The Leader in e-Safety Education

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ROYALTIES, RESPECT AND OWNERSHIP RIGHTS

Suggested grade level: 3-5

Overview

In previous lessons, students explored the personal and ethical values of intellectual property. This lesson investigates the economic value of copyright-protected work to original authors who have chosen careers in the arts. Students will listen to a story about an independent music artist who relies on income from performance and music sales. Then, students will discuss the rights of the music artist to fair compensation for the performance and display of her work in public places—both online and offline. Using their sock puppet character, students will create a public service announcement (PSA) in support of songwriters and musicians everywhere. The teacher may opt to record these PSAs and share them on the Web provided that they protect the identity of the student.

Goal

Students will understand that with technology comes new challenges and opportunities for owners of creative works—especially songwriters and musicians.

Objectives

Upon successful completion of this lesson, students will be able to:

- identify careers in the creative arts
- associate ownership rights with personal income
- define royalties, license, cover songs, and streaming music
- Discuss the role of organizations, such as ASCAP, in defending creative owners' rights to fair compensation
- examine the impact of the Internet on artist income (streaming music, digital music files, YouTube)
- empathize with the challenges that music artists face regarding fair compensation for digital distribution and performance
- create a PSA in support of artists, composers, writers, musicians and publishers

Materials/Preparation

- Print Creative Careers Activity page
- Read an article by an ASCAP singer/songwriter - "Shannon Hurley: We Must Respect and Value Songwriters" Source: ASCAP "We Create Music" blog. Retrieved from: **http://bit.ly/UpcDpP**
- Student Reference Page (optional)
- Preview TEACHER REFERENCE

Pre-Lesson Activity

Discuss careers in the creative arts. Distribute the Creative Careers matching activity to the students. In this activity, students relate the types of creative expression with the title of the person who authors the original work. Follow up the activity with a brief discussion about the importance of copyright protections for those who rely on income from creative works.

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Ask: Are these works protected by copyright? Why do you think that copyright protection is important to people with these careers?

Copyright in Focus: The right to public performance.

Terms to Know

Public Performance: According to ASCAP, a public performance occurs "in a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered." This includes broadcast by television, radio, telephone wire, or the Internet. A person must get permission from the copyright owner in order to publicly perform a copyrighted work.

Royalty: The amount of money that a rights owner receives for copies of recorded works, performances and works based on the original.

License: Official permission to use a copyrighted work in a particular way.

Terms for Clarification

Download: To copy a file from the Internet onto your computer or device.

Digital Transmission: Playing a sound or video recording on the Internet.

Content ID: A technology that services like YouTube and SoundCloud use to identify copyrighted songs in videos that people create and share on the Internet.

Cover Song: A re-recording of a song that was previously recorded by someone else, but with different vocals, instruments and style. Cover song recordings do not significantly change the music composition.

Introduction

In this lesson, we will examine the careers in the creative arts. A career is a job or a line of work that a person chooses in order to earn money. You will understand the value of intellectual property rights to the original authors.

Review the Six Rights of Copyright

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
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

Lesson

Say: Let's examine the business of making music.

Ask: What are your favorite songs? Pause for student response.Who is the artist that wrote or sang that song? Answers will vary

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- "Roar" (by Katy Perry)
- "Happy" (by Pharrell Williams)
- "Beautiful" (by One Direction)

Ask: Where do you hear these songs? List as many answers as possible:

- In public places (e.g., grocery store, the mall, restaurants)
- On broadcast media (TV ads and shows, radio)
- In movie soundtracks
- On mobile devices – iTunes, Google Play, MP3 players
- On a CD player at home
- Through streaming video services: YouTube, Vimeo
- Through streaming music services: Spotify, Pandora, iHeartRadio

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A Career of Making Music

The music artists that you mentioned have become successful because they have written and performed music that many of us enjoy. The artists who make the music we most enjoy rely on the money they earn from digital copies, streaming music and public performance. Public performance includes the use of the song on television, radio, on the Internet, and live performances. If music – the written music and sound recordings – were not copyrighted, your favorite artists would not be able to dedicate their time to making the music that you enjoy because people would copy, share and perform the music without paying the artist. Would this be fair to the owner of the creative work?

