



**COMMUNITY  
CLASSROOM**

ENGAGING STUDENTS AND TEACHERS THROUGH FILM



# COPYRIGHT CRIMINALS

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## EDUCATOR GUIDE

Can you own a sound? As hip-hop rose from the streets of New York to become a multibillion-dollar industry, artists such as Public Enemy and De La Soul began reusing parts of previously recorded music for their songs. But when record company lawyers got involved everything changed. Years before people started downloading and remixing music, hip-hop sampling sparked a debate about copyright, creativity and technological change that still rages today.

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**i INDEPENDENTLENS**

# Activity 4

Sampling in Other Forms of Media and Industry  
(90-120 min + assignments)

**“That’s how society moves forward. It doesn’t just invent new things. It evolves through taking old things and changing them.”**

**-Tom Silverman (Record Producer)**



# Activity 4

## Sampling in Other Forms of Media and Industry

(90-120 min + assignments)

**Subject areas:** Social Studies, Civics, Government, Sociology, Language Arts, Economics, Art/Music, Economics, Law, Media Studies, Cultural Studies

### Lesson Purpose:

Cutting-edge artists continue to push the boundaries of creativity, often borrowing and referencing the work of artists before them. This lesson takes a look at the fashion industry, contrasting the lack of intellectual property protection for designers with its speed of innovation and creativity. It also takes another look at the music industry, this time at artists who are taking sampling into the future with their innovations. Students will research artists who are predominantly taking works of the past and creating something new.

### Objectives:

Students will:

- Consider perspectives for how the creative process moves forward.
- Investigate the role of artistic appropriation in the fashion industry.
- Find out how musicians are currently using sampling, as well as the direction(s) sampling could be taking now.
- Research an artist in any medium whose works are clearly referential.

**Skills:** Stating and supporting opinions in class discussions and in writing; analytical reading and viewing; note taking; interpreting information and drawing conclusions; critical thinking; identifying cause and effect; identifying relationships and patterns; creating various forms of media

*A note to teachers:* This lesson should follow the previous lessons as it assumes prior knowledge about sampling and copyright law.

### Materials:

- Computers with Internet. LCD projector or DVD player
- **COPYRIGHT CRIMINALS Discussion Guide**
- **COPYRIGHT CRIMINALS Film Module 4 “Sampling in Other Forms of Media and Industry”**
- Whiteboard/markers, or chalkboard/chalk
- **Teacher Handout A:** Assignment Rubric
- **Student Handout A:** Module 4 Note Taking Guide
- **Student Handout B:** Quotes

### Procedures:

#### PREVIEWING ACTIVITY:

##### 1. Introduction:

Have students copy and write quick responses to this quote from the film:

*That's how society moves forward. It doesn't just invent new things. It evolves through taking old things and changing them. –Tom Silverman*



- I think Silverman means...
- Some examples of advances in society that came out of people making something “new” from something “old” include...
- I agree/disagree with Silverman because...

Call on students to share their responses and discuss opinions.

## 2. Another Perspective: The Fashion Industry

Explain that, unlike the music industry, the fashion industry has flourished without copyright protection on designs. Post and read this passage from the article “Control of creativity: Fashion’s secret” from the Christian Science Monitor (<http://www.csmonitor.com/2003/0909/p09s01-coop.html>).

*Through fashion we have a ringside seat on the ecology of creativity in a world of networked communication. Ideas arise, evolve through collaboration, gain currency through exposure, mutate in new directions, and diffuse through imitation. The constant borrowing, repurposing, and transformation of prior work are as integral to creativity in music and film as they are to fashion.*

Divide the class into five groups and explain that each group will read and discuss different (but related) articles and then report back to the class. Distribute the previously mentioned article as well as the following:

“The Fashion Industry’s Piracy Paradox” from PublicKnowledge.org  
(<http://www.publicknowledge.org/node/597>)

“Flattery Gets You Everywhere” from Financial Times  
(<http://www.ft.com/cms/s/2/d8fa7b7c-93f9-11dc-acd0-0000779fd2ac.html>)

“Why That Hoodie Your Son Wears Isn’t Trademarked” from The New York Times  
(<http://www.nytimes.com/2007/04/05/business/05scene.html?ex=1333425600&en=bf7593c76d8b819&ei=5090&partner=rssuserland&emc=rss>)

“Put A Patent on That Pleat” from BusinessWeek  
([http://www.businessweek.com/print/magazine/content/08\\_13/b4077065407184.htm](http://www.businessweek.com/print/magazine/content/08_13/b4077065407184.htm))

\*\*College, and even high-school classes could also read “The Piracy Paradox: Innovation and Intellectual Property in the Fashion Industry” by law professors Kal Raustiala and Christopher Jon Sprigman from the *Virginia Law Review* ([http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=878401](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=878401)) .

