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Welcome to the World of Digital Citizenship and Creative Content

BACKGROUND

Digitally delivered content is part of the fabric of students' lives today. There is enormous access to content, yet it typically comes with many different underlying usage rights that few understand. Very few students are exposed in a positive way to how they can properly manage and use digital or commercial content—whether their own or others'; whether music, movies, art, software, or other creative material; and whether free, licensed, purchased, or subscribed.

Creative rights and the materials they protect are an important part of our culture. It's crucial that students understand the options for managing content and respect the wishes of others regarding creative content—at a personal level that is meaningful to their everyday lives. Students interact online with music, movies, software, images, and other digital content every day. Are they aware that these works are protected and that some of their uses may not be consistent with the creator's wishes? Students themselves are often creators. Do they understand how creative rights are relevant to them? Where can they go to get information about appropriate online behaviors to help them make the right decisions for themselves and as citizens in a digital world?

Intellectual property encompasses many types of ideas, inventions, products, and services. And there are different types of laws, such as patents, trademarks, and copyright, that protect each of those forms of intellectual property. Even in its tangible forms, intellectual property can be difficult to understand and connect value to. The complexity and confusion increases when the intellectual property is creative content that can be digitally distributed over the Internet, creating a disconnect between the content creator and the end user.

The Digital Citizenship and Creative Content Curriculum program was developed to create awareness around the issue of creative content and to foster a better understanding of the rights connected with it. Ultimately, its goals are to instill in students an appreciation of the value that creative content has for the creator, and to establish a personal respect for creative rights in a way that changes their behaviors and perceptions about digitally delivered content.

CURRICULUM SUMMARY

This program, sponsored by Microsoft®, offers a comprehensive set of cross-curricular classroom activities designed for grades 8-10 (but easily adaptable for use in grades 6-12) and organized into thematic units. The units provide a variety of ways to engage students in this learning experience, and span the following subject areas: Civics, Computer Science, Debate, Economics, Fine Arts, Government, Journalism, Language Arts, Technology, and Video Production. The classroom activities were designed to be standalone yet complementary; it is not necessary to implement all of a unit's activities to achieve a meaningful learning experience.



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UNIT OVERVIEW

When creative content is so easily accessed and shared online, a basic understanding of copyright becomes important. This unit explores the creative content commonly found on social media Web sites, how copyright laws protect content, and how Web sites' terms of use may govern use of that content. Students analyze those provisions and determine how they protect the rights of the creator. In addition, they examine their own use of creative content on social media sites.

GUIDING QUESTIONS

Over the course of this unit, students will explore the following guiding questions related to using creative material:

- How do creative rights and fair use relate to social media?
- Have I ever infringed on anyone's creative rights?
- How is social media changing the conversation around copyrighted content and creative rights?



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BASELINE AND POST-UNIT ASSESSMENTS

To begin a unit on intellectual property and creative content, you may wish to administer to students the baseline assessment on page 5. This assessment will help you gauge your students' prior knowledge and perceptions about creative content and the creative rights surrounding it. An answer key can be found on page 9.

Similarly, a post-unit assessment is included on page 7. This assessment is similar to the baseline assessment, but will help you measure changes in student knowledge and perception. An answer key can be found on page 9.

UNIT CASE STUDY SYNOPSIS

This unit's case study, entitled "Beta Test Gone Haywire," can be found on page 10. In this scenario, a high school student creates a mini software application and posts it to a social media site to share it with his friends. The next thing he knows, a friend's sister has uploaded it to her company's Intranet and is trying to take credit for it. In the end, the company contacts the original creator for permission to use the application, compensates the creator, and even offers him an internship in recognition of his good work.

While the case study can be used in conjunction with any of the unit's activities, Activity 3 contains specific tips for its implementation.

ACTIVITY OVERVIEWS

Activity 1: How Do You Network?

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This lesson serves as a foundation for introducing the relationship between social media sites, creative content, and copyrighted material. Students will share ways that they currently utilize social media sites and the copyright issues that surround those activities. They then will examine how content is created and shared on one of the Top 10 Social Media sites. Finally, students will describe ideal ways to create and share content on social networking sites while considering the rights of creators.

Student learning objectives: Relate the concepts of copyright and creative content to social media, analyze how copyright issues affect the creative content on social media sites, and establish a set of rules for young people that consider the rights of creators when using social media sites.

Activity 2: Copy This!

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In this activity, student pairs will imagine that they want to include or mix someone else's original creative content onto their personalized Web site. They will conduct research to learn if and how they need to obtain the rights to this media and summarize the steps they'd need to follow to get permission. Finally, they will analyze common processes used to obtain rights and recommend changes to those processes.

Student learning objectives: Identify the process to obtain copyright permission for a specific type of creative content, analyze the efficiency and effectiveness of common processes, and recommend changes to common permission request processes.

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Activity 3: Fair or Unfair?

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Students learn about the concept of fair use, analyze how fair use permits or limits the use of creative materials on social media sites, and determine whether five imaginary scenarios would fall under existing fair use guidelines. Finally, they will draw conclusions about the benefits and downsides of the fair use application as they relate to social media creators and content.

Student learning objectives: Identify the four factors considered when determining fair use, use the four factors to form an opinion about whether different usage scenarios constitute fair use, and identify the pros and cons of existing fair use guidelines as they relate to social media content.

Culminating Activity: Creating a Vlog (Video Blog)

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As the culminating activity for this unit, students will examine their own feelings about creative content, creative rights, and fair use related to social media. They will then work in pairs to create a vlog (video blog) that shares these feelings, and their experiences and ideas for this issue.

