



Presenter Instructions

Presented by iKeepSafe with gratitude and appreciation for the many copyright and education experts who reviewed and revised the curriculum for accuracy in copyright law and relevance for educators.



Introduction

Esteemed Educators,

The following materials are designed to help you teach your students essential digital citizenship concepts of copyright, fair use, and other digital ethics skills within the course of the regular curriculum already mandated by your state. As creative projects arise in the course of teaching, you have a valuable opportunity to help students become ethical digital citizens by helping them understand how we benefit when we live by the rule of law and respectfully access, use, create, and share protected creative works to enhance learning.

In order for the Internet to function as a free and open entity, we need citizens to choose to live ethically in their digital communities. We know from research that digital piracy begins as early fourth grade¹. Helping students understand the civic boundaries we agree to abide as we interact in digital spaces will give them an ethical edge as they make creative work themselves and as they use others' work.

AASL Library Standards and the new Common Core Standards consider a basic understanding of copyright and fair use to be essential 21st century skills, and our goal is to make these concepts easy to integrate into lessons and assignments already planned in your curriculum.

Background

Why is iKeepSafe collaborating to teach students about creative content online?

Students need it. Knowing how to create, collaborate, and share responsibly are twenty-first century skills and essential for their success in the future.

iKeepSafe is a 501c3, non-profit focused on helping children thrive in the digital environment. Since 2005, we have created educational content and experiences to help youth learn to become ethical, responsible and resilient online.

This curriculum was produced in partnership with the California School Library Association with input from education and legal experts from the Center for Copyright Information and other non-profit entities dedicated to helping youth understand public rights and copyright. The lesson plans, videos, activities, and handouts are designed to inspire creativity and help students understand the value of respecting intellectual property.

The curriculum aligns closely with Common Core and American School Library standards in order to maximize its usefulness for educators and to follow the recommendations of teacher-

¹ "Survey of Internet and At-risk Behaviors" (2008). Rochester Institute of Technology. Retrieved from <http://www.sparsa.org/res/research/SurveyOfInternet.pdf>

librarians who are particularly knowledgeable in teaching copyright and fair use to young people.

Grades K-2 lessons introduce age-appropriate, ethical (and non-legal) concepts of sharing, ownership, and attribution. Later grades explore copyright explicitly as a legal concept, including the important components of “fair use”, public domain, and open sharing through Creative Commons.

This project supports the iKeepSafe mission to help youth increase their competencies in the six BEaPRO pillars of success for online digital citizenship: balance, ethical use, privacy, reputation, relationships, and online security. Respecting intellectual property is an essential component of Ethical Use that youth need to understand as they enter the marketplace as adults.

History of BEaPRO

In 2012, iKeepSafe set out to compile a comprehensive list of issues that students encounter in digital environments: what research and leading experts have identified as the known—rather than perceived—online risks. We gathered credible, academic research from a wide range of perspectives, including: cyber security professionals, media and digital literacy experts, media psychologists, law enforcement, public health professionals, and legal experts (prosecuting and defending attorneys) to document all known online risks and offenses to K-12 youth.

After compiling the list of known risks and offenses, iKeepSafe worked with Harvard’s Center on Media and Child Health and the School of Public Health to translate these risks into a framework of positive, evergreen concepts that would be easy to communicate. Our goal is to help educators define success for youth online and help them implement tools and habits that prepare children to be ethical, responsible, and resilient digital citizens. The result is iKeepSafe’s Six Pillars of Digital Citizenship.

Balance: Maintaining a healthy balance between work and play, online and offline activities.

Ethical Use: Helping kids understand the consequences of ethical choices they make online.

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Privacy: Protecting personal information and maintaining privacy.

Relationships: Engaging safe and healthy relationship with technology as a tool.

Reputation: Building a positive online reputation that will contribute to future success.

Online Security: Observing good habits for securing hardware and software.



Ethical Use: Copyright & Fair Use Curriculum

The second BEaPRO pillar (“ethical use”) encompasses the critical need for youth to understand how to create and build on the ideas of others, legally and ethically. Research shows that kids won’t learn to be ethical, responsible or resilient online on their own.

With the input of stakeholders, including ISPs, content industry and education thought-leaders, iKeepSafe created this copyright curriculum to teach K-12 students important concepts of creativity, ownership, attribution, sharing, copyright, and fair use. These lessons will provide children essential digital literacy skills that are no longer optional for success in the digital age.

