The Leader in e-Safety Education

Terms of Use

Clicking on the "Agree and Print" button (below) means that I agree that:

- i-SAFE© lessons may NOT be shared with other educators (e.g., faculty or staff) in any school or district which is not currently covered by your school's or district's Subscription and License Agreement.
- i-SAFE© lessons may NOT be duplicated for any reason except for your classroom use.
- i-SAFE© lesson hand-outs may be printed for students ONLY for your current classroom use.

Duplication, sale, resale and any other form of unauthorized use of i-SAFE copyrighted materials is prohibited and, therefore, a violation of law.

(I understand and agree to above Terms of Use)

Agree and Print

MIX+MATCH: THE MAGIC OF MAKING MUSIC

Suggested grade level: 3-5

Rationale

Remixes an mashups are common on video sharing sites like YouTube and streaming sites like Pandora and Spotify. Students with access to mobile technology have listened to multiple versions of the same song performed by different artists on these sites. As students experience this aspect of culture misunderstandings about copyright could result. Thus, teaching students about licensing basics will better prepare them to use digital media responsibly. Given the complex nature of the concepts in this lesson, complete mastery is not expected. However, through age-appropriate activities and discussion, students in grades 3-5 will understand the importance of obtaining permission prior to building upon the creative work of another musician, composer, singer, or songwriter. Use of media in the lesson will engage students and aid in comprehension of the material.

Overview

In this lesson, students will explore a current trend in the music industry that has arisen from technology use: remixes and mash-ups. Through an age-appropriate presentation of the concepts involving two sock puppet characters D.J. and ReMix, students learn about creative inspiration, derivative works and the importance of obtaining licenses from the rights holders. After examining fair use as a defense for creating a new musical work that has elements of other copyrighted works, students will conclude that people can avoid copyright violation and to respect ownership rights by (1) using works in the public domain, (2) getting permission from the rights holders, (3) making original sound recordings.

Goal

Students will understand that the purpose of copyright law is to promote creatity by protecting the economic rights of the artists. Students will also understand that since the line between derivative work and fair use is unclear in this situation, the best course of action is to get permission. Those who remix and publically perform creative works based on an original should get a license from the copyright holders in order to show respect for ownership rights and to avoid copyright infringement.

Objectives

Students will:

- identify the ways that people use technology to create new works with copyrighted music
- relate a music remix to the Four Factors of Fair Use
- determine that the line between fair use and copyright violation is unclear
- generalize how licenses allow a person (other than the owner) to use copyrighted music in different ways
- recommend that remix artists avoid infringing on music copyright by obtaining proper licenses

©2014-2015 i-SAFE Inc.

Teacher Preparation

Background Knowledge

The following links provide the background information and media related to the lesson. Become familiar with the current media and music trends. Incorporate media only as approved by school AUP policy.

- **View Remix Examples**
  - o **iPhone Ringtone** Remix by itsMetroGnome **http://youtu.be/M3h00M9dcj4**
  - o **Pharrell Williams "Happy"** Remix by itsMetroGnome **http://youtu.be/yzCaojJPLsk**
- **View Mashup Examples**
  - o **My Little Pony+Rage Against the Machine.** Lyrics from the "My Little Pony Friendship Magic" theme song are set to the melody and genre of a song by "Rage Against the Machine." Preview video here: **http://youtu.be/nKcsjJQlf5Q**
  - o "**Adorable Kids Sing Mashups Classical Tunes and Pop Lyrics"** by the CollectiveCadenza. Preview video here: **http://bit.ly/1jnuKbi**
- **Read Article:** *This is a Remix: Remixing Music Copyright to Better Protect Mashup Artists* **http://illinoislawreview.org/wp-content/ilr-content/articles/2013/2/Eble.pdf**

Terms to Know

The following definitions explain the licenses in an age-appropriate manner.