Student learning objectives: Draw conclusions about young people's opinions on creative content, creative rights, and fair use related to social media; state their own opinions about creative content, creative rights, and fair use related to social media via a vlog (video blog); and use persuasive language to influence their peers.

Baseline Assessment

CALLING ALL DIGITAL CITIZENS

Name: _____ Date: _____

1. An example of online creative content is:

- a) A song
- b) A video slideshow
- c) A blog
- d) All of the above

2. A good digital citizen refers to someone who:

- a) Participates in online social networking
- b) Burns copies of downloaded songs for his or her friends
- c) Comments regularly on his or her friends' Web pages
- d) Respects the copyright of online creative content

3. Which of the following actions is legal?

- a) Downloading a song from a peer-to-peer site and sharing it with 10 friends
- b) Ripping a friend's copy of a movie and putting it on a personalized Web page
- c) Videotaping your new puppy playing in the backyard and putting it on YouTube
- d) All of the above are legal.

4. In which instance is it ok to post a software application to your personalized Web site?

- a) When a friend created the application.
- b) When you have permission to do so.
- c) When you only do it once.
- d) Never.

5. True or False: Once you produce a creative work, it is protected by copyright law.

6. Which of the following scenarios would most likely be considered fair use of someone else's creative content?

- a) The content is being used to entertain.
- b) The content uses the most important part of the original work.
- c) The new content is being used to make money.
- d) The content is being used to teach.

Baseline Assessment

- 7. True or False: The majority of today's online teens are content creators.**
- 8. In your opinion, which is the worst offense?**
 - a) Downloading someone's copyrighted content without permission.
 - b) Stealing a book from the bookstore.
 - c) Burning a copy of a song for a friend.
 - d) Plagiarizing a friend's term paper.
- 9. What first step should you take to use someone else's photo on your social networking site?**
 - a) Determine whether permission is required and contact the photographer, if necessary.
 - b) Scan a printed copy of the photo onto your computer.
 - c) Check the photo for any digital watermarks that could affect its quality.
 - d) Post the photo to your site and apologize later, if necessary.
- 10. Would you put someone else's creative content on your social networking page if you knew you wouldn't get caught?**
 - a) Yes
 - b) No

Post-Unit Assessment

CALLING ALL DIGITAL CITIZENS

Name: _____ Date: _____

1. **Creative content is *best* described as:**
 - a) Something produced in a factory
 - b) A tangible result of the creative process
 - c) Something that always comes with your computer
 - d) All of the above

2. **Which of the following is NOT an example of social media?**
 - a) A DVD
 - b) A wiki
 - c) A blog
 - d) A social networking site

3. **Which is the best way to obtain a song to use as background music for an online slide show?**
 - a) Purchase it from a seller that specializes in providing music for multimedia
 - b) Burn a copy from your brother
 - c) Download it from a peer-to-peer sharing Web site
 - d) All of the above are good ways to obtain it.

4. **When is it legal to upload a software application to your personalized Web site?**
 - a) When a friend created the application.
 - b) When you only do it once.
 - c) When you have permission.
 - d) Never.

5. **True or False: The majority of teens use online social media.**

6. **To which international copyright convention does the United States belong?**
 - a) Berne Convention
 - b) Universal Copyright Convention
 - c) Both
 - d) Neither

Post-Unit Assessment

- 7. Which of the following is not a factor when determining if something is fair use?**
- a) The purpose of the new work
 - b) The nature of the original work
 - c) The effect on the original
 - d) The effect on the new work
- 8. For which type of content would you most likely need to seek permission to use?**
- a) One paragraph from a book to include in a review
 - b) Several songs from a favorite album to include on a social networking site
 - c) A five-minute excerpt from a Presidential debate to teach about the offshore drilling controversy
 - d) None of the above
- 9. Which of the following uses of creative content is often considered fair use?**
- a) Criticism
 - b) Plagiarism
 - c) Duplication
 - d) Resale
- 10. Would you put someone else's creative content on your social networking page if you knew you wouldn't get caught?**
- a) Yes
 - b) No

Answer Keys

BASELINE ASSESSMENT ANSWER KEY:

1. d
2. d
3. c
4. b
5. True
6. d
7. True
8. Students will have their own opinions about which offense is the worst; there is no right or wrong answer.
9. a
10. Students may answer Yes or No to this question, but should be prepared to explain their answer.

POST-UNIT ASSESSMENT ANSWER KEY:

1. b
2. a
3. a
4. c
5. True
6. c
7. d
8. b
9. a
10. Students may answer Yes or No to this question, but should be prepared to explain their answer.

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CASE STUDY

BETA TEST GONE HAYWIRE

All right, here's the deal. My name's Sam Goodall (no relation to Jane), and I'm a junior at Westminster High. I consider myself a pretty well-rounded person: I play soccer, I run track, and I'm in more clubs than I can count on all 11 fingers. Oh, and I like to joke around a bit as well.

Out of all my extra-curriculars, I'm most passionate about the Environmental Club at school. I get teased a bit at soccer and track practice, but I don't care. I love the "En Club." (Get it? In Club? Never mind...)

So, I got a "new" used car for my 16th birthday, and since gas is around \$20 a gallon (or so it seems), and my car gets about 0.5 mpg, I've become really interested in fuel conservation.