The copyright curriculum that follows builds upon experiences that are present in students’ everyday lives. For example, key concepts such as attribution (Who made that piece of art?), permission (Who has a right to use it?), and sharing (How do I share with my friends?) are addressed. Complex topics including the First Amendment, copyright and fair use are introduced in the curriculum at appropriate grade levels.

Ultimately, the goal of the curriculum is to provide tools to educators, parents and children to help them know how to take pride in, share, and protect their own digital creations, and also to understand and identify copyrighted digital materials so these works can be enjoyed in appropriate and legal ways.

Curriculum Outline

For convenience, the lessons are identified by grade level, but please do not allow this to limit your use of all the materials. All lessons in each unit are appropriate for all grades within that unit and may be presented together as a unit.

UNIT 1: Grades K – 2 Pre-copyright Concepts

NOTE: Kindergarten, Grade 1, and Grade 2 lessons are all suitable for those grades and work together to teach pre-copyright ethical concepts.

- **Kindergarten (Respect the Person):** To promote creative expression and help students realize the importance of attribution—getting credit for the work they do and giving credit to others for their creative work.
- **Grade 1 (It’s Great to Create and Play Fair):** To promote creative expression and help students understand the creative process of sharing and inspiration. To help students be fair with creative work.
- **Grade 2 (Creativity and Sharing Fairly):** To promote creative expression, help students understand ownership concepts associated with creative work, and encourage students to think about how their work might be shared.

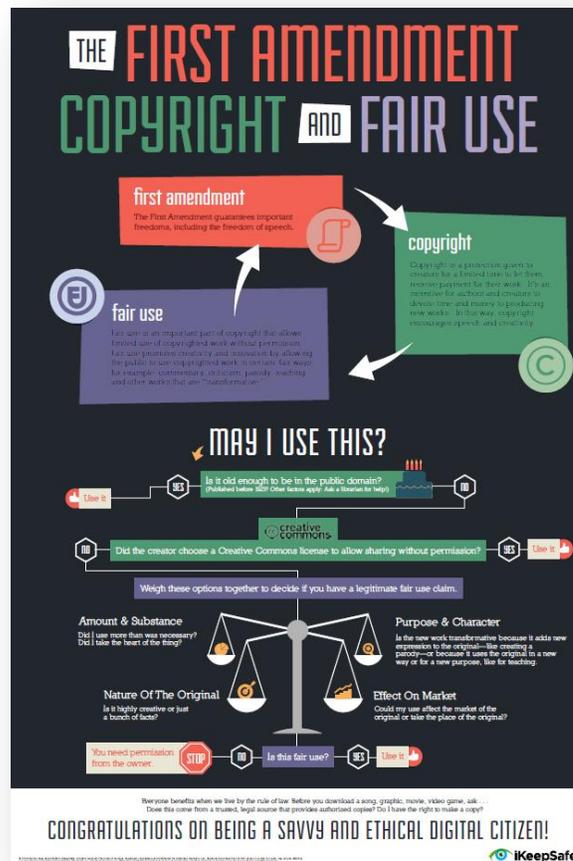
UNIT 2: Grades 3 – 6 Copyright and Fair Use

NOTE: Grades 3, 4, 5 and 6 lessons are all suitable for those grades and work together to teach copyright and fair use as part of ethical digital citizenship.

- **Grade 3 (Sharing Fairly: Sometimes Digital “Sharing” Isn’t Really Sharing):** To promote creative expression and give students experience with the copyright symbol and basic concepts of copyright. To introduce the concept of fair use.
- **Grade 4 (Copyright Concepts: Digital Sharing Ethics):** To promote creative expression and give students an experience that helps them understand the challenges and benefits of respecting ownership and copyright, particularly in digital environments. To explore the concept of Fair Use
- **Grade 5 (Copyright in the Real World: Music, Movies, Software, e-Books, Video Games):** To promote creative expression and give students an experience that teaches them how to identify copyrighted work and understand Creative Commons licenses for finding creative work.
- **Grade 6 (Copyright in the Real World: Images and Print):** To promote creative expression and give students experience understanding copyright guidelines and consequences, and introduce them to Creative Commons for images and print. To reinforce fair use concepts.

Infographic: First Amendment, Copyright & Fair Use

- Infographic provides succinct definitions and visuals to explain the relationship between copyright, fair use, and the First Amendment.



