

COPYRIGHT CONCEPTS: Digital Sharing

Purpose

- To give students an experience that helps them understand the challenges and benefits of respecting ownership and copyright, particularly in digital environments
- To encourage students to respect artists' rights as an important part of being an ethical digital citizen
- To explore the concept of fair use

Key Concepts

- Copyright protects creative work and helps creators and artists get paid for their work. The goal of copyright is to inspire more creativity.
- When we respect each other's creative work, we encourage more creativity.
- Sometimes it's easy to copy another person's art or creative work (eg, sharing video or music files digitally).
- It's not always clear if a download/share is legal or illegal.
- 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, for example, for teaching (education), commentary, news reporting, and making new works of art that re-use and transform the original work into something completely new and different.



Grades: Appropriate for Grade 4

Time required: 45 - 60 minutes

Preparation

Equipment needed:

- A piece of art made by the teacher (picture, song, slideshow, etc.)
- A student drawing/painting/film
- Class iPad/tablet or school iPad/tablet lab
- Videos and slides for this lesson are available at www.copyrightandcreativity.org/elementary. Videos are also at this [YouTube Playlist](#).
- OPTIONAL VIDEO: "Optimus Prime, Transform!®" is available on [YouTube](#) or in [G-Suite](#)

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 with the topic and give them an opportunity to be creative.
- This lesson features several optional 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 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 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

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 video and complete one of the writing exercises below.

OPTION 1: Write a Character Sketch

Play video for students: “GRADE 4: Copyright Concepts – Digital Sharing Ethics,” available at www.copyrightandcreativity.org/elementary. You may need to play it two or three times. Ask students to write a character sketch about one or both 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 Grade 4 video for students: “Copyright Concepts – Digital Sharing Ethics,” available at www.copyrightandcreativity.org/elementary. 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, a 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.*
 - Where have they just come from?
 - Where do they go to school?
- What happens in the first situation? What happens in the second situation?
- How do they feel about it?
- Write some dialogue for the characters. What are they saying to each other in each scenario?
- 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-3 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 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.

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

Attention Activity

Have students stand up. Read the list of ways to create content below. Have them sit down when they can answer “Yes.”

- Have you ever made a video (on a camera, phone, iPad, or computer) and sent it to a family member or posted it online?
- Have you taken a photo and sent to a family member or posted it online?
- Have you created a piece of art to share with your family and friends?
- Have you made up a song to make your friends laugh? Or a sad song to make them cry?
- Have you written a poem for your mom or dad on their birthday?

Continue to ask questions until all students are sitting. Discuss the following questions with them:

- How did it feel to produce something creative?
- How did you feel when you were able to share your creation with others?
- How do you feel when you view and listen to other people’s creations?

Encourage all responses. Help students feel the joy of creating something.

Creating can be a lot of hard work and difficult, but it is one of the most rewarding things we do. Sharing what we create is fun, and it can encourage more creativity and art. As we get older, we have more and more opportunities to share our work and explore media and art that other people have created. We want to make sure we are always fair when using others’ art and creative work.

Lesson: Part 1—Ethical Sharing

REVIEW

Remember, copyright 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 by you. When you make 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.

Pre-lesson Writing Extension: *If students did the pre-lesson writing extension (character sketch or story about the characters in the Grade 4 video: “Copyright Concepts: Digital Sharing Ethics”), return their stories back 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, 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.]

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.

DISCUSSION

How does it feel when you share your things with someone else? What does it feel like when someone takes your things and shares them without your permission? *[Accept responses.]* The same principles of respect and fairness apply when we share our work or someone else’s work online.

OK to Share: *[Pull out the instructor’s creative work: picture, song, story, video, recipe.]*

- I made this. That means I own it. I think I’m going to share it. I’m going to take out my phone (iPad, camera, etc.) to get a picture. I think I want to share it on my blog where I might make some money advertising. *[Use the site of your choice.]* Is this fair? *[Yes, this is OK to share because I made it—I own the copyright.]*
- What about a song I wrote? Can I share that? . . . Who gets to decide? *[“That’s right, I do.”]* What will happen when I share it?