Recently, I've been working night and day on a program for my smart phone that basically lets me enter in my car's mpg, the distance I'm planning on traveling, and the current cost of gasoline in order to see exactly how much the trip's going to cost me. And I figure if I care so much about rising gas prices, then *other* similarly broke students will care too.

I showed the prototype to my best friend Tim and to my parents, and they all think it's an awesome idea. I even made a trial version for my parents to test out on their work commute and it worked great!

Basically, with this program I want to let drivers see the impact they're making on the environment by putting the x-ray where it hurts: their wallets. If people realize just how much they're spending for every road trip, maybe they'll do their part to save by carpooling, riding bikes, and stuff like that.

Anyway, I tweaked the program design a bit and put it on a file-sharing Web site under a special, secret name only the En Club members knew so they could beta test it. I also specifically told them not to show anyone outside the club because I didn't want it stolen. I trust these guys, so I slept easy that night without worrying about anything. I may have slept a little too easy...

See, one of our club members, Kelly, is really, really absentminded. (One time she called her mom from her car to tell her that she had thought she had lost her cell phone. Uhhh...) She's a genius when it comes to environmental issues, but in the real world she's missing a screw or five.



Case Study: Beta Test Gone Haywire

Anyway, when I gave out the secret name, Kelly immediately forgot it was supposed to be a secret and blabbed all about it to her sister, Kramer. She even uploaded it to her sister's phone for her!

Problem is, Kramer works as an intern in the marketing department of the biggest auto insurance provider in the Northeast. (Can you see where this is going?) She's also really into environmental stuff, and she's a really ambitious person. Kramer wanted to impress her bosses and so she uploaded my program onto the company's Intranet to encourage her co-workers to carpool whenever they could.

The VP of marketing got wind of the program, and fell in love with it. They were in the middle of preparing a "Green" pitch to satisfy their shareholders' concerns and the VP thought that my program would be the perfect headliner for it.

Kramer saw her chance to get ahead and proposed a big plan—that they partner with a GPS company to make a GPS device with the program built into it. She forgot to mention the most important part of her "big plan"...uhhh, that the program was not hers!

Kelly came into En Club yesterday really excited, telling us all about how her sister was going to get a sweet job with the insurance company because of her idea (to put my program in the GPS). I flipped out and she finally realized what had happened.

I called Kramer and told her that she'd better tell the company whose program it was or she'd be in big trouble. She got really smart with me over the phone and said that because the program was on a file-sharing site, I couldn't do anything about it.

I hung up the phone so angry I smashed the phone on my fingers. I told Kelly what her sister had done and Kelly called her sister right away to talk her out of it. No luck.

I drove home to lie down in my room until I could think without using four-letter words.

After I had calmed down, I remembered a computer class where my teacher explained that copyright law protects computer programs. I didn't think Kramer could just use the program however she wanted, so I fired off a quick email telling her that just because I let a few people run my program—and used online file-sharing to make it easy for those people to get it—I hadn't given it away to the whole world. At the end I asked if her "big plan" was really worth it if it got her company into a big copyright lawsuit.

The next morning, I had a response from Kramer sitting in my inbox. She said she had been having second thoughts about her "big plan." After she read my email, she decided to do the right thing and call her boss at the insurance company. After her boss talked to the company's legal department, they said they had to be absolutely clear about the copyright to the computer program. Basically, my email really saved her neck!

Two days later I got a call and a follow-up email from the company, offering me \$5,000 for the rights to my program and a paid research and development internship in their brand new Environmental Conservation department! Sweet!

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ACTIVITY 1

HOW DO YOU NETWORK?

Activity Overview:

This lesson serves as a foundation for introducing the relationship between social media sites, creative content, and copyrighted material. Students will share ways that they currently utilize social media sites and the copyright issues that surround those activities. They then will examine how content is created and shared on one of the Top 10 Social Media sites. Finally, students will describe ideal ways to create and share content on social networking sites while considering the rights of creators.

Learning Objectives:

By completing this activity, students should be able to:

- Relate the concepts of copyright and creative content to social media.
- Analyze how copyright issues affect the creative content on social media sites.
- Establish a set of rules for young people that consider the rights of creators when using social media sites.

Related Subject Areas:

Language arts, technology, civics

Background:

You may wish to familiarize yourself with the concept of “social media.” This term refers to instruments of online communication where users can interact with other people, as well as with the information they send, receive, and create. The term most often refers to activities that integrate technology, social interaction, and the construction of words, pictures, videos, and audio.

For additional information about social media, refer to Frequently Asked Question #12 at <http://www.digitalcitizenshiped.com/faq.aspx>, and to the “Social Media Stats” reproducible at the end of this activity.

Time Required:

Two to three 60-minute class periods, plus time outside of class

Materials Needed:

- Internet access
- “Social Media Stats” reproducible
- Copies of the “Social Media Site Investigation” student activity sheet (one for each student)

Activity 1: How Do You Network?

