



The Axis of Media Ethics

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Facilitator's Guide

Lesson Overview (Grades 7-12; Recommended 9-12)

In this lesson, students examine case studies of complex ownership and authorship dilemmas and consider their relationship to legal and social norms. In groups, students use a diagram called the “Axis of Media Ethics” to help them make decisions about the legal and social acceptability of the cases. Students should reference the Ownership Glossary in making their decisions. See if your class can come to a consensus around each case in terms of its acceptability according to legal and social norms of ownership and authorship.

Ethical thinking skills highlighted in this lesson:

- **Reflection on Roles and Responsibilities:** The role of creator involves many distinct responsibilities. The creators and users of content have responsibilities to:
 1. Their audiences.
 2. Their communities
 3. The original content and its creators, if the present creators are using source content.

New media literacies highlighted in this lesson:

- **Appropriation**—the ability to meaningfully sample and remix media content.
- **Judgment**—the ability to evaluate the reliability and credibility of different information sources.
- **Negotiation**—the ability to travel across diverse communities, discerning and respecting multiple perspectives, and grasping and following alternative norms.



Learning Objectives

After this lesson, students should be able to:

- Understand that there are both legal and social norms relating to ownership; sometimes they align and sometimes they do not.
- Identify rights and responsibilities associated with being a content creator.
- Identify rights and responsibilities associated with being a content consumer.

Materials Used

- "Youth Perspectives on Ownership and Appropriation" Handout
- "Axis of Media Ethics" Worksheet, Student Copy
- "Axis of Media Ethics" Worksheet, Facilitator Copy
- "Ownership" Glossary
- Chalkboard for group Axis

Lesson Introduction

Distribute the "Youth Perspectives on Ownership and Appropriation" Handout. Read and discuss the following quotations from "Trey" and "Carlos" about illegal downloading. Ask the class what they think about Trey's and Carlos' responses. Do they agree or disagree? Why or why not?

Trey

... It's the recording studio that gets the money, I think. Even an up-and-coming artist gets, you know, like 10% less of what they make. I mean if it's an up-and-coming artist. Say there's a group, there's a local group, I'll buy the CD. But if it's, you know—I mean I love him, Eric Clapton. He has more money than God, and I don't think that he needs any more. But, yet, if it's a group that I support, an up-and-coming, struggling group or independent filmmaker, I'll support it and buy the movie....

Yeah, it's not fair. Because it's the artist writing, recording, producing music, but, yet, this recording studio just records it and they don't really do much and they get all the money, most of them.



- *Trey, 15, defends illegal downloading, citing his own rationale. Namely, the music industry itself is corrupt and rich musicians don't need more compensation. Trey only purchases content from new artists or independent artists. He acknowledges downloading is illegal.*

Carlos

... I got more involved with music, more seriously involved with music, and I kind of started to learn about what illegal downloading—how that can affect and how that is currently affecting music careers and how the music industry is suffering [because] of that and I choose not to support it in that respect ...

... I do talk about it all the time [with my friends]. I have probably 90% of my friends DL illegally still. I'm not happy with it, but I know they aren't going to stop it.... It is still wrong....

It concerns me deeply. Especially, professionally, musicians are losing their jobs because of this, and it is a staggering rate—the number of illegal downloads to legal downloads is 20:1. It's incredible. It is changing my life as a musician, it's changing the music industry, it's changing everything. You know, the thing is, I've learned from my mistakes—I've downloaded music, I've pirated software, but now I've realized how important it is to not do that.

- *Carlos, 22, a musician, thinks illegal downloading is unethical. He cites the damage it does to musicians trying to build careers in music. His opinions are affected by his taking on the role of a creator.*

As the quotes from Trey and Carlos demonstrate, **different (and sometimes conflicting) perspectives on the ethics of appropriation exist among young people**. Both agree that free downloading is wrong from a legal perspective, but they disagree about whether downloading should be deemed socially acceptable and unethical. Carlos's **role as a musician** influences his perspective and ability to consider the perspectives of other musicians and of the music industry as a whole. Trey considers the music industry as well, but focuses on the unfair distribution of wealth within it, an argument he uses to justify his own illegal downloading practices.



