

*Copyright and Creativity for Ethical Digital Citizens***PRESENTER INSTRUCTIONS****Ideas for Integrating Ethical Digital Citizenship into Daily Instruction**

Welcome Educators,

The following lessons and videos are designed to help you teach essential digital citizenship concepts of copyright and creativity, and to get students thinking and talking about how these concepts relate to their own online activities as both consumers and creators of creative work. The lessons have been scripted in detail to help presenters feel confident as they communicate copyright concepts, including fair use and other copyright limits.

Why teach copyright to students?

Giving students a basic understanding of how copyright and fair use work together to encourage creative work is essential for several reasons:

- **Basic Student Competencies**

Students today grow up with powerful technologies at their fingertips from very early ages. Through these technologies, they experience digital worlds where they access, share, and generate their own creative work. This highly connected environment creates an immediate, practical need: Students need to know the rules of the road in these digital worlds, and copyright and fair use are an important part of the law.

- **The Future of Creativity**

Beyond the students' immediate needs, the future of creativity will be affected by how we choose to interact with creative work. We all want encourage great new books, music, games, movies, and art for everyone to enjoy. To keep creativity flowing in a world where copying and distributing are so easy, we look to copyright. Technology doesn't just make it easier to copy—it also makes it easier to create, and we want our own creations respected.

- **The Future of the Internet**

How we interact with each other online is also important to the future of the Internet. Noted Internet and civil liberties expert, Jerry Berman recently explained: "In order for the Internet to function as a free and open entity, we need citizens to choose to live ethically in their digital environments." We all benefit when we connect online ethics with the benefits of existing in an online world where people choose to play fair. Helping students understand the civic boundaries we agree to abide by as we interact in digital spaces will give them an ethical edge as they make creative work themselves and as they use others' works.

AASL Library Standards and new Common Core Standards identify understanding copyright and fair use as essential 21st century skills. Our goal is to make these concepts clear and accessible to students and to give them the knowledge and skills they'll need to be successful in the digital world. We anticipate that these lessons will prove practical and relevant in multiple curricula that deals with creative work.

As creative projects arise in the course of your teaching, you have a valuable opportunity to encourage students become ethical digital citizens by helping them understand how we benefit when we live by the rule of law and respectfully use creative works.

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 their 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-librarians who are particularly knowledgeable in teaching copyright and fair use to students.

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 before 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, areas of focus that 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 collaborated 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: BEaPRO

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

The second BEaPRO pillar (“ethical use”) encompasses the critical need for youth to understand basic copyright concepts as they access, share, reuse, and create creative work online. With the input of many stakeholders, including copyright experts, ISPs, content industry, and education thought-leaders, iKeepSafe created this curriculum to teach middle school students important concepts relating to creativity, ownership, copyright, fair use, Creative Commons, and the public domain. These lessons encourage students to think about their roles as digital consumers and creators, and offer some practical tips on how to access, share, and create content online in ways that are legal and ethical.

The curriculum builds upon experiences that are present in students’ everyday lives and provides tools to educators and students to help them know how to take pride in, share, and protect their own digital creations. It also helps them identify copyrighted digital materials so these works can be enjoyed in appropriate and legal ways.

Curriculum Outline

Lesson and videos are suitable for grades 7 - 9 and are meant to be presented as a complete unit over several days or weeks. The videos are integrated into the lessons, but are also made to stand alone and may serve as a review.

LESSONS

Lesson 1— Creativity in the Online World: Our Roles as Creators and Consumers

- Our roles as consumers and creators online as we access and use creative work and participate in making new creative work.
- The basics of copyright, including a broad overview of copyright's limits: facts and ideas, fair use, and time (public domain).

Lesson 2— Acquiring Content Legally and Ethically

- Why we should access creative work online in ways that are legal and ethical.
- How to recognize trustworthy media sites that respect the ownership of artists and creators and let you enjoy media in ways that are fair to everyone.

Lesson 3—Sharing Content—How Much is OK?

- How to share the work of other artists and creators in ethical ways that respect their rights as owners.

Lesson 4— Creating New Content Using Others' Work

- How to incorporate others' creative work into our own, responsibly and ethically:
 - Fair use
 - With permission (either direct permission or permission through a Creative Commons license)
 - Public domain

VIDEOS

- **What's Up with Copyright Anyway?—A Brief History and Copyright Basics**
Gives a brief (very brief!) summary of the rationale and history behind copyright, along with the basic rights of copyright and an overview of its limits (facts and ideas, fair use, and public domain).
- **Permission Not Required—The Limits of Copyright: Ideas & Facts, Fair Use, and Time (Public Domain)**
Provides a more detailed explanation of the limits of copyright: ideas and facts, fair use, and public domain.
- **Hey! I Need Something: Finding Creative Work with (Almost) No Restrictions (Public Domain and Creative Commons)**
Explains how to find creative work that is available to use and share online for free, exploring public domain and Creative Commons.

