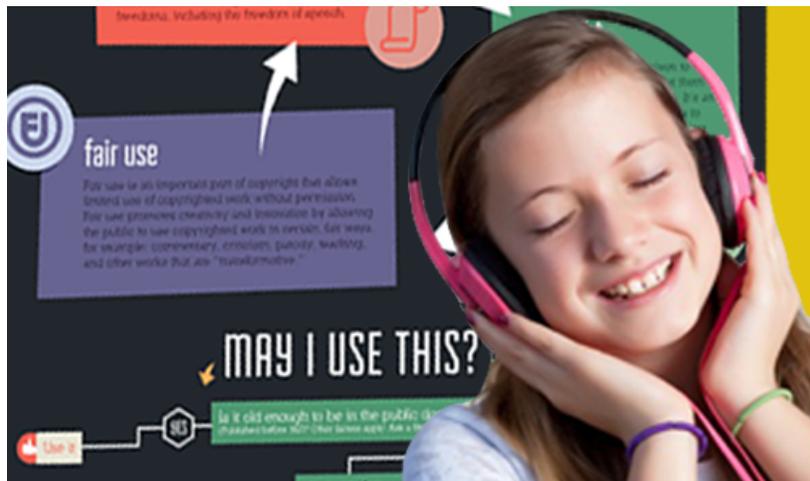


Copyright & Creativity

For Ethical Digital Citizens

Presenter Instructions

Middle School



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.



Dear Educators,

The following lessons and videos are designed to help you teach essential digital citizenship concepts of copyright and creativity, and to get students thinking and talking about how these concepts relate to their own online activities as both consumers and creators of creative work. The lessons have been scripted in detail to help presenters feel confident as they communicate copyright concepts, including fair use and other copyright limits.

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 to 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 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 at www.copyrightandcreativity.org/professional-development

Curriculum Outline

Lessons and videos are suitable for grades 7 - 9 and are meant to be presented as a complete unit over several days or weeks. The videos are integrated into the lessons but are also made to stand alone and may serve as a review.

LESSONS

Lesson 1— Creativity in the Online World: Our Roles as Creators and Consumers

- Our roles as consumers and creators online as we access and use creative work and also participate in making new creative work.
- The basics of copyright, including a broad overview of copyright’s limitations: facts and ideas, fair use, and public domain.

Lesson 2— Acquiring Content Legally and Ethically

Why we should access creative work online in ways that are legal and ethical.

- How to recognize trustworthy media sites that respect the ownership of artists and creators and let you enjoy media in ways that are fair to everyone.

Lesson 3—Sharing Content—How Much is OK?

- How to share the work of other artists and creators in ethical ways that respect their rights as owners.

Lesson 4— Creating New Content Using Others’ Work

- How to Incorporate others’ creative work into our own, responsibly and ethically:
 - fair use,
 - with permission (either direct permission or permission through a Creative Commons license),
 - public domain.

VIDEOS

- **What’s Up with Copyright Anyway: a Brief History and Copyright Basics**

Gives a brief (very brief!) summary of the rationale and history behind copyright, along with the basic rights of copyright and an overview of its limitations (facts and ideas, fair use, and public domain).

- **Permission NOT Required! The Limits of Copyright: Ideas & Facts, Fair Use, and Public Domain**

Provides a more detailed explanation of the limitations of copyright: ideas and facts, fair use, and public domain.

- **Help! I Need Something: Finding Creative Work with (Almost) No Restrictions**

Shows how to go about finding creative work that is available to use and share online for free, exploring public domain and Creative Commons.

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/



INDEPENDENT LEARNING VIDEOS

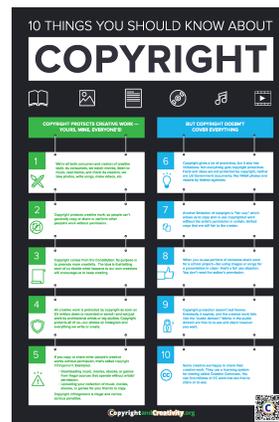
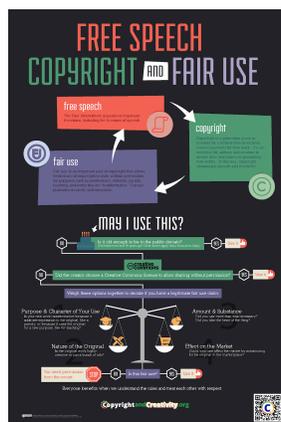
The Independent Learning Videos cover the same essential concepts that are taught in the middle school lessons. Videos may be used to introduce students to the topics or to reinforce material taught in class. Students may access videos at:

<https://www.copyrightandcreativity.org/middle-school/independent-learning-videos/>

1	Creators and Consumers of Media Online	2:08
2	Why Should I Care About Copyright? (Autopsy of a T. Rex)	5:11
3	What's Up with Copyright Anyway?— A Brief (Very Brief) History and Copyright Basics,	5:35
4	Permission Not Required—The Limitations of Copyright: Facts & Ideas, Fair Use, and Time (Public Domain)	4:35
5	Copyright in the Real World (Dude Perfect, Taylor Swift, Wu Tang Clan)	4:30
6	What is Copyright Infringement, and Why Does it Matter?	3:50
7	Finding Media Online: What's Lawful and What's Not	4:03
8	Sharing Media Legally and Ethically	4:50
9	Using Copyrighted Works in Our Own Creations: Fair Use, Creative Commons, Permissions, and Public Domain	3:50
10	Using Others' Creative Work With Permission	4:03
11	Help! I Need Something: Finding Creative Work with (Almost) No Restrictions	4:50
12	(Optional) Creative Commons: Wanna Work Together	2:30
13	Permission Not Required (Fair Use section ONLY with intro/outro)	4:45
14	Fair Use in the Real World: Jon Stewart, Food Chain Barbie, Richard Prince, and More	14:14