Activity #1

In today's lesson, we will see how legal ideas of ownership sometimes don't match social ideas and practices related to ownership. The purpose of the discussion is to reflect on the ethical implications of different ownership decisions.

Lesson Instruction

1. Break the class into groups of no more than 4.
2. The "Ownership" Glossary found at the end of this lesson may be used to introduce legal concepts such as copyright and fair use. For more in-depth information and curriculum on copyright law, please see:
 - The Berkman Center for Internet and Society at Harvard University and eIFL.net's Copyright for Librarians Curriculum:
http://cyber.law.harvard.edu/copyrightforlibrarians/Main_Page
 - The Media Education Lab at Temple University's Copyright and Fair Use Curriculum:
<http://mediaeducationlab.com/teaching-about-copyright-and-fair-use>
3. **Review activity instructions with the class.** Ask students to try their best to make a conclusion about current social norms regarding authorship and ownership.
4. **Allow 15-20 minutes to plot and discuss** the examples. The groups should be prepared to show where they plotted each case and describe their rationale for their plotting choices.
5. **Plot the cases together** on the chalkboard Axis (with groups presenting their rationale for each plot point). **Lead the class in a larger discussion** about the central ideas and concepts shared among the cases.
6. If so desired, part of this discussion could be plotting of other scenarios brainstormed by the class. Please see the facilitator copy of the Axis for sample examples.

Lesson Discussion Questions

1. What is the copyright status of this example? Is it copyrighted? How? In the public domain? Creative Commons? Does that matter?
2. Does this user make a profit off of the work? Does that matter?



3. Horizontal Axis: Is the content copyrighted by a person or an institution? Or is it in the public domain? Did the users pay for or have permission for its use? In what ways did they use the content, and what was the context? Could it qualify as “fair use?”
4. Vertical Axis: Can you make a good argument for the acceptability of the users’ choices from a social and/or participatory media perspective, where co-creation and appropriation are encouraged? How might others respond to this scenario—including your peers, your teachers, your parents, the owners of the content? How and why might their responses be similar to or different from yours?
5. What were the major “sticking points” for the class?
6. Ask the class to reconsider the social norms from different perspectives, e.g. ask in the *Harry Potter* case how JK Rowling would feel about this appropriation.

Concluding Takeaways

- Legal and social norms are continuously changing as new situations arise.
- Legal and social norms are sometimes contradictory.
- Despite the complicated nature of legal and social norms, it is the responsibility of the creator and user to understand, consider, and follow them to the best of his/her ability.
- When legal and social norms contradict each other, the creator and user must be ready to defend his/her choices with sound, reasoned judgment. There are many resources available to help understand this complicated issue. When in doubt, ask!
- Whether made by experts or novices, all original creations—INCLUDING YOURS—are often, but not always, protected by the law and should be treated responsibly by others. What applies to JK Rowling applies to you!



Assessment

Through participation in class activities and discussions and/or answers to optional assessment questions, students should demonstrate they can:

- Understand that there are both legal and social norms relating to ownership; sometimes they align and sometimes they do not.
- Identify rights and responsibilities associated with being a content creator.
- Identify rights and responsibilities associated with being a content consumer.

Assessment Questions (Optional)

- You keep a lot of photos on Flickr. One day, a friend texts you from Switzerland to tell you that she just saw a billboard advertising Swiss chocolate and it includes a picture of you! You remember that a few months ago you posted several pictures on Flickr that were taken at a chocolate tasting event that you and your friends attended (note: you didn't bother to license any of the photos under Creative Commons). Was it legal for the Swiss chocolate company to use your photo? Whether or not it was legal, do you think the chocolate company was right to use your photo?
- What steps could you take to control how the photos you post on Flickr are used by others?

