

Creative Credit, Copyright, and Fair Use

1. Question & Research Task

With so much information and media available on the Internet, it can be difficult to know when it's OK to use something in your own creative work, or when that might be considered unethical (wrong) or even illegal. Much of what is published on the Internet is copyrighted. So how can you use what you find on the internet fairly and ethically?

In turn, how can you protect your own original creative work, so that other users don't take credit for it or use it in ways you don't approve?

In this Slam Dunk lesson, you will conduct brief, focused research to help you answer the inquiry question:



Your teacher will show the video above to build some background knowledge about copyright.

While watching, think about:

- When is it OK to use someone's creative work?
- When is it unethical to use someone's creative work?

Why is it important that I know my rights and responsibilities as a user and a creator of media?

2. Information Sources

Choose several of the information sources linked here to complete the Student Activity on Slide 3.

- [Copyright](#) – BrainPop video*
- [Copyright](#) – Article*
- FAQs: [Copyright](#) | [Public Domain](#) | [Fair Use](#)
- [Use Information Correctly - Copyright and Fair Use – Article](#)
- [Copyright and Creative Commons](#)*
- [Piracy Online](#)*
- [YouTube Copyright School](#) - YouTube video



Select the image above to view the video *Copyright and Fair Use*.

Image Source: Common Sense Media

*Before accessing BCPS Digital Content, you may need to login. Please see your teacher/librarian for login information. Your teacher needs to show the YouTube video.


3. Student Activity

Use the information sources on Slide 2 and this [note-taking organizer](#) to:

1. Define these key vocabulary words:

- Creative Work
- Creative Commons
- Copyright
- License
- Parody
- Piracy
- Plagiarize
- Public Domain
- Fair Use

2. Identify and describe the “Four Factors of Fair Use.”

 EXPLORE: THE FOUR FACTORS OF FAIR USE

It's more likely to be **fair use** if ...

... the **purpose** of the new work is educational or the original work is transformed into something very different.


... the **amount** used is only a small portion of the original work or does not include the "heart" of the work.

Common examples:

- Schoolwork and education
- Criticizing or commenting
- News reporting
- Comedy

... the **nature** of the original work is nonfiction or based on fact (rather than creative or fictional).

... the **effect** of the new work does not include any negative impact on the creator or the value of the original work (think \$!).

 commonsense.org/education
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 common sense education*

Image Source: Common Sense Education

4. Assessment Activity

First, take the Schoology Quiz on Creative Credit & Copyright (assigned by your teacher).

Then, apply your learning by examining these Fair Use Scenarios to determine whether they are examples of Fair Use.

- Keep in mind: For each example, the authors did not get permission to use the copyrighted works.

Can I Use that Picture?

The Terms, Laws, and Ethics for Using Copyrighted Images

Can I Use that Picture?

When in doubt, the rule above all others is to obtain permission from the original creator or copyright owner or to create the image yourself.

Yes! If you took a picture with your camera or if you drew or designed an image and the concept was completely your own, you automatically own all copyrights to it and receive all credit or distribute without your permission.

No! If you created a picture that is so similar to someone else's that it might be thought of as their own, you cannot use your picture for anything other than your own. **Stolen** personal use, including posting to Instagram on your wall.

Yes! If you are using an image in an educational or research setting, for example, you are usually able to use the image without permission. **However,** always credit the source of the image for personal or educational use, or this is a form of theft.

Yes! If you can provide credit to the person or entity that created the image and it is not possible to obtain permission from the original, you or another person can usually refer to the image without permission.

Possibly. If you are using an image in a non-profit setting, you can usually refer to the image without permission. **However,** always credit the source of the image for non-profit use, or this is a form of theft.

Yes! If your picture is in the public domain (meaning the original creator) released their rights to the image or if you purchased the image and the copyright has expired, you can use the image for whatever you like. If your image is protected under creative commons, be sure to check the conditions under which you can use it. You may not be able to modify or profit from it, for example. If you are uncertain if the image is in the public domain or creative commons (or if the photographer has sold the copyright to a third party), assume it is not and avoid using it until you've obtained permission.

No! If you didn't answer "yes" to all of the fair use questions and you haven't purchased or obtained permission to use the image, you should under no circumstances use the image, regardless of where you found it. It is not only considered unethical to use another person's company's image without permission, it is illegal.

Did you purchase the image or obtain permission from the original source?

Is the image in the public domain or protected by creative commons agreements?

Would it be considered impossible to obtain permission from the original source?

Will you be using the image for personal or commercial gain? (If you answered "no" to all the fair use questions, the use of your image would most likely be considered for personal or commercial gain.)

Ask Yourself the Fair Use Questions

- Are you using the image for personal, non-profit, educational, research, or scholarly purposes? **Are you using the image sparingly, only for limited purposes?**
- Are you transforming or repurposing the image to create a new purpose or meaning?
- Are you publishing the image in a fact-based context or publication that benefits the public as a whole (such as in a news source where it is reported that people see the image)?

Copyright
The protection given to any created image or work from being copied or distributed without permission. All images are automatically given copyright to the creator when the image is created.

Fair Use
The legal right to use copyrighted images without the creator's permission for educational, research, or personal or use or as long as the image benefits the public good in some way.

