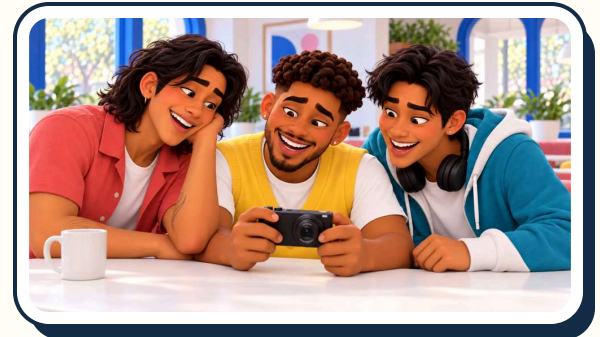


Case 14: Does giving credit let the crew use the song?

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."

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

[illegible]

Reading passage

Four factors and a rights log

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 5 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: Post tonight, or check first?

At 9:40 on a Friday night, Caio, 24, saves a rough cut of the crew’s festival film. The recap mixes crew footage and interviews, and one choice makes it work. From 0:18 to 0:38, a released song, pitched up slightly, plays under the setup montage. A second borrowed element sits later in the timeline. From 1:40 to 1:46, the cut includes six seconds downloaded from a TikTok post that used Stitch, the app’s remix tool. Neither piece belongs to the crew.

Mateo, who likes turning “we should” into a plan, wants the film online that night. At 10:02 p.m., he proposes a solution that feels responsible: credit the artists in the caption and post. Caio’s answer is a single question. What does the credit get them? Mateo admits he does not know.

By the next day, Mateo has worked out why his instinct was wrong. He remembers when Universal Music Group’s deal with TikTok ran out and videos went silent. Nobody had forgotten to credit Taylor Swift. He also rethinks the clip. He had figured Stitch covered it, but Stitch is for TikTok, and this is a festival film.

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

❓ Stop and think. Mateo’s first plan felt responsible. What did it get right, and what did it miss?

Separating attribution, license and fair use

Attribution is naming the person who made a work, such as a song, a photo or a video. A **license** is permission from a rights holder to use a work under specific terms. The two answer different questions, “Who made this?” and “Did the owner say yes to this use?” A caption credit supplies the first and not the second. Case 8’s **disclosure**, a clear statement that tells people about a relationship or fact they would want to know, is a useful comparison. Like attribution, disclosure makes a post more honest. Neither one grants rights.

The rights log applies the Case 1 skill of tracing material to its source. For each element, it records who made it, where it came from, the permission or license and the date. Both current rows read “permission unknown.” The log also shows what the crew does not yet know, including what the TikTok creator agreed to when posting.

Without a license, the remaining path is **fair use**, a part of U.S. copyright law that allows some uses without permission, judged case by case with four factors. The 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 analysis resembles Case 12’s reasoning from precedent: you set the facts of your use against a standard and weigh each factor, rather than looking for a single rule. For the song, the purpose is setting a mood in a recap, the original is a released creative recording, the amount is 20 seconds and the effect on the market is uncertain. Caio’s pitch change does not transform the purpose. No duration is automatically safe, and a short excerpt can weigh heavily if it is the most recognizable part.

Caio’s backup plans take the question off the table: a library track with clear terms, or a drum loop that Dec records and the crew owns. The film goes up Sunday instead of Friday.

 **Stop and think.** Apply the four fair-use factors to the six-second TikTok clip. Which factor is hardest to judge?

Licensing, courts and professional norms

The UMG and TikTok dispute showed how platform licenses work. When the deal expired in February 2024, videos using UMG artists’ songs went silent (NPR, February 1, 2024). Researchers later studied what the roughly three-month blackout meant for creators, artists and the platform (Harvard Business School Working Knowledge, March 5, 2025).

The Supreme Court’s 2023 decision in the Warhol case shows how the purpose factor works. The Court ruled against the Andy Warhol Foundation, finding that Warhol’s version of a photograph was not fair use when it served the same purpose as the original (NPR, May 18, 2023). The Copyright Office publishes a one-page summary of the facts and holding (U.S. Copyright Office, 2023). Its Fair Use Index stresses that fair use is decided case by case and that a use for education is not automatically fair (U.S. Copyright Office, updated July 2026).

Licensing, courts and professional norms, continued

News organizations treat the issue as an ethical one too. The RTDNA code states, “Using someone else’s work without attribution or permission is plagiarism” (RTDNA Code of Ethics, June 11, 2015).

 **Stop and think.** Why might a platform’s license for a clip not follow the clip to a festival screening?

Sources

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

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 | 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! **1** 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. **2** 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.

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

Rewrite phrase 2

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Grades 11–12

Your task

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

Write a brief on how the Supreme Court’s 2023 *Warhol v. Goldsmith* decision shapes the “purpose” factor, applied to the crew’s film.

Use: A neutral summary of *Andy Warhol Foundation v. Goldsmith* and the Copyright Office page.

You’ll make: Brief, 450–550 words

Time: 60 minutes

- 1 Read the Copyright Office summary of *Warhol v. Goldsmith*. Underline the holding.
- 2 Write the holding in one sentence of your own in the planner.
- 3 Name the purpose of the crew’s use of the song.
- 4 Compare that purpose with the purpose of the original song.
- 5 Write a first draft of your brief’s key paragraphs on the Your draft page.
- 6 Finish a brief of 450 to 550 words on lined paper or in the online workspace.



Prefer typing? Scan to open the online workspace.

The holding, in my words

The Court held that ____.

The purpose of the crew’s use

The purpose of the original song

Same purpose or a new one?

[illegible]

Your draft

On your own Write your first draft in the boxes, using your planner from the page before. About 25 minutes.

First draft: what the Court decided

First draft: what it means for the crew’s film

First draft: our recommendation

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 6 minutes.

Does your brief state the Warhol holding accurately?	☐ Yes ☐ No
Does it apply the purpose factor to the crew's specific use?	☐ Yes ☐ No
Does it keep the other three factors in view?	☐ Yes ☐ No
Does it recommend a step without giving legal advice?	☐ 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.

One change I made after feedback

This image shows a single page of white paper with horizontal blue lines, resembling notebook paper. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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 ____.

Someone who disagrees might say ____.

The limit of the evidence is ____.

I would change my mind if ____.

This image shows a single page from a notebook or ledger. The page is white and features horizontal blue ruling lines spaced evenly apart. There are no vertical margin lines, and the page is completely blank except for the lines. The lines extend across the width of the page, leaving small gaps at the top and bottom edges.

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.

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.



See the case online.