Additional Resources and Activity Extensions

- Fair Use Video from Music Education Lab
 - <http://www.youtube.com/watch?v=8tWhKeb-fUQ>
- The Code of Best Practices in Fair Use for Media Literacy Education, Pat Aufderheide, Center for Social Media
 - <http://www.centerforsocialmedia.org/fair-use/related-materials/codes/code-best-practices-fair-use-media-literacy-education>
- As an activity extension, please see the following Challenges in Project New Media Literacies' Learning Library. These challenges allow students to further explore the terms copyright, fair use, Creative Commons, and public domain.
 - Learning Library link: <http://newmedialiteracies.org/library/>



- Titles of Challenges:
 - Mannie Garcia and Copyright
 - Shepard Fairey and Fair Use
 - Optimus Prime and Creative Commons



Youth Perspectives on Ownership and Appropriation

Trey

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Carlos

... I got more involved with music, more seriously involved with music, and I kind of started to learn about what illegal downloading—how that can affect and how that is currently affecting music careers and how the music industry is suffering [because] of that and I choose not to support it in that respect....

... I do talk about it all the time [with my friends]. I have probably 90% of my friends DL illegally still. I'm not happy with it, but I know they aren't going to stop it.... It is still wrong....

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Axis of Media Ethics

Worksheet (Facilitator Copy)

Instructions

Plot each case on the Axis of Media Ethics. There are no right answers; instead, see if your group can come to a decision about how to consider each case—thinking about it according to legal and social norms of ownership and authorship. Remember there are answers with greater and lesser levels of support. Your group should be prepared to: 1) show where you decided to plot the cases below; 2) describe why you made your decision; 3) identify the major “sticking points” for your group; and 4) identify what information you would need to know to better answer these questions.

NOTE: For help, refer to the “Ownership Glossary” Handout (attached)

The Axis

The horizontal axis asks you to consider whether the case is acceptable based on legal standards of privacy and ownership.

Questions to consider:

- Is the content copyrighted by a person or an institution? Or is it in the public domain? Did the users pay for or have permission for its use? In what ways did they use the content, and what was the context? Could it qualify as “fair use”?

The vertical axis asks you to consider whether the case is acceptable based on social norms for authorship, creation, and sharing.

Questions to consider:

- Can you make a good argument for the acceptability of the users’ choices from a social and/or participatory media perspective, in which co-creation and appropriation are encouraged? How might others respond—including your peers, your teachers, your parents, the owners of the content? How and why might their responses be similar to or different from yours?



Scenarios

1. A group called The Harry Potter Alliance from Somerville, Massachusetts, has used characters and situations from the *Harry Potter* book series and movies to create two videos, which they posted on YouTube. These videos criticize the business practices of Wal-Mart. In the videos, they use new actors to play the characters and altered clips from the original movies.
2. A high-school sophomore, who has the same first name as a popular cartoon character, is running for student government. In her campaign flyers, she uses images of the cartoon character that she found on the Internet. She does not attribute the sources of the images, nor does she attempt to ask permission to use them.
3. Alison Chang, a 16-year-old from Dallas, has a photo snapped of her at a church-sponsored car wash by her church youth counselor, Justin Ho-Wee Wong. Wong posts the image on his extensive public album on the photo-sharing site Flickr, marking the photo under a Creative Commons 2.0 Attribution license (which permits use of the image by the public, including commercial entities.)
An Australian advertising agency sees the photo of Chang and decides that it fits perfectly for a new campaign for Virgin Mobile Australia. Chang's image soon appears on billboards throughout Australia. In the ad, Virgin Mobile credits Wong and his Flickr account as the source, but did not secure permission from Chang. When Chang becomes aware of the ad, she responds, "I think I'm being insulted." Chang's family files a lawsuit against Virgin Mobile for violating her right to privacy (using her photo for commercial purposes without securing her or her parent's permission). The suit also includes a complaint from Wong against Creative Commons for "failing to adequately educate and warn him ... of the meaning of commercial use and the ramifications and effects of entering into a license allowing such use." (<http://creativecommons.org/weblog/entry/7680>).

FloresAn 6/22/09 10:35 AM

Comment [1]: High Tech Option: YouTube links:

Part 1

<http://www.youtube.com/watch?v=no0WqYWdH74>

Part 2

<http://www.youtube.com/watch?v=QuEAFnMljk>**Question:**

They don't have permission from the copyright owner, but they are creating something original. How should the Group's original authorship be weighed against ownership?

