

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

Content note

This case explains general rules. It is not legal advice for your situation.

Overview

Students read a story in which Caio’s film recap uses a sampled track and a six-second TikTok clip. Mateo wants to post it tonight with a credit in the caption. They separate attribution, permission and fair use, then apply the U.S. Copyright Office’s four fair-use factors to the crew’s planned use. They then complete a rights log and propose a licensed or original alternative.

Before this case

Students should already be able to:

- summarize a short source accurately
- explain the difference between a claim and evidence
- organize a short piece of writing into paragraphs

Objectives

Students will be able to:

- apply the four fair-use factors to one planned use
- mark each factor the evidence cannot settle
- explain why Stitch permission inside TikTok does not cover a downloaded clip used elsewhere

Objectives, continued

- recommend a practical path before the crew posts

Materials

- This chapter, one copy per student
- Evidence A, B and C
- The U.S. Copyright Office fair-use page, printed or on screen
- The case rubric, printed on the Check your work page

The task in this edition

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

Students make: Analysis, 300–400 words

Pacing

Opener (page 261): 5 min. Short on time: 4 min. Read What happened aloud and go straight to the evidence.

Key terms (pages 262 and 263): 6 min. Short on time: skip. Define attribution and license aloud in one minute.

Look at the evidence (page 267): 10 min. Short on time: 8 min. Read Evidence B aloud. Students fill in only the boxes for Evidence A.

Look at the evidence (page 268): 5 min. Short on time: 3 min. Students fill in only the “What it shows” box.

Pacing, continued

Key idea (pages 269 and 270): 10 min. Short on time: 6 min. Read the second paragraph aloud. Skip the code of ethics.

Sort the evidence (page 271): 8 min. Short on time: skip.

Practice (pages 272 and 273): 6 min. Short on time: skip.

Your task (pages 274 and 275): 12 min. Short on time: 10 min. Fill in factor 1 together, then let pairs finish the table.

Your draft (page 276): 25 min. Short on time: 15 min. Students draft the four factors in class and finish the recommendation at home.

Check your work (pages 277 and 278): 8 min. Short on time: skip. Collect drafts and score them with the rubric yourself.

Questions to discuss (pages 279 and 280): 10 min. Short on time: 4 min. Use question 3 as an exit ticket.

Talk about this case at home (page 281): at home.

Periods: full chapter 105 minutes; one period 50 minutes.

Standards

RI.9-10.1 Support an analysis with solid, complete evidence from the text, both for what it states and for what it implies.

Case 14 plan, continued

Standards, continued

- W.9-10.1** Write arguments that analyze substantial topics or texts, using valid reasoning and enough relevant evidence.
- W.9-10.5** Strengthen writing by planning, revising, editing or rewriting, focusing on what matters most for the purpose and audience.
- SL.9-10.1.c** Move a discussion forward with questions that connect it to larger ideas, bring others in and test ideas and conclusions.
- SL.9-10.1.d** Respond to different views, sum up where people agree and disagree, and adjust your view when the evidence calls for it.
- D2.Civ.3.9-12** Analyze how constitutions, laws, treaties and international agreements affect national and international order. In this case: Students analyze the impact of copyright law on creative communities.
- D2.Civ.12.9-12** Analyze how people use and challenge laws at different levels to address public issues. In this case: Students analyze how creators use and challenge copyright rules.
- D2.Civ.10.9-12** Analyze how personal interests and perspectives affect the use of civic virtues, democratic principles and rights. In this case: Students analyze how personal interest in a project shapes how people read the rules.

