Case 14: Does giving credit let the crew use the song?

Mateo wants to post the crew's film tonight and credit the song's artist, but Caio wants to check the license first.

On your own Read What happened and underline the two pieces of the film that the crew did not make. About 5 minutes.

Caio, Mateo and Rafa laugh as they look at photos on a small digital camera.

Your role: You're the one who fills in the rights log before the film goes up. **New skill:** Check permission, not just credit.

What happened

It is Friday night, and Caio, 24, is editing the crew's festival film. The film is a short recap made from crew footage and interviews. At 9:40 p.m., he saves a rough cut. For 20 seconds, a released song plays under the setup montage. Caio pitched the song up slightly, and the song sets the mood for the whole scene.

The cut borrows one more piece. From 1:40 to 1:46, it shows a six-second clip downloaded from a TikTok post. That post used Stitch, TikTok's remix tool. The crew did not make the song or the clip.

At 10:02 p.m., Mateo texts the crew chat: "We'll credit them in the caption. Post tonight?" He wants the film online tonight. Caio asks what the credit gets them, and Mateo does not have an answer. Caio wants to check the license before they post.

Your question: Does a credit give the crew permission to use the song, and what should they do before they post?

Key terms

On your own Read each key term and its example, then write your first guess in the box. About 5 minutes.

Attribution Attribution is naming the person who made a work, such as a song, a photo or a video.

En español: atribución

In this case: Mateo's plan, "We'll credit them in the caption," would name the artist. It answers who made the song, not whether the crew may use it.

License A license is permission from a rights holder to use a work under specific terms.

En español: licencia

In this case: The rights log says "permission unknown" for both borrowed pieces. A license from each owner would fill in that column.

Fair use Fair use is a part of U.S. copyright law that allows some uses without permission, judged case by case with four factors.

En español: uso justo

In this case: The crew would weigh the four factors for 20 seconds of a released song used as background mood. No number of seconds settles it.

Who is involved

Caio

Editing the crew's festival film

"Twenty seconds of that song carries the whole montage. That's exactly why I can't just borrow it and hope."

Mateo

Wanted the film online tonight

"I really texted 'we'll credit them, post tonight?' Then Caio asked what the credit gets us. I didn't have an answer."

Your first guess

Before you look at the evidence, do you think a credit in the caption lets the crew use the song?

My first guess is ___, because ___.

Notes

Reading passage

Rights clearance for small productions

On your own Read the passage. At each Stop and think box, pause and answer the question in your head or with a partner. About 6 minutes.

Words to know

- **Attribution**: Attribution is naming the person who made a work, such as a song, a photo or a video.
- **License**: A license is permission from a rights holder to use a work under specific terms.
- **Fair use**: Fair use is a part of U.S. copyright law that allows some uses without permission, judged case by case with four factors.
- **Disclosure**: A disclosure is a clear statement that tells people about a relationship or fact they would want to know.

The story: Two borrowed elements

Caio, 24, is editing the crew's festival film, a short recap of footage and interviews. His Friday rough cut, saved at 9:40 p.m., includes two elements the crew did not create. The first is 20 seconds of a released song, pitched up slightly, running from 0:18 to 0:38 under the setup montage. It sets the tone for the scene. The second is a six-second clip, from 1:40 to 1:46, downloaded from a TikTok post that used Stitch, the platform's remix feature.

At 10:02 p.m., Mateo, 22, proposes a common solution. The crew will credit the artists in the caption and post that night. Caio responds with the question the case is built around. What does the credit get them? Mateo concedes he has no answer. By Saturday, he has revised his view on both elements. He recalls the 2024 TikTok music blackout, in which no one had failed to credit Taylor Swift, and he recognizes that an in-app remix permission may not extend to an off-platform screening. He moves both items to the rights log as unknowns.

Your role is to fill in the rights log before the film goes up.

Stop and think. Why do people so often treat attribution as if it were permission?

