

Rework, Reuse, Remix

Resources:

- Video: Copyright and Fair Use Animation:
<https://www.commonsensemedia.org/tlr-ui/modal-collection-video/355904>
Or (<http://bit.ly/2gJYpz3>)

Essential Question What rights do you have as a creator?

Lesson Overview Students explore the concept of **fair use**, apply it to case studies, and create an original work of fair use. Students learn how to judge whether something is protected by fair use by using the **Four Points of Fair Use** Student Handout. They apply the four points of fair use to two case studies, a remixed video and a mash-up song, to judge whether or not they fall under fair use. Students then create an original work of fair use by reworking copyrighted material to create a collage or a remix video.

Learning Objectives

Students will be able to ...

- identify the key points required for a creative work to fall under fair use.
- judge whether or not the two case studies can be called fair use.
- understand the value of fair use by reworking and remixing copyrighted material in a collage or video.

Materials:

- Preview Project Gutenberg (www.gutenberg.org) and “The Commons” on Flickr (www.flickr.com/commons) and prepare to show the sites to students.
- Copy the **Four Points of Fair Use Student Handout**, one for each student.
- Preview the case study video options in Teach 2 and prepare to show one of them to students.

Introduction:

Warm-up (10 minutes)

DEFINE the Key Vocabulary terms as a class.

Copyright: A law that protects your control over the creative work you make so that people must get your permission before they copy, share or perform your work.

rework: to reform, reuse, or remix copyrighted work into something else

fair use: the ability to use copyrighted work without permission, but only in certain ways and in specific situations (schoolwork and education, news reporting, criticizing or commenting on something, and comedy/parody)

public domain: creative work that's not copyrighted and therefore free for you to use however you want

remix or mash-up: editing together clips of video, sound, images, and text by “remixing” or “mashing” different parts together to create something new

parody: a creative work that is a funny imitation of something and pokes fun at an original work

EXPLAIN to students that there are only two ways they can use copyrighted work without permission: (1) public domain, and (2) fair use.

SHOW students examples of public domain works:

- Project Gutenberg is a collection of free e-books (electronic books) that are in the public domain. Visit www.gutenberg.org/catalog for a list.
- “The Commons” on Flickr is an archive of photos in the public domain. Visit www.flickr.com/commons to explore.

Be aware of Wikipedia Commons to find works in the Public Domain:

https://commons.wikimedia.org/wiki/Main_Page

ASK:

If you wanted to use any of these works in the public domain, what could you do with them?	Guide students to come up with specific answers. They can copy, share, distribute, perform, change, remix, and alter the work however they wish. However, they cannot claim copyright to public domain work and say they created it.
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Teach 1

Learn About Public Domain and Fair Use (15 minutes)

DIVIDE students into discussion groups of four to six.

DISTRIBUTE the Four Points of Fair Use Student Handout. Students can refer to this handout throughout the lesson.

DISCUSS the definition of fair use in the Four Points of Fair Use Student Handout. Have students take turns reading aloud the directions and the definition of “fair use.”

Explain to students that the four points help them judge whether something can qualify as fair use, as long as it falls into one of the situations listed inside the diamond.

Note: The term fair use means exactly what it says: It is a fair use of a copyrighted work without getting permission from the creator. It allows you to use copyrighted work without permission or paying a license fee in certain situations.

HAVE students look at the center of the diamond on the Four Points of Fair Use Student Handout.

EXPLAIN that fair use can be applied in only these four specific situations.