- **Remix** – is the creation of a new sound from recordings of one or more original songs. A remix adds electronic effects and changes parts of the song such as the drum beat, bass, rhythm, and pitch.
- **Mashup** – a blend of two or more pre-recorded songs. A mashup combines the vocal track of one song with the instrumental track of another. A mashup may combine different styles of music like country and rap. The result is a new work that does not resemble the original recording.
- **Mechanical license** – permission to record a song that somone else wrote (no video).
- **Master license** – permission to use a recording that someone else made.
- **Performance license** – permission to publically perform a song that someone else wrote.

Introduction: (10 minutes)

Review prior learning about copyright.

Copyright Protection. "Copyright is a form of protection provided by the laws of the United States to the authors of 'original works of authorship,' including literary, dramatic, musical, artistic, and certain other intellectual works." (U.S. Copyright Act 1976).

Copyright Purpose. The purpose of copyright law is to (1) promote the progress of the arts and (2) protect the authors' rights to benefit from their works. (Paraphrased from the U.S. Constitution, Article 1 section 8)

The Six Rights of Copyright

1. The right to **make copies** of written work, sound or video recordings
2. The right to **distribute** (e.g., sell, lend, give away) copies to the public
3. The right to **make derivative works** – new works based on the original

©2014-2015 i-SAFE Inc.

4. The right to publically perform literary, musical, dramatic, and choreographic works, pantomimes, movies, and videos
5. The right to **display** the copyrighted work for the public
6. The right to **transmit** digital sound recordings to the public

➔ Copyright Exceptions

Four Factors of Fair Use

1. the purpose and character of your use
2. the nature of the copyrighted work
3. the amount and substantiality of the portion taken
4. the effect of the use on the dollar value of the work

➔ Rights in Focus

The right to create derivative works, the right to perform, the right to transmit ditigal sound recordings to the public.

➔ Lesson

Introduce lesson context through Sock Puppet Nation characters.

D.J. and ReMix together form "Mix+Match," a duo of electronic music producers. Mix+Match have collaborated on a number of tracks together. On one hand, they are primary artists. They use digital tools and computer programs to create their own electronic sound recordings. On the other hand, they are secondary artists. They make mash-ups and remixes from other music artists' work. Before Mix+Match set out to create new works based on the work of other music artists, they need to get permission, or licenses, to make new sounds from the original. They play their music at the Sock Pop, a music venue in Sock Puppet Nation, which needs a license from ASCAP in order to allow the duo to perform. Before Mix+Match create and publish music that might be considered a "derivative" work, they need to learn about licensing. They could be in violation of copyright if they do not have permission from the owners of the copyright.

Read aloud: ***Original Mix with Dynamic Jam and Transforming Electronic Sounds with ReMix***

➔ Class Discussion

Ask: What do D.J. and ReMix need to create, publish and perform new songs based on the original?

Permission from the copyright holders, or a license

Explain that creative works inspire people to build upon what others have done. Technology enables people to add something new to an original that may result in a new form of expression. Some people claim that re-creating musical work is fair use.

➔ Key Terms

Remix – is the creation of a new sound from recordings of one or more original song. A remix adds electronic effects and changes parts of the song such as the drum beat, bass, rhythm, and pitch.

©2014-2015 i-SAFE Inc.

Mashup – a blend of two or more pre-recorded songs. A mashup combines the vocal track of one song with the instrumental track of another. A mashup may combines different styles of music like country and rap. The result is a new work that does not resemble the original recording.

Ask: Remixes are popular, but are they an example of copyright violation? Let's take a closer look at one part of copyright law-derivative work.

➔ Key Term

Derivative work. The U.S. Copyright Office defines a derivative work as "a work based on or derived from one or more existing works." Source: http://www.copyright.gov/circs/circ14.pdf

A person creates a derivative work by using part, or all, of an original copyrighted material to create something new. Derivative works include music arrangements, videos, artwork, sound recordings, and even translations of a work into another language. The new work might be based on the original such as a movie based on a book, a drawing based on a photograph, or a new musical arrangement based on a work that has already been created.