Three concepts, three questions

Rights clearance begins by separating concepts that everyday language merges. **Attribution** is naming the person who made a work, such as a song, a photo or a video.

Three concepts, three questions, continued

A **license** is permission from a rights holder to use a work under specific terms. **Fair use** is a part of U.S. copyright law that allows some uses without permission, judged case by case with four factors. Attribution answers who made something. A license answers whether the owner agreed to this use. Fair use asks whether the law permits the use anyway.

The case builds on earlier skills. From Case 1, the rights log traces each element to its source, maker and permission status, with a date. From Case 8, a **disclosure**, a clear statement that tells people about a relationship or fact they would want to know, shows how honesty and authorization differ. Crediting an artist is a kind of disclosure, and it transfers no rights. From Case 12, the method of weighing facts against a legal standard applies to fair use, which works through factors rather than bright lines.

Applied to the song, the four factors are the purpose of the use, the nature of the original work, the amount used and the effect on the original's market. The purpose is atmosphere in a recap, the original is a creative recording, the amount is 20 seconds and the market effect is uncertain. A pitch shift does not change the purpose, and the Copyright Office is clear that no number of seconds is automatically safe. Even a short part can weigh against fair use if it is the most recognizable part of the work. The TikTok clip raises a separate question, the scope of the creator's consent. Stitch permission operates inside TikTok. Whether it reaches a downloaded clip in a film shown elsewhere is exactly what the rights log marks as unknown.

Caio's decision reflects professional practice. When clearance is uncertain and the deadline is soft, substitute. The crew can use a library track with clear license terms or a drum loop recorded by Dec that the crew owns, and publish Sunday.

> **Stop and think.** How did the Warhol decision change the weight of the purpose factor for creators who remix?

Markets, doctrine and codes

Platform licensing is contractual and can change without notice to users. When UMG's agreement with TikTok expired in February 2024, videos using its artists' recordings went silent (NPR, February 1, 2024). Coverage explained the licensing structure behind the songs creators use (Christian Science Monitor, February 6, 2024), and later research examined the effects of the roughly three-month blackout (Harvard Business School Working Knowledge, March 5, 2025).

The Supreme Court's decision in Andy Warhol Foundation v. Goldsmith emphasized the first factor. A new work used for substantially the same purpose as the original was not fair use, despite its artistic changes (NPR, May 18, 2023; U.S. Copyright Office summary, 2023). The Copyright Office's Fair Use Index notes that educational purpose does not make a use automatically fair (U.S.

Markets, doctrine and codes, continued

Copyright Office, updated July 2026). Its Circular 1 explains what copyright covers and who owns a song or a recording (U.S. Copyright Office, September 2021).

Professional codes align with the law. PRSA members commit to "preserve intellectual property rights in the marketplace" (PRSA Code of Ethics, October 2000). The AIGA standards bar designers from accepting instructions that involve "infringement of another person's property rights without permission" (AIGA Standards of Professional Practice, no date listed). The RTDNA code calls use "without attribution or permission" plagiarism (RTDNA Code of Ethics, June 11, 2015). Note the "or." Attribution and permission are separate obligations, which is the lesson Mateo learns.

Stop and think. When a deadline is soft, why is substitution often better than a fair-use argument?

Sources

Real source | NPR | February 1, 2024
TikTok removes music from UMG artists, including Olivia Rodrigo and Taylor Swift

Real source | The Christian Science Monitor | February 6, 2024
How Universal's licensing pullout is affecting music on TikTok

Real source | Harvard Business School Working Knowledge | March 5, 2025
What Happened When TikTok Songs Went Silent for Three Months

Real source | NPR | May 18, 2023
Supreme Court sides against Andy Warhol Foundation in copyright infringement case

Real source | U.S. Copyright Office | 2023
Andy Warhol Found. for the Visual Arts, Inc. v. Goldsmith (Fair Use Index summary)

Real source | U.S. Copyright Office | July 2026
Fair Use Index

Real source | U.S. Copyright Office | September 2021
Copyright Basics (Circular 1)

Real source | Public Relations Society of America (PRSA) | 2000
PRSA Code of Ethics

Real source | AIGA, the professional association for design | No date listed
AIGA Standards of Professional Practice

Sources, continued

Real source | Radio Television Digital News Association (RTDNA) | 2015

RTDNA Code of Ethics

Notes

Look at the evidence

On your own Read each document, then fill in both boxes under it. About 8 minutes.

