

# REWORK, REUSE, REMIX

What rights do you have as a creator?

Common Sense Education

BrainPop

Michelle Diaz

# FOCUS

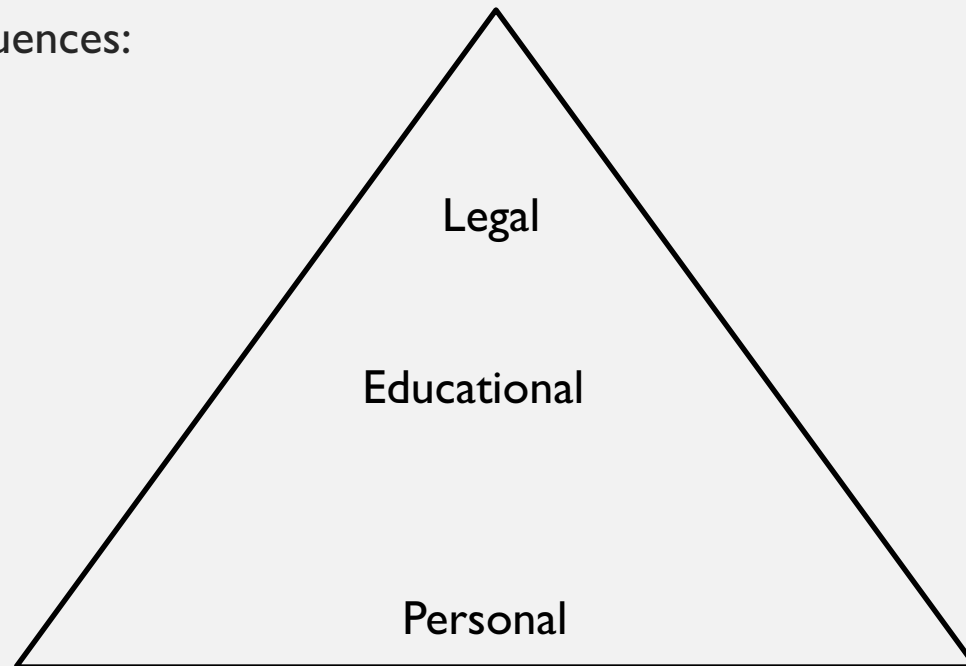
- Public domain
- Copyright
- Fair use
  
- What's it matter?

# BLURRED LINES

- <https://www.youtube.com/watch?v=qODrhss9ALc>

# IT MATTERS!

- <https://www.youtube.com/watch?v=ziz9HW2ZmmY>
- Consequences:

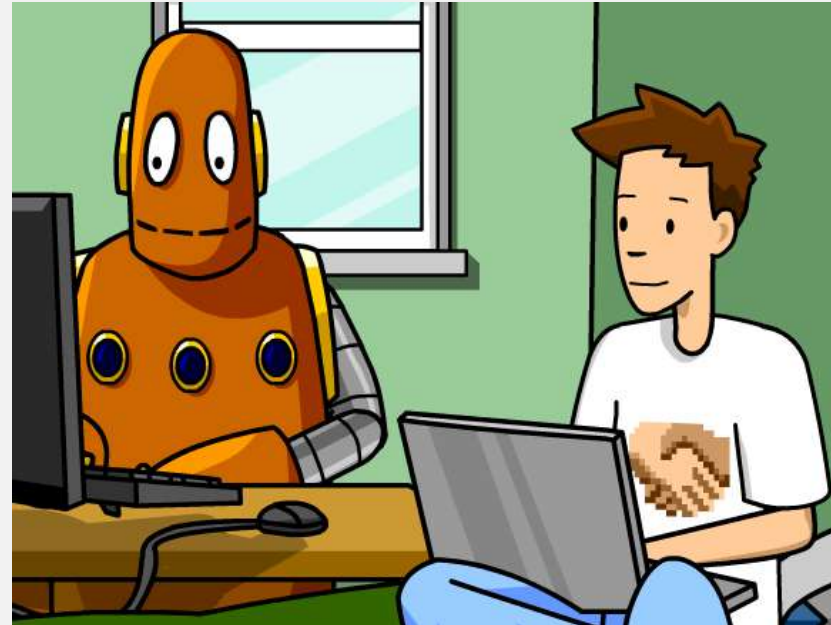


# PRE ASSESSMENT

- What is FAIR USE?
- In which situations can fair use be applied?
- In what ways can copyrighted work be used for fair use?
  