Codes of ethics

- **AIGA Standards of Professional Practice:** The designer’s responsibility to other designers
- **RTDNA Code of Ethics:** Independence and transparency
- **PRSA Code of Ethics:** Competition

Heat map

- **Opener (page 261):** Low
- **Key terms (pages 262 and 263):** Low
- **Look at the evidence (page 267):** Low
- **Look at the evidence (page 268):** Low
- **Key idea (pages 269 and 270):** Low
- **Sort the evidence (page 271):** Low
- **Practice (pages 272 and 273):** Low
- **Check your work (pages 277 and 278):** Low

Try it at your school

- Start a rights log for your next project.**
- List every outside clip, image, sound and quote before you edit
 - Record the source and the license or permission for each
 - Use your school’s licensed media or openly licensed libraries when you can
 - Ask your media teacher or librarian about uses you’re unsure of

Try it at your school, continued

- Who to ask:** School librarian or media specialist, a media or film teacher, a college library’s copyright help page
- Safety:** Don’t share other people’s creative work as your own. If you get a takedown notice, talk with a trusted adult before responding.

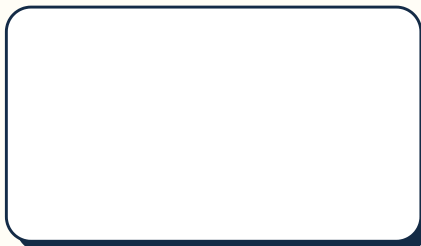
Sources

- NPR, “TikTok removes music from UMG artists, including Olivia Rodrigo and Taylor Swift,” February 1, 2024
- U.S. Copyright Office, “Fair Use Index,” No date listed

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?

Pacing

Full chapter: 5 min.

Short on time: 4 min. Read What happened aloud and go straight to the evidence.

Say this

"Mateo wants to post tonight with a credit in the caption. Is that enough?" — Hold a quick thumbs-up or thumbs-down vote. Do not settle it yet.

Watch for

Misconception: Students treat credit as permission. **Listen for:** "They gave credit, so it's fine." **Then:** Ask what question a credit answers. Write "Who made it?" and "Who said yes?" on the board.

Support

- Read What happened aloud while students follow along.

Heat check

Low.

Key terms

On your own Read each key term and its example, then write your first guess in the box. About 6 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."

⌚ Pacing

Full chapter: 6 min.

✂ Short on time: skip this page. Skip this page. Define attribution and license aloud in one minute.

💬 Say this

"Write your first guess now. You will check it against the evidence later." — First guesses stay private unless a student wants to share.

👁 Watch for

Misconception: Students hear "fair use" as any use that seems fair. **Listen for:** "It's fair because they aren't making money." **Then:** Point to "judged case by case on four factors." Everyday fairness does not decide it.

📋 Support

- Draw three boxes: credit, permission, fair use. Students add one detail from the case to each box.
- **Cognates:** attribution (atribución), license (licencia), permission (permiso), credit (crédito), music (música), original (original), factor (factor), purpose (propósito), market (mercado).

🌡 Heat check

■□□ Low.

🔑 Answer key

Any first guess is fine. Students return to it on the My take page.

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

➤ My first guess is that the credit covers it, because the crew names the artist and uses only 20 seconds.

[illegible]

This page continues page 262. The notes for both pages are on the sheet for page 262.

Reading passage

What a caption credit can and cannot do

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: Rough cut, 9:40 p.m.

Caio edits freelance projects and runs film nights at the bookshop, so he knows what a song can do to a scene. On Friday night, he is cutting the crew's festival film, a short recap built from crew footage and interviews. His rough cut, saved at 9:40 p.m., has a problem he likes too much. From 0:18 to 0:38, a released song plays under the setup montage, pitched up slightly, and it carries the whole sequence. From 1:40 to 1:46, the cut also uses a six-second clip downloaded from a TikTok post made with Stitch, TikTok's remix tool.

At 10:02 p.m., Mateo texts the crew chat: "We'll credit them in the caption. Post tonight?" Mateo wants the film online tonight. Caio replies with a question: credit gets them what, exactly? Mateo admits he does not have an answer.

Caio's reasoning is simple. Twenty seconds of the song carries the montage, and that is exactly why he cannot just borrow it and hope. He wants to check the license before anyone posts. Your role is to fill in the rights log before the film goes up.