Evidence A | **Edit timeline**

Caio's rough cut, Friday, 9:40 p.m.

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.

Look closely: Which two parts of the cut did the crew not make?

What it shows

What it leaves out

Evidence B | **Group-chat message**

Mateo's message, Friday, 10:02 p.m.

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

Look closely: Which question does the caption answer? Which question does it skip?

What it shows

What it leaves out

Look at the evidence, continued

Evidence C | Rights log

Rights log, 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.

Look closely: Which column says “unknown” in both rows?

What it shows

What it leaves out

What is still missing from the evidence?

Notes

Key idea: fair use

On your own Read the key idea and the code of ethics, then answer the question in the box. About 10 minutes.

Credit and permission answer different questions. **Attribution** is naming the person who made a work, such as a song, a photo or a video. It answers the question "Who made this?" A **license** is permission from a rights holder to use a work under specific terms. It answers another question: "Did the owner say yes to this use?" Mateo's caption would give attribution. It would not give the crew a license.

Without a license, the crew could ask whether the use is fair use. **Fair use** is a part of U.S. copyright law that allows some uses without permission, judged case by case with four factors. The U.S. Copyright Office names the four factors. They are the purpose of the use, the nature of the original work, the amount used and the effect on the original's market. No number of seconds is automatically safe. Even a short part can count against fair use if it is the most recognizable part of the song.

Platform tools come with their own limits. Stitch lets people remix another person's video inside TikTok. That permission does not automatically cover a downloaded clip in a film shown somewhere else. Using music the crew records, or a track with a clear license, can avoid the fair-use question. Caio's two backup plans follow this idea: a library track with clear terms, or a drum loop that Dec records.

Professional standards

Real source | **AIGA, the professional association for design**

AIGA Standards of Professional Practice: The designer's responsibility to other designers

"A professional designer shall not accept instructions from a client that involve infringement of another person's property rights without permission"

In plain words: Designers who belong to AIGA agree not to use other people's creative work without permission, even when a client asks.

Question: The rights log says "permission unknown" for the track and the TikTok clip. What does Caio need for each row?

Professional standards, continued

Your answer

Caio needs ___, because ___.

In the news

Real source | CrashCourse (YouTube) | May 7, 2015

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

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

Real source | NPR | May 18, 2023

Supreme Court sides against Andy Warhol Foundation in copyright infringement case

Even a famous artist's new version wasn't fair use when it served the same purpose as the original.

Notes

Sort the evidence

On your own Match each piece of evidence to the claim it supports, challenges or narrows. About 8 minutes.

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		
2 Copyright Office: no formula makes a set amount safe; the heart of a work matters		
3 The sample is background mood, not commentary on the song		
4 Stitch permission applies inside TikTok, not to a downloaded clip in another film		

Still open

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

Whose perspective is missing?

Whose view is missing from these documents? What would you ask them?

The view that is missing is ___. I would ask ___.

Practice: choose a response

On your own Choose the plan you would pick and explain why, then fix the two marked lines. About 6 minutes.

Caio's cut uses about 20 seconds of a released song as background mood for the crew's festival film. Mateo texts, "We'll credit them in the caption. Post tonight?" Which plan should the crew choose?

- ☐ **A** Credit the artist in the caption and post tonight.
- ☐ **B** Pause the upload. Check the track's license, and swap in licensed or original music if the license does not cover this use.
- ☐ **C** Cut the song to ten seconds, since short clips are fair use.