➔ The Rights of the Music Artist

Songwriters, composers, musicians, singers, publishers, and recording companies earn money by excercising their intellectual property rights. What are their rights? (Pause for student response)

They have a right to publically perform the music, the right to make copies of the music and the right to distribute (sell or lease) copies of the music. They also have a say in what others can do with their music.

The Copyright Act was passed so long ago that it did not give artists fair rates for the use of their intellectual property. So, the Songwriter Equity Act of 2014 was introduced to ensure that songwriters and composers receive a fair payment for the use of their intellectual property. A "rate court" examines different royalty rates in order to agree on digital performance rates for songwriters and composers.

A **royalty** is an amount of money that an original author, or rights owner, receives for each work sold or for each public performance of a creative work. Unless songwriters and composers receive royalties, they would not make enough money to pay their bills or buy food for their families.

A **license** is official permission granted to a person, business or organization to use a copyrighted work in a particular way. Organizations and businesses can buy a "blanket license" to play music in a public place. A blanket license from ASCAP gives music players permission to publically perform over 8.5 million songs in the ASCAP database (ASCAP, 2014).

Let's say that you are an owner of a music venue – like the Sock Pop in Sock Puppet Nation. You would need a license to play a CD for background music or a performance by a deejay or a live band performance in front of an audience.

➔ American Society of Composers, Authorsand Publishers (ASCAP)

Music is everywhere. Places such as the grocery store, shopping malls and restaurants, as well as broadcast media like radio and television shows. ASCAP, a Performing Rights Organization (PRO) helps songwriters, composers and lyricists follow their dream of creating music for a living. ASCAP protects the rights of its members by licensing and distributing royalties for the non-dramatic public performance of their copyrighted works. Support from ASCAP helps music creators and record labels receive their fair share of money from the public performance.

The value of each performance is determined by several factors, including the amount of license fees collected in a medium (television, cable, radio, etc.), how much is received in fees from the licensee that hosted the performance and the type of performance (feature performance, background music, theme song, etc.)." Source: **http://www.ascap.com/members/payment/**

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➔ Real-World Example

Read (or paraphrase) "Shannon Hurley: We Must Respect and Value Songwriters"

Check for Understanding:

- How does Shannon Hurley describe the life of a songwriter?
- What is the difference between a career and a hobby?
- What is ASCAP?
- How is ASCAP making positive change in support of music makers?
- What would the world be like without music?

Discuss how the Internet has created some new opportunities for musicians as well as new challenges.

- In what ways does the Internet benefit music artists?
  - o People can listen to music on streaming services – musicians collect royalties and get new fans.
  - o People can buy music files on the Internet – listening to samples and finding music is easy on mobile devices and on the computer.
  - o Talented music artists can be discovered on social networking sites (YouTube, Soundcloud).
- In what ways does the Internet hurt artists' efforts to earn a living through creative careers?
  - o People listen to music on streaming services instead of buying a copy.
  - o People "pirate" music or install free digial copies of music onto their device or download onto their computer.
  - o People perform the lyrics and music of other songwriters without asking permission.

➔ Critical Thinking: Royalties and Ownership Rights

Present examples of copyright infringement that are common today. Conduct an age-appropriate discussion on each of the topics presented. Pause for student response. Refer to the Teacher Resource page for more detailed information.

Approximately 27 million people have found ways to dowload "free" music onto their mobile phones without buying the file from a store like iTunes or Amazon Music. Is this fair? Why or why not? ***(Discuss student answers)***

This is not fair to the owner. If the website that offers free downloads does not have permission to sell or give away copies, the person who created the website is stealing from the musician and publisher. People that find ways to make copies and give away music for free without the permission from the owner are in serious violation of copyright. Those who violate copyright can be fined or face time in prison.

Millions of people who own a smartphone or computer listen to streaming music for free on apps like Pandora and Spotify. Is this fair? Why or why not?