Stop and think. Why does Caio say the song carrying the montage is a reason not to borrow it?

Credit, permission and the rights log

Attribution is naming the person who made a work, such as a song, a photo or a video. It answers "Who made this?" A **license** is permission from a rights holder to use a work under specific terms.

Pacing

Reading: about 5 min (614 words). Short on time: read it aloud together, pausing at each Stop and think.

Stop and think

1. **After "The story: Rough cut, 9:40 p.m.":** Why does Caio say the song carrying the montage is a reason not to borrow it?
2. **After "Credit, permission and the rights log":** Mateo marks the TikTok clip "unknown." What would the crew need to find out to fill in that row?
3. **After "When platforms and courts decide":** Caio pitched the song up. Does changing a song make it a new work? Why or why not?

Credit, permission and the rights log, continued

It answers “Did the owner say yes to this use?” Mateo’s caption answers the first question and says nothing about the second.

Case 8 taught you that a **disclosure** is a clear statement that tells people about a relationship or fact they would want to know. Attribution is honest in the same way. It tells viewers where something came from. But honesty about the source is not permission to use it. Changing the pitch does not change ownership either. As Caio puts it, the song is still theirs, just a little higher.

Case 1 taught you to trace a clip to its original source. The rights log does that for every borrowed piece. It has columns for the element, who made it, where it came from, the permission or license and the date. Row 1 is the setup-montage music from a streaming download, permission unknown. Row 2 is the six-second clip from a TikTok creator, permission unknown. Mateo assumed Stitch covered the clip. Stitch permission works inside TikTok, and the festival film is not on TikTok, so the row stays “unknown” until the crew finds out.

Fair use is 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 (U.S. Copyright Office, updated July 2026). Case 12 taught you to compare facts against a legal standard, and fair use works the same way. No number of seconds is automatically safe. A short clip can count against fair use if it is the most recognizable part of a song.

Caio’s plan avoids the question entirely if the license falls through. The crew can use a library track with clear terms, or Dec can record a drum loop the crew owns. The film goes up Sunday.

? Stop and think. Mateo marks the TikTok clip “unknown.” What would the crew need to find out to fill in that row?

When platforms and courts decide

When Universal Music Group’s licensing deal with TikTok expired in February 2024, videos using its artists’ songs, from Taylor Swift to Olivia Rodrigo, went silent (NPR, February 1, 2024). Credit was never the issue.

The Supreme Court tested fair use in 2023. It ruled against the Andy Warhol Foundation, finding that Warhol’s new version of a photograph was not fair use when it served the same purpose as the original (NPR, May 18, 2023).

? Stop and think. Caio pitched the song up. Does changing a song make it a new work? Why or why not?

This page continues page 264. The notes for both pages are on the sheet for page 264.

Notes

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

This page continues page 264. The notes for both pages are on the sheet for page 264.

Look at the evidence

On your own Read each document, then fill in both boxes under it. About 10 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

➤ The cut borrows 20 seconds of a released song and a six-second TikTok clip.

What it leaves out

➤ Who owns each piece, and whether any license covers this use.

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

➤ Mateo plans to name the artist in the caption and post tonight.

What it leaves out

➤ Whether anyone who owns the song agreed to this use.

Case 14 | Look at the evidence

| Grades 9–10 educator edition

🕒 Pacing

Full chapter: 10 min.

✂ Short on time: 8 min. Read Evidence B aloud. Students fill in only the boxes for Evidence A.

💬 Say this

“Put your finger on each row of the rights log. Which column says “unknown”?” — Wait for “permission or license” in both rows.

👁 Watch for

Misconception: Students think the pitch change makes the song the crew's own. **Listen for:** “They changed it, so it's theirs now.” **Then:** Ask what the change added. The song is still recognizable, and nobody gave permission.

📄 Support

- Reduce the work to one element, the song, for students who need it.
- Read the timeline aloud and list each borrowed piece on the board.
- **Cognates:** attribution (atribución), license (licencia), permission (permiso), credit (crédito), music (música), original (original), factor (factor), purpose (propósito), market (mercado).

