



NEWS & MEDIA LITERACY

We are critical
thinkers & creators.

DIGITAL CITIZENSHIP | GRADE 7

The Four Factors of Fair Use

 common sense education®



media creation

Essential Question

what rights to fair use do you have as a creator?

Learning Objectives

1

Define the terms "copyright," "public domain," and "fair use."



2

Identify the purpose of the Four Factors of Fair Use.



3

Apply fair use to real-world examples, making a case for or against it.



WATCH + DISCUSS



Discuss:

- What is copyright?
- How does it relate to public domain and fair use?



commonsense.org/education

Shareable with attribution for noncommercial use. Remixing is permitted.



Copyright

Legal protection that creators have over the things they create

Public domain

Creative work that's not copyrighted and free to use without permission

Fair use

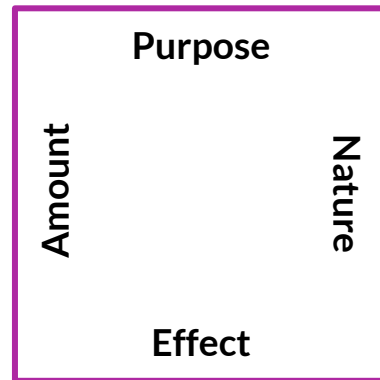
The ability to use copyrighted work without permission, but only in certain ways and specific situations



To determine **fair use**,
ask yourself: *Is it fair ...*

... and square?

The Four Factors of Fair Use



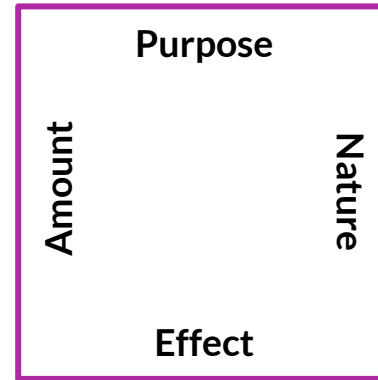


EXPLORE: THE FOUR FACTORS OF FAIR USE

It's more likely to be **fair use** if ...

... the **amount** used is only a small portion of the original work or does not include the "heart" of the work.

... the **purpose** of the new work is educational or the original work is transformed into something very different.



... the **nature** of the original work is nonfiction or based on fact (rather than creative or fictional).

... the **effect** of the new work does not include any negative impact on the creator or the value of the original work (think \$!).





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Common examples:

- Schoolwork and education
- Criticizing or commenting
- News reporting
- Comedy

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Directions

- Read each example. Work with your group to decide whether you think the example is fair use or not. Keep in mind: For each example, the authors did not get permission to use the copyrighted works.
- Take one minute to discuss and decide for each example.
- Give a thumbs up if you think it's fair use and a thumbs down if you think it isn't.



ACTIVITY: FAIR AND SQUARE?



Example No. 1

Maya is making a flyer for her pet-sitting business to post on her social media account. She finds a cool pet store logo and uses part of it in the flyer.



ACTIVITY: FAIR AND SQUARE?



Example No. 2

A group of students are making a video for their class remembering all they've done throughout the year. They use the song "Good Riddance (Time of Your Life)" by Green Day in the background.



ACTIVITY: FAIR AND SQUARE?



Example No. 3

Eva takes an image of a famous magazine cover of a celebrity model, but she changes the headlines on the cover. She does this to criticize how magazines pressure girls to look perfect.



ACTIVITY: FAIR AND SQUARE?

A



B



Example No. 4

Darren uses Photoshop to create a new version of the *Mona Lisa* by Leonardo da Vinci (image A). He uses this image on his website where he sells other photos he's created.



Sampling

Reworking a portion of a song or sound recording into a new composition



WATCH + DISCUSS



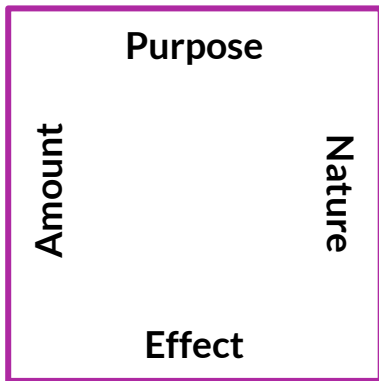
- This is a mash-up created by DJ Earworm.
- This song references over 25 top hits from 2018.
- DJ Earworm does not sell these mash-ups, but he performs as a DJ.
- As you watch, consider the Four Factors of Fair Use.



Did DJ Earworm create this mash-up fair and square?

Does it only use a small portion of the original songs? Does it use the "heart" of the works?

How will the mash-up be used? Did it transform the original works into something very different?



Are the original works creative? Or based on fact?

How will the mash-up affect the original creators? Will it affect their reputations? The money they make?



Collage

A piece of artwork made by piecing together different materials, including photos, images, or other artwork

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