Key Concepts

COPYRIGHT

Copyright law gives several “creator’s rights” to people producing creative work. When you create something, you get to decide who can:¹ make copies, distribute copies, display or perform the work in public, and make derivatives. Let’s look at these individually:

1. **Make copies**—this means photo copies or digital copies, including digital cutting and pasting text or images, downloading photos, downloading songs, etc.
2. **Distribute copies**—this means giving away or selling copies, including emailing, texting digital files, or letting others download material you have uploaded to a website]
3. **Display or perform the work in public**—this means performing plays and musicals, concerts, placing art in a gallery, posting a photo on a public website, streaming a concert on YouTube.
4. **Make derivatives (spin-offs)**—for example, making a book into a movie or a movie character into a toy.

Basically, if it involves creativity and it’s written down, recorded, or digitally saved, then it is protected by copyright.

FAIR USE

Fair use is an important part of copyright that allows us to use copyright protected work without permission in limited ways that are still fair to the owner/creator. Unfortunately, there is no hard-and-fast rule about what counts as fair use. There is a four-factor legal test, but to simplify, a use is more likely to be a ‘fair use’ if:

1. Your use is for commentary, news-reporting, criticism, parody, or a non-commercial purpose such as education. For example, use in a project for school would usually count as fair use. (However, if you want to publish your school project to a global audience online, then you have more to consider.)
2. Where possible, you use only a small portion of the other person’s work and only as much as you need to make your point—such as a single paragraph from a much longer text or a short clip from a much longer video. (In some cases, it is still fair use if you need a whole creative work, like a whole photo or song, but in general the more you use, the less likely it is to be fair use.)
3. Your use won’t be able to replace the original in the marketplace—the owner/artist would still be able to distribute his/her work as he/she chooses. Put another way: buyers looking for the original would not would be satisfied with accessing your work instead. On the other hand, if

¹ *Current copyright law enumerates six specific rights of copyright: When you make an original work, you get to decide who can use your work to:*

1. *make copies, like prints, photocopies, or digital copies*
2. *make any derivatives of a work, using part of the work or all of it (for example, making a movie from a book)*
3. *distribute copies of the work, such as in a bookstore or on a Web site*
4. *display the work in public, for example, at an art gallery or on a Web site*
5. *publicly perform the work if it’s a play, piece of music, ballet, or anything else that can be performed by others*
6. *digitally perform sound recordings (for example, streaming a concert online)*

These six rights have been simplified in the lessons here for easy classroom discussion.

your use could potentially serve as a replacement for the original in the marketplace, it's less likely to be fair use.

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 DOMAIN²

The public domain includes all the creative work that is not currently subject to copyright protection. This includes works for which the copyright has expired and works to which copyright never applied in the first place, such as government documents. Sometimes artists/creators will release original works directly into the public domain. Creative works in the public domain are free for everyone to use.

CREATIVE COMMONS

Creative Commons is a non-profit organization that provides copyright licenses that allow artists to communicate with the public about how their work may be used or shared at no cost. For example, a license may permit a work to be shared with attribution, or altered with attribution, or shared without attribution.

NOTE: Creative Commons does not replace copyright. Creative commons licenses work within the existing framework of copyright. For more information see: <http://us.creativecommons.org/>

Integrating Copyright and Ethical Use Concepts into Regular Coursework

In the course of your teaching, consider ways that copyright, fair use, and ethical digital citizenship might be integrated into regular classroom discussions and projects through the year. Educational Technology Specialist, Dana Greenspan, presents new models for how this may be applied:

“One model of lesson implementation is to deliver instruction in classes other than English Language Arts. While the responsibility of teaching digital citizenship typically has fallen to English teachers or Library Media Specialists, the landscape has changed. New English Language Arts and Literacy Standards in History/Social Studies, Science, and Technical Subjects, coupled

² In these lessons, the term “public domain” is used to refer to all the creative works that are free to use because the copyright either has expired or never applied in the first place. In the United States, this includes creative work published before 1923; for works created between 1923 and 1978, copyright status is more complicated and depends on whether copyright holders took the proper steps to register and renew their copyrights. For works created after 1978, copyright protection is basically automatic. (For more details or to determine if a specific work is in the public domain, see:

<http://librarycopyright.net/resources/digitalslider/>). In addition to works for which copyright has expired, the public domain also includes works created by the government (documents, websites, photographs, and video). Finally, because copyright does not cover facts, ideas and discoveries, the term “public domain” is often used to refer to these categories, as well. For purposes of these lessons, however, we use the term “public domain” to refer to the body of *creative works* not currently protected by copyright.

with new assessments that ask students to explain their mathematical reasoning, provide an excellent opportunity to integrate digital citizenship instruction across content areas. It's become equally important for students in math and science classes to learn about the ethical and responsible use of images, songs, and other copyrighted materials, as they begin to write about science and math and create multi-media projects in these content areas. To address ethical use and information literacy standards, science and math teachers should introduce the topics of plagiarism and copyright as soon as the first written or presentation project is assigned."

