Copyrights and Wrongs

Essential Question

How can I make responsible choices when I use other people's creative work?

Lesson Overview

Students explore the legal and ethical dimensions of respecting creative work. First, they learn a basic foundation of legal principles and vocabulary related to copyright. They understand how such factors as the rules of copyright law, the values and intent of the original creator, and the audience and purpose should affect their decisions about using the creative work of others. Using the **Mad Men Student Handout**, students then apply these principles to a simulation activity in which they act as advertising executives who have to choose a photo for an ad campaign.

Learning Objectives

Students will be able to ...

- identify the legal and ethical considerations involved in using the creative work of others.
- understand an individual's rights and responsibilities as a creator and consumer of content.
- practice critical thinking and ethical decision making about the use of creative works.

Materials and Preparation

- Preview the video "**Copyright and Fair Use Animation**" and prepare to show it to students.
- Copy the **Mad Men Student Handout**, one for each student.
- Review and print out the **Mad Men Student Handout – Teacher Version**.

Family Resources

- Send home the **Plagiarism and Piracy Family Tip Sheet (High School)**.

Estimated time: 45 minutes

Standards Alignment –

Common Core:

grades 9-10: RI.1-4, RI.8, RI.10, W.2a-f, W.6-8, W.10, SL.1a-d, SL.3-.5, L.4a, L.6
grades 11-12: RL.1, RL.2, RL.4, RL.7, RL.8, RL.10, RI.1, RI.2, RI.4, RI.10, W.2a-f, W.6-10, SL.1a-d, SL.2-5, L.4a, L.6

NETS•S: 1c, 1d, 2a, 2d, 3a, 3d, 4a, 4c, 5a, 5c, 5d

Key Vocabulary –

fair use: the ability to use a small amount of someone's creative work without permission, but only in certain ways

commercial purposes: a use in connection with a business, usually for profit

copyright: a law that protects a creator's ownership of and control over the work he or she creates, requiring other people to get the creator's permission before they copy, share, or perform that work

Creative Commons: a kind of copyright that makes it easy for people to copy, share, and build on someone's creative work – as long as they give the creator credit for it

public domain: creative work that's not protected by copyright and is therefore free for one to use however one wants

CREATIVE COMMONS: ATTRIBUTION-NONCOMMERCIAL-SHAREALIKE

introduction

Warm-up *(5 minutes)*

ASK:

What do you think we mean when we talk about someone's creative work?	Students should understand that the term includes all types of work that someone creates, including writing of all kinds, artwork, and photos, videos, and music.
Have you ever used creative work you found online – for example, a photo or a poem – for personal use?	Students should name various ways they use the creative work of others – for example, using a photo in a school report, posting it on their Facebook page, or even forwarding it on their cell phone.
When you use creative work you find online, what considerations do you make about who made it, if any?	Encourage students to talk about what they consider, if anything, before using material they find online. Ask them to think about how creators would want their work to be used. What would be okay? What would not be okay?

teach 1

Respect Creative Work *(15 minutes)*

SHOW the video "**Copyright and Fair Use Animation**".

ASK:

What are the ways you can be respectful of people's creative work?	Students should be aware of the following tips: • Check who owns it • Get permission to use it • Give credit to the creator • Buy it (if necessary) • Use it responsibly
How do you think you would you feel if someone used your creative work? Would it make a difference whether they did the following: • *Asked your permission to use it?* • *Gave you credit as the creator?* • *Changed the picture or added a caption without asking you?*	Students should reflect on how their sense of pride and ownership would/would not be affected.

CREATIVE COMMONS: ATTRIBUTION-NONCOMMERCIAL-SHAREALIKE

What do you think it means to use someone else's creative work responsibly? Does it matter how and where you use it?	Encourage students to think about context, and how it might affect or alter the creator's original intent.

EXPLAIN to students that in addition to these key rules, some additional information may help them decide when and how it is all right – and not all right – to use someone else's creative work.

DEFINE the Key Vocabulary terms **fair use** and **commercial purposes**. Make sure students understand that fair use allows them to use only a small part of someone else's creative work as part of something new. The work cannot be used for commercial purposes, and it can only be used in certain ways, which include:

- schoolwork and education
- criticism or social commentary
- news reporting
- comedy or parody

ASK:

What are some ways you might use creative work that would constitute fair use? Which ways wouldn't be covered under fair use?	Students should understand that using a small amount of someone else's work in a school report or the school paper would be fair use, while posting it on their blog or on a social networking site would not be fair use.