🔗 Stretch

- Ask why Stitch permission inside TikTok may not cover the same clip in a festival film.

🔥 Heat check

■□□ Low.

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

Both borrowed pieces, who made them and where each one came from.

What it leaves out

A license or permission for either piece.

What is still missing from the evidence?

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.

Notes

Case 14 | Look at the evidence | Grades 9–10 educator edition

⌚ Pacing

Full chapter: 5 min.

✂ Short on time: 3 min. Students fill in only the “What it shows” box.

💬 Say this

“Put your finger on each row of the rights log. Which column says “unknown”? — Wait for “permission or license” in both rows.

👁 Watch for

Misconception: Students think the pitch change makes the song the crew’s own. **Listen for:** “They changed it, so it’s theirs now.” **Then:** Ask what the change added. The song is still recognizable, and nobody gave permission.

📄 Support

- Reduce the work to one element, the song, for students who need it.
- Read the timeline aloud and list each borrowed piece on the board.
- **Cognates:** attribution (atribución), license (licencia), permission (permiso), credit (crédito), music (música), original (original), factor (factor), purpose (propósito), market (mercado).

➡ Stretch

- Ask why Stitch permission inside TikTok may not cover the same clip in a festival film.

🔥 Heat check

■□□ Low.

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?

Pacing

Full chapter: 10 min.

✂ Short on time: 6 min. Read the second paragraph aloud. Skip the code of ethics.

Say this

“Credit answers one question and a license answers another. Which question does each answer?” — Accept “who made it” and “did the owner say yes.”

“The AIGA code says not to use someone’s work without permission. What would Caio need?” — Wait for “a license for each row.”

Watch for

Misconception: Students treat the AIGA code as a law.

Listen for: “The crew could get arrested for breaking it.”

Then: Say: “A code of ethics is a standard a profession sets for its members. AIGA’s code binds its members, not the crew.”

Support

- Read the code quotation aloud. Point out the label: it is a real source, quoted word for word.

Stretch

- Compare the RTDNA line, which calls using work without attribution or permission plagiarism. Why does it name both?

Heat check

■□□ Low.

Professional standards, continued**Your answer**

To fill in each row, Caio needs ____.

👉 To fill in each row, Caio needs a license or permission, with its date, from the song's owner and from the TikTok creator.

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

This page continues page 269. The notes for both pages are on the sheet for page 269.

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	🔗 Challenges	🔗 Neither
2 Copyright Office: no formula makes a set amount safe; the heart of a work matters	🔗 Neither	🔗 Challenges
3 The sample is background mood, not commentary on the song	🔗 Neither	🔗 Challenges
4 Stitch permission applies inside TikTok, not to a downloaded clip in another film	🔗 Narrows	🔗 Neither

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 _____.

🔗 The song's owner is missing. I would ask whether a license exists for a festival film and what it allows.

⌚ Pacing

Full chapter: 8 min.

✂ Short on time: skip this page.

💬 Say this

“Which piece of evidence challenges the idea that credit is enough?” — Model the first row together.

👁 Watch for

Misconception: Students mark Stitch permission as proof the clip is fine to use. **Listen for:** “TikTok lets you stitch, so it's allowed.” **Then:** Stitch works inside TikTok. It narrows the claim; it does not settle the festival use.

📄 Support

- Let students write S, C or N in each box before they write sentences.

🔥 Heat check

■□□ Low.

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

➡ B. It treats permission as its own question and gives a backup plan. A mixes up credit and permission. C relies on a seconds rule that does not exist.

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.

⌚ Pacing

Full chapter: 6 min.

✂ Short on time: skip this page.

💬 Say this

"It is 10:02 p.m. and Mateo wants to post. Which plan do you choose?" — Hold a vote before any discussion.

👁 Watch for

Misconception: Students choose the ten-second plan. **Listen for:** "Ten seconds is always fair use." **Then:** Ask where the Copyright Office names a safe number of seconds. It names none.