- Scary Mary [https://www.youtube.com/watch?v=2T5\\_0AGdFic](https://www.youtube.com/watch?v=2T5_0AGdFic)
  - Fair Use or Not? Why?

# BRAINPOP!

- Who doesn't love Tim and Moby?!
- [Copyright](#)



## KEY VOCABULARY

- **Copyright** - the exclusive [right](#) to make [copies](#), license, and otherwise exploit a literary, musical, or artistic work, whether printed, audio, video, etc.: works granted such [right](#) by law on or after January 1, 1978, are protected for the lifetime of the author or creator and for a period of 70 years after his or her death.
- In order to use material that has been copyrighted, the user must have permission from the creator and likely will pay a fee to do so

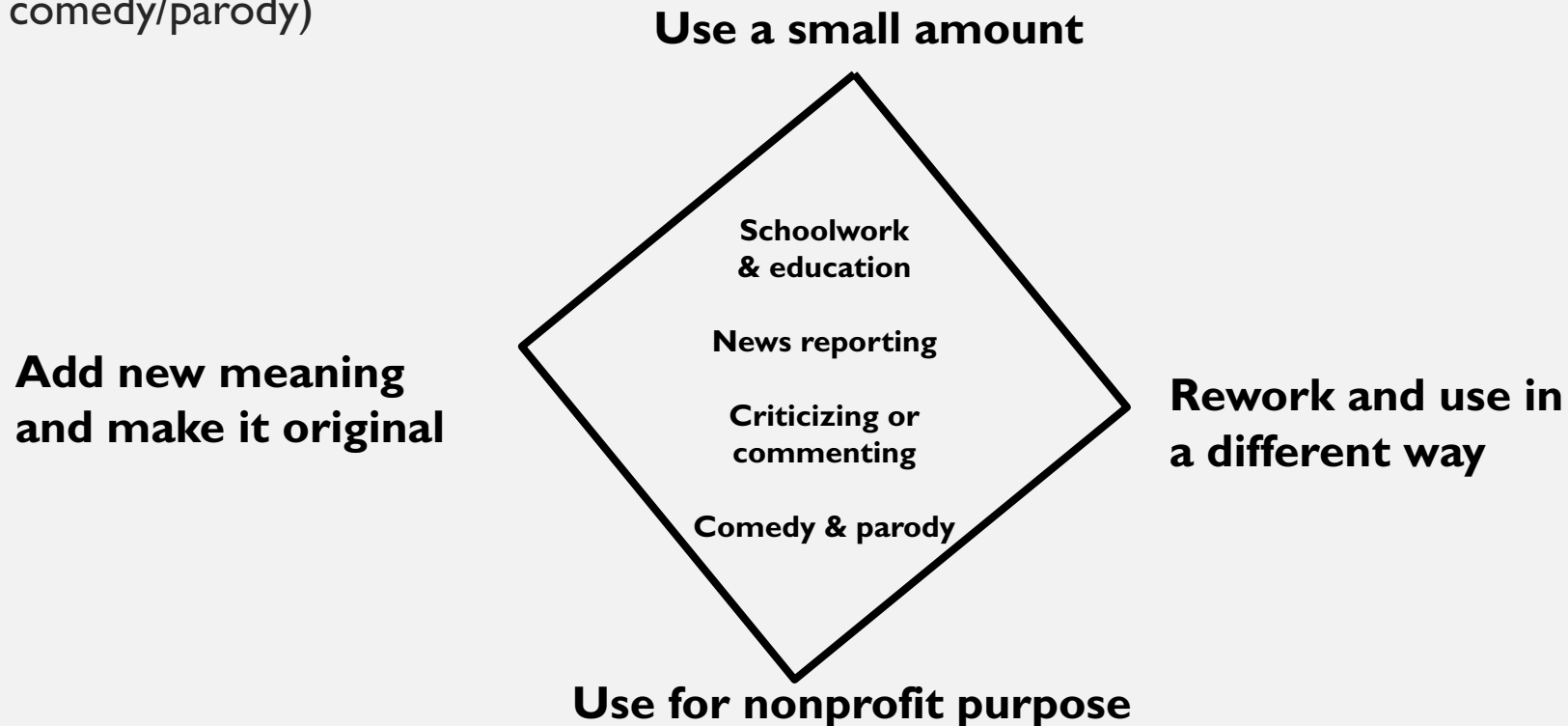
## IS THERE AN EXCEPTION TO THIS RULE?