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

Copyright law gives several “creator’s rights” to people producing creative work. When you create something, you get to decide who can:¹ make copies, distribute copies, display or perform the work in public, and make derivatives. Let’s look at these individually:

1. **Make copies**—this means photocopies or digital copies, including digital cutting and pasting text or images, downloading photos, downloading songs, etc.
2. **Distribute copies**—this means giving away or selling copies, including emailing or texting digital files, or letting others download material you have uploaded to a website.
3. **Display or perform the work in public**—this means performing plays and musicals, concerts, placing art in a gallery, posting a photo on a public website, or streaming a concert on YouTube.
4. **Make derivatives (spin-offs)**—for example, making a book into a movie or a movie character into a toy.

Basically, if it involves creativity and it’s written down, recorded, or saved, then it is protected by copyright.

FAIR USE

Fair use is an important part of copyright that allows us to use copyright protected work, without permission, in limited ways that are still fair to the owner/creator. Unfortunately, there is no hard-and-fast rule about what counts as fair use. There is a four-factor legal test, but to simplify, a use is more likely to be a ‘fair use’ IF:

1. Your use is for commentary, news-reporting, criticism, parody, or a non-commercial purpose such as education. For example, use in a project for school would usually count as fair use. (However, if you want to publish your school project online, then you have more to consider.)
2. You use only a small portion of the other person’s creation and only as much as you need to make your point—such as a single paragraph from a much longer text or a short clip from a much longer video. (In some cases, it is still fair use if you need a whole creative work, like a whole photo or song, but in general the more you use, the less likely it is to be fair use.)
3. Your use would NOT be able to replace the original in the marketplace—it wouldn’t create inappropriate competition for the creator’s own distribution efforts. Put another way: buyers looking for the original would not be satisfied with accessing your work instead. On the other hand, if your use could potentially serve as a replacement for the original in the marketplace, it’s less likely to be fair use.

¹ NOTE TO EDUCATORS: Current copyright law enumerates six specific rights of copyright: When you make an original work, you get to decide who can:

1. make copies of the work, like prints, photocopies, or digital copies;
2. make any derivatives of the work, using part of the work or all of it (for example, making a movie from a book);
3. distribute copies of the work, such as in a bookstore or on a website;
4. display the work in public, for example, at an art gallery or on a website;
5. publicly perform the work if it’s a play, piece of music, ballet, or anything else that can be performed by others; and
6. digitally perform sound recordings (for example, streaming a concert online).

These six rights have been simplified in the lessons here for easy classroom discussion.

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 that 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 **non-profit 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.

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

The public domain is the body of creative work that belongs to the public because either the copyright has expired or never applied in the first place. In the U.S., this includes creative work published more than 95 years ago (*e.g.*, in 2020, all works published before 1925), and US government documents (including websites and photographs). Creative works in the public domain are free for everyone to use. No permission is required from a former copyright owner.

CREATIVE COMMONS

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

NOTE: Creative Commons does not replace copyright. Creative commons licenses work within the existing framework of copyright. For more information see: <http://us.creativecommons.org/>

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, 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 or characters;*
- *images and music for a slideshow to teach a history topic; and*
- *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 with respect to intellectual property, including avoiding plagiarism, proper attribution, and building bibliographies. As you teach about how to cite sources and build a bibliography, this is a good time to 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 attribution is a natural time to talk about copyright too.

Reading from a Book to the Class

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?) Check the date: was it published more

than 95 years ago? If yes, it is in the public domain. If it was published within the last 95 years, it is likely subject to copyright protection.

Art and Writing Projects: Sharing

After a creative writing or art project, have a discussion with the class about how they might want to share their work with others. Consider having a class blog/website with photos of the art or writing. [For student safety and privacy, do not publish full names or associate first names with student photos.]

Make a point to get permission from students before you put their art up on the wall or on a blog/website. Explain that their creative work automatically has copyright protection.

Slideshows and Presentations: Attribution

If you use slideshows or other kinds of presentations in your classroom, set an example of good digital citizenship by including a slide of credits or “works 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.

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.

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's a fun blog that reviews young adult fiction. Each review has a substantial quote from the book. It makes the review more interesting and gives you an idea of what the book will be like: <http://www.angie-ville.com/> This is not in an academic setting, but it is still an example of fair use.

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 or Film Class

Creative work done for a music or film class is an excellent opportunity to explore sharing options and help students understand ownership of creative work in the digital world.

CLASSROOM EXAMPLE

Write a song (or make a short film) for class.

Remember, when you create something—actually pull it out of your head and set it down in a solid form that can be seen/heard/recorded/shared—you automatically own the copyright, even without the copyright symbol ©. But the © symbol shows that you care and that you'd like other people to honor your claim to ownership.

Assert your ownership by deciding how you would like your work to be shared:

- *If you really want to get your work out there, a Creative Commons license is a great way to go. It allows you to protect your copyright but still distribute widely to anyone who might be interested.*
- *If you prefer to maintain all aspects of copyright, it doesn't hurt to include the copyright symbol © to show that you care, and you'd like other people to honor your claim to ownership.*

NOTE: YouTube has licensing agreements with many of the song owners in the recording industry whose music gets posted there. Although publicly posting a song could be an infringement of their copyright, most recording artists choose rather to "monetize" (place ads on) an infringing video, rather than have it taken down. If YouTube does not have an agreement with the artist, your video may be taken down for copyright infringement.

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

www.copyrightandcreativity.org/feedback

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