ASK:

What are some examples of “schoolwork and education”?	Guide students to understand that in this fair use situation, students and teachers can use copyrighted material for school. For example: <ul style="list-style-type: none">• Teachers use copyrighted websites, video, music, photos, books, etc. in their classes for educational purposes• Students use copyrighted photos for PowerPoint slides
What are some examples of “news reporting”?	Guide students to understand that in this fair use situation, reporters can use content such as copyrighted images and video clips to help tell their news stories. For example: <ul style="list-style-type: none">• A news journalist uses copyrighted photos and video clips in her articles to help illustrate or support an article
What are some examples of “criticizing or commenting on something”?	Guide students to understand that this fair use situation describes when someone makes a creative work that adds his opinion, or makes people see something in a new way. For example: <ul style="list-style-type: none">• Making a video that's a political statement about global warming that uses copyrighted images and video clips• Making a video from movie and TV clips to pay tribute to your favorite actor
What are some examples of “comedy and parody”?	Review the Key Vocabulary term parody, if needed. For example: <ul style="list-style-type: none">• Making a video remix on YouTube that makes fun of a movie or TV show• When a comedian takes a song and puts his or her own funny lyrics to it

HAVE students examine at the four points of the diamond. Explain that fair use can be used in these certain ways. Ask students to add their own examples.

Use a small amount (not the whole thing)	For example: <ul style="list-style-type: none">• Using a little bit of a song in a mash-up, not the whole song
Add new meaning and make it original	For example: • Remixing clips from different movies to tell a whole new story
Rework and use in a different way	For example: • Using a copyrighted photo image as the basis for a painting
Use for a nonprofit purpose (It's harder to claim fair use if you are making money off someone else's work, or if you harm the creator's ability to make money on the work you used)	For example: • Using a clip from a song in a student public service announcement about recycling (nonprofit use) • Creating a remix video DVD and selling it on the Internet (for-profit use)

EXPLAIN to students that if they use a copyrighted image, video, piece of writing, etc., without reworking it enough to have new meaning and make it original, they could be breaking copyright law.

POINT OUT that the four points of fair use are just guidelines and not “rules.” People need to think critically, and proceed on a case-by-case basis, to decide whether or not something is fair use. Also point out that even if something is fair use, it is always a good idea to give credit to the creator of the work you used.

Teach 2

Judge the Fair Use of Case Studies (10 minutes)

KEEP students in their groups.

TELL students they will view examples of a video and a song in which the creator has reworked copyrighted material. They will then have to judge whether or not the new work is fair use.

SHOW students one or both of the case studies below.

HAVE student groups discuss whether or not they believe the case study is fair use, referring to their Four Points of Fair Use Student Handout. Have a representative from each group share their group's final answers with the class.

Note: There are no right or wrong answers to each case study. These examples are meant to spark discussion. Students should support their decisions with sound reasons, drawing from the four points of fair use.

Case Study 1

Scary Mary

SHOW students the video “Scary Mary”

(www.teachertube.com/video/scary-mary-poppins-trailer-146433).

“Scary Mary” is a video remix of a fake film trailer. The creator, Chris Rule, reworked footage of the Disney film Mary Poppins and combined it with scary music, sound effects, and words on the screen that make it look like a horror film trailer. Note that Chris Rule acknowledged the copyrighted creative work he used at the end of the video.

ASK:

Do you think this video falls under fair use?	<p>If so, why? If not, why not?</p> <p>Sample responses (Fair use):</p> <ul style="list-style-type: none">• Only a small amount of the film was use• It’s a parody making fun of Mary Poppins, like she’s scary• It takes original movie clips but reworks them into something new• The creator gave credit to material he used by listing it at the end of the video <p>Sample responses (Not fair use):</p> <ul style="list-style-type: none">• All the clips were from the movie Mary Poppins, so it wasn’t original enough• We don’t know if Chris Rule made money from his video, but if he did, it’s less likely to be fair use
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Case Study 2

DJ Earworm’s “United State of Pop 2012 (Shine Brighter)”

Note: This case study features a variety of clips from different artists’ music videos. We recommend that you review this video in its entirety before showing it to students. If you are only comfortable sharing the first part of the video, feel free to do so.

