

Copyrights

What do you think we mean when we talk about someone's "creative work"? This term includes all types of work that someone creates, including writing of all kinds, artwork, photos, videos, and music.

Have you ever used creative work you found online – for example, a photo or a meme – for personal use? Have you ever used a photo in a school report, posted it on your Snapchat, or even sent it to someone on your cell phone?

When you use creative work you find online, what considerations do you make about who made it, if any? How would the creators of that work want their work to be used? What would be okay? What would not be okay?

Part 1: Respect Creative Work

Watch the video "Credit for Creative Work."

What are the ways you can be respectful of people's creative work?

- Check who owns it
- Get permission to use it
- Give credit to the creator
- Buy it (if necessary)
- Use it responsibly

How do you think you would feel if someone used your creative work? Would it make a difference whether they did the following:

- Asked your permission to use it?
- Gave you credit as the creator?
- Changed the picture or added a caption without asking you?

How do these issues affect the creator of the work?

What do you think it means to use someone else's creative work responsibly? Does it matter how and where you use it? How might your use of it affect or alter the creator's original intent?

In addition to these key rules, some additional information may help you decide when and how it is all right – and not all right – to use someone else's creative work.

FAIR USE: The ability to use a small amount of someone's creative work without permission, but only in certain ways

COMMERCIAL PURPOSES: A use in connection with a business, usually for profit

Fair use allows you to use only a small part of someone else's creative work as part of something new. The work cannot be used for commercial purposes, and it can only be used in certain ways, which include:

- schoolwork and education
- news reporting
- criticism or social commentary
- comedy or parody

What are some ways you might use creative work that would constitute fair use? Which ways wouldn't be covered under fair use? Using a small amount of someone else's work in a school report or the school paper would be fair use, while posting it on your blog or on a social networking site would not be fair use.

COPYRIGHT: A law that protects a creator's ownership of and control over the work he or she creates, requiring other people to get the creator's permission before they copy, share, or perform that work

CREATIVE COMMONS: A kind of copyright that makes it easy for people to copy, share, and build on someone's creative work – as long as they give the creator credit for it

PUBLIC DOMAIN: Creative work that's not protected by copyright and is therefore free for you to use however you want

When you want to use someone's creative work in a way that isn't covered by fair use, you need to investigate its copyright status.

Imagine you took a photo of your dog and posted it online. Because you are the creator, you own the copyright to this image. This means you have control over how other people use your photo. Copyright law is pretty strict, meaning that people will have to get your permission before they can copy, print, or use your work for any reason.

However, if you use a Creative Commons license, you give people more freedom to copy and share your photo. Some Creative Commons licenses even say it is all right to make money off of the photo, while others say it cannot be used for commercial purposes. People choose Creative Commons licenses because they offer more opportunities for other people to use and share their work (you can see examples of Creative Commons licenses at <http://creativecommons.org/licenses>).

Finally, imagine that you want the photo to be freely used by all, without people having to request permission. You would then release the photo into the public domain, which allows others to use your photo however they want to because it is no longer protected by copyright.

Copyrights don't last forever, so works often count as "public domain" after a certain time

period. Works from the U.S. government are also in the public domain.

If you created a picture, poem, or video and posted it online, what do you think you would do? Would you make people get your permission every time they used the work, use a Creative Commons license, or would you put it in the public domain?

Part 2: “Mad Men” Activity - Carefully Choose Your Photos

You will be “Mad Men” in this activity. (The term “Mad Men” is shorthand for “Madison Avenue ad men,” who were advertising executives that worked on Madison Avenue in New York City during the 1950s and 1960s. It is also the name of a popular television show that began running in 2007.) **You will have to create an advertisement for something, and decide on three photos to use for that advertising campaign.**

Advertising is a commercial purpose, so fair use does not apply. In order for advertising executives to use a photograph, they need to do one of the following things:

- They can use a photograph for which they already own the copyright.
- They can get permission from the copyright holder to use that photo for commercial purposes (and pay any fee the copyright holder might charge).
- They can use a photo that is in the public domain. In addition to considering the copyright status of the photo, you also need to consider the original intent of the creator and the effectiveness of the photo for their ad campaign.

Be sure that you first analyze and answer the questions about each photo before you make a decision to use it in your advertisement.