

## Acquiring and Sharing Content Legally and Ethically

### PURPOSE

- To help students identify and understand how to get media online in legal and ethical ways.
- To help students identify and understand ethical strategies for sharing online content with others.



### PREPARATION

- Make copies of the Media Log Worksheet found at the end of this lesson.
- Hand out Media Log **one week** in advance of teaching the lesson.
- Prepare computer/screen to show videos
- Preview all videos for this lesson, including the Student-directed Online Learning videos, to confirm that content in the videos is suitable for your class. Where possible, download videos, rather than stream. View YouTube links in ViewPure.com for more secure viewing.
  - **VIDEO: Lars Ulrich Interview, “Metallica Drummer Lars Ulrich Recalls Battle With Napster,”** Found here: <https://youtu.be/hUng5j8NiLU> or download here: <https://goo.gl/L8ZSLx>
  - **STUDENT-DIRECTED ONLINE LEARNING**  
Found here: <http://ikeepSAFE.org/copyright-for-students/>

B.1	What is Copyright Infringement, and Why Does it Matter?	<a href="https://youtu.be/wm83F1EqG-k">https://youtu.be/wm83F1EqG-k</a>
B.2	Finding Media Online: What’s Lawful and What’s Not	<a href="https://youtu.be/jcuA8cKxA1E">https://youtu.be/jcuA8cKxA1E</a>
B.3	Sharing Media Legally and Ethically	<a href="https://youtu.be/NVEtfVFvSt4">https://youtu.be/NVEtfVFvSt4</a>

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### IN-CLASS INTRODUCTION

**Time Required:** 25 minutes

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### PART 1: ACQUIRING

#### Activity: Media Log (1 week in advance if possible)

*Hand out the Media Log Worksheet. Ask students to keep a record all of their media consumption for one week (1 -2 days will also work if time is limited). Students should log everything they read, view, listen to, play (games), and where they access the media. If a week-long media journal is not feasible, have students do a 3-minute “rush write” during class to capture as much of the the media that they used during the last week (or yesterday) as possible.*

## Gathering Conversation

Did you know you are a consumer of media? You're a consumer when you read, view, or listen to media that someone else has created. Online, we are consumers when we listen to a song, watch video clips on YouTube, a movie on Netflix or Hulu, or read an article or blog. Pull out your Media Logs. *[If students did not keep a media log, ask them to do a "rush write" for 3 minutes, listing all the time they spent with screens: TV, movies in theatres, netflix, Amazon, Hulu, video games, ebooks, etc.]*

What kinds of media did you use this week? Where did it come from? *[Accept answers.]*

I noticed you got a lot of media in a variety of ways, and some of it is free. Why is that? How does that happen? *[Accept all responses. These will vary.]*

- A. When we find creative work online for free, there are 3 reasons why that would happen:
1. **The artist/creator chose to make it available for free.** Artists sometimes choose not to charge for access to their work, because they get paid for the advertising that plays with their work, or to help build recognition for their name, or simply for the sake of sharing their work with others. That is their right.
  2. **The work is in the public domain.** This means the work is not subject to copyright protection. For example, maybe the work is old enough that the copyright has expired.
  3. **The work is being distributed or displayed without the creator/artist's permission.** This is called "copyright infringement".

Here are some examples of copyright infringement. *[Review the following examples:]*

- Acquiring or distributing (passing around or sharing) copyrighted music, movies, books, and games using peer-to-peer or torrent sites that encourage uploading and downloading of copyrighted works without permission. Sometimes, it's tough to know. But, if a movie just came out in the theaters, and you find it on a streaming or download site, it's likely illegal and distributed without permission.
- Checking music CDs out from the library and copying them to your phone or MP3 player to add to your music library.
- Watching or listening to the latest movies or songs, using sites that stream music and movies without the artist's permission.
- Using file storage sites to allow your friends to download copies of your music and movies.  
NOTE: File storage sites like Dropbox, Plex, or Google Drive, are great for helping us keep track of important digital files. These might include music and movies. But file storage sites should not be used to share copyrighted creative work. The terms of service agreements of these sites prohibit this kind of illegal sharing.
- Using a recording app to make copies of music from an online streaming service.
- Downloading books from websites that offer PDFs without the author's permission.

*Reemphasize that it's okay to access free content online.*

Often free content online is offered legally, but there is a difference between “free and *legal*” and “free and *illegal*.” Good digital citizens use their critical thinking skills to learn how to tell the difference. We want to be responsible with others’ work. The online videos for this lesson will show you how to acquire and share others’ work in safe, ethical, and legal ways. They will also show you how to distinguish between lawful providers and those that offer creative work illegally (without the owner's permission).

## **Discussion**

If you find music or movies online at a site that encourages illegal sharing, why should you care about that? (We’ll talk later about how to recognize these “bad players.” Right now, I’m just asking, why should we care about sites that encourage illegal sharing?)

*[Accept responses: We want to find reputable sites that share content legally.]*

How would you feel if someone took something you made, and acted like they owned it by distributing it (selling or giving it away) to the public online? Is that fair to you, the artist/creator?