Key Concepts

COPYRIGHT

When students create something original and tangible such as a drawing, original writing, photograph, song lyrics and music, or even a computer program, they are the copyright owner. Copyright is a limited protection given to writers and artists, and it helps them receive payment for their work. The goal of copyright is to inspire more creative work.

Copyright includes a set of rights. These rights let the creator of a work decide how others can use that work. When students make something, they get to decide who can use their work in these ways:

- make copies, like prints, photocopies, or digital copies
- make any new versions or adaptation, using part of the work or all of it (for example, making a movie from a book)
- distribute copies, such as in a bookstore or on a Web site
- display the work in public, for example, at an art gallery or on a Web site
- publicly perform the work if it's a play, piece of music, ballet, or anything else that can be performed by others

A creative work is original writing, art, photographs, audio, images, music scores, song lyrics, sound recording or even specific dance steps of a ballet. All of those can be copyrighted.

NOTE: All original, tangible art is copyrighted whether or not there is a copyright symbol. The copyright symbol is sometimes used, but is not necessary to protect the artist or writer's ownership rights.

FAIR USE

Fair use is an important part of copyright that allows limited use of copyrighted work without permission. Fair use promotes creativity and innovation by allowing the public to use copyrighted work in certain ways that are still fair to the owner. For example: commentary, criticism, parody, teaching, and for creating new works that are "transformative."

Students may use art and media that is copyrighted without permission IF:

- It's specifically for a school project (a genuine educational purpose).
- It's NOT for public consumption (*e.g.*, being republished to the Web where it could hurt the owner's market.) The student is using copyrighted material in private settings, as in an online classroom where a login is required to participate, or within the four walls of a traditional classroom. [Example: YouTube is not private.]
- It's a "Transformative Work" [see below], like a parody, or something so new and different that is "transformed."

NOTE TO EDUCATORS

As we try to simplify fair use for students, we have used the short hand of saying kids can use content they "need" for educational purposes. We want to make sure that our student-centered lessons do not undermine what we know are rules for educators when using content in curricular materials. In most

cases, the fair use analysis is likely to be different and you have to consider multiple factors before making copies of content for a class you teach. For example:

- Why are you using the work? What is your purpose and type of use you are making? In particular, is your use transformative?
- Is the amount you used appropriate and reasonable in light of your purpose? If yes, this will help your fair use claim.
- Even if you've only used a small portion, have you taken and used the "heart" of the work? This will hurt your fair use claim.
- Will your use substitute for the original in the marketplace? (eg, making copies of text books for students.) Even if it's not a substitute, will it occupy markets that the copyright owner is entitled to (eg, markets for sequels and other derivative works)? This will hurt your fair use claim.

Fair Use is a legal doctrine that is decided on a case-by-case basis and can be difficult to determine. The following resources will enhance your understanding of fair use:

- US Copyright Office FAQ sheet: <http://www.copyright.gov/help/faq/faq-fairuse.html>
- US Copyright Office on fair use: <http://www.copyright.gov/fls/fl102.html>
- VIDEO: Stanford University, Center for Internet & Society: "CIS Fair Use Legal Experts Answer Fair Use Questions," : <https://www.youtube.com/watch?v=S521VcjhvMA&feature=youtu.be>
- Stanford University, Center for Internet & Society: <http://cyberlaw.stanford.edu/focus-areas/copyright-and-fair-use>
- Cornell Law School website: <http://www.law.cornell.edu/uscode/text/17/106>

PUBLIC DOMAIN

Any work of art, story, movie, novel, or photograph that is no longer under copyright protection (in the U.S., anything published before 1923), or a work that couldn't meet the requirements for copyright protection is in the public domain. Works in the public domain are free to be used without permission from a former copyright owner.

NOTE: An image, such as Van Gogh's "Starry Night" may be in the public domain, although a specific photo may be owned by the photographer who took the photo. For more information see: <http://copyright.cornell.edu/resources/publicdomain.cfm>

CREATIVE COMMONS

Creative Commons is a nonprofit organization that provides copyright licenses allowing artists to communicate with the public about how a work can be used or shared. For example, the work can be shared with attribution. Or, altered with attribution.

NOTE: Creative Commons does not replace copyright. Creative commons licenses work with copyright. For more information see: <http://us.creativecommons.org/>

TRANSFORMATIVE WORK

A transformative work is a work that uses a copyrighted work, but changes it in such a way that the original work is not infringed upon. This could mean the literal or cultural meaning of the work is changed, as in a parody, or when portions are used for a commentary or review. The new work must be different in a way that it does not supersede, or compete, with the original.