Why I chose it

Improve a draft

A student's first draft

We're good to post! ❶ We only used like 20 seconds of the song and we're putting the artist's name in the caption so they get credit. Plus it's not like we're making money off it, it's just for our page. ❷ Everyone uses songs like this on TikTok anyway so it's fine. We even changed the pitch a little so it's basically our own version now, and the whole cut is under two minutes. If they don't like it they can just ask us to take it down.

Improve a draft, continued

Rewrite each marked phrase so it says only what the evidence supports.

Rewrite phrase 1

Rewrite phrase 2

Notes

College

Your task

On your own Read the steps and fill in the planner boxes before you start your draft. About 15 minutes.

Write a rights-clearance guide for a community film night or a student film club, using Caio's rough cut as the worked example. The guide shows how to fill in a rights log, what a credit does and does not do, and where to get help.

Use: Case documents: Caio's rough-cut timeline, Mateo's message, Caio's statement and the rights log template. Real sources: the Copyright Office's Fair Use Index overview, its Warhol v. Goldsmith summary (2023), Copyright Basics (Circular 1) and NPR's report on TikTok and UMG (February 2024).

You'll make: Guide, 400—500 words, with a completed rights log for the rough cut

Time: 75 minutes

1. Fill in the rights log for Caio's rough cut, starting with the two rows in Evidence C.
2. Write one sentence on what a credit does and one on what it does not do.
3. Summarize the four fair-use factors from the Copyright Office page in your own words.
4. Draft the rights log and credit sections of your guide on the Your draft page.
5. List where readers can get help: a media teacher, a librarian or a copyright help page.
6. Finish a guide of 400 to 500 words on lined paper or in the online workspace.

Prefer typing? Scan to open the online workspace.

Row 1: element, time and who made it

Row 1: source and permission

Your task, continued

Row 2: element, time and who made it

Row 2: source and permission

A licensed or original alternative for the montage

Notes

Your draft

On your own Write your first draft in the boxes, using your planner from the page before. About 30 minutes.

First draft: how to fill in a rights log

First draft: what a credit does and does not do

Check your work

On your own Answer the Check your work questions, mark your level in each rubric row and write one change you made. About 8 minutes.

Does your rights log list both borrowed pieces, with permission marked unknown until confirmed?	☐ Yes	☐ No
Does your guide say what a credit does and does not do?	☐ Yes	☐ No
Does it describe the four factors as the Copyright Office does, with no safe number of seconds?	☐ Yes	☐ No
Does it offer an alternative and point readers to help, without promising a legal outcome?	☐ Yes	☐ No

How your work is scored

Mark one box in each row.

Skill	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.	☐ Weighs 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.

Check your work, continued

One change I made after feedback

I changed ___ because ___.

Notes

Questions to discuss

On your own Write a short answer to each question, then complete each sentence frame. About 10 minutes.

1 **Caio pitched the song up slightly. Does changing a song make it a new work? Why or why not?**

2 **Mateo says the TikTok clip goes in the rights log as "unknown." What would the crew need to find out to fill in that row?**

3 **Suppose a student used the same song in a video for class. What changes if that video becomes a public post?**

My take

My claim: ___.

The best evidence is ___, because ___.

My take, continued

Someone who disagrees might say ___.

The limit of the evidence is ___.

I would change my mind if ___.

Notes

Talk about this case at home

Case 14: Does giving credit let the crew use the song?

In this case, a group of friends wants to post a short film that uses 20 seconds of a released song. Your student compared giving credit with getting permission, then planned what the crew should do before posting.

See the case online.

Questions to talk about

1. What is the difference between giving credit and getting permission?
2. Why might a short part of a song still need permission?
3. Where could a student find music they have permission to use?

Nobody needs to share personal stories or private information to talk about this case.