[Take responses: “It’s fun, . . . I’ll get a bunch of ‘likes’ . . . People will want to use it for mashups.”]

- Let’s say you draw a picture to sell at a school art show. The money from the art sale will go to buy new library books. Is this a good share . . . is it ethical? *[Yes.]* Why is this share OK? *[Take responses: “It’s yours!”, “You made it. You own it. You can choose to share it.”]*

NOT OK to Share:

- Have you ever transferred songs to your friend’s MP3 player? Is that OK?
[If it’s a song you hear on the radio, it’s most likely protected by copyright and NOT OK to share, copy, and give away.]
- What if your friend invites you to his house to watch a movie that just came out on DVD? This is one of your favorite movies. You want it on your phone, so you can watch it whenever you want. So, you take out your phone and record the movie.
 - Is this a fair way to get a copy of the movie?
[No. This is not OK to share/copy. Why? Because you don’t own the right to make a copy and give it away.]
 - How else could you get an authorized (legal) copy of the movie for your phone?
[iTunes and Amazon sell movies legally.]

This video clip will help us understand why some sharing is great and other sharing is not great. Remember, when we make something, we own it, and we get to decide. As we watch the video, decide if the music is OK to share or not.

PLAY VIDEO: “COPYRIGHT CONCEPTS: Digital Sharing Ethics,” available at www.copyrightandcreativity.org/elementary.

VIDEO SUMMARY: *In this short video, students learn about ethical sharing. The video shows a student asking a friend (songwriter) if she can sing one of her songs at the upcoming talent show. This sharing is contrasted with sending a copy of a song they hear on the radio to a friend.*

DISCUSSION

What did you think of that? How do you think you would feel if you wrote a song and people shared it without asking for your permission?

When we share digital files by . . .

- . . . sending pictures or songs through email,
- . . . copying songs from our MP3 player to our friend’s computer,
- . . . copying a movie from a DVD to all our friends’ computers,

That’s not just sharing—it’s making new copies.

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.

Making copies of copyrighted work isn't fair to the artists/creators—they didn't give permission for that. In addition, P2P sharing and torrent sites can put your computer at risk for bad stuff: malware, ads, and worse.

[NOTE: The lesson for grade 6 builds on these concepts to include other kinds of unsafe and unethical sharing, where viruses are involved.]

If you were one of these characters in the video, what could you do to share fairly? What about other sharing situations? What other ethical considerations are there?

[Accept responses:

- *Send your friend a link to the artist's YouTube channel where she can listen to the song.*
- *Help your friend buy the song from an online store that you can trust because it's used by a large online community, like iTunes or Amazon.*
- *Ask yourself: Who owns this? Do I have permission to share? Do I have a right to make a copy? Am I being fair to everyone involved?]*

Lesson: Part 2—Fair Use

FAIR USE

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 situations include:

- For teaching or school projects, like putting pictures or music into a presentation for school
- For comments or criticism, like playing a clip of a movie in a movie review or quoting from a book in a book review
- For news reporting (like showing a movie clip while reporting about a new movie)
- For new art—transformative works—where we use someone's creative work in our own new art, so that the original is transformed into something completely new or for a new purpose.

Transformative is a big word, but if you've ever played with a Transformer, like Optimus Prime or Bumblebee or seen one of the movies, you can probably guess what it means. What does *transform* mean?

OPTIONAL: Consider playing this short clip (:59) of Optimus Prime, Transform!® available on [YouTube](#) or in [G-Suite](#). [Accept responses: When something starts as one thing and turns into something completely different.]



[Show photo collage.] Do you see all the images that make up this face? By putting these pictures into a new work (the face) that is so different and creative, the individual images are "transformed" into the new art. You can use copyrighted pictures (even book covers or movie posters) in new work that transforms it.