Activity Steps and Suggestions:

Part One

1. As students enter the room, ask them to remain standing. Tell them to sit down when they can answer “yes” to one of the following questions and to keep track of how many of those questions they can answer “yes” to.
 - a) Have you ever created an online software application?
 - b) Have you ever created an online photo slide show?
 - c) Have you ever created and uploaded a video to an online Web site?
 - d) Have you ever blogged?
 - e) Do you have a page on Facebook, MySpace, Habbo, or another similar site?
 - f) Have you ever downloaded a song or video from the Internet?
 - g) Do you have more than one “friend” online?
 - h) Do you know what any of these terms mean: wiki, mash, or tag?
 - i) Have you ever watched a video on YouTube?
 - j) Have you ever used or shared content created by someone else without asking permission?
2. The majority of students in your class likely will be sitting by the last question. Survey students to learn how many questions they answered “yes” to. To help put everyone on an even playing field (even you!), you may want to have student volunteers share information or examples about each question. Ask students to draw conclusions based on the results of this very unscientific study.
3. Do students know what is common about all of the activities in the survey? They may answer that all activities could be accessed online or on a computer, which is correct. All activities are also part of the world of social media.
4. Challenge students to define social media. (See definition in the “Background” section of this activity.) Then challenge them to define and give examples of the four categories of social media sites on which this unit focuses.
5. Have students guess the social media sites they think would be part of a Top 10 list (based on traffic to the site). Put answers on the board. Then refer students to the Top 10 list on the “Social Media Stats” reproducible. How many did they guess correctly? Which sites are familiar to students? Which are unfamiliar?

Activity 1: How Do You Network?

6. Divide students into teams of three or four and assign (or have them select) one of the social media sites from the list. Distribute the "Social Media Site Investigation" activity sheet. Review the sheet with students and have them visit their assigned Web site (if access is available) or use prior knowledge and peer interviews to complete the information. *Note:* Since many schools do not allow access to these sites, students may need to complete their research at home or at the public library.

Part Two

1. Have student teams report about their site to the rest of the class. Have students draw conclusions about the ways that copyrighted material can be used or shared on the Top 10 sites. (Students should know that, in the U.S., all original creative work is protected by copyright law as soon as it is created. For example, when they write a school report, draw a picture, or shoot a home video, they are creating copyrighted content by putting their original ideas into a tangible form that others can see and hear. Even if they don't have a copyright symbol, their creative work is protected by copyright.)
2. Ask students what types of original content they have personally created on social media sites. (They may have written blogs, journal entries, poetry or short stories; posted photos; designed a personal Web page; or created a film, video or slideshow.) Ask students if they were aware of the Terms of Use on those sites, and how those Terms affect what other people on the site can and can't do with the content they post or upload.
3. Ask students how they would feel if someone copied something they created and used some or all of it in another way. In what cases would that be okay with them? In what cases would that not be okay with them?
4. Then ask students to share examples of how they (or others they know) have used the copyrighted content of others. List each example on the board or a flip chart. If they are comfortable doing so, challenge students to give examples of when they've used photographs, images, video, or songs from those they don't know or famous people. For each example you've listed, discuss:
 - a) Did students get permission?
 - b) Should they have gotten permission?
 - c) Were anyone's creative rights violated?
5. Do students have a sense of whether the use of copyrighted content without permission is common among their peers? If so, challenge students to consider whether their peers know, 100% of the time, when this activity violates copyright law and when it doesn't? In cases where they know it violates the law, would their behavior change? If so, how would it change? If not, why not and what might prompt a change? Who (or what) is copyright designed to protect?

Activity 1: How Do You Network?

Suggested Assessment:

Finally, back in their teams, have students create a set of rules that considers the ideal way for kids their age to use, create, share, and give and get permission to use content on social media sites while respecting the creative rights of all. If this concept is too broad for students, they can focus on one particular type of copyrighted content, i.e., photos, video, etc., or they can focus on specific rules for the social media site they've researched.

Extensions and Modifications:

- Have students survey people of different ages and genders to learn more about how they create and share creative content. They should design their survey to allow them to draw conclusions about how age and gender play a role in the types of creative content that is produced and the ways that it is shared.
- Have students research well-known cases where a person's or company's creative rights were infringed upon.
- To abridge the time commitment of this activity, focus on Steps 2-6 of Part Two. This will allow students to analyze how copyright issues affect the creative content on social media sites. After Step 6, brainstorm as a class and write down ways that students could use social media as a means of informing their peers about copyright law as well as tips on how to avoid copyright violations.

Additional Resources:

Information about social media

<http://www.centerforsocialmedia.org>

<http://www.newmediarights.org>

<http://www.pewinternet.org/>

Information about copyright and other creative rights

<http://www.copyright.gov>

<http://creativecommons.org/>

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SOCIAL MEDIA STATS

This unit focuses on four types of social media. Some sites cross over among more than one category.

1. **Social networking sites**—Online communities of people who share friends, interests, and activities.
2. **User-generated content sites**—Sites where users create original content such as blogs, wikis, photos, and videos.
3. **File-sharing sites**—Sites where users can tag and share information with other users.
4. **Entertainment sites**—Online communities where users play games and interact with media.

As of January 2012, the top 15 social media sites reported on ebizmba.com were:

1. Facebook www.facebook.com
2. Twitter www.twitter.com
3. LinkedIn www.linkedin.com
4. MySpace www.myspace.com
5. Google Plus+ <http://plus.google.com>
6. DeviantArt www.deviantart.com
7. LiveJournal www.livejournal.com
8. Tagged www.tagged.com
9. Orkut www.orkut.com
10. CafeMom www.cafemom.com
11. Ning www.ning.com
12. Meetup www.meetup.com
13. myLife www.mylife.com
14. myYearbook www.myearbook.com
15. Badoo www.badoo.com

Source: <http://www.ebizmba.com/articles/social-networking-websites>

Related statistics about social media:

- Industry experts predict that roughly 230 million Internet users currently belong to a social media site.
- More than half (57%) of online teens are considered “content creators.” Their activities include creating blogs and personal Web pages; sharing original content, photos, stories, and videos; as well as remixing content found online into a new creation.
- Nearly 90% of college students interviewed in a 2007 study reported that they upload Internet videos containing copyrighted material to user-generated video sites but don’t receive permission from copyright owners.