FloresAn 5/19/09 9:51 AM

Comment [2]: Question:

The student doesn't have permission, but she's not making a profit. Does her lack of financial gain matter?

FloresAn 5/19/09 9:51 AM

Comment [3]: Note:

Refer students to Ownership Glossary.

FloresAn 5/19/09 9:51 AM

Comment [4]: Question:

The use of the photo is allowed by the license, but should Allison's feelings also be considered?

FloresAn 5/19/09 9:51 AM

Comment [5]: Question.

Refer to the Ownership Glossary. Which license should Wong have used?



Other Scenarios

1. A 16-year-old boy in France translated the newest book from his favorite series before the official French translation was released. The book has been an international bestseller. The boy did not gain any commercial profit from his translation. He does not attempt to ask for permission from the original author or publisher.
2. Sampling:
 - A local DJ produces a popular remix featuring a sample of a Britney Spears song. The DJ **did pay** for the sample.
 - A local DJ produces a popular remix featuring a sample of a Britney Spears song. The DJ **did not pay** for the sample.
3. Educational Use:
 - A teacher and students make a collage with famous anti-war photography for a lesson/class project on protest movements.
 - The teacher and students make a collage and sell it on CafePress.com
4. Blogging
 - Portions of a popular Red Sox blogger's blog are found on another blogger's blog *with* attribution.
 - Portions of a popular Red Sox blogger's blog are found on another blogger's blog *without* attribution
5. Student Work:
 - You are doing research online for a paper you've been assigned to write for class. You find a student paper online in the course of doing research for your own paper. You don't copy the text itself, but you use the general thesis and structure in writing your own.
 - What if the paper was copyrighted by a research institute?

FloresAn 5/19/09 9:51 AM

Comment [6]: Note:

Translation is a complicated case. This example is based on a real-life case in France. The following links provide background on the case and describe the copyright implications for releasing a translation unofficially.

<http://www.law.com/jsp/article.jsp?id=1186563711914>

<http://www.msnbc.msn.com/id/20185024/>

FloresAn 3/6/11 10:10 AM

Comment [7]: High Tech Option: Watch MIT Exemplar DJ Culture, Chapters 4 and 5 for more on remixes, sampling, and ethics.

<http://www.projectnml.org/exemplars/08DJ/>

Question:

Remixing is acceptable in DJ culture. How would the original creator feel about his/her creation being used in this way? Do you think it matters if the original creator is compensated for use of the sample?

FloresAn 5/19/09 9:51 AM

Comment [8]: Note:

"CafePress.com is an online marketplace that offers sellers complete e-commerce services to independently create and sell a wide variety of products, and offers buyers unique merchandise across virtually every topic." --From CafePress.com

Note:

The first example is Fair Use for educational purposes. The second example is a purely commercial use, and therefore is not Fair Use.

FloresAn 5/19/09 9:51 AM

Comment [9]: High Tech Note:

See Blogger's Terms of Service for more information on the copyright status of blogs: http://www.google.com/blogger_dmca.html

FloresAn 5/19/09 9:51 AM

Comment [10]: Question:

Does attribution matter?

FloresAn 5/19/09 9:51 AM

Comment [11]: Question: Plagiarism is socially unacceptable and, according to most school rules, legally unacceptable. Does copyright matter in this case?



