

Because issues surrounding copyright and fair use are complex, we've provided some background on **vocabulary terms** and **concepts** that are used throughout our lessons on Creative Credit & Copyright.

creative work

Any idea or artistic creation that is recorded in some form, whether it's hard copy or digital.

Additional background:

- As a creator, you've probably written, photographed, filmed, or made many artistic creations throughout your life. Any idea you put down – whether it's your best idea or not, and whether it's in hard copy form or not – counts as creative work.
- Examples: pieces of writing (books, poems, papers, articles, blogs, reviews, etc.), photos, videos, music, websites, online profiles, and artworks.

copyright

A law that protects your control over the creative work you make so that people must get your permission before they copy, share, or perform.

Additional background:

- When you have an idea and record it, it's instantly copyrighted. You have the right to decide how others use your creative work. Nobody else can pretend it's theirs – or copy, share, or perform your work without your permission. Copyright makes sure you get credit for your work.
- It does not matter if a work is in hard copy or digital form, it is still copyrighted.
- All recorded work is automatically copyrighted, even if it doesn't have the "C" copyright symbol. Registering your work with the U.S. Copyright Office isn't necessary, but it makes it easier for legal protection.
- Ideas, common knowledge and facts, U.S. government documents, works in the public domain, and spontaneous acts of expression aren't copyrighted.
- If someone wants to use a copyrighted work, unless it says otherwise, they have to first get permission from the creator. To get permission, you can email, call, or write a letter to the creator. The University of Texas has a thorough explanation of how to get permission. (The only exceptions to this are fair use, public domain, and Creative Commons.)

creative commons

A kind of copyright that makes it easier for people to copy, share, and build on your creative work, as long as they give you credit for it.

Additional background:

- The key here is that a regular copyright is an "all rights reserved" model, and Creative Commons is a newer, "some rights reserved" model more suitable for online sharing. If someone uses a Creative Commons license, they are allowing for more flexibility with their copyrighted work to be copied and shared.
- There are different kinds of Creative Commons licenses that allow people to do things such as change, remix, or make money from your work. You pick and choose how you want your work to be used, and then create a Creative Commons license (which function as symbols) that you include in your work. For instance, you might say someone can use your work as long as that person doesn't make a profit from it, or as long as the person doesn't alter or change it.
- It is important in all cases to acknowledge and give credit to the work you use – whether it is regular copyright, Creative Commons, or fair use.

license

A clear way to define the copyright of your creative work so people know how it can be used.

Additional background:

- You probably know that you need a license to drive a car. The license gives people permission to drive.
- In the same way, when you have a copyright license, this tells people how they have permission to use your copyrighted work. You might use a regular copyright license, or you might use a Creative Commons license.
- Some creators charge a “license fee” to others who want to use their copyrighted work, which helps them get credit and make money from the usage.

piracy

Stealing copyrighted work by downloading or copying it in order to keep, sell, or give it away without permission and without paying.

Additional background:

- Piracy includes illegally downloading, copying, and sharing creative works such as music, movies, games, and software by using peer-to-peer sharing websites and programs that “rip” content.
- Piracy is illegal, and you can face heavy fines or other legal consequences for engaging in it. It’s called piracy because it’s stealing.
- To avoid unintentional piracy, use trusted online sites to purchase content. You can also find sites that allow you to get content for free. See Mashable’s list of music that is free and legal.

plagiarize

Copying, “lifting,” or making slight changes to some or all of someone else’s work and saying you created it.

Additional background:

- As all teachers know, plagiarism is a huge problem in schools. Talk to your librarian about how your school handles plagiarism, as well as how students should properly cite information.
- If you copy, paste, or change a few words of something and say that you wrote it, it is still plagiarism.
- To avoid plagiarism, be sure to say things in your own words, cite direct quotes by using quotation marks, and acknowledge the authors’ ideas you discuss by giving them credit.

public domain

Creative work that’s not copyrighted and therefore free for you to use however you want.

Additional background:

- Copyrights don’t last forever. In most cases, they expire 70 years after the death of the creator. So things that are hundreds of years old are not copyrighted anymore.
- There are many creative works available in the public domain that you might not know about. When searching for photos, music, artwork, and video, look for the ones that are in the public domain. Ask the librarian about public domain content available through the school. For example, Wikipedia has a list of public domain images resources.

fair use

The ability to use a small amount of 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).

Additional background:

- Fair use can only be applied in certain situations and in certain ways.
- In specific situations:
 - » Schoolwork and education
 - » News reporting
 - » Criticizing or commenting
 - » Comedy and parody
- In certain ways:
 - » Using a small amount (not the whole thing)
 - » Adding new meaning and making it original. (The work should not be copied and pasted but used to help students express their own ideas.)
 - » Reworking and using material in a different way. (The work should be “reworked” in a new way, different from the original purpose and context.)
- Fair use means that using copyrighted works in specific situations does not require permission, and it allows you to build on, rework, and comment on or critique the creative work of others.
- Fair use is not a clear-cut issue, but requires critical thinking and depends on the specific situation. In all instances, fair use has to do with reworking the copyrighted work in a way that makes something new and original.
- You should be able to defend that something is fair use by making sure it falls under the specific situations allowed and is used in the approved ways.

Ask, Acknowledge, Add Value

This process provides students with a framework to guide their thinking when using others’ creative work. It is particularly helpful when talking about how students can use others’ work in their own creations.

ASK

How does the author or artist say I can use the work? Do I have to get the creator’s permission first?

Guide students to look carefully and ask questions about the copyrighted work around them. Creators have different ways they allow their work to be used and shared. Some creators use an “all rights reserved” approach, requiring permission from anyone who wants to use their work. If students want to ask for permission to use copyrighted work, they would have to contact the creator through email, letter, or phone and have a clear explanation as to why and how they want to use it. Other creators hold a “some rights reserved” approach in line with Creative Commons that allows people to share, copy, or even distribute, change, or remix their work, as long as the creator is acknowledged and given credit. And some creators donate their work to the public domain so it can be used freely in any way. Finally, if someone is creating something that falls under fair use, that person does not have to get permission first.

ACKNOWLEDGE

Did I give credit to the work I used?

Guide students in all cases to acknowledge and cite the work they use. Whether they are using copyrighted work with permission, or whether it’s fair use, acknowledging the creator is a sign of being a responsible and respectful creator. To acknowledge someone’s work, students can include the creator’s name, title of the work, and year it was made at the end of a paper or in the credits. Follow the citation style used by your school.

ADD VALUE

Did I rework the material to make new meaning and add something original?

Guide students to consider whether their use of copyrighted work helps them express their own ideas. Have they simply copied the work and repeated the same ideas? Or have they used the work in a way to help them express an original idea in their own words?