Royalties from the streaming music service is a helpful solution to the problems with illegal downloads of music. Musicians receive royalties from these services, yet they do not make as much from their music as they would if people bought CDs or MP3 files.The average payout for a song on a streaming service is $0.00217. That means that a song must play 456 times for the artist to make $0.99 – the equivalent to one MP3 download on iTunes, Amazon Music or Google Play.

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Talented musicians have become famous by performing cover songs from the work of other recording artists. This trend is especially popular on YouTube. Is this fair? Why or why not?

The lyrics and music are copyrighted. The written music is copyrighted. Although these artists use work by others to show their own style, oiginal owners have a right to decide how others perform or use their music compositions. The copyright owners have the right to take action. ASCAP helps its members, who are songwriters and composers, get royalties from other artists performing their work.ASCAP uses technology to identify performances on the television, radio, Internet, and live performances. Source: **http://www.ascap.com/members/payment/**

➲ How organizations like ASCAP help artists receive royalties:

"ASCAP receives payment for public performances of songs and compositions by negotiating license fees with the users of music (radio, network and cable TV, websites, bars, clubs, shopping malls, concert halls, airlines, etc.)" Source: ASCAP, 2014.

➲ Write for Reflection

How has your idea about free music changed as a result of this lesson?

Think about the challenges that artists and publishers face today. Imagine that you have chosen a career in the arts. How would you make sure that you protect your livelihood? Would you allow people to create new work based on your original or would you claim "all rights reserved?"

➲ Take Action

Using the unique puppet characters from Lesson 1, create a public service announcement for Sock Puppet Nation on one of the following topics:

- Artist performance rights
- Mobile music piracy
- Streaming music and royalties

➲ Thinking Further

- What are royalties?
- What are cover songs?
- Why are intellectual property rights important to those who have chosen careers in the creative arts?
- How has the Internet helped music industry?
- How has the Internet hurt the music industry?
- What is the purpose of organizations like ASCAP?
- How has ASCAP helped music artists receive the pay that is rightfully theirs?

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Creative Careers Matching Activity

Instructions

1. Match the type of creative work to the creator.
2. Draw a picture of a person creating an original work. Choose from the terms listed below.

Creative Work	Creator
book	puppeteer
poem	ballet dancer
news article	sculptor
script (for a play)	composer
storyboard (for a video)	band of musicians
high-rise building	painter
marble statue	singer/songwriter
puppet show	poet
oil painting	choreographer
cartoon	game programmer
blog	movie producer
video game	author
country song	journalist
ballet performance	cartoon artist
dance routine (for a music video)	playwright
motion picture	blogger
symphony	architect
live music performance	video producer

Draw Here

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TEACHER REFERENCE: INTERNET OPPORTUNITIES AND CHALLENGES FOR MUSIC ARTISTS

➔ Opportunities

Online Audio Platforms – Users upload, record, promote, and share their original musical works. Music artists can use online tools like SoundCloud and ReverbNation to publish samples of their work for others to hear and, hopefully, grow a following of fans that will buy their music and attend their performances.

- SoundCloud: **https://soundcloud.com/stream**
- ReverbNation: **http://www.reverbnation.com/**

Video Sharing Sites – YouTube and Vimeo have become a "jukebox" for many music lovers. Unknown musical talent can record their performance and upload the video onto sites like YouTube to, hopefully, attract a large audience over the Internet. Some of today's most popular young artists were discovered on YouTube: Cimorelli, Greyson Chance, Sam Tsui, Cody Simpson, Austin Mahone, and Justin Bieber.

Streaming Music – Mobile and Web apps like Spotify, Pandora, iHeartRadio, and Slacker play styles of music based on what the listener likes to hear. Lesser known artists can come in contact with more fans because their sound is similar to a popular artists. Streaming music services can benefit independent artists. "Indie" artists are do-it-yourself singers and songwriters who may not work with major music production companies. The journey for indie artists may be more difficult to become famous without the strong publicity that major record labels can offer.