Perspectives on Ownership and Appropriation

Trey

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Carlos

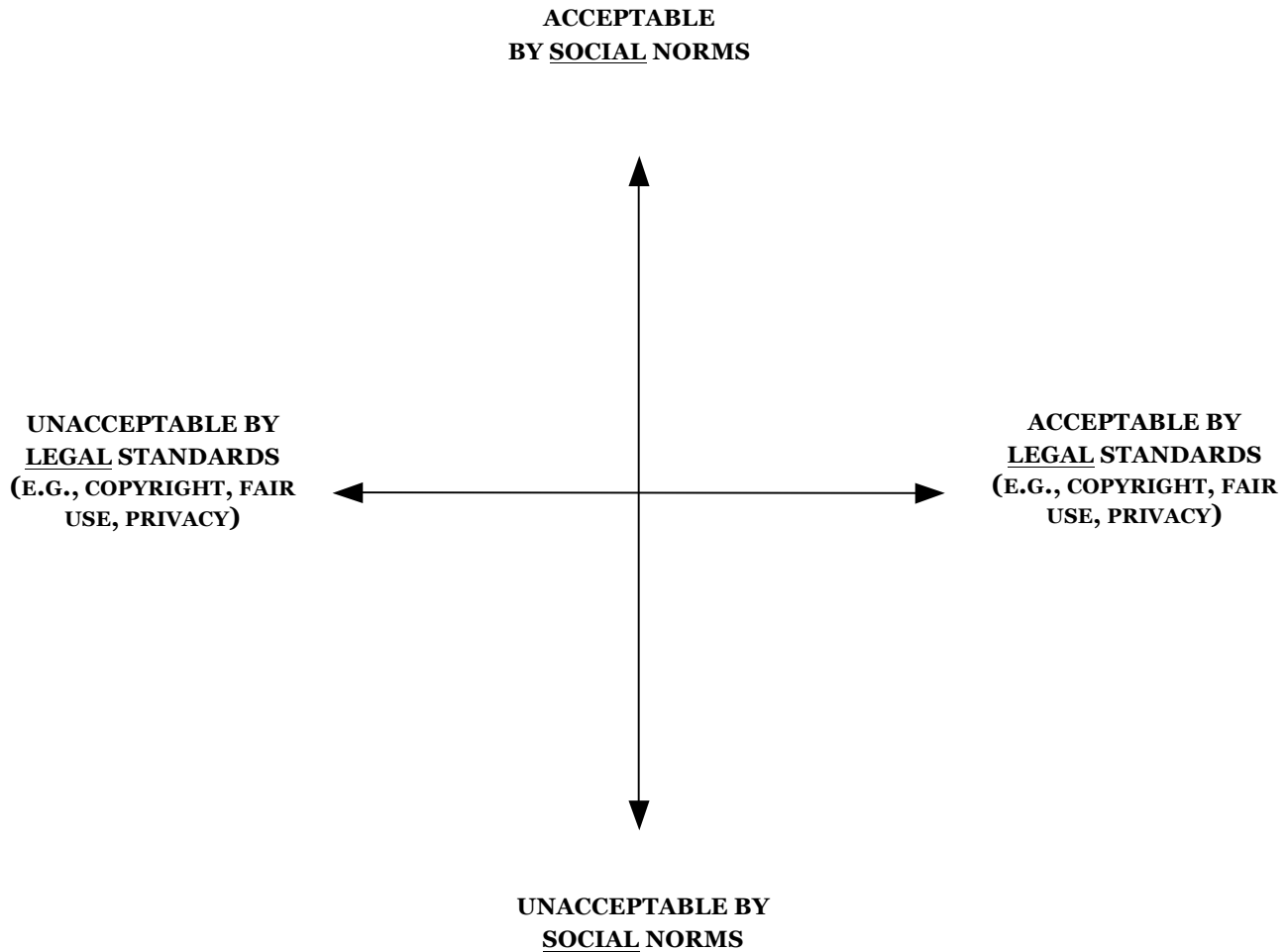
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The Axis

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Ownership Glossary

Teacher Copy

Appropriation:

In the world of art, appropriation is the borrowing of artistic elements in the creation of a new piece or placing those elements in a new context. Project New Media Literacies defines appropriation as meaningfully sampling and remixing content to make it one's own. **(For teacher-reference use with Inspired Highlighter, Diamonds and DJs, Fair Use and Public Domain Supplemental Lessons.)**

Copyright:

Copyright refers to a set of legal rights that gives the owner of an original work (such as a play, book, song, artwork, movie, or any creative work that exists in a fixed form, such as in print) certain rights to that work, its distribution, sale, and use for a limited period of time. Copyrights can be sold and transferred to other owners. Copyright owners have several main rights under the law. Owners can determine who (if anyone) may adapt the work into something new, perform the work in its current form, benefit financially from the work, and other related rights.

