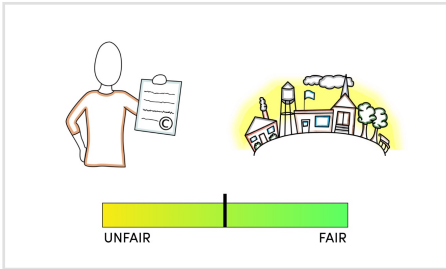


## Lesson Plan

This lesson plan is designed to help you teach using a Common Craft video. Use the information below to introduce the video and then follow the video with discussion questions and other resources.



[commoncraft.com/video/fair-use](https://commoncraft.com/video/fair-use)

**ISTE Standard:**  
**Digital Citizen 2C**

**ACRL Info Literacy Frame:**  
**Information Has Value**

## Fair Use

### Explained by Common Craft

By understanding Fair Use, students can avoid copyright infringement and evaluate situations in which permission from the copyright holder is not likely to be required.

### Learning Outcomes

- Identify the types of works protected under copyright law and describe the exclusive rights a copyright holder has.
- Define fair use and explain its value.
- Using the four factors of fair use, distinguish whether or not the use of a work is considered fair.
- Describe what it means for a work to be transformative and why transformative use fits under fair use.

## Discussion Questions

### Q #1

Think of a work you created in the past--a painting, a song, a photograph, a short story, a poem--as the creator, what rights would you like to have over how this item is used and shared?

### Q #2

What are some downsides to the restrictions of U.S. copyright law? For example, what challenges occur when you are required to ask for permission or pay the copyright holder to use a work? Why do you think these restrictions exist? What challenges would occur if there were no restrictions?

### Q #3

Thinking about the four factors of fair use and transformative use, would the following scenarios be considered fair use?

1. Students in a fifth-grade science class create a blog open to the public where they share photographs, videos, poems, and information about their favorite animals.
2. A teacher photocopied two chapters of a textbook for a homework assignment and distributes the copies to all the students in the class.
3. A musician takes the melody from a well-known popular song and mixes it with her own lyrics and music. She then puts this song on her album and sells it online.

## Knowledge Check Q&A

**Q**

What is copyright?

**A**

Copyright is the right of a creative person to control how the created work is used by others.

**Q**

What four factors help to determine fair use?

**A**

1. Purpose and character 2. Nature of the original work  
3. Amount of the work used 4. Market value

**Q**

What is fair use?

**A**

Fair use represents a gray area in copyright law in which a copyrighted work may be used without payment or permission from the owner.

**Q**

What is transformative use?

**A**

Transformative use is a consideration in fair use law in which the use of works in a completely new or unexpected way may be considered fair use.

## Resources for Learning More

**Stanford University Libraries**  
Measuring fair use: The four factors

<https://fairuse.stanford.edu/overview/fair-use/what-is-fair-use/>

**Association of Research Libraries (ARL)**  
Code of best practices in fair use

<http://www.arl.org/focus-areas/copyright-ip/fair-use/code-of-best-practices#.WiqrnkqEdU>

**Copyright.gov**  
Search cases related to fair use

<https://www.copyright.gov/fair-use/fair-index.html>

**University of Minnesota**  
Thinking through fair use:  
An interactive tool

<https://www.lib.umn.edu/copyright/fairthoughts>

**American University School of Communication**  
Center for Media & Social Impact, Fair use, free speech & intellectual property

<http://cmsimpact.org/program/fair-use/>