

Rights, Remixes, and Respect

Essential Question

What should you consider when you use other people's creative work?

Lesson 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.

Learning Objectives

Students will be able to ...

- 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.

Materials and Preparation

- Copy the **Music Industry Debate Student Handout**, one for each student.
-  Preview the opening minute and forty seconds (1:40) of the video "**Everything is a Remix: Part 1: The Song Remains the Same**" (www.vimeo.com/14912890) by Kirby Ferguson (2010). You may choose to show only the central section of the video, from 2:26 through 6:30.

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.4, W.5, W.10, SL.1a-d, SL.3, SL.5, L.4a, L.6

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

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

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

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

introduction

Warm-up (10 minutes)

DEFINE the Key Vocabulary terms **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 that's 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

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 terms **copyright** and **fair use**.

REMINDE 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 terms **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** (www.vimeo.com/14912890).

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.

HAVE students 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 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.

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 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.

What do musicians gain and lose by having their work sampled or remixed? How does it affect their fans?

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.

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 is the difference between inspiration and appropriation?

Students should understand the definitions of both words and be able to compare and contrast these processes.

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.

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.

Rights, Remixes, and Respect

Directions

There is a big debate in the music industry over whether it is legal and ethical to sample and remix copyrighted materials without the permission of the original creators. You will be assigned to role-play a group of people who have very different perspectives about this question, and you will need to prepare responses to debate this issue. The groups are:

- Musicians who use sampling and remixing in the music they create
- Musicians who have been sampled or remixed without credit, permission, or payment
- Fans who like both kinds of musicians
- People in the recording industry who make money from selling music
- Lawyers whose job is to protect artists from copyright violations

Based on your role, brainstorm responses to the questions below. Write down your main points to these questions, and be prepared to defend your position in a debate with other groups who might disagree with you.

1. What does your group think about musicians who sample and remix claiming fair use? Is it fair use or stealing? Why?

2. How do musicians who sample and remix copyrighted materials without permission affect the original creators of the work?



3. How would it affect the creators of remixes if they had to get permission and pay for everything they used?

4. How are music fans affected by copyright law and fair use guidelines?

5. How would society be affected if there were no copyright laws? How would it be affected if there was no fair use?

Rights Remixes Respect

1. _____ is using someone else’s creative work to make something new, often without their permission.

- a) Appropriation
- b) Fair use
- c) Copyright
- d) Public domain

2. There is a difference between inspiration and appropriation. It is considered acceptable to use others’ work for inspiration, but it is often considered unacceptable to use, or appropriate, others’ work without their permission. Put the actions below in the right category.

Inspiration	Appropriation

- a) Using a song as the soundtrack to a video you have made
- b) Writing a song in the same style as your favorite band, but with different lyrics and with different notes
- c) Writing a paper based on an article you read
- d) Adding someone else’s photos to your social networking profile

3. Read the following scenario. Then answer the “true or false” question.

Top40 is a popular DJ who takes the first 10 seconds from the 40 most popular songs on the radio each week and blends them together to create one long song. Top40 does not change the parts of the songs he uses, and he does not ask permission from the original artists.

True or false: Top40 violates copyright law every time he uses a song from the radio without asking permission.

- a) True. If Top40 does not ask, then he does not have permission to use the songs.
- b) False. Even though Top40 does not ask for permission, no one cares, so it isn’t a big deal.
- c) False. Because what Top40 does helps the original artists, copyright law does not matter.
- d) Both b and c

Rights, Remixes, Respect

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- a) **Appropriation**
- b) Fair use
- c) Copyright
- d) Public domain

Answer feedback

The correct answer is **a**. *Appropriation* is to using someone else’s creative work to make something new, often without their permission.

2. There is a difference between inspiration and appropriation. It is considered acceptable to use others’ work for inspiration, but it is often considered unacceptable to use, or appropriate, others’ work without their permission. Put the actions below in the right category.

Inspiration	Appropriation
c) Writing a paper based on an article you read	a) Using a song as the soundtrack to a video you have made
b) Writing a song in the same style as your favorite band, but with different notes	d) Adding someone else’s photos to your social networking profile

Answer feedback

The difference between inspiration and appropriation is in how you use the original work. If you change someone else’s work or idea to create something of your own, that’s using the work for inspiration. If you use someone else’s work and simply add it to something you made (like using a song as the soundtrack to a video), that’s considered appropriating the work without permission.

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a) True. If Top40 does not ask, then he does not have permission to use the songs.

b) False. Even though Top40 does not ask for permission, no one cares, so it isn't a big deal.

c) False. Because what Top40 does helps the original artists, copyright law does not matter.

d) Both b and c

Answer feedback

The correct answer is **a**. Even though the artists don't mind, Top40 breaks copyright law if he doesn't first ask permission before using the first 10 seconds of the songs.