



Case 14

Credit is not the whole copyright answer

If you credit the artist, can you use their track in your film?

Students remix music, clips and images every day, and many believe credit or “only ten seconds” makes any use okay. Understanding how U.S. copyright and fair use actually work lets creators share their projects without getting taken down, and respect other creators too.

In the real world

CrashCourse (YouTube), 2015 Copyright, Exceptions, and Fair Use: Crash Course Intellectual Property #3

NPR, 2023 Supreme Court sides against Andy Warhol Foundation in copyright infringement case

Caio

Calma, Mateo. The sample makes the scene, I know. But “we credited them” isn’t a reason I can explain. Let’s check the license first.



You’ll make

Analysis, 300—400 words

Time

About 50 minutes

Level

Grades 9—10

The case file

Look at what's actually here before deciding what it means.

Fictional case material

1

Caio's rough cut, Friday 9:40 p.m. (edit timeline)

0:00—0:18 crew footage, no music. 0:18—0:38 sampled track, pitched up slightly, under the setup montage. 0:38—1:52 crew footage and interviews. 1:40—1:46 a 6-second clip downloaded from a stitched TikTok post.



Which parts of this cut did the crew not make? What is each borrowed element doing in the film?

Fictional case material

2

Mateo in the crew chat, Friday 10:02 p.m.

"We'll credit them in the caption. Post tonight?"



Which question does credit answer, and which doesn't it?

Fictional case material

3

"Calma, Mateo. The sample makes the scene, I know. But "we credited them" isn't a reason I can explain. Let's check the license first."

Caio, 24, editor and film-night organizer



What is Caio asking the crew to find before posting?

Fictional case material

4

Rights log template, started Saturday morning

Columns: element, who made it, where it came from, permission or license and date. Row 1: setup-montage music, the recording artist, a streaming download, permission unknown. Row 2: 6-second clip, a TikTok creator, downloaded from TikTok, permission unknown.



What goes in the permission column for each row, and where would you find it?

Outside the story

The case is fictional. The questions in it are not. Here is where they show up in the real world.

Still missing

Whether the track has any license that covers this use, which part of the song the 20 seconds come from, where the film will be shown, and what the TikTok creator agreed to when the clip was posted.

Real-world evidence



Real source

U.S. Copyright Office, Fair Use Index overview page

Summary, not a quotation: the Copyright Office explains that fair use is decided case by case with four factors (purpose and character of the use, nature of the copyrighted work, amount and substantiality of the portion used, and effect on the potential market), that no formula guarantees a set amount may be used without permission, and that even a small portion can weigh against fair use if it is the heart of the work.



Real source

U.S. Copyright Office, Fair Use Index summary of *Andy Warhol Foundation for the Visual Arts, Inc. v. Goldsmith* (2023)

Summary, not a quotation: the Supreme Court held that the first factor did not favor fair use for the specific licensing use at issue, because that use shared substantially the same purpose as the original photograph and was commercial; a new look or meaning alone did not settle the question.



video

Copyright, Exceptions, and Fair Use: Crash Course Intellectual Property #3

[CrashCourse \(YouTube\), 2015-05-07](#)

Explains why giving credit is not the same as permission, and how fair use is weighed.

Discuss before deciding

- Which item did you trust first, and why?
- What would you need to see before repeating the strongest claim?
- Who is missing from these documents?

What the evidence can hold up

Test the crew's two assumptions against the sources. Which evidence knocks each one down, and what single check could still make the plan work?

Evidence	Claim 1 Crediting the artist makes the use okay.	Claim 2 Twenty seconds is short enough to be fair use.
1 Credit names the creator but grants no permission	Challenges	—
2 Copyright Office: no formula makes a set amount safe; the heart of a work matters	—	Challenges
3 The sample is background mood, not commentary on the song	—	Challenges
4 Stitch permission applies inside TikTok, not to a downloaded clip in another film	Narrows	—

Still open

- Does any license cover this use? Check before posting.

Words that do the work

Copyright

Derechos de autor

U.S. legal protection that automatically covers original creative work once it's fixed, like recorded or written down.

The track Caio sampled is protected from the moment it was recorded, whether or not it's registered.

Attribution

Atribución

Naming or crediting the source.

Mateo's plan to "credit them" answers who made it. It doesn't answer whether the crew may use it.

License

Licencia

Permission to use a work under specific terms.

