



**Essential Question:** What should you consider when you use other people's creative work?

## Learning Overview and Objectives

*Overview:* Students reflect on the differences between taking inspiration from the creative work of others and appropriating that work without permission. They review their knowledge of copyright and fair use, and examine a case study involving the appropriation of music by a popular band. Students then form groups in which they role-play different stakeholders in the music industry, and then debate the ethical and legal issues involved in using other people's creative work in practices such as remixes and sampling.

### objectives

*Students will:*

- Define the key concepts of inspiration, appropriation, copyright, and fair use and examine how they relate to creative work
- Understand the legal and ethical debates that surround using other people's creative work
- Consider the perspectives of the original creator, potential audiences, and the broader community when using others' material

### Digital Ethics Focus:

Self

Family and Friends

Community

## Materials and Preparation

### Materials

- **Music Industry Debate Student Handout**

### Preparation

- Copy the **Music Industry Debate Student Handout**, one per student
- Preview the opening minute and forty seconds (1:40) of the video ***Everything Is a Remix, Part 1: The Song Remains the Same*** (<http://vimeo.com/14912890>) (You may choose to show only the central section of the video, from 2:26 through 6:30)

### Parent Resources

- Send parents the **Plagiarism and Piracy Parent Tip Sheet – High School** and a link to the **Respecting Creative Work Parent/Teacher Intro Video**

## Differentiated Instruction

Pair striving students and motivated students together to read the **Music Industry Debate Student Handout**, which is text heavy and contains advanced vocabulary.

## Key Vocabulary

- **Inspiration:** Something that influences, propels, or inspires you to create something new
- **Appropriation:** To use someone else's creative work to make something new, often without their permission
- **Copyright:** A law that protects ownership of and control over the work someone creates, requiring other people to get the creator's permission before they copy, share, or perform that work
- **Fair Use:** The ability to use a small amount of copyrighted work without permission, but only in certain ways



# Rights, Remixes, and Respect

- **Sample:** To use a small piece of an existing creative work, usually music, in creating a new work
- **Remix:** To use an existing creative work and add to it, rearrange it, or mix it with other material to create something new

## teaching plans

### Introduce (10 minutes)

**DEFINE** the Key Vocabulary words **inspiration** and **appropriation**, and encourage students to think about the difference between the two processes as it applies to their own creations.

**ASK** *When you create things, do you ever get your inspiration from other people's creative work? What are some examples?*

Sample responses:

- *Writing a song with the "sound" of a musician you like, but with a different melody and different lyrics*
- *Writing a poem in a style that resembles another poem you've read, but is about something different*
- *Designing a website that uses some of the colors and "look" of another site you like, but has different content*
- *Writing a paper based on a news story you've seen on TV or read about online, but in your own words and with additional sources*
- *Drawing a picture that's inspired by something you've read or a song you've heard*

**ASK** *When you create things, do you ever appropriate, or use someone else's creative work, to make something new? What are some examples?*

Sample responses:

- *Using a song as a soundtrack to a video you have made*
- *Posting someone else's writing on your blog*
- *Adding pictures created by someone else to your Facebook profile*
- *Showing a clip from a movie in a video review of that movie*
- *Copying a paragraph from a news story and using it in a report for school*

**RECORD** student responses so that you can revisit them later in the lesson.

**EXPLAIN** to students that whenever they use the creative work of others, as opposed to just being inspired by it, they need to consider a lot of legal and ethical questions.

### Teach 1: Copyright and Fair Use (10 minutes)

**DEFINE** the Key Vocabulary words **copyright** and **fair use**.

**REMIND** students that the creative work of others is protected by copyright. To use copyrighted work legally and ethically, they must observe the following rules:

*Copyright Rules*

- Check who owns it
- Get permission to use it



- Give credit to the creator
- Buy it (if necessary)
- Use it responsibly

**EXPLAIN** that sometimes it is legal to use other people’s creative work under the principle of fair use, but only if you give them credit and use it in certain ways.

#### *Fair Use Rules*

- Use a small amount (not the whole thing)
- Rework and use the material in a different way from the original work
- Add new meaning to the material and make something new out of it
- Don’t use the material for profit, and use it only for certain purposes, which include:
  - » *schoolwork and education*
  - » *news reporting*
  - » *criticism or social commentary*
  - » *comedy or parody*

**DISCUSS** with students the fact that fair use is not a clear-cut issue; it is judged on a case-by-case basis. Users claiming fair use must be able to defend themselves if someone accuses them of stealing work. (Note that even if you claim fair use, you still might be sued.)