Copyright has several goals. First, copyright should promote the creation of new works by giving authors and copyright owners the ability to control their works and to profit from them. Copyright law not only protects the owners of copyrights, but also protects limited uses of copyrighted materials by users. Ideally, copyright strikes a balance between protecting an owner's rights to benefit from the ownership of the work and users' rights to use copyrighted materials for specific and limited purposes. Potentially, copyright can promote a culture of respect for ownership rights and allow for society to benefit from the production of new works. Most countries, including the United States, have copyright laws. **(Use with Ad Men, Axis, Fair Use and Public Domain Supplemental Lessons.)**

Adapted from Wikipedia.org: <http://en.wikipedia.org/wiki/Copyright>

Creative Commons License:

A Creative Commons license provides a different way to license one's creative works while retaining some rights over the works. Unlike traditional copyright licenses, where the copyright owner has *ALL*



rights reserved—meaning he/she can decide who uses, adapts, and performs his/her works, etc.—Creative Commons licenses let authors, creators, scientists, artists, educators, and average users easily mark their creative work with *SOME rights reserved*.

Creators choose a set of conditions they wish to apply to their work. For example, a creator can choose to only let *noncommercial* copying, distribution, display, and performance of their works, or let others copy, distribute, display, perform, and adapt their works only if the new creator *attributes* their work to the original creator’s work. Creative Commons is then a way to maintain some rights over one’s creative works while enabling a wider range of license options for others who wish to use that creative work for new purposes. **(Use with Ad Men and Axis.)**

See <http://creativecommons.org/> for a complete list of specific rights and <http://creativecommons.org/about/license/> for more information about licenses.

Fair Use:

This term first refers to both a doctrine established by both legal precedence and in codified law (Copyright Act of 1976) that allows limited use of copyrighted materials without having to pay for use or ask permission for use. This doctrine tries to balance the protection of a copyright owner’s ownership and users’ rights to access information and creative works. Not all uses of copyrighted materials are fair uses and when courts determine fair use, they attempt to consider the full background of the use and the context of the situation. The fair use doctrine states that uses for “criticism, comment, news reporting, teaching (including making multiple copies for classroom use), scholarship, or research” are usually, but not always, fair uses that do not constitute a violation of copyright (Copyright Act of 1976, 17 U.S.C. § 107). Though the doctrine was codified into statutory law, it is important to remember that judges still have leeway in making fair use decisions; therefore, predicting fair use can be very difficult.

Fair use and copyright are complicated. When courts have to decide if a use of copyrighted materials is fair use, they use the following four guiding factors:

- I. The purpose and character of the use
 - This factor most importantly refers to the ideas guiding the use of the source—is it used in a new way, adding value to society, the arts, and society’s collective knowledge? Does it create something different from its source—something that tells



a story from a new perspective? This factor also refers to whether the use of the copyrighted material is for profit. Is the user making a large profit largely from the work of another creator?

2. The nature of the copyrighted work

- This factor refers to whether or not the source work contains facts and ideas that should be free for anyone to see or use because they are useful to all of society. For example, a homemade film of the Kennedy assassination was originally copyrighted by *Time Magazine*. However, *Time's* copyright was later overturned for fair use purposes because the film was important to the U.S.'s common history and should therefore be available to all freely.

3. The amount and substantiality of the portion used

- This factor looks at how much of the source materials were used in the new work. Did the new creator use an appropriate amount of source material in relation to their new creation? This factor is particularly difficult because different creators need different amounts of materials for their creations.

4. Financial effects

- This refers to the negative effect the new work has on the sales of the source material. Will this new creation, which relies in part on another's creator's work, affect the sales of the original creator's work?

Adapted from: http://en.wikipedia.org/wiki/Fair_use (Use with Axis and Fair Use Supplemental Lesson.)

