

For example, here is a clip of a documentary called *The Persuaders*. It shows a team of advertisers considering a TV commercial that includes a song, "Downtown," by Petula Clark. The song is incidental to the film story and plays in the background, but it is still present in the film.

PLAY VIDEO: Frontline Documentary "The Persuaders," <https://goo.gl/RGevyn>

Do you think having a clip of a song in a documentary film is going to substitute for the original in the marketplace? Would allowing this kind of use hurt the creator's ability to sell his/her song/video etc.? What do you think? *[Accept responses. Probably not much.]*

Will people stop buying the original song or renting episodes of a TV show because they saw a few seconds of it in a documentary? *[Accept responses. No, probably not.]*

Would it be fair if a documentary maker couldn't show firemen in their firehouse because a TV show played in the background? Does that seem fair to you? On the other side, is it fair to the owners of the TV shows to have their work play in a documentary without permission? Would it have any negative effect for the creator of the TV show? These are all things to consider when you jump into a creative project.

We'll talk more in Lesson 4 about why these examples are likely fair use. Filmmakers rely on fair use to allow them to show us the real world in ways that don't infringe on the rights of the creators whose works may appear incidentally in the background. The fair use limit on copyright in this situation makes it easier for filmmakers to tell their stories and make new films.

ACTIVITY: Scenarios

We know that when we share our information online, it can have consequences for our personal privacy. When we share our creative work online, how others interact with it can have implications for our creativity.

Discuss as a class or in small groups:

1. What if you wrote a poem intended for someone special to you and someone else took a photo of it and instagrammed it without your permission?
2. What if you took a photo of a personal event and someone sold it to a newspaper? Or, what if you took a photo of a current news event, instagrammed it, and someone else gave permission to newspapers to publish it without telling you?

Wrap-up

Copyright aims to benefit us both as creators of our own work and as consumers of the creativity of others. Copyright encourages new speech and creativity by giving incentives to produce work, writing, and art that takes time and labor to produce. It also has limits, so that today's creativity can help fuel more creativity in the future. In our next lesson, we'll talk more about how copyright affects us as digital consumers.