Have groups read, take notes, and discuss the following guide questions.

- Why has the fashion industry been commercially viable even sans copyright protection for designers?
- How does borrowing and copying help the creative process in fashion design?
- What might happen if laws such the 2006 proposed Design Piracy Prohibition Act were to be passed?

Direct groups to choose a spokesperson to report to the class. Then pose this final question and discuss all together:

- Could the fashion industry’s model be viable for the music industry, in terms of the sampling and borrowing of sounds and musical ideas?

**3. Provide Background Information on COPYRIGHT CRIMINALS:** Briefly introduce the film *Copyright Criminals*. Note that the film module will focus on artists who are at the forefront of digital technology and sampling, such as audio/visual mashup artists Eclectic Method.

## VIEWING THE FILM:

**4. Viewing the Film Module:** Instruct students to take notes on **Student Handout A: Module 4 Note Taking Guide** as they view the **COPYRIGHT CRIMINALS Film Module**, making note of the artists who are “carrying the torch” for the future of sampling and music production.



**REFLECTING ON THE FILM:**

**5. Review and Discuss:** Debrief the module and notes by discussing together as a class. Have students review the **Student Handout B: Quotes** before the discussion. Use the following guide questions:

- How did the filmmakers use sampling and remixing in the film sequences? Do you think it falls under fair use? Discuss the artistic aspect of putting those montage scenes together.
- Are the examples of Warhol, Disney, Shakespeare, and jazz and blues musicians all similar in terms of appropriating something and building from it, or are there differences? What about compared to music sampling? Explain.
- Danger Mouse was asked to “cease and desist” by The Beatles’ record label, and his Grey Album was stopped, but ultimately it became a viral phenomenon. Could there have been a way for the music industry to make it a viable recording beyond just a copyright infringement case?
- What do you think of Eclectic Method’s live showcase? How is their video performance similar or different from listening to a DJ mix and scratch?
- Do you think the music industry will catch up and eventually crack down on artists such as Eclectic Method?
- Do you think there is an economically viable solution for allowing Eclectic Method to legally pursue their art, even recording and releasing it to the public?
- What long-term effects do you foresee in a two-class system wherein a few super-producers have the resources to legally sample, while other producers have to refrain from sampling or become underground “outlaw” samplers?
- What does Chang mean when he says, “We live in a remix culture?” Do you agree or disagree?

**6. Disney and the Future of Copyright Law:** Have students read this 2008 *Los Angeles Times* article “Whose Mouse Is It Anyway?” The article explores the copyright fight over Disney’s famous icon. Discuss opinions on both sides and predictions of what may happen in the future with copyright laws. It can be found at <http://articles.latimes.com/2008/aug/22/business/fi-mickey22>.

**7. Assignment - Research Project:** Have students find and research an artist in any medium (visual art, music, film, dance, literature, fashion, cooking, technology, and eco/recycled art) who is focused on borrowing, collaging, revisioning, and reworking art and ideas that have been used before into something new. Have them research the artist’s intentions, techniques, audience, economic viability, and other aspects of their career (interviews with the artist would be especially useful). Have them create a web page, blog, podcast, PowerPoint, or other form of audio/visual and/or web-based presentation.

**Assessment**

Use **Teacher Handout A: Assignment Rubric** to assess groups’ media productions. Students should receive the rubric in advance to guide their work.

**Extension activities for students:**

1. English/language arts teachers can explore the issue of plagiarism in literature and writing. Use articles such as “The Ecstasy of Influence: A Plagiarism” from *Harper’s Magazine* (<http://www.harpers.org/archive/2007/02/0081387>) and “Author, 17, Says It’s ‘Mixing’ Not Plagiarism” from *The New York Times* (<http://www.nytimes.com/2010/02/12/world/europe/12germany.html?hp>) as a jumping-off point.