[Show painting: American Gothic.] Here is another example of a work being transformed often. Have you seen this picture before? People love to transform this painting. Here are some funny examples. *[Show parodies.]*

What do you think of this? Do you see the original in parts of it? Do you see how this is very different and new from the original, but parts of it are copied, so you understand where the idea

came from? These pictures poke fun of the strangeness and funniness found in a famous painting by Grant Wood: *American Gothic*. We call that parody.

[Explain that a parody is a funny imitation that pokes fun at the original work.]

In general, parodies are a fair use of copyrighted works. If you're making a genuine parody, you can use the original copyrighted work without permission.

Wrap-up

Remember, copyright is a protection given to writers and artists for a limited time to let them receive payment for their work. It's intended to foster more creativity. As we share and use, we need to respect each other's work and the laws of copyright. Just because we own a copy of something does not mean we have the right to make more copies to give or sell to other people. Copyright gives us some protection over how our art will be used and shared by others.

However, there are times when we can use copyrighted work fairly without permission: this is fair use. Creativity creates more creativity, and we can use someone else's work if we need it for criticism or commentary (like a parody), or making our own new and completely different creative work out of it. This is called "transformative" work. It's a part of fair use.

END

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



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Optional Activities

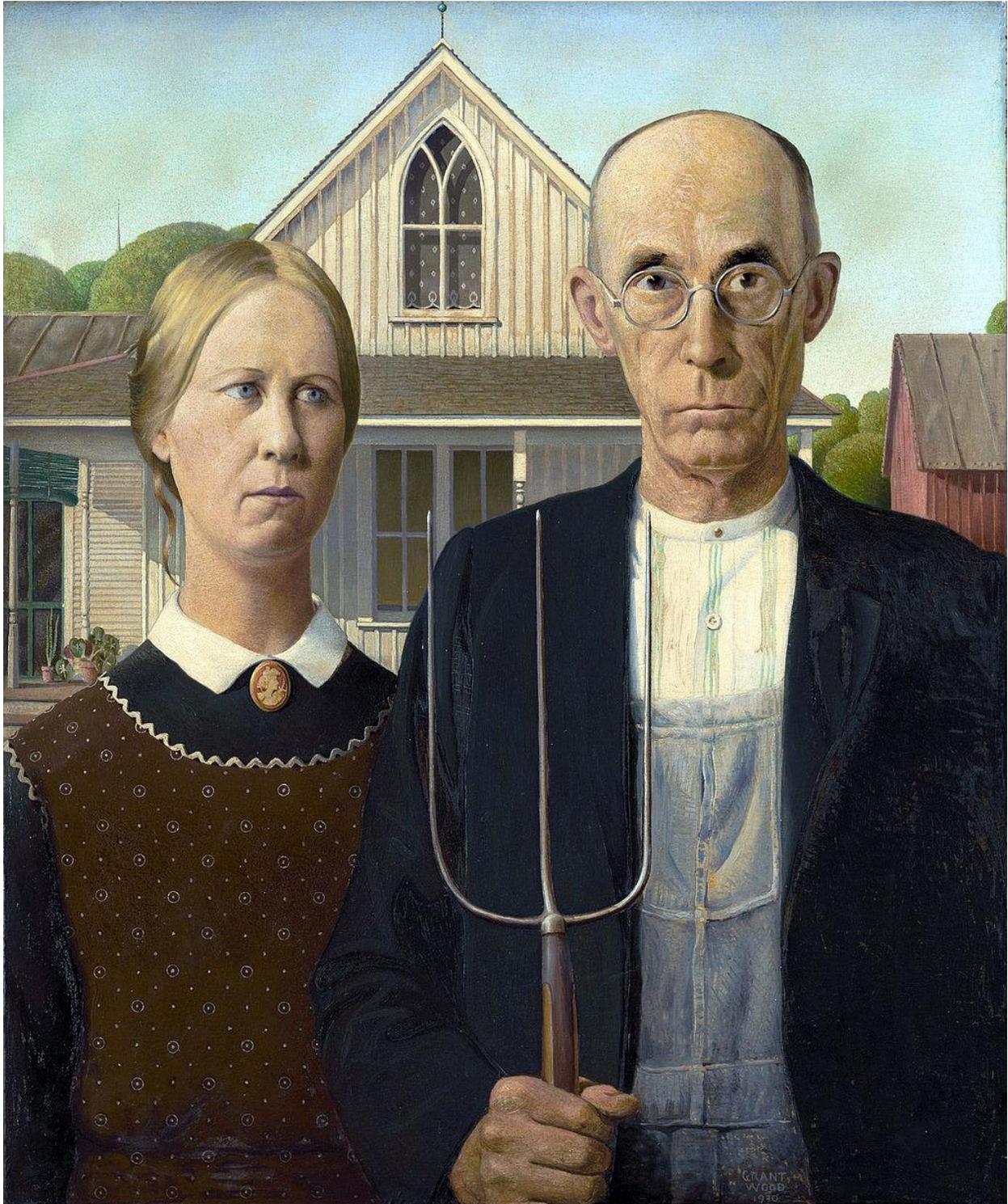
If time permits, consider doing one of the supplemental Activities for this lesson. These will give practical experience to the students and help them grasp these complex concepts.