📖 Support

- Read the three options aloud before students choose.

🔥 Heat check

■□□ Low.

Improve a draft, continued

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

Rewrite phrase 1

✎ We used about 20 seconds for mood. No number of seconds is automatically fair use.

Rewrite phrase 2

✎ In-app sounds have their own licenses. Our downloaded track needs its own check.

Notes

This page continues page 272.

✎ Answer key

A revised version: Plan: we’re pausing the upload tonight. We used about 20 seconds of the song as background mood, which isn’t commentary on the song, and crediting the artist doesn’t give us permission. We’ll try two options. First, Caio will check whether the track has a license that covers this use. If not, we’ll swap in a track from a library with a clear license, or Dec will record a short drum loop we own. We’ll keep a rights log with the source, license and date for every clip and sound, then post by Sunday.

Other notes on the draft:

- “putting the artist’s name in the caption” Good practice, but credit isn’t permission.
- “it’s not like we’re making money off it” Noncommercial use is one consideration, not an automatic yes.
- “they can just ask us to take it down” That puts the risk on the artist. Check first.

Grades 9—10

Your task

On your own Read the steps and fill in the planner boxes before you start your draft. About 12 minutes.

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

Time: 50 minutes

- 1 Reread Evidence A and C. List the two pieces the crew borrowed.
- 2 Fill in the factor table with one note on each fair-use factor for the song.
- 3 Put a question mark next to any factor the evidence cannot settle.
- 4 Write a first draft of your analysis and recommendation on the Your draft page.
- 5 Include one sentence on why Stitch permission does not cover the festival film.
- 6 Revise it into a final analysis of 300 to 400 words on lined paper or online.

Prefer typing? Scan to open the online workspace.

Factor 1: purpose of the use

🔍 Background mood for a recap, with no commentary on the song. Weighs against.

Factor 2: nature of the work

🔍 A released, creative recording. Weighs against fair use.

Factor 3: amount used

🔍 About 20 seconds. ? Which part: if it is the hook, it could count against us.

Factor 4: effect on the market

🔍 ? Free use as background music could replace a license the artist might sell.

Case 14 | Your task | Grades 9—10 educator edition

🕒 Pacing

Full chapter: 12 min.

✂ Short on time: 10 min. Fill in factor 1 together, then let pairs finish the table.

💬 Say this

“Work through the factors one at a time. For each one, which way does the evidence point?” — Model factor 1 together before pairs continue.

👁 Watch for

Misconception: Students give a final verdict on fair use.

Listen for: “So it’s definitely fair use.” **Then:** Ask which factor they are sure of. Replace “definitely” with “probably” or a question mark.

📄 Support

- Factor table
- Model analysis of a different example
- Frame: “Factor ___ points ___ because ___.”

🔗 Stretch

- Explain why Stitch permission inside TikTok doesn’t cover a download used elsewhere.

📋 Standards

Common Core: RI.9–10.1; W.9–10.1; W.9–10.5; SL.9–10.1.c; SL.9–10.1.d.

C3 Framework: D2.Civ.3.9–12; D2.Civ.12.9–12; D2.Civ.10.9–12.

The Case plan sheet gives each code in plain words.

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

Your draft

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

First draft: the four factors

Factor 1, purpose: we use about 20 seconds of the song as background mood for our recap. We are not commenting on the song, so this factor probably weighs against fair use. Factor 2, nature: the song is a creative recording, which also weighs against us. Factor 3, amount: 20 seconds is a small part of the song. The factor also weighs which part is used, and if it is the hook, that could count against us. Factor 4, market: using it free as background music could replace a license the artist might sell.

First draft: your recommendation

We recommend ____.

We recommend pausing the upload. Credit does not give permission, and Stitch permission applies inside TikTok, not to a downloaded clip in a festival film. Caio should check the track's license or swap in a licensed track or music Dec records.