Ask: Who can produce derivative works?

Say: Only copyright owners have the right to produce derivative works based on the original copyrighted work. The copyright owner can also give another person permission to make a derivative work. If a person gets a license from the copyright owner, the new work will not be a violation of copyright.

Ask: Who are the copyright holders of the songs that we hear? (musicians, singers, songwriters, composers, recording companies, music publisher)

Say: As with book authors to publishing companies, music artists often give the rights to their song to music publishers and record companies in exchange for royalties.

Optional Technology Integration – Present an example of a song produced by the original artist and a remix from a second artist. Otherwise, proceed to define a derivative work and introduce the terms "remix" and "mashup" into the discussion.

Present examples of music remixes and mashups if technology and school AUP allows.

1. **Play** 10 seconds of the hit song "Happy" by Pharrell Williams (from the movie "Despicable Me 2"). **http://24hoursofhappy.com/**
2. **Play** 10 seconds of a remix of "Happy."
   - Go to SoundCloud and search for "Happy" by Pharrell Williams. Click link here: **http://bit.ly/1tk31wb**
   - Top Ten Remixes and Mash-ups for "Happy" referenced here: **http://bit.ly/VVO4Ss**

Use the **Four Factors of Fair Use** to determine if the remix is a violation of copyright or fair use.

➔ Four Factors of Fair Use

1. **Purpose:** Was the purpose of the remix to make money off of someone else's work or to add new purpose or character?
2. **Nature:** Was the song published or was the sound recording taken without permission of the sound recording owner?
3. **Amount:** How much of the original song is in the remix?
4. **Value:** Did the remix lower the dollar value of the original song? Are others making money off of the remix?

©2014-2015 i-SAFE Inc.

Apply copyright in context.

Copyright infringement happens when a person:

- copies all or part of an original sound recording in a remix
- distributes the song – even if the copies are free, on a website or mobile app
- publicly plays the song without permission

ASK: How can a person remix a song without violating copyrights?

Recommended options (instead of infringing on copyright):

- Make your own music.
- Use sound recordings in the public domain.
- Ask for permission and get the proper licenses.

License to Remix and Publish – Music copyrights have two sides:

- Published Work: music composition and lyrics
- Master Recording: sound recording or "original mix"

Illustrate an example. Explain what ReMix is allowed to do and not allowed to do with copyrighted music.

ReMix wants to sample, or use a part of the vocals from the song "Happy" by Pharrell Williams. ReMix knows that she is NOT allowed to buy a copy (e.g., a CD or MP3 from iTunes), take the vocal track from the recording and use part of the recording into her remix. So, she contacts the copyright holder of the musical work and gets a **mechanical** license to use Pharrell Williams' song in her arrangement. The **mechanical** license gives ReMix the right to use all or part of the *written* music to "Happy" in her new sound recording. She can use her Launchpad to mimic the notes to "Happy," or sing the lyrics herself, but she cannot copy from the sound recording with just the mechanical license. In order for ReMix to use a part of the sound recording of Pharrell William's album, she must get two types of license: a mechanical license from the copyright holder of the written music (which is usually the publisher), AND a master license from the copyright holder of the sound recording from which she is sampling (which is usually the record company).

➔ Performance License

Deejays do not have to worry about getting a license to perform. That is the responsibility of the manager or owner of the public venue such as a restaurant or the Sock Pop in Sock Puppet Nation. Owners and managers obtain a performance license through ASCAP.

Here is ReMix's checklist to be certain that she has permission to make a new song from other recordings:

1. Buy a copy. (Don't download illegal copies.)
2. Get permission from the copyright holders.
   - o music publisher – locate the publisher name on ASCAP's website
   - o recording company – locate the name of the label on the CD or digital store where you purchased the song (iTunes, Google Play)
3. Keep a record of the permission from the copyright owner.
4. Get creative!

©2014-2015 i-SAFE Inc.