Source: <http://www.pewinternet.org>

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SOCIAL MEDIA SITE INVESTIGATION

Name of site: _____

URL: _____

Social media category: _____

Description of site: _____

Primary activities you can do on this site: _____

Have group members ever used this site? Yes No

If yes, list site activities that group members have used _____

If no, what activities would group members consider using on this site? _____

List any rules on this site about the use of copyrighted materials.

Types of copyrighted material that can be created on this site:

Types of copyrighted material that can be shared on this site:

Types of copyrighted material that can be used on this site:

Calling All Digital Citizens

ACTIVITY 2

COPY THIS!

Activity Overview:

In this activity, student pairs will imagine that they want to include or mix someone else's original creative content onto their personalized Web site. They will conduct research to learn whether and how they need to obtain the rights to this media and summarize the steps they'd need to follow to get permission. Finally, they will analyze common processes used to obtain rights and recommend changes to those processes.

Learning Objectives:

By completing this activity, students should be able to:

- Identify the process to obtain copyright permission for a specific type of creative content.
- Analyze the efficiency and effectiveness of common processes.
- Recommend changes to common permission request processes.

Related Subject Areas:

Language arts, technology, civics

Background:

The majority of today's online teens are content creators! According to a December 2007 Pew Research study¹ of online teens, 39% of online teens share their own artistic creations online, such as artwork, photos, stories or videos; and 26% remix content they find online into their own creations. In addition, 14% of online teens have posted videos online and 47% have uploaded photos where others can see them, though many restrict access to the photos in some way.

For the purposes of this activity,

- "Social media" refers to instruments of online communication where users can interact with other people, as well as with the information they send, receive, and create. The term most often refers to activities that integrate technology, social interaction, and the construction of words, pictures, videos, and audio. For additional information about social media, refer to Frequently Asked Question #12 at <http://www.digitalcitizenshiped.com/faq.aspx>.
- "Online content creators" refer to those who have created or worked on a blog or Web page, shared original creative content, or remixed content they found online into a new creation.

Time Required:

Three 60-minute class periods, plus time outside of class

Materials Needed:

- Internet access
- Digital or printed samples of personalized Web pages from Facebook, MySpace, or other similar social networking Web sites (as an alternative, you could ask students to print samples of their own pages from home and bring them to class)
- Copies of the "Copy This!" student activity sheet (one for each student)

¹Source: Pew Internet and American Life Project, <http://pewresearch.org/pubs/670/teen-content-creators>

Activity 2: Copy This!

Activity Steps and Suggestions:

Part One

1. Introduce the lesson by polling students to see if they agree or disagree with the following statements (you may need to use the definitions for “social media” and “online content creators” included in the Background section):
 - a) The use of social media is an important part of many young people’s lives.
 - b) The majority of online teens are online content creators.
2. Have students justify their answers and then share the statistics from the Pew Research study that can be found in the Background section. Do these statistics change students’ opinions?
3. Survey students about their personal activities surrounding content creation and sharing, and compare the results with the Pew study. Have students analyze the results.
4. Ask students how many of them have their own Web pages on sites like Facebook, MySpace, and Habbo. Discuss how students use these sites and the types of content they create or share on their site.

Part Two

1. Distribute the sample Web pages or have students share digital or printed copies of their own Web pages (if they are comfortable doing so).
2. What types of creative content seem to be most common on the pages they’ve reviewed? This may include photographs, videos, poems, stories, blogs, television or movie clips, concert footage, logos, etc. Is this content created by the page’s “owner” or someone else? Is the content in its original form, mixed, or changed in some way?
3. Ask students what they know about the rules for obtaining copyright permission when someone else’s creative content is used or mixed.
4. Read to students the following statement from the “Help Center” on Facebook. *“We respect the intellectual property rights of others and we prohibit users from uploading, posting or otherwise transmitting on the Facebook website any materials that violate another party’s intellectual property rights. When we receive proper notification of alleged copyright infringement, we promptly remove or disable access to the allegedly infringing material and terminate the accounts of repeat infringers in accordance with the Digital Millennium Copyright Act. Before uploading content to the Facebook website, please be certain that you own the copyright to all content in your work or that you have the permission of the copyright owner to use the content. If all the content is created solely by you and does not contain material created by any other party—or if the copyright holder has the otherwise authorized you to use that material—you may upload the content (as long as it complies with our Terms of Use).”*
5. Have students summarize the statement in their own words. Based on this statement, what types of content from the personalized pages they viewed would likely need permission from the creators?

Activity 2: Copy This!

6. Pose the following question: If students wanted to include or mix someone else's content onto their own Web site or page, what steps might they need to take to ensure that they didn't infringe on anyone's creative rights?
7. Have the class create a list of steps they would take to ensure the rights of the creator were protected. A sample list might be:
 - a) Determine whether it is *necessary* to obtain permission. *Note:* You may want to review the concepts of public domain and fair use here. Refer to the Glossary or FAQ #s 8, 9, and 10 at <http://www.digitalcitizenshiped.com/faq.aspx> for additional information. You may also wish to review background information on Creative Commons licenses at <http://creativecommons.org> for additional information.
 - b) Determine who holds the creative rights to the content. This could be an individual, a company, a rights organization, or society. Or there could be multiple owners.
 - c) If permission is needed, research how to obtain permission (e.g., through formal letter, e-mail, etc.). It is important to plan ahead because, in some cases, it could take weeks or longer to get permissions.
 - d) Determine whether *payment* is needed. Sometimes a user must pay for the right to use someone else's creative content.
 - e) Get it in *writing!* Make sure to get permission in writing to prove that you have it!

