

etc., without the creator’s permission.

- **Licensing Agreement:** An agreement between an artist/creator and another person or group to use one of the artist/creator’s creative works. A licensing agreement will outline how the work may be used, if the artist wants to be compensated, and if so, how this compensation will occur.
- **Media:**
 - All the means of communication that we use to reach people widely—TV, radio, newspapers, magazines, Internet websites and blogs.
 - All of the creative works that are communicated or distributed through those means—music, movies, books, blog posts, etc.
- **Public Domain¹:** 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. Creative works in the public domain are free for everyone to use.

PREPARATION

- Computer/TV Screen to show video
- Print and copy: “Media Log” Worksheet
- Print or put on screen *APPENDIX A: Broken iPod from Madonna’s Instagram Feed* (page 10), posted on her Instagram.
- Preview all videos for this lesson to confirm that content in the videos is suitable for your class. Where possible, download videos, rather than stream. :
 - VIDEO (Optional): “What’s Up with Copyright Anyway?—A Brief (Very Brief) History and Copyright Basics,” <https://goo.gl/C7Oemx>
 - VIDEO (Optional): “Creativity, Copyright, and Fair Use for Ethical Digital Citizens,” <https://goo.gl/0wQiGg>
 - VIDEO (Optional): “Detecting Lies and Staying True” (may begin at 1:00), <https://goo.gl/3d3Zi1>

¹ 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.

INSTRUCTIONS

- Read through the lesson and watch the videos.
- Review optional pre-lesson activity, and decide if you have time to introduce the lesson by having students keep a Media Log. Hand out Media Log one week in advance of your lesson.
- Read through the dialogues provided until you are comfortable allowing the students to respond to your questions.

[OPTIONAL] PRE-LESSON ACTIVITY: MEDIA JOURNAL

Ask students to keep a media journal and record all of their media consumption for one week (1 -2 days will also work if time is limited). Students should log what they read, viewed, listened to, and where they accessed the media. If you choose not to have them keep a journal, they can do a 5-minute “rush write” to capture all the media that they used during the last week (or yesterday).

Handout: Media Log Worksheet

<https://docs.google.com/document/d/119dQtJ8sc87TKW16E9gTTbqHx6Z1Cggk80U8sTXgi7Y/edit>

INTRO: GATHERING CONVERSATION

Did you know you are a consumer of media? *[If students did not keep a media log, ask them to do a “rush write” for 5 minutes, listing all the time they spent with screens, what they watched, read, and listened to: TV, smart devices, movies in theaters, Netflix, Amazon, Hulu, music on the phone, radio, Internet (Spotify, Pandora), online games, console games]*

What kinds of media did you use this week? *[Accept responses.]*

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

When we find music and movies and other content online for free, there are 3 reasons why that would happen: (1) The artist/creator is choosing to give the work away, (2) the work is in the public domain, or (3) the work has been illegally posted somewhere without the artist’s permission. This is called copyright infringement.

1. **The artist/creator chose to make it available for free.** Artists sometimes choose to give their work away 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 choice.
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”.

List the following examples of copyright infringement:

1. Acquiring or distributing (passing around or sharing) copyrighted music, movies, and games using peer-to-peer or torrent sites that encourage uploading and downloading of copyrighted works without permission.
2. Checking music CDs out from the library and copying them to your phone or MP3 player to add to your music library.
3. Watching or listening to the latest hit movies or songs, using sites that stream music and movies without the artist's permission.
4. Using file storage sites that encourage illegal file-sharing, 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 all our 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.)

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.

LESSON

If you find a movie online at a site that encourages illegal sharing, should you care about that? (We'll talk later about how to recognize these "bad players." Right now, we're just asking, should we care about sites that encourage illegal sharing?)

[Accept responses: Yes, we want to find reputable sites that share content legally.]

Is it fair to share a whole creative work in ways that the artist doesn't know about or approve of?

[Accept responses: Not fair. Illegal sharing makes it harder for artist and creators to make a living.]

Is it fair to share entire/whole creative works online in ways the creator doesn't know about or approve of?

What would you think of someone taking something you made, and acting like the creator by distributing (selling or giving it away) it to the public online? Is that fair to you, the 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 took whatever they wanted and put it online for everyone else? How would artists make a living if everyone did that? Will there be as many cool, 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.]*

The freedom and creativity of the Internet depends on a community of users who choose to be good digital citizens. We call this ethical digital citizenship.