Inspiration:

Inspiration refers to something that stimulates a creator to create. Creators can be inspired by nature, experiences, and even people. Often, creators are inspired by other creators' works. In these cases, creators find source materials for their works in others' creations and create a new, transformed text in part based on the source materials. For example, the author Jean Rhys wrote an original novel featuring some of the characters from *Jane Eyre*. Likewise, musicians often borrow from other works; for example, rappers often use samples from other songs. Creating a new "inspired-by" work can often



create rich works with new meanings, exploring important themes. For example, Kanye West’s song about the ethics of the diamond trade, “Diamonds from Sierra Leone,” features a sample from Shirley Bassey’s song “Diamonds are Forever,” the theme from a James Bond movie of the same name. Authors and creators use authorship tools—like the point of view from which the story is told or themes—to transform their source materials into original and meaningful works. There are several ways in which inspiration is different from plagiarism. First, “inspired-by” authors cite their inspiration and therefore do not attempt to pass off their work as something entirely new. They recognize the debt they have to the original creator. Second, sometimes “inspired-by” authors pay for the copyright rights to use others’ copyrighted work except where their use is protected by fair use principles. Third, “inspired-by” authors transform their source material into something innovative using their authorship tools. **(Use with Ad Men, Diamonds and DJs, Inspired Highlighter, Fair Use Supplemental Lesson.)**

Mash-Up:

A mash-up is a song created by putting together a preexisting vocal track and a preexisting instrumental track. A DJ’s main work is identifying the two tracks and splicing them together. **(For teacher-reference use with Diamonds and DJs.)**

Plagiarism:

Plagiarism refers to presenting another’s original work as your own original work. This can mean direct copying of text, music, or art, not citing someone’s work you use as inspiration, attempting to claim originality of one’s ideas without revealing they are based in previous work, not identifying quotations as quotations, or using someone’s main ideas as your own. In academic work and in artistic work, plagiarism is a problem for many reasons. First, plagiarism does not give credit to a creator’s work. Second, plagiarism is dishonest. Plagiarists take others’ work and mislead consumers about the originality of their creation, its sources, and its authors. Finally, plagiarism can have consequences for the community. Knowledge and art depend upon creators learning from and building on each other’s work and recognizing the contributions of others. When someone plagiarizes, it threatens all users’ abilities to trace the contributions of creators. Plagiarism can have dire consequences—for example, many schools expel students who plagiarize, and for professional creators, there may be financial and legal repercussions for plagiarizing. (For more information and resources on plagiarism, see www.Plagiarism.org) **(Use with Inspired Highlighter, Ad Men.)**



Public Domain:

In the American context, the public domain refers to creative and intellectual works that cannot be copyrighted (like oral folklore and math formulae), are not protected by copyright, or are no longer under copyright (for the U.S., most books published before 1923). Other items in the public domain in the United States are works published by the U.S. government. The public domain is envisioned by scholars and legal experts as important for many reasons including providing access to cultural history and enabling creators to build on the works of others.

Once a work is in the public domain, it can be used for any purpose—commercial or non-commercial. The author who uses a work in the public domain can add to it, reproduce it, and distribute it as he/she wishes without permission from the copyright owner and without having to pay for its use.

Laws governing what works are under the public domain vary by the type of media, when the work was created and copyrighted, and by each country's laws. Under current U.S. law, copyright expires for books 70 years after an author's death. For works for hire, anonymous, and pseudonymous works, the period of protection is 120 years from creation. Older works, published before 1977, are subject to different laws. Most literary works published before 1923 are in the public domain.

Adapted from: http://en.wikipedia.org/wiki/Public_domain (Use with Axis, Highlighter, Ad Men, Public Domain Supplemental Lesson.)

Remixing:

A remix is a song created by putting together an original track and borrowing from a preexisting one. **(For teacher-reference use with Diamonds and DJs.)**

Sampling:

A sample is a portion of a sound recording that is reused as an instrument or as a different sound recording in a song. **(For teacher-reference use with Diamonds and DJs.)**

Transformative Works:

Transformative works are creative works by other authors rather than by the original creators. A transformative use is one that, in the words of the U.S. Supreme Court, "adds something new, with a further purpose, altering the [source] with new expression, meaning, or message." (Adapted from definition provided by Organization of Transformative Works.) **(For teacher-reference use with Diamonds and DJs.)**



Ownership Glossary

Appropriation:

In the world of art, appropriation is the borrowing of artistic elements in the creation of a new piece or placing those elements in a new context. Project New Media Literacies defines appropriation as meaningfully sampling and remixing content to make it one's own.