Part Three

1. Divide students into teams of two or three.
2. Have each team imagine that they want to use or mix someone else's creative content onto their personalized site or page. Have each team decide what specific content they would like to include. A list of ideas is included on the "Copy This!" activity sheet. (Creative content could include a photographic image, pre-recorded song, television or movie clip, software application, or concert segment.)
3. Once students have identified their content, instruct them to follow the steps they've outlined in Part Two to determine whether they need permission, who owns the rights, how they would go about obtaining permission, etc.
4. Have students share their step-by-step process with the rest of the class.
5. Discuss:
 - a) How did the permissions process differ by content type?
 - b) Which rights would cost money?
 - c) Which permissions process seemed easiest? Most complicated?
 - d) What do students think works well with these processes?
 - e) What changes would they recommend to these processes?

Activity 2: Copy This!

Suggested Assessment:

Have students share how they believe common permission request processes affect whether kids their age seek permission to use or choose to mix other people's creative content without going through the process of requesting permission.

Extensions and Modifications:

- Have student teams follow the steps they've outlined to try to obtain permissions for the creative content they've identified.
- Have student teams evaluate whether a Creative Commons license is appropriate for allowing others to use the creative content they create.
- Have students create a series of school announcements that educate other students on the process of requesting permission.
- To abridge the time commitment of this activity, focus solely on Part Two. This will enable students to identify the process for obtaining copyright permission for specific types of creative content. After completing Step 7, instruct each student to create a T-chart that lists the pros and cons of acquiring copyright permission before using another person's creative content. Ask students to share their responses in order to create a class T-chart.

Additional Resources:

Resources on copyright and fair use

<http://www.copyright.gov>

http://fairuse.stanford.edu/Copyright_and_Fair_Use_Overview/chapter1/1-b.html

Information on Creative Commons licensing of creative content

<http://creativecommons.org>

Tips on requesting permission

<http://www.copyrightkids.org/permissioninformation.htm>

Sample permission request processes

<http://www.nytreprints.com/NYTPermissionsRequest.asp>

Calling All Digital Citizens

COPY THIS!

Photograph

Photograph from local or national newspaper, newsmagazine, or news Web site

Photograph from *People* magazine

Photograph from *Sports Illustrated*

Photograph from *National Geographic*

Pre-recorded Song

Song from a favorite musician or band

Fight song for favorite team

Movie theme song

Television or Movie Clip

Clip from favorite movie

Clip from favorite television show

Olympic Games opening or closing ceremony, or specific event

Excerpt from Presidential Debate

Special play or moment from a sporting event

Concert Segment

Concert could be from a famous person, local band, high school choir, or orchestra, etc.

Calling All Digital Citizens

ACTIVITY 3

FAIR OR UNFAIR?

Activity Overview:

In this activity, students will learn about the concept of fair use, analyze how fair use permits or limits the use of creative materials on social media sites, and determine whether five imaginary scenarios would fall under existing fair use guidelines. Finally, they will draw conclusions about the benefits and downsides of the fair use application as they relate to social media creators and content.

Learning Objectives:

By completing this activity, students should be able to:

- Identify the four factors considered when determining fair use.
- Use the four factors to form an opinion about whether different usage scenarios constitute fair use, and then support that argument.
- Identify the pros and cons of existing fair use guidelines as they relate to social media content.

Related Subject Areas:

Language arts, civics

Background:

Before beginning this activity, you may wish to familiarize yourself with copyright law and its fair use stipulations. The U.S. Copyright Office is a good place to start (<http://www.copyright.gov>). Additional insight can be found by reading FAQ #s 4, 5, 6, and 8 at: <http://www.digitalcitizenshiped.com/faq.aspx>.

A summary of the four fair use factors can be found on the “Four Factors of Fair Use” student activity sheet. While these serve as the standard for determining fair use, there are gray areas. Many cases could be considered fair use for one reason and not be considered fair use for another. Thus, this activity is not designed for students to be “right” or “wrong” about whether a case is fair use, but rather to get them to think about the concept in their own use of social media.

Time Required:

Two class periods

Materials Needed:

- Copies of the unit case study (one for each student)
- Internet access
- Copies of the “Four Factors of Fair Use” student activity sheet (one for each student)
- “Social Media Stats” reproducible from Activity 1
- Copies of the “Fair or Not?” student activity sheet (one for each group)

Activity 3: Fair or Unfair?

Activity Steps and Suggestions:

Part One

1. Read aloud or have students read the unit's case study.
2. Divide students into groups and have them consider, based on what they currently know about creative rights, which if any of the following actions were appropriate (or legal):
 - a) Kelly uploading Sam's program to Kramer's phone.
 - b) Kramer uploading the program to her company's Intranet.
 - c) The VP of marketing presenting the program to the company's shareholders.
3. Then ask students what they know about the term "fair use."
4. Share with students that by law, a creator owns the rights to his or her original work. The creator has the sole right to reproduce, distribute, publicly display, or perform that work. In the example, the creator is Sam and he owns the exclusive rights to the program he created. But there are some exceptions to this exclusive right. The best known exception is called "fair use." Fair use is a legal doctrine that allows the public to make limited uses of copyrighted works without permission.
5. Have students predict instances when fair use might apply.
6. Distribute the "Four Factors of Fair Use" student activity sheet to students.
7. Review each of the factors used to determine fair use and the specific factors that would make something more or less likely to be considered fair use.
8. Based on these four factors, have students reevaluate their answers about the case study. Do answers change? Why or why not?