DEFINE the Key Vocabulary terms **copyright, Creative Commons**, and **public domain**. Explain that when students want to use someone's creative work in a way that isn't covered by fair use, they need to investigate its copyright status. Then offer the following scenario to help explain the definitions:

> *Imagine you took a photo of your dog and posted it online. Because you are the creator, you own the copyright to this image. This means you have control over how other people use your photo. Copyright law is pretty strict, meaning that people will have to get your permission before they can copy, print, or use your work for any reason.*
>
> *However, if you use a Creative Commons license, you give people more freedom to copy and share your photo. Some Creative Commons licenses even say it is all right to make money off of the photo, while others say it cannot be used for commercial purposes. People choose Creative Commons licenses because the licenses offer more opportunities for other people to use and share their work.*
> **Optional:** show students examples of Creative Commons licenses (http://creativecommons.org/licenses).
>
> *Finally, imagine that you want the photo to be used freely by all, without people having to request permission. You then would release the photo into the public domain, which allows others to use your photo however they want to because it is no longer protected by copyright. Copyrights don't last forever, so works often count as "public domain" after a certain time period. Works from the U.S. government are also in the public domain.*

ASK:

If you created a picture, poem, or video and posted it online, what do you think you would do? Would you make people get your permission every time they used the work, use a Creative Commons license, or put it in the public domain? Explain your choice.	Responses will vary, but students' answers should reflect an understanding of the choices. Some students might want their work seen by as many people as possible, while others might want to limit use and receive compensation.

CREATIVE COMMONS: ATTRIBUTION-NONCOMMERCIAL-SHAREALIKE

teach 2

Choose Your Photo *(20 minutes)*

DIVIDE students into groups of four to five, and distribute the **Mad Men Student Handout**, one per group.

TELL students they will be "mad men" in this activity. (The term "mad men" is shorthand for "Madison Avenue ad men," who were advertising executives who worked on Madison Avenue in New York City during the 1950s and 1960s. It is also the name of a popular television show that began running in 2007.) As "mad men," they will have to decide on a photo to use for an advertising campaign.

HAVE a volunteer read aloud the directions and letter on the student handout.

EXPLAIN to students that advertising is a commercial purpose, so fair use does not apply. In order for advertising executives to use a photograph, they need to do one of the following things:

- They can use a photograph for which they already own the copyright.
- They can get permission from the copyright holder to use that photo for commercial purposes (and pay any fee the copyright holder might charge).
- They can use a photo that is in the public domain.

In addition to considering the copyright status of the photo, students also need to consider the original intent of the creator and the effectiveness of the photo for their ad campaign.

INSTRUCT students first to analyze and answer the questions about each photo before they make a decision. They will need to defend their choices. Allow students approximately 10 minutes to review their options and reach a consensus.

INVITE students to present their findings to the class. Students should describe why they chose their photos.

LEAD a discussion about the issues that come up when students want to use someone's creative work, using the **Mad Men Student Handout – Teacher Version**. If there are photos that none of the groups chose, go through them and encourage students to explain why they decided against using those photos, based on their responses to the questions.

Note: There is no "correct answer" for this activity. Your goal is to guide students to think – first and foremost – about whether their choices reflect responsible use of an image, and second, whether it serves the purpose of the company and their ad campaign well.

closing

Wrap-up *(5 minutes)*

You can use these questions to assess your students' understanding of the lesson objectives. You may want to ask students to reflect in writing on one of the questions, using a journal or an online blog/wiki.

ASK:

What do you need to do if you want to use someone else's creative work?

Students should be able to name the following checklist points from Teach 1:

- Check who owns it
- Get permission to use it, if necessary
- Give credit to the creator
- Buy it (if necessary)
- Use it responsibly

CREATIVE COMMONS: ATTRIBUTION-NONCOMMERCIAL-SHAREALIKE

What is copyright, and what does it require people to do?	Students should understand the concept that a person owns the creative work that he or she has made, whether it is writing, visual art, photography, video, music, or in some other form. They should recognize that someone else cannot use copyrighted work legally without the permission of the person who created it.
Do you think it is important to give credit and get permission, if needed, when you use someone else's creative work? Why or why not?	Students should understand that there are ethical as well as legal considerations involved in using the work of others. They should realize that most people want to receive credit for their creative work. Some might want their work seen by as many people as possible, while others might want to limit use and receive compensation. However, when respecting creative work, the choice should be that of the creators.

CREATIVE COMMONS: ATTRIBUTION-NONCOMMERCIAL-SHAREALIKE

Copyrights and Wrongs

Directions

Read the instructions on this page. Complete the rest of the handout in groups, and be prepared to share your findings with the class.