➔ Conclude

A remix is legal as long as the person (not the copyright owner):

- can guarantee that the work is fair use
- has the proper permissions to alter the sound of the original work and create new recordings

Determining whether fair use is a strong enough defense to protect you from copyright infringement is not an easy task. The most respectful and responsible way to avoid infringing on copyrights is to get permission from the owner, or to use music in the public domain.

If a music artist, record company, or other rights holder of the musical work wishes to exercise copyright, the person violating the copyright may have to pay a large fee. If the violation occurs on the Internet, the user will receive a "takedown" notice.

A person needs to get a mechanical license from the publisher and a master license from the record company before creating remixes and mashups to share on the Internet, give away, or sell on a CD or iTunes.

➔ Enrichment Activity: Collaborative Musical Magic

This enrichment activity utilizes mobile technology. If your school has a mobile device initiative, use an app such as Figure by Propellerhead to create an original sound (Available on iTunes). Other comparable apps are available for Android and Windows devices. Be sure to comply with the school AUP policy and obtain any necessary parental permissions and approvals. For iOS devices, download Figure by Propellerhead (cost= $.99). **https://www.propellerheads.se/products/figure/**

Working in groups of 2-3, students will create an elecrtronic sound of their very own.

Set the parameters for the group project based on time allotted for the activity, available technology and the ability level of the students.

Assign students a role in each group.

- One student will create the drum track
- One student will create the bass track
- One student will create the lead or melody

Publish the work on a class Twitter account. (Everything about setting up and using a class Twitter account can be found in the i-SAFE Lesson, Safe Social Networking Strategies: TWITTER as a Learning Tool for the K-8 Classroom.)

➔ Lesson Extension

Sock Puppet Scenarios. Using the scenarios as writing prompts, students will create a skit that illustrates the key principles in the lesson.

Scenario 1: The Sock Pop owner is responsible for getting a license from ASCAP in order for D.J. and ReMix to play songs from other artists. After D.J. and ReMix have set up their sound equipment and gets the Sock Pop hopping with upbeat music, the owner learns that he does not have a performance license. What happens next?

Scenario 2: Dynamic Jam (a.k.a. D.J.) and his creative collaborator "ReMix" use many programs to make original electronic sounds. How can they build on the creative works of others without violating copyright?

©2014-2015 i-SAFE Inc.

READ ALOUD

Original Mix with Dynamic Jam

My name is D.J. and Electronic dance music is my jam. Every weekend, I play top music hits at the Sock Pop in Sock Puppet Nation. My friends enjoy listening to popular songs. But when I mix my own music, the audience is electrified. I use a digital tool called a Launchpad to lay tracks. A track is a recorded layer of sound. A song can have several tracks (sort of like a triple decker cheeseburger with extra toppings). Here are the basic steps that I follow to create original sounds.

Drum Beat: The drum beats form the backbone of the electronic song. Rhythm and tempo can speed up or slow down the song. I record a few seconds of drum beats and set it on a loop. A loop means that the recording will play over and over again without stopping. Drum beats include bass drum, hi-hat, or other percussion-like instrument sounds. Pulsing drum beats make people want to stand up and dance!

Bass: Next, I add bass. Bass is a deep vibrating tone that compliments the drum beat. You can feel the bass from your head to your toes. Big bass and drum beats charge a room with energy.

Synthesizer (or "Synth"): An electronic tune gives the song its unique sound. I record a sequence of musical notes and change them around throughout the song to keep the music interesting.

Vocals: Vocal means "voice." Electronic dance music does not usually have many lyrics. I use a few thoughtfully chosen lyrics to express a feeling or a message through music.

Effects: An electronic sound artist uses effects to change the qualities of different sounds. Sometimes the bass sounds like "womp-womp-womp" and other times it is grimy. Grimy means that the sound has a distortion effect that sounds more like "romp-romp-romp." While the tracks loop around, I use the launch pad to rearrange the synth sound and change the pitch of the vocals.