Copyright Review

[Optional: As a review, play VIDEO: “What's Up with Copyright Anyway?—A Brief (Very Brief) History and Copyright Basics” <https://goo.gl/C70emx>]

Remember, when you create something—set it down in a fixed form (written on paper, photo taken, recorded, video recorded), you automatically own the copyright. You get to decide who can:

- Make copies—this means photocopies or digital copies.
 - What does this look like online? *[Cutting and pasting text or images; emailing songs; downloading photos; downloading a song, etc.]*
- Distribute copies—this means giving away or selling copies.
 - What does this look like online? *[Emailing or texting or letting others download material you have uploaded to a website]*
- Display or perform the work in public.
 - Have you ever performed or displayed a work in public? Where/when? *[Accept responses.]*
 - What does this look like online? *[Posting a photo on a public website. Streaming a concert on Youtube]*
- Make “spin-offs.” We call these derivatives—this means making a book into a movie or a movie character into a toy.
 - What “derivative works” have you consumed? *Remind students that they are consumers when they read books. [Harry Potter, Stars Wars, Wimpy Kid, Dork Diaries, etc.]*

The purpose of copyright is to motivate artists and creators to devote their time and resources to making new art. We care about protecting these rights because we want artist and creators to keep making the effort to create new stuff—books, songs, movies, computer games, apps, plays, etc.

Think about all the places online that you can get creative work—music, movies, books, software, apps, etc.—what are the benefits of using trustworthy sites versus sites that promote illegal activity?

[Accept responses and supplement their answers from the following:]

Trustworthy media sites respect the ownership of artists and creators and let you enjoy media in ways that are fair to everyone. When you get (consume) content from trustworthy sites that offer authorized, creative work, you have benefits:

1. You know that you’re getting your creative content legally from businesses that deal fairly with the artist/creators. It’s the ethical choice.
2. You don’t have to worry about getting caught and about the financial penalties you might have to pay for breaking the law.
3. Illegal filesharing programs and websites are more likely to contain malware and other content that you don’t want. When you use trusted sites, you don’t have to worry about malware that could corrupt your hardware or software or dig into your privacy and personal information.

Where can we go to get content legally, from sites that respect the owner/artists’ rights?

[Accept responses and supplement from the list below.]

NOTE: Look for reputable, commercial sites, trusted by a large online community to deliver content legally and safely. What are some examples? *[Accept responses: Amazon, iTunes, Reverbnation, artist websites, MySpace, Spotify, Pandora, etc. If students mention a site or service that you are unfamiliar with, simply reply, "I don't know about that one, but there are ways to check." Then, continue to the links below to search for the site they suggested.]*

There are some websites that provide lists of where you can go to access safe and legal sources of content. Let's look at a few:

Share 3-5 of the sites listed below:

Movies, TV, music, video games, books:

<http://www.educause.edu/focus-areas-and-initiatives/policy-and-security/educause-policy/issues-and-positions/intellectual-property/legal-sources-onli>

Music:

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

Movies and TV:

<http://wheretowatch.com/>

Photos:

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

<http://www.Flickr.com>

<http://www.shutterstock.com>

<http://istockphoto.com>

http://images.google.com/advanced_image_search?hl=en

(use the "usage rights" dropdown menu to search for appropriate license)

Games: <http://www.theesa.com/purchasing-legitimate-digital-copies-games/>

<http://store.steampowered.com/>

Activity

Explore a licensing site that sells images, like iStockphoto [<http://www.istockphoto.com/>]. Note how they protect their images with a watermark.

Remind students that some artists choose to give their work away for free using special "Creative Commons" Licenses. Show students the Flickr creative commons page

[<https://www.flickr.com/creativecommons/>] and look at a few of the photos' licenses.

So, how do we recognize unethical sites that do not respect artists' copyrights and do not promote ethical sharing? You're going to have to use your critical thinking skills, because there won't be a warning label that says a site is engaging in copyright infringement. Ask yourself:

- Does it seem likely that the site owns the rights to share the content it hosts there?
- Does it seem likely that the site has gotten permission from the creator to share that content?

There are some clues that let you know that a website offering copyrighted works may be illegally distributing them:

1. If it encourages illegal sharing, uploading or downloading. [Piratebay.se, 4shared.com, mp3skull.com, etc.]
2. If it is a downloading or streaming site that allows you to download or stream EVERYTHING for free and is based in a foreign country. [Examples: G2G.fm].
3. If it is a virtually unknown site that has pricing that seems strange or too good to be true.
4. If it has ads for products that seem inappropriate for teens or too adult.
5. If it misspells the names of artists and titles. Reputable sites get the details right.
6. If it claims to have new content, movies and music, before they have been released.
7. If it lists many different links for finding the particular work you're looking for. Trustworthy sites don't do this.

Trustworthy content sites:

1. Will generally not misspell names of artist or movies.
2. Will generally show only 1 link to the work you want.
3. Will be a generally well-known company, trusted by a large online community.
4. Will not offer EVERYTHING for free.
5. Will not offer every kind of media (songs, TV shows, movies, software, apps) from an obscure or unknown platform. The trustworthy companies that have a wide variety of content types are the names you already know: iTunes, Amazon, etc.