Big, Little, and Small Advertising Agency
10 Madison Avenue
New York, New York

Hi there, B.L.S. creative teams

It's Frida from the photo department.

The Vegetable Farmers of America (VFA) have hired us to create print and billboard ads that encourage people to become vegetarians. These ads will be used in magazines and billboards nationwide.

We have gone through hundreds of images for them and have decided on five. It is your job to make the final decision on which of the five images to use. The photos, along with their source information, are in this packet.

Choose a photo that you believe will encourage someone to become a vegetarian, but be sure to also consider how the photo was originally used and how it is copyrighted.

For each photo, we need you to answer the following questions:

1. **Who owns the photo? Who holds the copyright for the photo (if anyone), and who gets paid for its use?** Is it protected by copyright, available for free public use via Creative Commons, in the public domain, or some other way? In other words, what do we need to do to use the photo legally?
2. **Who created the photo? What was it originally used for, and what does it show?** How do you think the creator might feel about having us use the photo in our ad campaign?
3. **Is the photo right for our ad campaign?** To answer this question, you need to think about how the VFA might feel about having us use the photo in their ad campaign, and how the public might respond to an ad that uses this photo.

See you in the cafeteria,
Frida Miko
Director, B.L.S. Photo Department

CREATIVE COMMONS: ATTRIBUTION-NONCOMMERCIAL-SHAREALIKE

PHOTO BOOK

For Creative Team's Eyes Only

Photo 1: Cattle Show, Flickr



Owner and copyright status: _____

Creator and original context: _____

Right for the ad campaign? Why or why not? _____

_____

Okay, Frida. Photo 1 comes to us from Flickr, the photo-sharing site on the web. This photo is in a public album, created by a member of the Future Farmers of America, and is copyrighted through Creative Commons, a license that allows free use of materials by others. Some are allowed to be used for commercial purposes and some aren't. But don't worry, this one is okay to use for commercial purposes. However, we don't really know if this young farmer is aware that her photo from the local cattle show is available for commercial use.

Photo 2: Hindu Temple, Stock



Owner and copyright status: _____

Creator and original context: _____

Right for the ad campaign? Why or why not? _____

_____

We can buy some images called stock photos. Well, technically, we buy permission to use it for a fee. But we can't forget to credit them! That's part of the deal. This photo comes from Pronto Pictures. It would cost $1,500 to use in our advertising campaign. The image shows a Sri Mariamman Hindu Temple in Singapore. The cows are statues. Keep in mind that for Hindus, cows hold special significance as religious icons.

CREATIVE COMMONS: ATTRIBUTION-NONCOMMERCIAL-SHAREALIKE

Photo 3: Dairy Cow, B.L.S. Ad Agency



Owner and copyright status: _____

Creator and original context: _____

Right for the ad campaign? Why or why not? _____

_____

This photo takes me back to my days on the dairy farm. It's by one of our in-house photographers, Duncan. This means that we own the copyright. If someone else wanted to use this photo of Bessie, we would license the photo to them for a fee, depending on the use. But we can use it for free. Look at those big cow eyes.

Photo 4: Flank Steak, Flickr



Owner and copyright status: _____

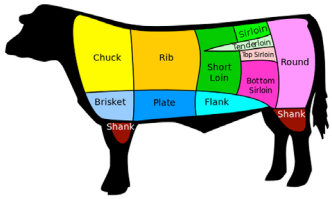
Creator and original context: _____

Right for the ad campaign? Why or why not? _____

_____

Photo 4 looks yummy! It's also from a public album on Flickr, one on how to prepare flank steak. The photo was taken and posted by a local chef, and it is listed for commercial use under Creative Commons. One thing this particular Creative Commons license allows us to do is alter or change the image.

Photo 5: Cuts of Beef, public domain



Owner and copyright status: _____

Creator and original context: _____

Right for the ad campaign? Why or why not? _____

_____

So, do you know your cuts of beef? This photo is in the public domain, meaning that it's available for public use or alteration for any purpose. There's no author we need to get permission from to use it, and no one will come knocking to claim their "cut."