*[Accept responses. No, the creator is the owner and he/she gets to decide how the work will be distributed.]*

What would happen if everyone chose to get their music and movies from sites that give away copies without artists’ permission? How would artists make a living if everyone did that? Would there be as many new songs and movies, etc. if everyone behaved in that way? *[Accept responses. Allow the students to explore how this would hurt creativity in the long run.]*

## **Example: Emerging Artists**

Think of a new recording artist or band you like, someone new, just starting, an indie band. How do you think they make money? *[Accept answers.]* How do they distribute their media to consumers like us? *[Accept responses. Possible responses include concert tickets, tours, merchandise (e.g., T-shirts) Spotify/Pandora, YouTube advertising, a recording contract that might come from having a large online following, etc.]*

How do you think copyright might relate to what they’re doing? Could copyright be important to their current or future ability to make a living by making music? *[Accept responses. Copyright protects the artists’ rights by preventing others from selling or giving away their music without their permission. Copyright makes it possible for artists to choose how they will make an income from their work.]*

**NOTE: The online learning videos will go into more detail on how to identify the safe, ethical providers, but in general, look for reputable, commercial sites that are trusted by a large online community to deliver content legally and safely.** What are some examples? *[Accept responses: Amazon, iTunes, ReverbNation, artist websites, Spotify, Pandora, etc.]*

Online communities work best when users choose to be ethical. As consumers, choosing to get our music, movies, books, and games from safe, legal providers is an essential part of our creative communities.

## PART 2: SHARING

We've talked about acquiring media in ways that are legal and ethical, but once you've acquired something, what if you want to share it with others?

When we find something we love online, like a new song or movie, we naturally want to share it with our friends or even the world, but we need to make sure we do it lawfully and ethically. What have you shared recently? *[Video clip, movie, song, photo, others?]*



How did you share it? *[Accept all responses. Facebook, Instagram, Twitter, Tumblr, file-sharing, Or offline sharing, like playing it for a friend? Validate any ethical sharing methods mentioned.]*

### Discussion of Ethics: Metallica v. Napster

Does anyone know the story of Napster? *[Accept responses]*

*Give a brief overview of Napster:* When digital music started being shared online in the late 90s, there was this website called Napster that allowed individuals to share their music libraries with all the other users. Once someone's music library was listed on the site, any other individual on the site could choose a song and download it from the other user for free. This technology was an extreme example of "sharing" through a peer-to-peer service. When it first came out, millions of people used it to upload and download songs without permission or any payment to the people who made those songs. In fact, "sharing" is really the wrong word for what was going on with Napster. This kind of sharing was actually **copying**. Users copied songs on their computer and gave them away to other people. It wasn't "sharing" in the sense that you might share a sandwich by splitting it in half. Have you heard of a site like this before? *[Accept responses.]*

What do you think about that? Was it fair for millions of consumers to copy and give away songs to millions of other people? *[Accept responses. In this case, the court ruled that this was copyright infringement.]*

Does anyone know who Lars Ulrich is? *[Accept responses]*. He's a drummer for the band, "Metallica." What do you think he thought about Napster? Let's watch this video. Think about why Lars Ulrich cared. Why was this important to him?

### PLAY VIDEO: Lars Ulrich Interview, "Metallica Drummer Lars Ulrich Recalls Battle With Napster,"

Found here: <https://youtu.be/hUng5j8NiLU> or download here: <https://goo.gl/L8ZSLx>

How did Metallica figure out that their new song had been distributed on Napster?

*[Radio stations around the country were playing an unfinished (not final) version of the song, "I Disappear."]*

Why did Metallica fight back? *[Their art was being compromised.]*

What do you think other artists at the time thought about this?

What do you think consumers thought?

Do you think having music distributed for free through Napster devalued the music for people?

*[Accept responses; Remind students that "devalue" means making something worth less: "to reduce worth" or "to take away value"]*

What do you think about unfinished drafts of songs being leaked to radio stations? How would you feel if that happened to your work?

The interesting dilemma Metallica faced, having its song released before it was finished, is one reason why copyright matters. But distributing (giving away or selling) finished songs using peer-to-peer systems without the owner's permission violates copyright as well.

What is copyright? *[Accept responses]*

Copyright Review:

*[OPTIONAL VIDEO: As a review, play video: "What's Up with Copyright Anyway? a Brief (Very Brief) History and Copyright Basics," <https://goo.gl/Cffe1R> ]*

Remember, copyright includes several protections given to artists and creators. When you create something, you get to decide who can<sup>1</sup>:

- make copies (photocopy or digital copies) of your work
- distribute copies (give away or sell)
- display or perform the work in public
- make derivatives (make a book into a movie or sequels)

The at-home materials will discuss how you can share the media you love—safely, ethically, and legally.

### STUDENT-DIRECTED ONLINE LEARNING

Found here: <http://ikeepssafe.org/copyright-for-students/>

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### IN-CLASS WRAP UP

**Time Required:** 20 minutes

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**Activity:** Media Log (continued)

Ask students to compare their media journals or rush write responses with sites that list legal and reputable platforms for getting music, movies, videogames, and software. Ask students to determine if they were accessing legal sites for their movies and music by comparing their sources to those listed at the resources below.