Discussion

What do you do when you're using a legal source or service, 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 digital citizen means that sometimes we might have to be patient and wait to get the movie we want.

Examples of Artist Choices

MOVIES

Movies follow a series of "release windows" as they go public. A movie is first released through theaters (theatrical window), then about four months later it's released to DVD. (This is the video window). After several more months, it's released to Pay TV and Video on Demand. Two years after the theatrical release date, it might air on TV. It can be annoying to not have the movie you want right now in the online space you like to live in, but keep in mind that the owners/artists have decided what they feel is the best way for them to share their work to recoup their very substantial investment.

MUSIC:

In December 2014, the “Queen of Pop,” Madonna, rushed to early release six songs from her upcoming album that was supposed to be released later in the spring 2015, because someone had leaked early, unfinished drafts of the songs.

[Display Madonna’s photo of a broken iPod posted on her Instagram: APPENDIX A.]

She posted a photo of a smashed iPod on her Instagram after her new song, “Rebel Heart” was leaked and showed up on the Internet. She said: “This broken ipod is a symbol of my broken heart! That my music has been stolen and leaked! I have been violated as a human and an artist!” In a later post, she made a plea to her fans: “I am asking my true fans and supporters who respect me as an artist and a human to not get involved with the purchasing, trading or posting of unreleased images or music. I hope and pray we find the source of the leaks soon. Until then i am grateful for any leads or info and even more grateful for your support and loyalty! Please let me finish my work so i can give you my very best!”²

For Madonna, this was a serious violation of her artistic vision, and it was investigated by police. In January 2015, an Israeli police cybercrime unit arrested a man, Adi Lederman. They had evidence that he hacked Madonna's personal computers and sold the leaked songs from Rebel Heart leaks to a third party.³ That’s how they ended up online.

[OPTIONAL: Remind students of Taylor Swift’s choice from Lesson 1.]

Although many singers choose Spotify as a way to distribute their music, Taylor Swift decided not to do that. Think back to her explanation for her decision:

Why did you leave Spotify? I’m in an office of people who are upset they can’t stream your music.

“Well, they can still listen to my music if they get it on iTunes. I think there should be an inherent value placed on art. I didn’t see that happening, perception-wise, when I put my music on Spotify . . . With Beats Music and Rhapsody you have to pay for a premium package in order to access my albums. And that places a perception of value on what I’ve created. On Spotify, they don’t have any settings, or any kind of qualifications for who gets what music. I think that people should feel that there is a value to what musicians have created. . . .⁴

“. . . 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

² *Rolling Stone*, “Madonna Responds to 'Rebel Heart' Leak by Releasing Six Songs,” December 20, 2014.
<http://www.rollingstone.com/music/news/madonna-responds-to-rebel-heart-leak-by-releasing-six-songs-20141220#ixzz3Se83wDhN>

³ *Rolling Stone*, “Israeli Man Arrested Over Madonna 'Rebel Heart' Leak,” January 21, 2015.
<http://www.rollingstone.com/music/news/israeli-man-arrested-madonna-rebel-heart-leak-20150121#ixzz3SeE6aIYY>

⁴ “Taylor Swift on 1989, Spotify, Her Next Tour and Female Role Models,” Jack Dicky. *Time Magazine*, (Nov 2014).
<http://time.com/3578249/taylor-swift-interview/>

people were suggesting to me that I try putting new music on Spotify . . . 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 off 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.”⁵

What do you think of her decision? Is it fair that she can make that decision? *[Accept responses: This is fair because it's her music. She owns it.]*

What do you think about respecting other's work? *[Accept responses.]*

How does it benefit you to respect other's work? *[Accept responses. When a community of digital citizens chooses to be law-abiding citizens, everyone benefits. If artists can make a living creating new art, we get more of it. We want all creators to be able to trust the system.]*

Activity:

Split the class into pairs. 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 see if they were accessing legal sites for movies and music.

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

Movies: <http://wheretowatch.com/>

Video games / books:

<http://www.educause.edu/focus-areas-and-initiatives/policy-and-security/educause-policy/issue-s-and-positions/intellectual-property/legal-sources-onli>

What did you find? *[Accept responses.]*

[OPTIONAL] Video: "Creativity, Copyright, and Fair Use for Ethical Digital Citizens"
<https://goo.gl/8IMXAJ>

Wrap-up: The importance of being ethical online

We all have a responsibility to follow the law and respect others' work while online. This includes how we access, or consume, other's creative work.

[OPTIONAL] Video: "Detecting Lies and Staying True" <https://goo.gl/3d3Zi1>

⁵ 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).

APPENDIX A: Broken iPod from Madonna's Instagram Feed