Using Creative Content in Student Projects

Often when we assign a project to students, we want them to use images, video, graphics, songs, or other copyrighted work in the assignment. We want you, and your students, to understand what's legal so you can feel confident as you help students explore their creativity and make new and engaging art—music, movies, photos, video games, etc.

Here are a few guidelines:

If you are using a copyrighted work for teaching or for a school project, it's almost always allowed. For example:

- Pictures and graphics for a book report to show the cover of the book, images of the city or country of the book's setting, or artist's renditions of the book and/or characters.
- Images and music for a slideshow to teach a history topic.
- Video clips or whole movies (depending on the use) to help you teach an important concept.

If you want to make your work public, you'll need to do a fair use analysis to determine if you have a fair use:

- **Purpose & Character**
Is the new work transformative because it adds new expression to the original—like creating a parody—or because it uses the original in a new way or for a new purpose, like for teaching?
- **Nature of the Original**
Is it highly creative or just a bunch of facts?
- **Amount and Substance**
Did you use only what was necessary for your purpose? Did you use more than was necessary? Did you take the heart of the thing?
- **Effect on Market**
Could your use substitute for the original in the marketplace?

As we teach about using others' creative work and intellectual property, it's important to also emphasize that often students should use their own work. ASK: "Do you really need to use this, or could you accomplish your task just as well with your own creativity: photo, drawing, art, poem, song, etc.?"

NOTE: YouTube has worked out a licensing agreement with many of the song owners in the recording industry whose music gets posted there. Although publicly posting someone else's work could be an infringement of their copyright, most recording artists choose rather to "monetize" the video, rather than have it taken down from the site. When you post a video with a copyright protected song to YouTube, the artist/owner may choose to leave it up and "monetize" it. If YouTube does not have an agreement with the artist, your video may be taken down for copyright infringement.

Integrating Copyright and Ethical Use Concepts into Current Curriculum

As a follow up to the lessons provided, consider ways that copyright, fair use, and intellectual property can be integrated into class discussions and projects throughout the year.

EXAMPLES (Grades K-2):

Reading Time: Respect for Others' Work

When you read a book to the class, point out the author's name on the front. If appropriate, and if time allows, show the author's website and explore it for a few minutes with the students. (Where is the author from? Where does she live? Has he written other books?) Show the copyright symbol and explain that it means the author can make specific decisions about how the book is shared and sold to others.

Art and Writing Projects: Ownership/Attribution

Throughout the year, remind students of the importance of putting their name on their artwork. After a project, share a few examples with the class. Name the artist and have a class discussion about what is going on in the work. Emphasize how each student has a different or unique style.

Art and Writing Projects: Sharing

After a writing or art project, have a discussion with the class about how they want to share their work with others. Consider having a class blog/website with photos of the art or writing. Make a point to get permission from students before you put their art up on the wall or on a blog/website.

Slideshows and Presentations: Attribution

If you use slideshows or other kinds of presentations in your classroom, include a slide of credits or "work cited." Pause at the end of your presentation to talk briefly about where you found images and media. If you are using a presentation produced by someone else, pause on the credit screen to explain what the credits mean and why they are there.

EXAMPLES (Grades 3-6):

Beginning of the Year Disclosures and Acceptable Use Policy

As students are given expectations for their technology use for the year, copyright and respecting intellectual property should be discussed as essential parts of being ethical digital citizens:

The Acceptable Use Policy communicates school and district expectations for being good digital citizens as we use technology. Respecting intellectual property—including copyright law—is an important part of being a good digital citizen.

Art/Language Arts/Social Studies

African Mask or Other Reproduction Artifact

As you begin your research, you'll need to identify the style. Search out a valid website with reputable authorship. Remember to ask yourself: Is this a genuine design or could it be the upload of another student putting pictures of his or her African mask? Consider, is this a legitimate URL from a trusted educational source?

Always cite your sources. This is the first step in showing respect for other artists and being fair with their work. Citing your sources also builds trust with your audience—they understand you know how to interact with other’s work.

To what extent are you allowed to adapt something you see online and copy it to use in your own work in class? *[Use the infographic (download at www.iKeepSafe.org/COPYRIGHT) to guide students through a fair use analysis.]*

Book Report/Review

As you explain requirements for the book report, take the opportunity to have a short conversation to introduce and/or remind students about copyright and how it might affect them. [I want you to understand what’s legal so you can feel confident as you explore your own creativity.]