Drop: One of my absolute favorite techniques is to make the pitch and tempo build up to a high point and add a perfectly timed drop. A drop is a well-timed silence that adds a dramatic effect. Usually, after a drop, I create new sounds or let ReMix take center stage and work her electronic magic.

©2014-2015 i-SAFE Inc.

READ ALOUD

Transforming Electronic Sounds with ReMix

I'm ReMix. My claim to fame is transforming recorded sounds into something new and unexpected. I collaborate with D.J. to keep the audience on their toes. As sound artists, we each have our own style of musical expression. We have agreed to work together and publish our work as a team. This way, we can build on the creativity of one another.

A small part of a song, called a sample, is enough to re-create a whole new sound. For example, I can take five seconds of a drum beat from one song and record it on a track. I can take a few of the lyrics from the vocal track of another song, the guitar riff from another song, and add my own bass, synth and effects. The result is an entirely different work. Music lovers everywhere enjoy the original music of their favorite artists. However, some people prefer a remix over the original version of a song. This could take away from the value of the original work.

Digital tools give us the ability to mix new sounds from existing recordings. These recordings are easy to get hold of. We can download MP3s from digital stores like iTunes and Google Play. Although we pay for a digital copy of a song, we need to be mindful of how we use the music. Sound recordings are protected by copyright. One question that others often ask me is "How much of a sound recording can you remix in a song without violating copyright?"

D.J. and I have decided that before we mix new sounds with copyrighted recordings, we will get permission from the owner. We respect the original work of recording artists. We also understand the value of building upon the creative work of others. As recording artists ourselves, we understand that mixing sounds takes time and effort. Another option that we have is to look for music that has a built-in license. As performing artists, we play songs in public places like the Sock Pop in Sock Puppet Nation. We also publish our work on a sound-sharing site called SoundCloud. SoundCloud is a place where music makers share their songs online.

Rumor has it that a remix falls under fair use, but I know a few artists who have received takedown notices on their SoundCloud profile. Although a sample may only be a few seconds long, it is enough to form an entirely new song that contains parts of an original work. The original artist, music publisher or record company can exercise their copyrights and file a claim. Musical remixes seem to be in a grey area. The line between derivative work and fair use seems a bit blurry. What do you think?

©2014-2015 i-SAFE Inc.

VOCABULARY

Copyright Holders

Songwriter/Composer – The original author of song lyrics, sheet music and musical arrangements.

Sound artists – Creators and composers of musical sounds and recordings such as electronic dance music. Sound artists also rearrange existing recordings using technology.

Performance artist – The singer or musician who performs the music.

Music publisher – A songwriter or composer gives the copyright of their music composition to a publishing company in exchange for royalties.

Record label – A company that promotes and distributes sound recordings (CDs, MP3, etc.). Record companies pay music publishers for the rights to copy and distribute sound recordings.

Copyright Terms

Derivative work – A new work that is based on one or more existing original works; a new version such as a movie based on a book, or a book based on a song.

Transformative work – A new work based on an original that changes the meaning, message, or nature of the original work.

Licensing – Permission that a copyright owner gives to someone else that is usually restricted by copyright law. For example, a song writer might allow a business to use the song in a commercial.

Types of Licenses

Mechanical license – Permission to record a song that somone else wrote (no video).

Synchronization license – Permission to record a song that someone else wrote and use it in a video.

Master license – Permission to use a recording that someone else made.

Performance license – Permission to publically perform a song that someone else wrote.

Print license – Permission to reprint sheet music or song lyrics that someone else wrote.

Grand performance license – Permission to perform a song that someone else wrote in a dramatic work.

Lingo

Mashup – A piece of music created by digitally overlaying an instrumental track with a vocal track from a different recording. (Merriam-Webster)

Remix – A new or different version of a recorded song that is made by changing or adding to the original recording of the song. (Merriam-Webster)

Samples – A part of an original recording used to make a remix.

©2014-2015 i-SAFE Inc.