- **Public Domain** – Creative work that's not copyrighted (never was, the creator has decided to grant general permission to all, or the copyright has expired) and therefore free for you to use however you want.
- For example:
  - Project Gutenberg – <http://www.gutenberg.org/catalog/>
  - The Commons on Flickr - <https://www.flickr.com/commons>
- If you wanted to use any of these works in the public domain, what could you do with them?
  - Copy, share, distribute, perform, change, remix, and alter the work however you wish! However, you cannot claim copyright to public domain work and say you created it.



# ANY OTHER WAYS TO USE COPYRIGHTED MATERIAL?

- **Fair Use** – the ability to use copyrighted work without permission, but only in certain ways and in specific situations (schoolwork and education, news reporting, criticizing or commenting on something, and comedy/parody)



# FAIR USE

- The term fair use means exactly what it says: It is a fair use of copyrighted work without getting permission from the creator.
- It allows you you to use copyrighted work without permission or paying a license fee in certain situations

# SCHOOLWORK & EDUCATION

- What are some examples of "schoolwork and education"?
- Students and teachers can use copyrighted material for school
- For example
  - Teachers use copyrighted websites, video, music, photos, books, etc. in classes for educational purposes
  - Students use copyrighted photos for PowerPoint slides

# NEWS REPORTING

- What are some examples of “news reporting”?
- Reporters can use content such as copyrighted images and video clips to help tell their news stories
- For example
  - A news journalist uses copyrighted photos and video clips in her articles to help illustrate or support an article

# CRITICIZING OR COMMENTING

- What are some examples of “criticizing or commenting” on something?
- This is when a person makes a creative work that adds his opinion, or makes people see something in a new way
- For example
  - Making a video that’s a political statement about global warming that uses copyrighted images and video clips
  - Making a video from movie and TV clips to pay tribute to your favorite actor

# COMEDY & PARODY

- What are some examples of “comedy and parody”?
- **Parody** – a creative work that is a funny imitation of something and pokes fun at an original work
- For example
  - Making a video remix on YouTube that makes fun of a movie or TV show
  - When a comedian takes a song and puts his or her own funny lyrics to it
  - <https://www.youtube.com/watch?v=IOfZLb33uCg>

# ONLY IN CERTAIN WAYS!

- Use a **small amount** (not the whole thing!)
  - Using a little bit of a song in a mash-up, not the entire song
- **Rework** and **use** in a **different way**
  - Using a copyrighted photo image as the basis for a painting
- Use for **nonprofit purpose**
  - It's harder to claim fair use if you are making money off someone else's work
  - For example, Using a clip from a song in a student public service announcement about recycling
- **Add** new **meaning** and make it **original**
  - Remixing clips from different movies to tell a whole new story

# **WARNING!**

If you use a copyrighted image, video, piece of writing, song, etc., without reworking it enough to have new meaning and make it original, you could be breaking copyright law..