A Creative Commons or stock-music license could allow the use, if its terms fit this film.

One student's draft

Write a four-factor analysis of the crew's planned use and recommend a path.

Factor 1, purpose: We're using about 20 seconds of the song as background mood for our recap, not to comment on the song, so this factor probably weighs against fair use¹. Factor 2, nature of the work: The song is a creative recording, which also weighs against us. Factor 3, amount: 20 seconds is a small part, so this factor is fine because anything under 30 seconds is allowed². Factor 4, market effect: Using it for free as background music could replace a license the artist might sell³. Recommendation: Credit doesn't equal permission, and Stitch only works inside TikTok⁴, so we should swap in a licensed track or record our own before posting.

- 1 Accurate reading of purpose, with an honest "probably" instead of a verdict.
- 2 Revise: there is no safe number of seconds. The Copyright Office says no formula guarantees that a set amount may be used, and even a small portion can count against fair use if it is the heart of the work.
- 3 Strong: the writer connects market effect to how artists actually earn from music.
- 4 Good: platform permission is correctly limited to the platform.

Works well Uses evidence Gap to fix Think about the reader

One revision

Before

Factor 3, amount: ~~20 seconds is a small part, so this factor is fine because anything under 30 seconds is allowed.~~

After

Factor 3, amount: 20 seconds is a small part of the song, but the factor also weighs which part is used, and if it is the song's most recognizable hook, that could count against us.

The revision replaces a myth with the actual factor, which weighs both how much and which part is used.

Teacher commentary

The analysis applies all four factors, marks uncertainty and correctly limits platform permission, and its recommendation is practical. One sentence repeats the seconds myth the case exists to correct. Replacing it with the real amount-and-substantiality factor moves the analysis to Proficient on Evidence and Reasoning.

Teach it in one period

Grades 9–10

Write a four-factor analysis of the crew’s planned use and recommend a path.

Sources

Copyright Office fair-use page and TikTok
Stitch announcement.

Objective

Students apply a four-factor legal test to a planned use, state uncertainty honestly and recommend a practical path.

Product

Analysis, 300–400 words

Assessed by

The analysis is scored with the case rubric, with a check that all four factors are applied and that platform permission is correctly limited.

45 minutes	You	Students	Check for
5 min The paused upload	Set the scene: Caio’s film recap uses a sample; Mateo wants to post tonight with a credit.	Vote: is credit enough? One reason.	Everyone commits to a position.
10 min Three questions	Distinguish attribution, permission and fair use.	Sort statements into the three categories.	“We’ll credit them” goes under attribution only.
10 min Four factors	Read the Copyright Office fair-use page together.	Apply each factor to the crew’s use, marking uncertainty.	Students avoid a guaranteed verdict.
7 min Myth check	Test “ten seconds is always fine” and “it’s for school.”	Find what the source says about each.	Students cite that there’s no fixed-length rule and education isn’t automatic.
10 min Rights log and alternative	Model a four-column rights log.	Complete the log and propose a licensed or original alternative.	Log is complete; alternative is realistic.
3 min Exit	Ask: what changes if the class draft becomes a public post?	Write one change.	Answer mentions audience, market or platform terms.

Before class

Prepare the case documents, one set per pair:

- ✓ Caio’s rough cut, Friday 9:40 p.m. (edit timeline)
 - ✓ Mateo in the crew chat, Friday 10:02 p.m.
 - ✓ Caio, 24, editor and film-night organizer
 - ✓ Rights log template, started Saturday morning
- Every document is fictional case material, printable from the online field guide.

Questions to keep asking



Pauta

Credit answers “who made it.” Permission and fair use are separate questions.



Lupa

The Copyright Office names four factors. It names no safe number of seconds.



Nexo

Stitch permission works inside TikTok. A downloaded clip in a festival film is different.

Support every student, then assess

Success looks like

- ✓ Applies all four factors
- ✓ States uncertainty honestly
- ✓ Distinguishes platform permission
- ✓ Recommends a practical path

Supports at this level

- Factor table
- Model analysis of a different example

Access

- Provide a three-box visual: credit / permission / fair use
- Read the Copyright Office summary aloud
- Spanish vocabulary: derechos de autor, licencia, atribución, uso justo
- Allow the rights log to be completed orally
- Reduce to one element: the music track

Stretch

- Compare Creative Commons license types and what each allows
- Research how your school's media policy handles copyrighted material

Challenge: Explain why Stitch permission inside TikTok doesn't cover a download used elsewhere.

