—turn your ideas into a solid form that can be seen/heard/shared—you automatically own the copyright, even without the © symbol. But the © symbol shows that you care, and you’d like other people to honor your claim to ownership.

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

###



This work is licensed under the [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/). Attribution should be to the Internet Education Foundation and iKeepSafe.