Creative Commons
Images that are copyrighted but that the creator has put restrictions on their use. A creative commons license might stipulate, for example, that an image can be used as long as it isn't modified in any way.





Public Domain
Images that no longer have copyright restrictions either because the creator willingly relinquished their copyright or because the creator is dead and no one owns the copyright.

What if I found the picture on social media or a website?
While the laws about distributing images through social media channels like Facebook, Pinterest, and blogs can sound fuzzy, it is generally considered socially acceptable to redistribute an image that was originally intended to be publicly viewed by the creator. This is why you will typically find original images re-posted on blogs, news sites, and social media channels even if the person re-distributing the images didn't obtain permission to do so. **However,** much depends on the way in which you intend to use the image. It is unethical to redistribute an image on Facebook, for example, if a person didn't intend for the image to go public in the first place. It is also a form of plagiarism to post an image on your blog or website without citing the original source (and it is considered best practice to link back to the original source as well). **Pay attention to the fair use laws and other questions to the left when considering using other images you find online. Be careful about using other images for personal gain, commercial gain, and even formal presentations without obtaining permission first.**

TheVisualCommunicationGuy.com | 2014

Select the image above to view an infographic about fair use and images.
Image Source: [The Visual Communication Guy](http://TheVisualCommunicationGuy.com).

5. Enrichment Activities

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|--|---|--|
| Traditional Copyright  | Creative Commons  | Public Domain  |
| Work <u>cannot</u> be used, adapted, copied, or published without the creator's permission | Work may be used <u>without</u> permission, but only under certain circumstances. ... Creators set <u>rules</u> for the way their work is used. | Work can be used, adapted, copied, and published, completely <u>without restrictions</u> , no permission needed. |
| What does it apply to? |  | What does it apply to? |
| <u>All original work</u> is protected under copyright when it's created. | What does it apply to? Only work that creators have chosen to designate as Creative Commons. | Work published prior to 1923, work by long-dead creators, and work that creators have placed in the Public Domain. |

Fair Use Collage

Steps

1. Cut out (copyrighted) images from magazines. Using glue and construction paper, mix images together into a collage.
2. Rework and change the images to create a new, original work that would qualify for fair use of the copyrighted material. Display your collage on the classroom walls and have everyone look at the work.

OR

- Create a **digital version** by copying and pasting images into a Google Doc (or Slides) and following step 2 above.
3. Examine how well each collage fits the key points of fair use. Then vote for the “best fair use collage” in class. Refer to the [Four Points of Fair Use](#) to double check that you are using your images fairly.

Click the image above to see a larger image.

6. Teacher Resources

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| <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> | <u>6</u> |
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Learning Standards Alignment

Maryland Technology Literacy Standards

Standard 2.0 Digital Citizenship: Demonstrate an understanding of the history of technology and its impact on society, and practice ethical, legal, and responsible use of technology to assure safety.

Common Core State Standards for English Language Arts & Literacy

Reading: 1. Read closely to determine what the text says explicitly and to make logical inferences from it; cite specific textual evidence when writing or speaking to support conclusions drawn from the text.

Writing: 7. Conduct short as well as more sustained research projects based on focused questions, demonstrating understanding of the subject under investigation.

AASL Standards Framework for Learners Inquire: Build new knowledge by inquiring, thinking critically, identifying problems, and developing strategies for solving problems.

Think: Learners display curiosity and initiative by:

I.A.2 Recalling prior and background knowledge as context for new meaning.

Create: Learners engage with new knowledge by following a process that includes:

I.B.1 Using evidence to investigate questions. I.B.3 Generating products that illustrate learning.

Share: Learners adapt, communicate, and exchange learning products with others in a cycle that includes:

I.C.1 Interacting with content presented by others.

Grow: Learners participate in an ongoing inquiry-based process by:

I.D.2 Engaging in sustained inquiry.

P21 Framework: 21st Century Student Outcomes

3. Information, Media & Technology Skills: Information Literacy: Access information efficiently and effectively; Use information accurately and creatively for the issue or problem at hand.

ICT Literacy: Use technology as a tool to research, organize, evaluate and communicate information.

Grade 6 Digital Citizenship

Content Integration: ELA, Social Studies, Science, or other content area where students are creating media and may be using intellectual property of others available online, and all students in Grad 6 will receive instruction.

Time Frame: One 90-minute or two 50-minute class periods

Objective: Students will respect the rights of content creators by using their content ethically and legally in their own creative products and will exercise their own rights as content creators.

Notes to the teacher:

- This lesson and the **Schoology Quiz** are **REQUIRED for all students in Grade 6.**
- **Collaborate with your school library media specialist** to plan and implement this lesson.
- Lesson content used or adapted from this lesson in [the Common Sense Education Digital Citizenship Curriculum: The Four Factors of Fair Use](#).
- See the [Copyright & Fair Use page](#) on BCPS Innovation Hub for additional resources.
- Have students use learning supports provided in BCPS Digital Content found in the [Apps Portal](#). Refer to [Digital Content Snapshot/Support pages](#) as needed.
- Provide students with login information as needed to authenticate BCPS Digital Content. Login information is available on the **BCPS Digital Content** page found via the [Apps Portal](#)

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