1. Music: <http://whymusicmatters.com/find-music>

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<sup>1</sup> NOTE TO EDUCATORS: *Current copyright law enumerates six specific rights of copyright. These rights are subject to some exceptions, such as fair use. But in general, 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, online music services like Spotify or Pandora streaming music to subscribers.)*

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

2. Movies: <http://wheretowatch.com/>
3. Video games / books:  
<http://www.educause.edu/focus-areas-and-initiatives/policy-and-security/educause-policy/issues-and-positions/intellectual-property/legal-sources-onli>
4. What did you find? *[Encourage students to share. Give praise for ethical use examples; avoid shaming students for using illegal sites.]*

**Discussion:** Ethics in Digital Communities

What do you do when you're checking legal sources but still can't find some of the songs, movies, or games you're looking for? What if you want to find a newly released movie, but it is not available yet on Netflix or Hulu or another movie site? *[Accept responses. Encourage the pursuit of legal content.]*

- Good answers. Keep in mind that the artists have made a choice. Some artists give away their work on YouTube and make money from the advertising, but not everyone chooses to do that. Other artists like to sell their music in online stores. Think about the creators/owners. How did they intend for their work to be shared? Being an ethical and respectful digital citizen means that sometimes we might have to be patient and wait to get the movie we want.
- *[Remind students of Taylor Swift's choice from Lesson 1.]*  
Sometimes it can be annoying not to have a song/movie/book in the online space you like to live in, but think back to Taylor Swift's explanation *[Review Swift's Quote]:*
  - From: "Exclusive: Taylor Swift on Being Pop's Instantly Platinum Wonder... And Why She's Paddling Against the Streams," Chris Willman. *Yahoo News* (November 6, 2014).
  - "...All I can say is that music is changing so quickly, and the landscape of the music industry itself is changing so quickly, that everything new, like Spotify, all feels to me a bit like a grand experiment. And I'm not willing to contribute my life's work to an experiment that I don't feel fairly compensates the writers, producers, artists, and creators of this music. And I just don't agree with perpetuating the perception that music has no value and should be free. [...] Also, a lot of people were suggesting to me that I try putting new music on Spotify with 'Shake It Off,' and so I was open-minded about it. I thought, 'I will try this; I'll see how it feels.' It didn't feel right to me. I felt like I was saying to my fans, 'If you create music someday, if you create a painting someday, someone can just walk into a museum, take it off the wall, rip a corner off it, and it's theirs now and they don't have to pay for it.' I didn't like the perception that it was putting forth. And so I decided to change the way I was doing things. "
  - What do you think about what she said? Does that sound reasonable? "
  - What do you think about respecting other's work?
  - How do we benefit from respecting other's work?

*[Accept responses. We are contributing to an ethical community where we can create and share our own work and expect that our rights will also be respected.]*

We have reviewed our role as consumers and how we can acquire or access media in ethical and legal ways. It is equally important that we choose to **share** creative work in ethical, legal ways.

1. ALL-TOGETHER QUIZ: You just discovered a new song that you love. You're really excited about it—how do you share it? *[Pick a song as a class.]* How can we share this song?
  - A. Can you sing it to a friend? YES
  - B. Can you let your friend listen to it on your device? YES

- C. Can you link to the singer’s website on Facebook or your blog? YES
- D. Can you explain the lyrics (or publish something online, explaining what you think the lyrics mean)? YES
- E. Can you post a review of it on your blog with an excerpt of the lyrics? YES
- F. Can you copy the song onto your friend’s device? NO
- G. Can you upload it to a P2P filesharing site? NO
- H. Can you upload it to your own private file storage site (Dropbox, iCloud, Google Drive, SkyDrive, etc.) and share the link with your friends so they can download it? NO
- I. Can you use your computer’s CD burner to burn copies of the song onto writable CDs for all of your friends? NO
- J. Can you copy and paste the full lyrics onto your blog or website? NO
- K. Can you use email or instant messaging to send a digital copy of the song to your friends? NO
- L. What if the song has a “ Creative Commons” label which indicates that the artist allows sharing? YES! We’ll talk more about Creative Commons and its licensing system later.

**II. Activity: Share Something You Love!**

- A. Choose something in your digital library (photo, song, video) that you love. Identify three *ethical and lawful* ways that you can share it with friends. Remember, when you want to share media with friends, there are legal ways to do it.
  - You can always link to an authorized, legal source where the content is available. (Artist’s website, Vimeo, YouTube)
  - You can write a review
  - You could tell your friends to check it out on whatever source they use. (Netflix, Spotify, Pandora, etc.)
- B. Divide the class into small groups. Have them share their ideas for legal and ethical sharing with each other.
- C. If possible, allow the students to share their media according to their plan for ethical sharing.

We all have a responsibility to follow the law and respect the rights of artists and creators as we acquire and share their creative work.

END

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### MEDIA LOG

*Use the chart below to keep track of the media you use this week:*

<b>Title (Song/Movie/Game/Media)</b>	<b>Website</b>	<b>Free / \$\$\$</b>