# DISCLAIMER

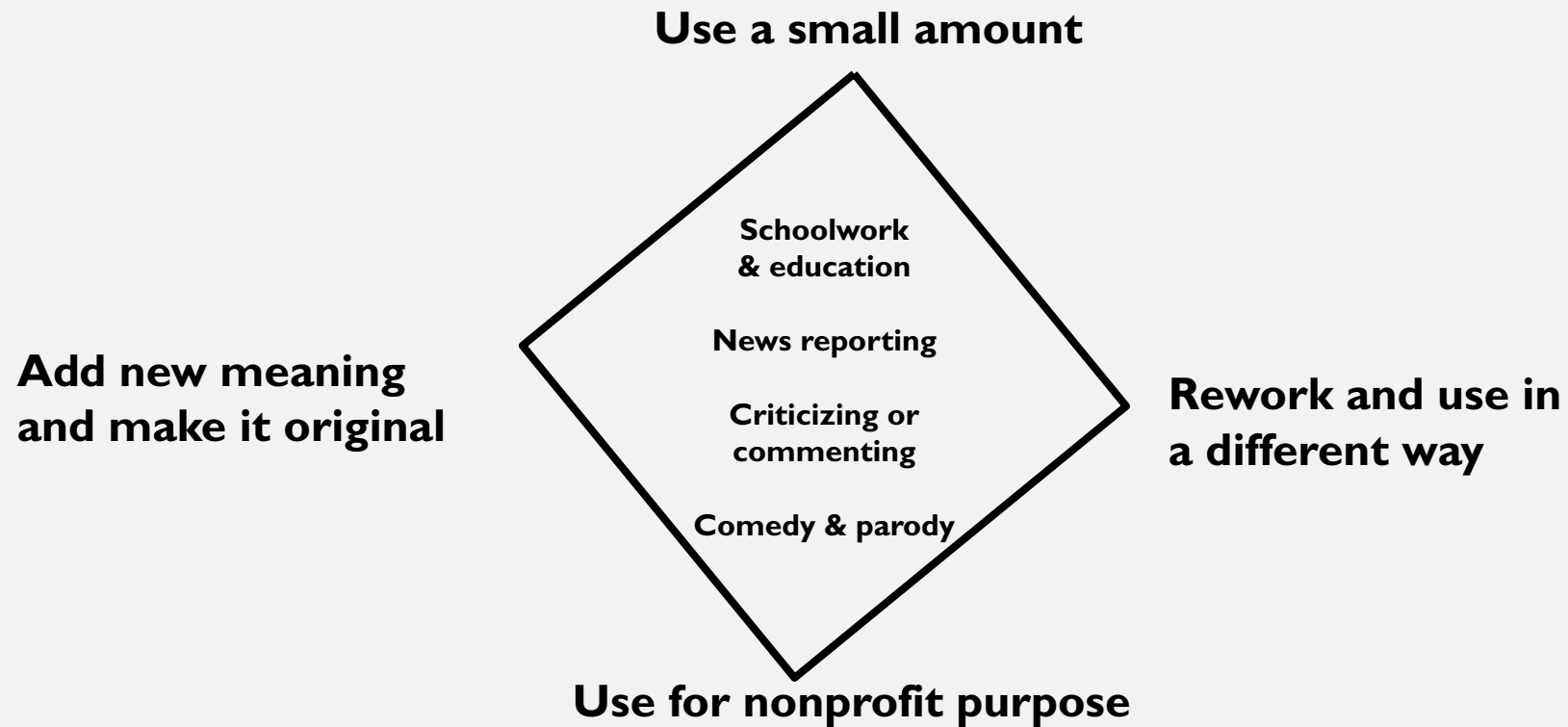
- The four points of fair use are just guidelines and are not RULES
- You need to think critically, and proceed on a case by case basis to decide whether or not something is fair use.
- Even if your creation is fair use, it is always a good idea to give credit to the creator of the work you used.