The following examples model how copyright and related topics might be integrated into other teaching.

General Comment to Students about Using Creative Work in School Projects

As you begin any project that will involve using others' creative work, have a conversation:

Often when we're doing a project for school, we want to use images, video, graphics, songs, or other copyrighted work in our assignment. We want you to understand what's legal so you can feel confident as you explore your own creativity and make new and wonderful creations—reports, essays, presentations, music, movies, photos. Here are a few guidelines:

If we're using a copyrighted work for an educational project, it's almost always allowed as long as the work isn't getting distributed beyond the classroom. For example:

- *Images and music for a slideshow to teach a history topic.*
- *Video clips to help you teach an important concept.*
- *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 or characters.*

And remember, you still have to cite your sources!

Bibliography Project

Educators often talk to students about academic ethics and intellectual property, such as avoiding plagiarism, proper attribution, and building bibliographies. As you're teaching about how to cite sources and build a bibliography, mention copyright which is related but different.

CLASSROOM EXAMPLE

When we're copying other people's creative work, we want to avoid plagiarism and copyright infringement.

- *We copied these images and some of the text. Is that allowed?*
 - *Just because you cite your sources doesn't mean you're allowed to use something. You need to consider copyright.*
- *Fair use is an important part of copyright that allows us to use these without permission for school projects. However, if you want to publish what you've made online, like upload it to YouTube, there is more to consider:*
 - *How much of the original did you use? Have you only used what was necessary, not just included the whole thing?*
 - *Could your work replace the original in the marketplace?*
 - *Are you making commentary or criticism on the work you're using?*

Any classroom discussion involving academic ethics and intellectual property is a natural time to talk about copyright too.

Reading from a Book to the Class

When reading 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?*] Check the date: was it published before 1923? If yes, it is in the public domain. If it was published after 1923, it is likely subject to copyright protection.

Art and Writing Projects: Sharing

After a creative writing or art project, have a discussion with the class about how they might 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. Explain that their creative work automatically has copyright protection. (For student safety and privacy, do not publish full names or associate first names with student photos.)

Slideshows and Presentations: Attribution

If you use slideshows or other kinds of presentations in your classroom, set an example of good digital citizenship by including a slide of credits or "works cited." Pause at the end of your presentation to talk briefly about where you found the 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.

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 digital citizenship as we use technology. Respecting intellectual property—including copyright law—is an important part of being a responsible digital citizen.

Book Report/Review

As you explain requirements for a book report, take the opportunity to have a short conversation to introduce and/or remind students about copyright and how it might affect them.

CLASSROOM EXAMPLE

It's important to understand what's legal so you can feel confident as you explore your own creativity.

Look at 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 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 also an original work, and therefore, protected by copyright law. If you'd like others to be able to share it, go to www.CreativeCommons.org, and choose a license that will allow them to share your work easily while still publically showing 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 limited 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 limited sections of a book to use in criticism (positive or negative). This is part of fair use].

Here's a fun blog that reviews young adult fiction: <http://www.angie-ville.com/>. *Each review has a substantial quotation from the book. The quoted sections make the review more interesting and give you an idea of what the book will be like. This is not in an academic setting, but it is still an example of fair use.*

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 when no one is watching.

CLASSROOM EXAMPLE

Collect images of Native American homes to illustrate a report. Cite every source you consult: "Based on [_____] image in [website/Worldbook, etc.] . . ."

If we're using these images for a school project, do we need to ask permission from the owner? [Usually not, though a request for permission might be offered as a courtesy. In general, educational fair use allows us to use copyrighted works without permission to enhance our learning.]

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 or have Creative Commons licenses that allow the images 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 stock photo 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/>

Music or Film Class

Creative work done for a music or film class is an excellent opportunity to explore sharing options and help students understand ownership of creative work in the digital world.

CLASSROOM EXAMPLE

Write a song (or make a short film) for class.

Remember, when you create something—actually pull it out of your head and set it down in a solid form that can be seen/heard/recorded/shared—you automatically own the copyright.

Assert your ownership by deciding how you will allow your work to be shared:

- *If you really want to get your work out there, a Creative Commons license is a great way to go. It allows you to protect your copyright but still distribute widely to anyone who might be interested.*
- *If you prefer to maintain all aspects of copyright, it doesn't hurt to include the copyright symbol © to show that you care, and you'd like other people to honor your claim to ownership.*

NOTE: YouTube has licensing agreements with many of the song owners in the recording industry whose music gets posted there. Although publicly posting a song could be an infringement of their copyright, many recording artists choose rather to “monetize” (place ads on) an infringing video, rather than have it taken down. If YouTube does not have an agreement with the artist, your video may be taken down for copyright infringement.