Fair Use Visuals



This photo collage combines many images to make a completely new and original image of a face. Those copyrighted images are transformed into new original art.

Have you seen this before? Grant Wood's *American Gothic*



Source: http://en.wikipedia.org/wiki/File:Grant_DeVolson_Wood_-_American_Gothic.jpg

Here's a transformation of *American Gothic*. Do you see similarities? In what ways is the original copied? This is a parody. It's making a joke of the original. It's transformative.



Source: Chris McVeigh (powerpig), *American Gothic*. Find here: <http://www.flickr.com/photos/powerpig/5876970667/>

Here's another parody of *American Gothic*:



Source: http://muppet.wikia.com/wiki/Grant_Wood?file=Gothic-k%2526p.jpg



Dear Parent,

At school today we learned about the benefits and challenges of respecting ownership and copyright. If you're interested, you can view the lesson and video here:

"COPYRIGHT CONCEPTS: Digital Sharing Ethics"

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 and an important part of becoming an ethical digital citizen.

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

Together, write a silly song or poem. This is easy to do by putting your child's name into the tune of a common nursery rhyme. Have someone record a video of you and your child performing "your song." Decide where and with whom you want to share it (e.g., send to grandma through email) and remind your child that this is his/her song, so s/he gets to decide how it's shared. Some sharing is NOT OK, like when we copy someone else's work and give it away without permission.



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Activity #1: Fair Use—Self Portrait*

The following activity will help students understand how copyrighted work may be used in new art.

MATERIALS:

- Magazines to cut up. *National Geographic* works well. You may want to invite students to bring a magazine from home.
- Plain paper or construction paper
- Scissors
- Glue
- Teacher sample collages. (See below.)

PREPARATION: Prior to this activity, make 2 simple collages using pictures cut from magazines, glued to a plain piece of paper:

COLLAGE 1: Blog post: “Things I Like” Simple Collection

Make a simple collection of pictures of things you like. Take care NOT to do anything creative with the design or arrangement. Try to use most or all of each photo, rather than just a small portion of a photo. (Non-creative arrangement and using the whole work.)

COLLAGE 2: Self Portrait

Use a variety of pictures of things you like to make a self-portrait.

REVIEW

Remember, **copyright** protects original, creative work so that artists/creators can get paid for their work. Fair use is an important part of copyright that allows people to use someone else’s copyright protected work, without permission, in limited ways that are still fair to the owner/creator. For example, for teaching or school projects, or comments or criticism, or if we’re making something completely new—transformative—using elements of the original (like a parody).

INTRODUCTION

Today we’re going to use images of professional photographers to make new art that is genuinely “transformative.” Pictures published in magazines are usually copyrighted. Of course, there’s no problem using copyrighted pictures for a school project, but what if we want to publish our self-portraits online where the whole Internet can see it? We need to make sure that our use of these copyrighted pictures is “transformative” so we have a real fair use. We’re going to transform the pictures from magazines into new works of art—your self-portraits.