# SUMMARY

- <https://www.youtube.com/watch?v=suMza6Q8J08>

# FAIR USE

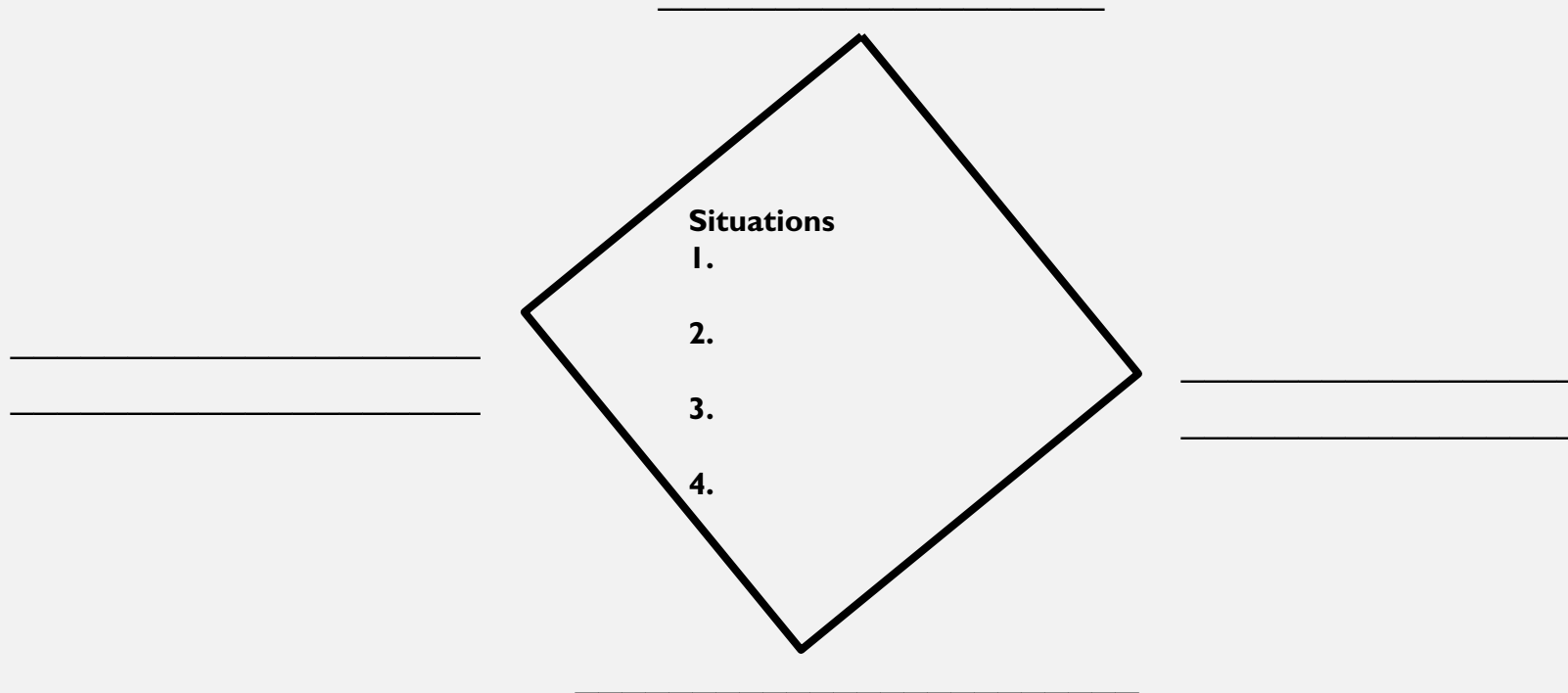
- **Fair Use** – the ability to use copyrighted work without permission, but only in certain ways and in specific



# LET'S REVIEW

- **Fair Use** – the ability to use **copyrighted work without permission**, but **only in certain ways and in specific situations**

Certain Ways



# CASE STUDY I

- DJ Earworm – “United State of Pop 2015 (50 Shades of POP)”
  - <https://www.youtube.com/watch?v=rfFEhd7mk7c>
- “Basically, what I do is take a bunch of songs apart and put them back together again in a different way. I end up with tracks called mash-ups, which I post to this website.”
- He also says he doesn’t make money from his mash-ups because he doesn’t sell them, and they’re free to download from his website.
- But he does get credit, and sometimes earn payment, for his songs through top ratings on YouTube, airplay on the radio and when he’s featured on the Billboard music charts

# FAIR USE OR NOT?

- **Fair Use**

- It's a new song that's different from the original songs
- He uses just a small amount from each song
- He gives credit for the songs he uses in the "About" section of his YouTube video
- He doesn't earn money from his remixed songs (or does he?)

- **Not Fair Use**

- None of this is original work. It's all taken from other artists
- He is just ripping off the riffs from others' songs
- His video isn't original because it's just clips from the original videos. He could have made a whole new video

## CASE STUDY 2

- Mary Poppins
  - <http://www.imdb.com/title/tt0058331/>
- Scary Mary [https://www.youtube.com/watch?v=2T5\\_0AGdFic](https://www.youtube.com/watch?v=2T5_0AGdFic)
- The creator, Chris Rule, reworked footage of the Disney film Mary Poppins and combined it with scary music, sound effects, and words on the screen that make it look like a horror film trailer.
- Fair Use or Not? Why?

## IN DEPTH CASE STUDY

- Sony BMG Music Entertainment et al v. Tenenbaum
- In 2007, the major recording companies of the music industry filed a lawsuit against a 23 year old college student. They accused him of illegally downloading and sharing copyrighted songs on the Internet. Tenenbaum first claimed ignorance of copyright laws as a defense. The recording companies argued that Tenenbaum willfully violated the laws and ignored multiple warnings to stop his illegal activities. Later, Tenenbaum changed his defense to claiming fair use of the material. The jury found in favor of the companies and ordered Tenenbaum to pay \$675,000 in damages.
- Research the case and form an opinion.



