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 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."

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

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.

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?

Sources

Real source | NPR | February 1, 2024

TikTok removes music from UMG artists, including Olivia Rodrigo and Taylor Swift

Real source | NPR | May 18, 2023

Supreme Court sides against Andy Warhol Foundation in copyright infringement case

Real source | U.S. Copyright Office | July 2026

Fair Use Index

Notes

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

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

To fill in each row, Caio needs ___.

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

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

Factor 2: nature of the work

Factor 3: amount used

Factor 4: effect on the market

Your task, continued

The path I recommend

Before posting, the crew should ___.

Notes

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

First draft: your recommendation

We recommend ___.

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.

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 ___.

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.