SHOW Example 1: Here’s a collage I made. Would you call this highly creative? *[Take responses.]* Did I transform these pictures into something new and different or are they just illustrations which is what they were originally intended for? Are the photos transformed? *[No. I just cut out pictures and put them on a piece of paper.]*

SHOW Example 2: Now, look at this. It’s a self-portrait of me. *[Point out the elements that make it a self-portrait—I used pictures of things I liked; I arranged them to represent my face, etc.]* Do you think my use of these pictures is transformative? Is this completely new and different from how the pictures were originally published in the magazine? *[Yes. I transformed these pictures into a new work of art.]*

Now you get to make a transformative work of art by doing your own self-portrait.

DISCUSSION

Use student self-portraits to show how the copyrighted pictures are transformed into a new work:

EXAMPLE: See how ____ used this picture of a jungle for his hair. Is that what the original picture was intended for? *[Take responses. No.]* This is a very different use—it's transformed into a very important part of this new and different work of art. Great job! Even though these pictures are copyrighted, we can legally put them online as part of this collage because you made them into new art.

EXAMPLE: See how ____ used this picture of the Sahara Desert as the skin on her face in her self-portrait. I love that—it's so creative! Is that what the original picture was for? . . . No, of course not. She transformed it into something completely new and wonderful. Nice work! This is likely fair use and can legally go online.

** ALTERNATE CLASSROOM USE: This activity also works well after doing self-portrait collages as part of an art unit, for example: Art through the Ages Unit on Surrealists. In this case, take the self-portrait collages the students made during the art lesson and use them to have the fair use discussion on transformative work. Use a Simple Collection Collage to contrast with the highly transformative work the students have done with their self-portraits.*

POSTING STUDENT WORK ONLINE: Republishing the copyrighted work (by posting online) is an important aspect of this transformative fair use situation. If it's not made public, educational fair use applies, and it doesn't matter if the new work is a highly creative transformation or not. If you have a class blog, consider posting pictures of the students' self-portraits for parents and the public to view. **For student privacy and security, do not attach students' full names to their work when posting online. Label with first names or initials only. In addition, do not attach first names with photos of students. Check your school/district policy for guidelines for posting student work online.

Activity #2: Attribution

Note: *This activity can be used as students create book reports, lab reports, PowerPoint presentations, poems, short stories, or music videos. Reinforce proper attribution by using this activity throughout the year.*

We're going to do an assignment that will use other people's creative work. Whenever we do that, we should cite our source by giving attribution. Look for the copyright. Who owns this? Scroll to the bottom of the website to look for a copyright notice.

REVIEW

Remember, **copyright** protects original, creative work so that artists/creators can get paid for their effort. Fair use is an important part of copyright that allows people to use someone else's copyrighted work, without permission, in limited ways that are still fair to the owner/creator. For example, for teaching or school projects, or comments or criticism, or if we're making something completely new—transformative—using elements of the original, (like a parody).

DISCUSSION

Attribution is a big word that means giving credit when you have used a source in your own work, like quoting from a book or copying a song or a picture for your presentation. It is essential that we credit our sources when we use others' work.

Ask students to write a poem about their favorite animal (or other topic relevant to your curriculum) and make a PowerPoint illustrated version of their poem using five images—providing attribution for the artists or photographers.

Ask 1 or 2 students to show their presentations.

Is sharing these images respectful? Is it fair?

[Accept responses: Because we're in our classroom, and this is a school project, this is a fair use situation. If we want to post the presentation on a blog, we need to pay attention to the copyright information for the images. I can also choose to use images that are licensed to share for free through Creative Commons.]

Why?

Discuss why providing attribution is part of being fair when we share creative work.

(Optional) Show students these websites that make crediting sources easy:

<http://www.easybib.com/>

<http://www.citefast.com/>