Notice the copyright notice at the front of the book. What year was this copyrighted? What does that mean? *[It means the book was likely published that year or it could be an older book and the copyright was renewed that year.]*

As we consider and write about this author’s intellectual endeavor, we’ll be using our own words to express our thoughts about the book. What you produce here is an original work. Go ahead and mark it with a circle ©, or go to www.CreativeCommons.org to choose another license that will allow you to share your work easily and still publically show that you are the owner.

In your book report, you will be including (copying) passages from the book. Is this copyright infringement? *[No. We can copy sections of a book, images, songs, poems, almost anything for an educational purpose--that is part of educational fair use.]*

What if you want to publish your book report online in a review blog—are those quoted passages—published online—a copyright infringement? . . . Go ahead and guess if you don’t know. We’ll talk about it. *[No. Anyone can copy sections of a book to use in criticism (positive or negative)].*

Here’s a fun blog that reviews young adult fiction. Each review has a substantial quote from the book. It makes the review more interesting and gives you an idea of what the book will be like: <http://www.angie-ville.com/>

Add a copyright notice to your own book report/review and put it up on <http://www.goodreads.com/> or www.Amazon.com. You might need to do other research for your book report, for example, to find information on the life of the author or to see what other reviewers have said. Anytime you find yourself looking for information, cite your source. Submit a list of sources that you used.

Here are websites that make it easy to make a correctly formatted Works Cited or Bibliography page:

- <http://www.easybib.com/>
- <http://citationmachine.net/index2.php>

[Additional Resources for Online Research:

- <http://www.factmonster.com/>
- <http://kids.yahoo.com/reference/encyclopedia/>
- <http://encyclopedia.kids.net.au/>]

History Project

As you explain requirements for the history project take the opportunity to have a short conversation with students about how, as ethical digital citizens, we respectfully use other people’s work, and live by the rule of law—even online, especially when no one is watching.

EXAMPLE: Collect images (e.g. native American homes) that you can use to draw your own picture to illustrate your project. Cite every source you consult: “Based on [_____] image in [website/Worldbook] . . .”

If we’re using these images for a school project, do we need to ask permission from the owner? *[No, though a request for permission might be offered as a courtesy. Educational Fair Use allows us to use copyrighted works to enhance our education.]*

Instead of using whatever images you want, pretend you’re working on a project for a newspaper or magazine, and you must use images that are either in the public domain, have an open copyright, or a Creative Commons license that allows it to be used in this way.

- Go to the Creative Commons portal and search for images that can be used for commercial purposes: <http://search.creativecommons.org/>
- Search Flickr for photos that are in the public domain and therefore free to use in your project: <http://www.flickr.com/commons>
- Go to a stockphoto site and look for images you might consider for your project. Look for licensing information. How does the owner allow the image to be used?

[If applicable, consider having students explore these collections of primary documents:

<http://www.americaslibrary.gov/>

<http://memory.loc.gov/ammem/>

<http://www.onlineschools.org/library/primary-sources/>

<http://archive.org/>]

When we’re creating new artistic work, whether we’re building upon someone else’s work or creating our own new stuff, we get to copyright or choose another license from www.CreativeCommons.org.

Music

Write a song for class *[e.g. about a historical figure, or to teach about the planets in the solar system]*. Write it down or record it so it is in a fixed, copyrightable form. Assert your ownership by deciding how you hope other people to use your work. Choose copyright or a Creative Commons license: <http://creativecommons.org/choose/>

Explain: When you create something—turn your ideas into a solid form that can be seen/heard/shared—you automatically own the copyright, even without the © symbol. But the © symbol shows that you care and you’d like other people to honor your claim to ownership.

Additional Information

Several resources are particularly helpful in communicating the complex concepts surrounding copyright, fair use, transformative work, parody, etc.:

- US Copyright Office FAQ sheet: <http://www.copyright.gov/help/faq/faq-fairuse.html>
- US Copyright Office on fair use: <http://www.copyright.gov/fls/fl102.html>
- VIDEO: Stanford University, Center for Internet & Society: "CIS Fair Use Legal Experts Answer Fair Use Questions," found here:
<https://www.youtube.com/watch?v=S521VcjhvMA&feature=youtu.be>
- Stanford University, Center for Internet & Society. <http://cyberlaw.stanford.edu/focus-areas/copyright-and-fair-use>
- Cornell Law School website: <http://www.law.cornell.edu/uscode/text/17/106>

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