Copyright:

Copyright refers to a set of legal rights that gives the owner of an original work (such as a play, book, song, artwork, movie, or any creative work that exists in a “fixed” form, such as print) certain rights to that work, its distribution, sale, and use for a limited period of time. Owners have several rights under the law, including the right to determine who (if anyone) may adapt the work into something new, who may perform the work in its current form, who may benefit financially from the work, and other related rights. Copyright law not only protects the owners of copyrights, but also protects limited uses of copyrighted materials by users.

Creative Commons License:

A Creative Commons license provides a different way to license one's creative works while retaining some rights over the works. Unlike traditional copyright licenses, where the copyright owner has *ALL rights reserved*—meaning they can decide who uses their works, adapts their works, performs their works, etc.—Creative Commons licenses let authors, creators, scientists, artists, educators, and average users easily mark their creative work with *SOME rights reserved*. Creators choose a set of conditions they wish to apply to their work. For example, a creator can choose to only allow *noncommercial* copying, distribution, display, and performance of their works, or let others copy, distribute, display, perform, and adapt their works only if the new creator *attributes* their work to the original creator's work. Creative Commons is then a way to maintain some rights over one's creative works while enabling a wider range of license options for others who wish to use that creative work for new purposes.

See <http://creativecommons.org/> for a complete list of specific rights and <http://creativecommons.org/about/license/> for more information about licenses.



Fair Use:

This term refers to a doctrine in copyright law that allows limited use of copyrighted materials without having to pay for use or ask permission for use. Fair use tries to balance the protection of a copyright owner's ownership and users' rights to access information and creative works. The fair use doctrine states that uses for "criticism, comment, news reporting, teaching (including making multiple copies for classroom use), scholarship, or research" are usually, but not always, fair uses that do not constitute a violation of copyright (Copyright Act of 1976, 17 U.S.C. § 107).

When courts have to decide if a use of copyrighted materials is fair use, they use the following four guiding factors:

- 1.** The purpose and character of the use
 - This factor refers to the ideas guiding the use of the source—is it used in a new way, adding value to society, the arts, and society's collective knowledge?
- 2.** The nature of the copyrighted work
 - This factor refers to whether or not the source work contains facts and ideas that should be free for anyone to see or use because they are useful to all of society. For example, a homemade film of the Kennedy assassination was originally copyrighted by *Time Magazine*. However, *Time's* copyright was later overturned for fair use purposes because the film was important to the U.S.'s common history and should therefore be available to all freely.
- 3.** The amount and substantiality of the portion used
 - This factor looks at how much of the source materials were used in the new work. Did the new creator use an "appropriate" amount of source material in relation to their new creation?
- 4.** Financial effects
 - This refers to the negative effect the new work has on the sales of the source material. Will this new creation, which relies in part on another's creator's work, affect the sales of the original creator's work?

Adapted from: http://en.wikipedia.org/wiki/Fair_use



Inspiration:

Inspiration refers to something that stimulates a creator to create, such as nature, experiences, people, or other creators' works. When inspired by others' work, creators find source materials to create new, transformed texts based, in part, on the source materials. Inspiration differs from plagiarism in the following ways:

1. Inspired authors **cite their inspiration** and therefore do not attempt to pass off their work as something entirely new. They recognize the debt they have to the original creator.
2. **In certain cases**, like sampling a part of a song, inspired authors sometimes **pay for** the copyright rights to use others' work.
3. Inspired authors **transform their source material** into something innovative.

Plagiarism:

Plagiarism refers to presenting another's original work as your own original work. This can mean direct copying of text, music, or art, not citing someone's work you use as inspiration, attempting to claim originality of one's ideas without revealing they are based in previous work, not identifying quotations as quotations, or using someone's main ideas as your own.

Public Domain:

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