Rubric	Beginning	Developing	Proficient	Advanced
Evidence	Relies on myths.	Cites credit as permission.	Uses the four factors or license terms.	Uses factors, license terms and platform differences.
Reasoning	Assumes any use is fine.	Applies one factor.	Separates credit, permission and fair use.	Weights factors honestly and chooses a lower-risk path.
Audience & purpose	Ignores the artist.	Considers only the crew.	Considers the artist and the audience.	Balances creative goals with respect for the original creator.
Revision	No change.	Adds a credit.	Replaces myths with a rights plan.	Explains each step and a realistic alternative.

Standards this can show

W.9-10.8 Common Core 9–10

RI.9-10.1 Common Core 9–10

W.9-10.1 Common Core 9–10

W.11-12.8 Common Core 11–12

RI.11-12.8 Common Core 11–12

W.11-12.1 Common Core 11–12

Grades 6—8

Make a rights log for the crew's short film and suggest a way to use music they're allowed to use.

Use

The case scenario and a kid-friendly summary of the Copyright Office page.

You'll make

Rights log plus 3—4 sentences

Show it your way**Write it**

Write 3—4 sentences with the frame "Credit tells people __. Permission means __."

Say it

Explain to a partner the difference between giving credit and having permission, using the song in Caio's film as your example.

Show it

Fill the rights log as a picture table: a small drawing of each clip or sound, who made it and a check or question mark for permission.

Done when

- ☐ Lists each outside element
- ☐ Separates credit from permission
- ☐ Suggests a realistic alternative
- ☐ Doesn't claim a guaranteed legal answer

Item 1: what it shows, and what it doesn't

Item 2: what it shows, and what it doesn't

Item 3: what it shows, and what it doesn't

What I can actually claim

Need a boost?

- Rights-log template: what, who made it, permission?
- Frames: "Credit tells people __. Permission means __."
- Vocabulary: copyright, credit, license
- List of free-to-use music libraries for school



Prefer typing? Scan to do this in the online workspace.

Grades 9—10

Write a four-factor analysis of the crew's planned use and recommend a path.

Use

Copyright Office fair-use page and TikTok
Stitch announcement.

You'll make

Analysis, 300—400 words

Option 1 What would it do?

Option 2 And this one?

Done when

- ☐ Applies all four factors
- ☐ States uncertainty honestly
- ☐ Distinguishes platform permission
- ☐ Recommends a practical path

My call One sentence.

Need a boost?

- Factor table
- Model analysis of a different example

Because the evidence shows Point to a numbered item in the case file.

Who pays for this choice

What would change my mind



Prefer typing? Scan to do this in the online workspace.

Honors

Argue whether fair use gives young creators enough room to remix.

Use

Copyright Office page plus one teacher-selected article.

You'll make

Argument, 600—700 words

Thesis A claim someone could reasonably disagree with**Done when**

- ☐ Clear thesis
- ☐ Accurate legal content
- ☐ Fair to artists
- ☐ Considers platforms' role

Reason 1: claim, evidence, commentary**Reason 2: claim, evidence, commentary****Need a boost?**

- Stakeholder chart: original artist, remixer, platform

The strongest counterargument, and your answer**Why it matters beyond this case**

Prefer typing? Scan to do this in the online workspace.

Pre-AP

Closely observe Caio's rough cut and list every outside element, then write an evidence-based paragraph on which one raises the biggest rights question and why.

Use

The rough-cut description, Mateo's chat message and the Copyright Office fair-use page.

You'll make

Inventory plus paragraph (150—200 words)

Item 1: what it shows, and what it doesn't

Done when

- ☐ Complete inventory
- ☐ Supported claim
- ☐ Uses one fair-use factor accurately
- ☐ Revision reflects discussion

Item 2: what it shows, and what it doesn't

Need a boost?

- Element inventory
- Question stems: "What is this element doing in the film?"
- Paragraph frame

Item 3: what it shows, and what it doesn't

What I can actually claim



Prefer typing? Scan to do this in the online workspace.

AP English Language

Analyze the persuasive strategy of a common online myth (“10 seconds is fair use”) and write a correction for creators.**Use**

A teacher-written myth post and the Copyright Office page.