Part Two

1. Have students review the definition and four categories of social media from the Activity 1 "Background" section and "Social Media Stats" reproducible.
2. Then, based on the Four Factors activity sheet, have student volunteers share examples of how different types of content on social media sites would and would not be considered fair use.
3. Most copyright and fair use laws were developed before the Internet and social media became such a pervasive part of our lives. Do students feel that the four factors take into account the unique applications of social media? If so, how? If not, why not? Do students feel it is more or less difficult to determine fair use with social media content than with traditional creative works?
4. Divide students into groups of three or four. Distribute one of the scenarios from the "Fair or Unfair?" student activity sheet to each group.
5. Challenge each group to read and discuss their scenario and determine whether they think that fair use applies to that scenario. They must base their decision on the existing four factors of fair use.
6. After the group discussion, instruct each group to read its scenario aloud, share whether they think that fair use applies, and explain their answer.
7. Encourage debate and discussion among all groups.

Activity 3: Fair or Unfair?

Suggested Assessment:

Have students select one of the examples of fair use from the scenarios (or another example of their choosing) and consider the following questions:

- a) What are the benefits to the original creator, the new user, and society of the fair use application?
- b) What are the downsides to the original creator, the new user, and society of the fair use application?

Extensions and Modifications:

- Have students research and summarize a fair use case that reached the U.S. Supreme Court. Cases can be found at: http://fairuse.stanford.edu/primary_materials/index.html.
- To abridge the time commitment of this activity, focus solely on Part One. This will enable students to identify the four factors considered when determining fair use, and to use those four factors to form an opinion about whether the case study scenario constitutes fair use. After completing Step 8, instruct students to compose a reflection that expresses three things they learned about fair use from participating in this activity. Have students read their reflections aloud.

Additional Resources:

Additional information about fair use

<http://www.copyright.gov/fls/fl102.html>

<http://fairuse.stanford.edu/>

<http://www.chillingeffects.org/fairuse/faq.cgi>

Calling All Digital Citizens

FOUR FACTORS OF FAIR USE

Four factors are used to determine whether the specific use of a creative work is considered “fair.” All of the following four factors are considered – individually and as a whole – when making a fair use determination. However, it is important to note that fair use determinations can be highly subjective; different courts may look at the same facts, yet come to opposite conclusions.

Factor 1: Purpose of the Work

Ask yourself, “For what purpose is the creative content being used? Is the use ‘transformative’?”

More likely fair use: Creative content is being used to teach, research, report, comment, or parody. Creative work is being transformed or changed in some way rather than used in its original state.

Less likely fair use: Creative content is being used to make money, entertain, or for some other commercial activity. Creative work is used in its original state in a non-transformative way.

Factor 2: Nature of the Copyrighted Work

Ask yourself, “What is the original creative content that is being used?”

More likely fair use: Content that is non-fiction or factual in nature, or that is educational.

Less likely fair use: Content that is fictional, commercial, or entertaining.

Factor 3: Amount of the Work Used

Ask yourself, “How much of the original creative content is being used?”

More likely fair use: A small amount or percentage of the original work; just enough of the original work used to meet the purpose of the new work; a part of the work that is not the most significant section or part.

Less likely fair use: A large part or percentage of the original work; more of the original than necessary to meet the purpose of the new work; the most important part of the work.

Factor 4: Effect of the Use on the Market for the Original Work

Ask yourself, “Does the new work negatively affect or harm the original work? Does the new work substitute for the original?”

More likely fair use: User is not hurting the market for the original work from making money or sales; new work is transformative and therefore is not a substitute; new work not for sale or able to be licensed.

Less likely fair use: User is making money; new creation is non-transformative and therefore, it may substitute for sales of original work.

Source: <http://www.copyright.gov>

Calling All Digital Citizens

FAIR OR NOT?

Scenario #1: Tyrone loves music. It is something that he knows a lot about and he has started a blog dedicated to the subject called, "Tyrone's Tunes." In the blog, he tells readers about new music coming out, concerts that are worth buying tickets to, and updates on his favorite musicians. His latest entry is dedicated to Coldplay, one of his favorite bands. It talks about how great their latest album is. In the entry, Tyrone quotes a few lines from his favorite track on the new album. Is quoting the lines to the Coldplay song on the blog fair use or not?

Scenario #2: Brady is the manager of her high school lacrosse team. Throughout the season, she has taken pictures of the team at practices and games. She decides to create a video slide show of the photos to sell at the team's end-of-year banquet. She uses many of the team's "theme songs," including Queen's "We Are the Champions," and Kanye West's "Stronger," as background music in the slide show. Is the use of these songs in the slide show fair use or not?

Scenario #3: Dean is very concerned about the environment. He finds an application on one of his favorite green Web sites where users can measure their carbon and ecological footprints by answering a series of questions. The application also gives the users specific ideas for reducing their footprints using environmentally friendly behaviors. It's really cool! Dean decides to download the application and put it on his Facebook page so his friends can do it too. Is Dean's use of the application fair use or not?

Scenario #4: Jae was lucky enough to go with her Dad to the Beijing Summer Olympic Games. She even got tickets to see Michael Phelps win his historic eighth gold medal. She knew her friends would never believe she was there. When she got home, she watched the race back on the NBC Web site and realized she was actually in the shot when Michael Phelps jumped into the crowd to hug his family! She uploaded the video to her Habbo page. Is Jae's use of the footage fair use or not?