CREATIVE COMMONS: ATTRIBUTION-NONCOMMERCIAL-SHAREALIKE

Copyrights and Wrongs

Teachers:

Use this guide to lead a discussion about what students need to consider when they use the creative work of others, which includes both legal and ethical questions as well as practical considerations. Students should be weighing the following factors in choosing their photos:

- the rules of copyright
- the values and intent of the original creator
- the audience and purpose

Each photo includes sample responses and discussion questions. You may also use these overarching questions to discuss any of the photos:

- *For all the photos, what might be the consequences of using these creative works?*
- *How would the owners of the content react?*
- *How might the original creator react?*
- *How would the VFA react?*
- *How might the public react?*
- *How might these different reactions affect your decision about which photo to use for the ad campaign?*

Photo 1: Cattle Show, Flickr



Owner and copyright status: Creative Commons, available for commercial purposes. Not clear if photographer made her FFA chapter aware these photos were being made available for commercial use.

Creator and original context: Photo taken by a member of the Future Farmers of America (FFA). Looks to be at a livestock-raising event.

Right for the ad campaign? Why or why not? (Use teacher guidance below.)

Teacher guidance: The photos clearly are intended to highlight the livestock-raising lifestyle, but they seem to be personal snapshots from a local cattle show. The FFA photo pictures a young woman who raises cows for agricultural purposes, possibly including for slaughter. *Is it appropriate to use the public photos, even though they seem personal in nature? Given that this campaign is promoting vegetarianism, is it appropriate to use this photo?* (Guide students to consider that neither the woman pictured nor the FFA has given explicit permission for this photo to be used. It would be best to seek the permission of these two parties before making any decisions.)

CREATIVE COMMONS: ATTRIBUTION-NONCOMMERCIAL-SHAREALIKE

Photo 2: Hindu Temple, stock



Owner and copyright status: This is a stock photo that is copyrighted and owned by Pronto Pictures.

Creator and original context: Note sure of the creator, but the photo is from a Hindu Temple in Singapore

Right for the ad campaign? Why or why not? (Use teacher guidance below.)

Teacher guidance: The cow statues are religious symbols used in the decoration of a temple. *Given this important cultural significance, should they be used in an ad campaign? Does the content of the campaign make a difference? Why or why not? There is a fee charged in order to use this photo. How does that influence your decision?* (Guide students to consider that the photo is copyrighted and that they would have to pay the appropriate fee and probably cite Pronto Pictures in order to use this photo. Also have them reflect on the religious significance of this photo. Might the symbolism of the cow and temple be problematic to Hindus or others?)

Photo 3: Dairy Cow, B.L.S. Ad Agency



Owner and copyright status: B.L.S. Advertising Agency owns the copyright.

Creator and original context: Duncan, an in-house photographer, took this photo of a cow in a field.

Right for the ad campaign? Why or why not? (Use teacher guidance below.)

Teacher guidance: The photo of the cow doesn't appear to have any particular symbolic significance. *Does that make it more or less acceptable to use in the ad campaign?* (Guide students to recognize that this photo may in fact be the best option, as it is owned by B.L.S. and because it is unlikely to offend the audience.)

Photo 4: Flank Steak, Flickr



Owner and copyright status: Creative Commons, available for commercial purposes.

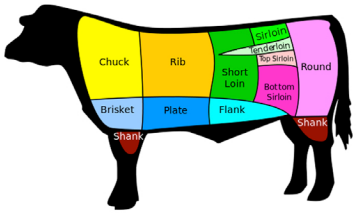
Creator and original Context: Photo taken by a chef, apparently of the steak that he cooked. Part of an album about how to prepare flank steak.

Right for the ad campaign? Why or why not? (Use teacher guidance below.)

Teacher guidance: The steak photo was posted by its creator to show how to cook meat, and is meant to look delicious. *How would its use in an anti-beef campaign reflect its original purpose? Is it appropriate to use? Why or why not?* (Guide students to consider the fact that the photo is available

for commercial purposes, which means that they technically are allowed to use it to make money. They should explore whether they still would need to provide a citation for the photo. Have students consider how vegetarians might react to an image that makes meat look tasty. How is this similar or different from showing an image of a live cow?)

Photo 5: Cuts of Beef, public domain



Owner and copyright status: The work is in the public domain, so no one owns it and it's not copyrighted.

Creator and original context: Not sure of original creator. Seems to have been created in order to inform people – maybe butchers or cooks – about different cuts of meat from a cow.

Right for the ad campaign? Why or why not? (Use teacher guidance below.)

Teacher guidance: The beef-cut diagram is intended as a helpful tool for workers in the industry and for beef consumers. Even though the image itself is under the public domain, it symbolizes one view of cattle: that they are for eating. *Does this make its use in an anti-beef campaign more powerful? Does it make it less appropriate?* (Guide students to compare a photo that is in the public domain versus one that is protected by other types of copyright. Public domain is a very flexible type of copyright, so copyright infringement should not be a problem. However, the audience may be offended seeing an image of a cow that also is meant for slaughter. Have students consider how this image might be perceived in comparison with the other possible images for the campaign.)