# RESOURCES

- [Complaint for Copyright Infringement:](#)  
Primary Source Court File
- [Songs at Issue:](#)  
Wikipedia
- [How a Boston U Student Ended Up Paying \\$22500/Song:](#)  
LXBN TV
- [College student ordered to pay \\$675,000 for illegally downloading 30 songs:](#)  
Associated Press

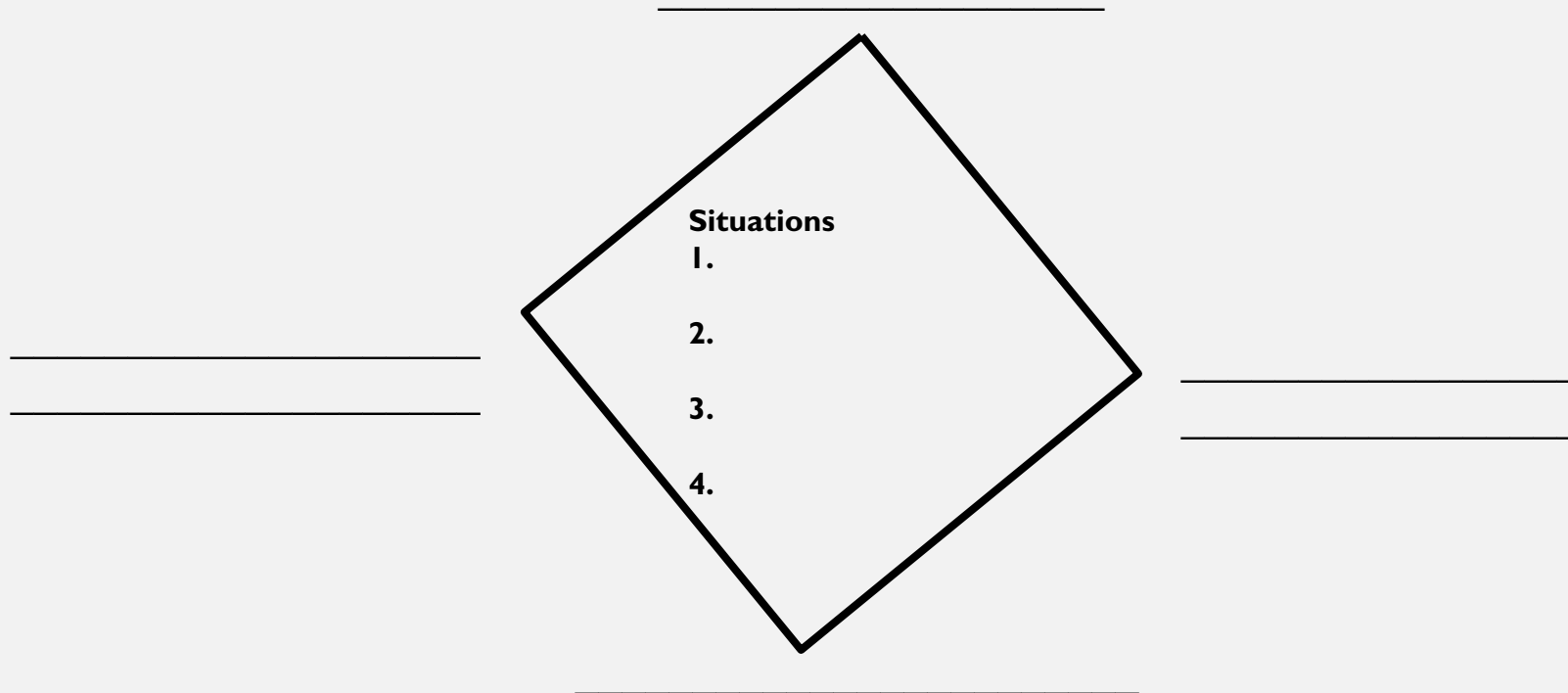
## DISCUSSION

- Make an argument for why Joel Tenenbaum's actions are not considered fair use.
- How do the recording companies undermine Tenenbaum's claim that he didn't realize he was infringing on their copyrights?
- Given the claim that Tenenbaum's actions caused the companies to lose money, what can you infer about music-sharing websites?
- Explain why the distribution of creative works on the Internet presents a unique challenge to the enforcement of copyright laws.
- Do you agree with Tenenbaum's punishment? Why or why not?

# LET'S REVIEW

- **Fair Use** – the ability to use **copyrighted work without permission**, but **only in certain ways and in specific situations**

Certain Ways



IT'S A WRAP!

- Post Assessment
- Digital Bytes
  - Creator
  - Is a remixed idea an original idea?