Scenario #5: Josie wants to be a photographer when she gets older and she loves to go to exhibits to learn about new techniques and to admire the work of other photographers. The latest exhibit she checked out was by a new local artist who takes photographs that depict the life of the city's homeless population. Josie was very moved by the exhibit. She took photos of most of the images on her cell phone and then uploaded them onto her personal Web site. She hopes they will move her friends as much as they moved her. Is Josie's use of the photographs fair use or not?

Scenario #6: Blake watched the two-hour Presidential debate with great interest. She had always been politically motivated and wanted to learn more about the candidate whose views most closely matched hers. One particular exchange in the debate about the candidates' energy plan helped to make up her mind about whom she would vote for. She decided to download the six-minute video of that exchange and put it up on her Facebook page to educate her friends about the issue and to justify her choice for President. For some dramatic effect, she mixed in some music from her favorite band. Is Blake's use of the debate footage and music fair use or not?

Calling All Digital Citizens

CULMINATING ACTIVITY

CREATING A VLOG (VIDEO BLOG)

Activity Overview:

As the culminating activity for this unit, students will examine their own feelings about creative content, creative rights, and fair use related to social media. They will then work in pairs to create a vlog (video blog) that shares these feelings, and their experiences and ideas for this issue.

Learning Objectives:

By completing this activity, students should be able to:

- Draw conclusions about young people's opinions on creative content, creative rights, and fair use related to social media.
- State their own opinions about creative content, creative rights, and fair use related to social media via a vlog (video blog).
- Use persuasive language to influence their peers.

Related Subject Areas:

Fine arts, civics, language arts, video production

Background:

Familiarize yourself with the process of creating a vlog (video blog). An online tutorial can be found at http://cnettv.cnet.com/9742-1_53-23228.html?tag=api.

Activity Steps and Suggestions:

Part One

1. To prepare for this activity, place the three signs in different areas of the classroom: one that says, "Agree," one that says, "Disagree," and one that says, "Unsure." Then write the following statement on the board:
Putting someone else's copyrighted content on my Web site without having permission violates that person's creative rights.
2. Ask students to stand by the sign that reflects their position on this statement.
3. Have students justify their answers. When all students have had a chance to share their opinions, give students an opportunity to move to a different sign if their opinion has changed.

Time Required:

Three 60-minute class periods, plus additional time outside of class

Materials Needed:

- Three signs: one that says, "Agree," one that says, "Disagree," and one that says, "Unsure"
- Internet access
- Video cameras

Culminating Activity: Creating a Vlog (Video Blog)

4. Ask students what they predict to be the future of creative content on social media sites. Why is it important for discussions and education about these issues to continue? In what way will their generation impact that future? How can they play a role?

Part Two

1. Tell students that for this activity, they will work with a partner to develop a vlog (video blog) that shares their personal views, experiences, and ideas about creative content and creative rights on social media sites. Ask students what they know about blogs and vlogs. What do they think makes a good blog or vlog? Note: You may wish to have students view examples of other video blogs at <http://googlevideo.blogspot.com>.
2. Have students review the list of questions below and select at least three to answer in their vlog.
 - a) Have I ever used or mixed someone else's creative content without asking for
 - b) permission? Would I?
 - c) What does the word copyright mean to me?
 - d) Why do kids my age use someone else's creative content?
 - e) When is it okay to use someone else's creative content on social media sites without asking for permission?
 - f) What are my rights as a content creator?
 - g) What are my responsibilities as a content creator?
 - h) How would I feel if someone used my creative content without asking for permission?
 - i) Have my perceptions changed regarding use of my own or others' creative content?
 - j) Are current copyright laws fair as they relate to social media sites?
 - k) What changes to current copyright laws would I suggest?
 - l) What are the solutions to these issues?
3. Then have students create at least three of their own questions they'd like to answer in their vlog. Finally, have students create at least three questions for their partner to answer.
4. Have students consider the following:
 - a) Would they like to develop a script for their vlog or to use a more spontaneous approach?
 - b) How would they like to introduce themselves and their questions in the vlog?
 - c) Where would they like their interview to take place?
 - d) Would they like to use any props or to have music playing in the background?

Culminating Activity: Creating a Vlog (Video Blog)

Part Three

1. Using the school's or their own personal video equipment or a Web cam, have students videotape one another's vlogs.
2. Then have students watch and use the steps, software, and sites outlined in the CNET tutorial about turning the video into a vlog and publishing it:
http://cnettv.cnet.com/9742-1_53-23228.html?tag=api.
3. Have students finalize and share their vlog with the rest of the class.
4. After watching the vlogs, have students draw conclusions about their generations' views, experiences, and ideas about creative rights on social media sites.

Extensions and Modifications:

- Challenge students to include a message at the end of their vlog that persuades friends to consider others' creative rights in their own use of social media.
- If video equipment is unavailable for Part Three, students may opt to create either audio recordings of their positions or simply present their positions to the class. Regardless of the format, they should complete the activity by discussing their conclusions, as described in Step 4 of Part Three.
- To abridge the time commitment of this activity, focus on Step 5 from Part One and Steps 1-3 from Part Two. Instead of creating a video blog (vlog), they will write a position paper that explores these same issues and present their position to the class. After watching all presentations, have students draw conclusions about their generations' views, experiences, and ideas about creative rights on social media sites.