➔ Challenges

Digital downloads – The violation of copyright hurts the music artists who rely on selling digital copies of their music. In 2004, nearly 70 million people participated in peer-to-peer file sharing over the Internet. P2P file sharing allows one person to copy and distribute intellectual property over the Internet without permission. One service, Napster, was shut down in 2001 for providing a way for people to violate copyright by sharing unauthorized copies of music. The file sharing took place on desktop computers. People who downloaded the infringing copies had to pay hundreds and thousands of dollars in penalties. This occurred before the powerful improvement of mobile phones. Today, mobile apps have beaten P2P file sharing as a more popular way to illegally download music. Nearly 27 million people have used mobile apps that promise "free music downloads." Some users of these apps were too young to know what happened with Napster in 2001, so they use digital lockers to store unlicensed copies of music on their mobile device. It is just a matter of time before the supporters of the music industry find a way to crack down on illegal copy and distribution of digital music files on mobile devices.

Cover Songs and YouTube – YouTube has passed MTV as a source of music videos. Performing copyrighted music without permission is an infringement. Unknown artists often will produce cover songs, or a new rendition of music from a popular artist without a license in order to show off their unique style to a large audience of viewers. These performers use the popularity of top hits to capture attention from the billions of YouTube viewers. The problem is that cover songs are derivative works, or new works based on an original work. They violate the performance rights of the original artist. Copyright needs to protect the artist without holding new artists back from creativity. As a solution, ASCAP has helped hundreds of thousands of music creators receive royalties from YouTube videos that contain copyrighted music from video uploads (ASCAP, 2014). YouTube has a system in place called Content ID which can detect copyrighted music in video uploads that are not from the rights holder. If the video is popular, the rights holder can collect royalties from the YouTube ads, or decide to block the video. The person who uploads a cover song or copyrighted music without permission could risk consequences for violating intellectual property rights.

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➔ Royalties and Streaming Music Services

One of the complaints that a few popular music artists have had against streaming music services is that lesser-known artists springboard off of the success of well-known artists. Some of these artists have fought against the streaming music system.

Another complaint regarding streaming music is the amount of royalty pay that artists receive. They claim that people are less likely to buy a CD or pay $0.99 to digitally download an MP3 onto their mobile device when they can listen for free on a streaming music app like Pandora or Spotify.

See Learning Extension for links to infographics.

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READ ALOUD

ROYALTIES AND OWNERSHIP RIGHTS

In the early 2000s, a computer network called peer-to-peer (P2P) file sharing created a major copyright mess. Millions of copyrighted works like movies and music recordings passed from person to person without permission from the owner—or payment. A person on the P2P could download a song or an entire album for free. At first, those who found a way to get free music thought that this seemed like a great idea. Eventually, many people who made illegal copies had to face the consequences. The copyright owners exercised their rights. Law enforcement required violators to pay hundreds of thousands of dollars as a penalty for breaking the law. Some of these copyright infringers were kids who did not know about copyright. Their parents and guardians had to pay the large fines or face time in prison. Today, law enforcement keeps a close watch on Internet activity. New technology was built to spot copyright infringement on the Internet. Anyone who uses the Internet is responsible for knowing copyright laws and respecting the rights of other Internet users.

Now that mobile phones and tablets have become a common way to download and listen to music, a new form of music piracy has arisen. People use tools like digital lockers and apps on their mobile phone to get illegal copies of music for free or at a lower cost than official copies. This action sounds good to people who do not want to spend money on music. However, the choice to download an illegal copy of a song is the same as stealing from the rights owner. Music composers, performers and publishers rely on the money that they earn from selling MP3 dowloads and CDs. When others make copies and give them away or sell them at a lower price, they are taking away from the value of the original work. They are stealing intellectual property from the owner.

One great feature of mobile technology is that we can take our music with us wherever we go. Digital music stores like iTunes and Google Play sell songs for $0.99 to $2.00. Free streaming music services play a person's favorite styles of music. These services pay the artist and publishers a royalty for every song that plays on the service. Free streaming music services earn money from advertisers who play commercials between songs. A portion of the money that the streaming music service earns goes toward the royalty payments. These technologies have helped reduce the problem of P2P file sharing by providing digital music on the go and at a low price to the listener.

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