Pacing

Full chapter: 25 min.

 Short on time: 15 min. Students draft the four factors in class and finish the recommendation at home.

Say this

“Your reader is Mateo, who wants to post tonight. What does he need from your recommendation?” — Ask for one clear next step and a backup plan.

Watch for

Misconception: Drafts repeat the seconds myth. **Listen for:** “Under 30 seconds is always allowed.” **Then:** Point to the Evidence row of the rubric. Ask which part of the song the 20 seconds use.

Answer key

What to notice in the sample:

1. An honest “probably” instead of a verdict.
2. Replaces the seconds myth with the amount factor as the Copyright Office describes it.
3. Connects market effect to how artists earn from music.
4. Limits platform permission to the platform.

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 analysis apply all four factors?	☒ Yes ☐ No
Does it mark each factor you cannot settle?	☒ Yes ☐ No
Does it explain why Stitch permission does not cover the festival film?	☒ Yes ☐ No
Does it recommend a path without promising the use is legal?	☒ 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.

Pacing

Full chapter: 8 min.

 Short on time: skip this page. Collect drafts and score them with the rubric yourself.

Say this

“Mark your level in each row. Then make one change and say why.” — Circulate and ask for one myth removed or one source added.

Watch for

Misconception: Students add a credit line and call it a revision. **Listen for:** “I added the artist’s name.” **Then:** Point to the Revision row. Adding a credit is level 2; a rights plan is level 3.

Heat check

 Low.

Answer key

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

Proficient looks like:

- **Evidence:** Uses the four factors or license terms.
- **Reasoning:** Separates credit, permission and fair use.
- **Audience & purpose:** Considers the artist and the audience.
- **Revision:** Replaces myths with a rights plan.

This page continues page 277. The notes for both pages are on the sheet for page 277.

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?

➤ No. The song still belongs to its owner, only a little higher. A pitch change adds no new purpose, so the license question stays open.

- 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?

➤ Who the creator is, what Stitch permission covers and whether the creator agrees to this use, with a date.

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

➤ More people see it. A public video could replace a license the artist might sell, and that is the fourth factor, the effect on the market.

My take

My claim: ____.

➤ The crew should pause the upload, check the license and swap in licensed or original music if needed.

The best evidence is ____, because ____.

➤ The rights log, because it shows “permission unknown” for both borrowed pieces.

⌚ Pacing

Full chapter: 10 min.

✂ Short on time: 4 min. Use question 3 as an exit ticket.

💬 Say this

“Answer with a detail from the evidence, not a rule you heard online.” — Post the question numbers and collect one answer per question.

🔗 Stretch

- Compare Caio’s two backup plans: a library track with clear terms or a drum loop Dec records. What does each need in the rights log?
- Going further: Apply the four fair-use factors to the six-second TikTok clip instead of the song. Which factor is hardest to judge, and why?
- Going further: Sketch two short storyboards of the setup montage: one with the sampled song and one with licensed or original music. Compare what each version makes viewers feel and what each one needs before it can be posted.
- Going further: Choose a sound or clip you have seen reused in several online videos. Trace it back to the earliest post you can find. Write a credit line for it, and note whether that post says anything about permission.
- Going further: Before you edit your next video or slideshow, list every outside clip, image, sound and quote. Record the source and the license or permission for each one. Ask your school librarian or media teacher about any use you are unsure of.
- Compare Creative Commons license types and what each allows
- Research how your school’s media policy handles copyrighted material

My take, continued

Someone who disagrees might say ____.

☞ The credit shows respect for the artist, and the song plays for only 20 seconds.

I would change my mind if ____.

➤ The crew found a license that covers a festival screening.

Notes

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.

This page continues page 279.

Heat check

Question 1: Low.

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.

Case 14 | Talk about this case at home | Grades 9–10 educator edition

🕒 Pacing

At home: this page takes no class time.

💬 Say this

“Share this page at home, or read it with an adult you trust.”
— Nobody needs to share a personal story to complete it.