SHOW students the video “United State of Pop 2012 (Shine Brighter)”

(<https://www.youtube.com/watch?v=6q0dsG8fTHY>). DJ Earworm is a mash-up artist. He is known for his “United State of Pop” mash-ups in which he gives tribute to the top songs of the year. He creates both audio and video mash-ups. In his “United State of Pop (Shine Brighter)” mash-up from 2012, he used clips from 25 different songs, including “Wide Awake” by Katy Perry and “What Makes You Beautiful” by One Direction. On his website DJ Earworm says,

“Basically, what I do is take a bunch of songs apart and put them back together again in a different way. I end up with tracks called mash-ups, which I post to this website.” He also says that he doesn’t make money from his mash-ups because he doesn’t sell them, and they’re free to download from his website. But he does get credit, and sometimes earns payment, for his songs through top ratings on YouTube, airplay on the radio, and when he’s featured on the Billboard music charts (which lists the top songs in the country).

ASK:

<p>Do you think this video falls under fair use? If so, why? If not, why not?</p>	<p>Sample responses (Fair use):</p> <ul style="list-style-type: none"> • It’s new song that’s different from the original songs used • He uses just a small amount from each song • He gives credit for the songs he uses in the “About” section of his YouTube video • He doesn’t make money from his remixed songs <p>Sample responses (Not fair use):</p> <ul style="list-style-type: none"> • None of this is original work. It’s all taken from other artists. • He’s just ripping off the riffs from others’ songs • His video isn’t original because it’s just clips from the original videos. He could have made a whole new video.
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Make It Fair Use! (10 minutes)

TELL students to apply what they’ve learned by making a creative work using copyrighted materials that can be called fair use. Have students refer to their **Four Points of Fair Use Student Handout** for guidance. Follow the instructions for either the low-tech or high-tech option. Note that both options could extend the amount of time needed for the lesson. This step can be made into a homework assignment.

Option 1: Low Tech – Fair Use Collage

Have students cut out (copyrighted) images from magazines. Using glue and construction paper, have students mix images together into a collage. They should rework and change the images to create a new, original work that can be called fair use. Have students tape their collages on the classroom walls and have everyone look at the work. Students can examine how well each collage fits the key points of fair use. Then they can vote for the “best fair use collage” in class.

Option 2: High Tech – Fair Use Remix Video

Have students use www.masher.com to create a remix video. Masher is a free, easy-to-use video remix tool that offers “royalty free” (public domain) music and video content from the British Broadcasting Corporation (BBC). Students will need an email address to create a free account. Students can upload copyrighted images, video, and music to Masher.com and remix them using the Studio editing tool. If you are concerned with students uploading their own content, provide them with images, music, or movie clips to use. For example, you can provide all students with the same image, song, and video clip to upload. Tell them they all have to use these three elements in their remix. They also can use the royalty-free content on Masher.com (although using all royalty-free content is not technically fair use). When students are done with their remixes, show them in class. Have students examine how well each remix fits the key points of fair use. Then they can vote for the “best fair use remix video” in class.

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 does it mean when we “rework” copyrighted material?	We reuse it, remix it, or use it in a new way
How can you tell if something is fair use?	Students should refer to the four points of fair use.
Even if you create something that’s fair use, why is it important to give credit to the work you used to make it?	Students should be able to name the three rules for online travel from Teach 1 and their student handouts.

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Four Points of Fair Use

Directions

This diamond will help you figure out whether or not a creative work is fair use. The inside of the diamond lists the **situations** in which fair use can be applied. Each point of the diamond lists a certain way that you can use copyrighted work for fair use. If a creative work falls into at least one of the situations inside the diamond, and if it fulfills one of the criteria at the four points of the diamond, there's a good chance it's fair use! Use the diamond to help you decide whether the case studies you view in class are fair use. Write your final decision at the bottom. Fair Use: The ability to use copyrighted work without permission, but only in certain ways and in specific situations (schoolwork and education, news reporting, criticizing or commenting on something, and comedy/parody).