CREATIVE COMMONS: ATTRIBUTION-NONCOMMERCIAL-SHAREALIKE

Copyrights and Wrongs

ASSESSMENT

1. Decide which kind of license is best for each student's work. Write the letter of each answer in the chart below.

Copyright	Creative Commons	public domain

a) An original song that Janelle doesn't want anyone to copy or distribute without her permission

b) A digital illustration that Sasha wants credit for but doesn't mind if others use without her permission

c) An original documentary that Dom wants complete ownership of in case the documentary makes money

d) An article that Ryan finds in a government database

e) A collection of photos that Artie wants credit for but doesn't care if others use

f) A photo that Marcus wants others to share and use however they want for the purpose of creating new artwork

2. Read the following scenario. Then answer the question below.

Lola takes a photo of the mountains near her home. She uploads the photo to the Internet with "Copyright 2011 Lola Dominguez" next to the image. About a week later, she checks one of her favorite blogs and sees that the blogger has posted her photo on the blog and has posted a creative writing story to go with it.

True or false: If the blogger doesn't ask Lola's permission to use the photo but still gives her credit, the blogger can post Lola's photo with his story.

a) True. Copyright is pretty relaxed, so even though Lola put "Copyright" on her photo the blogger can do what he wants.

b) False. When you copyright something, the only way that others can use the work without your permission is if they change the original meaning of the work. Adding a story to the photo doesn't change the original photo, so the blogger can't use it.

c) False. When you copyright something, others have to ask your permission before using it.

d) True. Even though Lola put "Copyright" on her photo, the blogger doesn't have to ask permission because he posted his own original story to go with it.

3. **What is the safest way to use someone else's creative work, no matter what kind of license it has (copyright, Creative Commons, etc.)?**

   a) Assume that it's in the public domain and use it however you want

   b) Give credit to the creator

   c) Ask permission to use the work

   d) Check who owns the work

Copyrights and Wrongs

ASSESSMENT
TEACHER VERSION

1. Decide which kind of license is best for each student's work. Write the letter of each answer in the chart below.

Copyright	Creative Commons	public domain
a) An original song that Janelle doesn't want anyone to copy or distribute without her permission c.) An original documentary that Dom wants complete ownership of in case the documentary makes money	b) A digital illustration that Sasha wants credit for but doesn't mind if others use without her permission e) A collection of photos that Artie wants credit for but doesn't care if others use	d) An article that Ryan finds in a government database f) A photo that Marcus wants others to share and use however they want for the purpose of creating new artwork

Answer feedback
The students that want complete ownership of their creative works should choose to copyright their works so others will have to ask permission to use those works. The students that want credit for their works but don't mind others using them without permission should choose a Creative Commons license. The students that want to share their creative work so that others can adapt it for their own purposes should choose the public domain.

2. Read the following scenario. Then answer the question below.

Lola takes a photo of the mountains near her home. She uploads the photo to the Internet with "Copyright 2011 Lola Dominguez" next to the image. About a week later, she checks one of her favorite blogs and sees that the blogger has posted her photo on the blog and has posted a creative writing story to go with it.

True or false: If the blogger doesn't ask Lola's permission to use the photo but still gives her credit, the blogger can post Lola's photo with his story.

a) True. Copyright is pretty relaxed, so even though Lola put "Copyright" on her photo the blogger can do what he wants.
b) False. When you copyright something, the only way that others can use the work without your permission is if they change the original meaning of the work. Adding a story to the photo doesn't

c) False. When you copyright something, others have to ask your permission before using it.

d) True. Even though Lola put "Copyright" on her photo, the blogger doesn't have to ask permission because he posted his own original story to go with it.

Answer feedback

The correct answer is **c**. When you copyright something, others have to ask your permission to use it no matter what, even if the person who uses your creative work wants to change the meaning of your work. If the blogger does not have permission to post Lola's photo with his story, he should not post the photo at all.

3. What is the safest way to use someone else's creative work, no matter what kind of license it has (copyright, Creative Commons, etc.)?

a) Assume that it's in the public domain and use it however you want

b) Give credit to the creator

c) Ask permission to use the work

d) Check who owns the work

Answer feedback

The correct answer is **c**. Asking permission to use someone else's work is a great idea if you are unsure about whether or not you can use the work for your own purposes. It's also important to give credit to the original creator, but if you don't have permission to use another person's work, giving credit isn't enough.