You'll make

Analysis (about 350 words) plus 100-word correction

Thesis A claim someone could reasonably disagree with

Done when

- ☐ Thesis on persuasion
- ☐ Analyzes choices
- ☐ Correction is accurate and appealing
- ☐ Commentary explains effect

Reason 1: claim, evidence, commentary

Reason 2: claim, evidence, commentary

Need a boost?

- Myth anatomy chart
- Correction model

The strongest counterargument, and your answer

Why it matters beyond this case



Prefer typing? Scan to do this in the online workspace.

AP U.S. Government

Concept application: the Constitution gives Congress power “to promote the Progress of Science and useful Arts” by securing to authors exclusive rights for limited times (Article I, Section 8). Explain this enumerated power and how Congress and courts shaped fair use.

Use

Article I, Section 8 text, the Copyright Office fair-use page and the case.

You'll make

Concept-application response, about 300 words

Who decides Role and the rule behind it

Who can influence them How?

Who lives with it Who wasn't in the room?

Done when

- ☐ Quotes the clause accurately
- ☐ Explains enumerated powers
- ☐ Explains the balance
- ☐ Applies to the crew's film

Need a boost?

- Enumerated-powers chart
- Vocabulary: enumerated power, statute, judicial interpretation

The best place to push Which person or process, and what you'd ask



Prefer typing? Scan to do this in the online workspace.

Take it off the page Start a rights log for your next project.

AP Seminar

Team inquiry: “Does copyright help or hurt young creators?” Members research artists’ income, remix culture, platform licensing and legal doctrine, then present guidance for student filmmakers.

Use

Case plus teacher-approved sources.

You’ll make

Individual research report (800—1,000 words) plus 8-minute team presentation

Slide 1: The moment
What you’ll say
Slide 2: The question
What you’ll say
Slide 3: The evidence
What you’ll say
Slide 4: Your ask
What you’ll say
Done when

- ☐ Accurate research
- ☐ Artists’ and remixers’ perspectives both represented
- ☐ Synthesized guidance
- ☐ Stated limits

Need a boost?

- Lens assignments
- Annotated bibliography
- Presentation storyboard



Prefer typing? Scan to do this in the online workspace.

Pre-IB

Write a commentary on the question “When does borrowing become a new text?”, comparing the crew’s planned use of the sampled track with one teacher-selected example of a licensed remix or cover. Then add a short reflection on how legal ownership and creative influence differ.

Use

The rough-cut description, Mateo’s message, the Copyright Office fair-use page, the Warhol summary and one teacher-selected licensed remix or cover.

You’ll make

Commentary (450—550 words) plus a 200-word reflection

Version A What it says or shows

Version B Same moment, told differently

Done when

- ☐ Compares the two examples precisely
- ☐ Uses legal concepts accurately without giving legal advice
- ☐ Distinguishes influence from ownership
- ☐ Reflection takes a reasoned position

Need a boost?

- Comparison grid: what is borrowed, what is added, what the new work is for
- Reflection stems: “Influence means...; ownership means...”
- Glossary: attribution, license, transformative purpose

The difference that matters What does one version leave out, add or frame differently?

Who would react differently, and why



Prefer typing? Scan to do this in the online workspace.

IB MYP

Investigate “Who owns a remix?” and create an original remix using only licensed or self-made material, with a rights log.

Use

Case materials; global context: Personal and cultural expression.

You'll make

Short remix plus rights log and 200-word reflection

Frame 1



What we see and hear

Frame 2



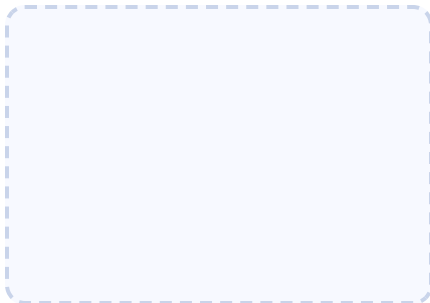
What we see and hear

Frame 3



What we see and hear

Frame 4



What we see and hear

Done when

- ☐ Only permitted material used
- ☐ Complete rights log
- ☐ Accurate concepts
- ☐ Thoughtful reflection

Need a boost?

- Statement of inquiry frame
- Licensed-media source list
- Rights log

Why this order works What does the viewer know by the last frame that they didn't at the first?



Prefer typing? Scan to do this in the online workspace.

Take it off the page Start a rights log for your next project.