**REVISIT** the examples of appropriation that students came up with in the introduction to the lesson, and challenge them to explain why they are or are not examples of fair use. (Of the sample responses listed, the last two constitute fair use; in the other cases, students should follow the rules for using copyrighted work.)

## Teach 2: Music Industry Debate (20 minutes)

**DIVIDE** students into groups of four to five. Distribute the **Music Industry Debate Student Handout**. Assign different groups to be different stakeholders as listed on the student handout.

**DEFINE** the Key Vocabulary words **sample** and **remix**, and invite students to name some examples they have listened to, seen, or even created themselves. Tell them to watch for examples in the video they are about to see.

**SHOW** the opening 1:40 of the video *Everything Is a Remix, Part 1* (<http://vimeo.com/14912890>). (You can show the rest of the video later if there is time.)

**EXPLAIN** to students that there is a debate in the music industry today about sampling and remixing. Some people think it is fair use, while others believe it violates copyright law. People in the music industry have various perspectives on this issue.

**INSTRUCT** students to work in groups to prepare for a debate on whether remixing and sampling music is legal and ethical. Have them begin by discussing the questions and deciding what position their group will take. Then they should write down the main points they want to make to defend their position, and draft an opening statement.

**INVITE** students to carry out the debate. Instruct groups to listen to the other groups’ opening presentations, take notes, and be prepared to argue against the opposing groups’ points in a follow-up round of statements. If



# Rights, Remixes, and Respect

students still have points to make after the second round of statements, you may invite groups to further respond to each others' arguments.

**ASK** *What did you learn about the different perspectives people in the music industry have on copyright and fair use? (Guide students to consider whether rap or pop music more readily lends itself to sampling than rock or country, for example.)*

**ASK** *What do musicians gain and lose by having their work sampled or remixed? How does it affect their fans? (Guide students to see that musicians might gain exposure if others remix their work. On the other hand, they might feel like remixing dilutes their music, or that others are unfairly making money off of their work.)*

**ASK** *How do these issues affect society? Why is it important to have legal and ethical rules for using other people's creative work? What might happen if there were no rules? (Guide students to think about how original thought should be valued in and of itself, and also about how copyright helps artists get money for their work. Rules and laws about piracy reinforce these ideas and practices.)*

**DISCUSS** with students how it felt to role-play and take a different perspective.

## Wrap Up and Assess (5 minutes)

Use the following questions to assess students' understanding of the lesson objectives. You may also wish to assess students based on the quality of their debate answers.

**ASK** *What is the difference between inspiration and appropriation? (Students should understand the definitions of both words and be able to compare and contrast these processes.)*

**ASK** *What do you need to do before you use someone else's creative work? What do you need to consider to determine whether something is fair use? (Students should be able to name some of the rules for fair use and copyright from Teach 1.)*

**ASK** *What might artists gain from having their work appropriated by someone else? What might they lose? (Students should be able to summarize the main points from both sides of the debate.)*



## Extension Activity

Show the class Part 2 of *Everything Is a Remix*. Lead a discussion on how the movies shown used the creative work of other filmmakers. Encourage students to decide whether these are examples of inspiration or appropriation, and whether it is fair use or violates copyright law. Have them defend their positions on these questions. (For the record, this kind of use has not been deemed to violate copyright law.)



## Homework

Have students research the concepts of the **public domain** and the **Creative Commons license**, both of which give people more freedom to use the creative work of others. Have them imagine that they have put some of their own creative work (e.g., writing, music, drawings) on the Internet. Would they want it to be in the public



domain, under a Creative Commons license, or used only with their explicit permission? Have students write a paragraph explaining their choice.

**Alignment with Standards – National Educational Technology Standards for Students® 2007**

(Source: International Society for Technology in Education, 2007)

**1. Creativity and Innovation**

- c. use models and simulations to explore complex systems and issues
- d. identify trends and forecast possibilities

**2. Communication and Collaboration**

- a. interact, collaborate, and publish with peers, experts, or others employing a variety of digital environments and media
- d. contribute to project teams to produce original works or solve problems

**3. Research and Information Literacy**

- a. plan strategies to guide inquiry
- b. locate, organize, analyze, evaluate, synthesize, and ethically use information from a variety of sources and media
- d. use multiple processes and diverse perspectives to explore alternative solutions

**4. Critical Thinking, Problem Solving, and Decision Making**

- a. identify and define authentic problems and significant questions for investigation
- c. collect and analyze data to identify solutions and/or make informed decisions

**5. Digital Citizenship**

- a. advocate and practice safe, legal, and responsible use of information and technology
- b. exhibit a positive attitude toward using technology that supports collaboration, learning, and productivity
- c. demonstrate personal responsibility for lifelong learning
- d. use multiple processes and diverse perspectives to explore alternative solutions