It would also be useful to investigate such mashup literature as the 2009 best seller *Pride and Prejudice and Zombies*. An article from *The Guardian* discusses the book’s popularity (<http://www.guardian.co.uk/books/2009/apr/09/austen-zombie-pride-prejudice>), and an excerpt is published on the *Oprah Magazine* website (<http://www.guardian.co.uk/books/2009/apr/09/austen-zombie-pride-prejudice>).

2. Research specific trends in fashion (such as sagging, skinny jeans, vintage sports jerseys, etc.). Investigate the origins of the trends in other eras of fashion; how, and why it came to be a trend again; and the designers at the forefront of developing or re-introducing that particular design. Find examples from advertisements, magazines, etc.



3. Take five copyrighted images (characters, logos, copyrighted phrases, etc.) from a magazine and piece the images together in a way that creates new meaning. They can cut, paste, illustrate, and design them into a work of art. Critique the works and discuss.

4. Research specifically how “sampling” or borrowing ideas occurs in the technology world. For example, students can look at how Microsoft sampled many elements of Apple’s operating system to create Windows. How is sampling treated in this industry as compared to the fashion world and the music industry?

5. Research plagiarism policies at various education institutions. What do they deem plagiarism? How is a case of plagiarism disciplined? Compare and get perspectives from teachers and professors as well.

## Recommended National Standards

### MID-CONTINENT RESEARCH FOR EDUCATION AND LEARNING STANDARDS

#### Civics

Standard 3. Understands the sources, purposes, and functions of law, and the importance of the rule of law for the protection of individual rights and the common good

### THE CONSORTIUM OF NATIONAL ARTS EDUCATION ASSOCIATIONS

#### Music: Grades 9-12

Standard 8: Understanding relationships between music, the other arts, and disciplines outside the arts

#### NATIONAL COUNCIL FOR TEACHERS OF ENGLISH

Standard 1: Students read a wide range of print and non-print texts to build an understanding of texts, of themselves, and of the cultures of the United States and the world; to acquire new information; to respond to the needs and demands of society and the workplace; and for personal fulfillment. Among these texts are fiction and nonfiction, classic and contemporary works.

Standard 7: Students conduct research on issues and interests by generating ideas and questions, and by posing problems. They gather, evaluate, and synthesize data from a variety of sources (e.g., print and non-print texts, artifacts, people) to communicate their discoveries in ways that suit their purpose and audience.

Standard 8: Students use a variety of technological and information resources (e.g., libraries, databases, computer networks, video) to gather and synthesize information, and to create and communicate knowledge.

### INTERNATIONAL SOCIETY FOR TECHNOLOGY IN EDUCATION

Standard 1. Creativity and Innovation

- Students demonstrate creative thinking, construct knowledge, and develop innovative products and processes using technology.

Standard 3. Research and information fluency

Students apply digital tools to gather, evaluate, and use information.



**Student Handout A: Module 4 Note Taking Guide**

Example of an artist who “sampled” to create their work	Artistic/commercial medium	How they sampled or borrowed from previous works
Andy Warhol		
Walt Disney		
Danger Mouse		
Other:		
Other:		

*Reflect using this sentence stem:*

Other artists I can think of who have sampled or borrowed from other works include

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**Student Handout B: Module 4 Quotes**

*So sampling usually is viewed as a musical thing, right? But if you look at the art world, for example, you have Andy Warhol taking photographs and painting them, you have different photographers taking certain scenes and reconstructing them digitally. It all implies a layer of collage and pulling together bits and pieces.*

-Paul Miller/DJ Spooky

*Look at how any bit of culture is made. Look at how Shakespeare made culture. Look at how every great poet – how Homer made culture. It's about collage. It's about taking bits and pieces of your influences and forging them into something newer and stronger.*

-Siva Vaidyanathan (media professor)

*Think about the way Walt Disney was created. All of Disney's greatest works were taking other peoples' works and doing something different with them.*

-Lawrence Lessig (Harvard Law)

*Mashups are an interesting case. I mean, they sort of demonstrate how simple it is to make music this way, because virtually everyone has made a mashup.*

-Steve Albini

*The ability now to mash up and create new songs I guess has really been facilitated by digital technology where it kind of democratizes that process. You don't need to have a recording studio and lots of fancy equipment. You can basically do it just on your computer or in the privacy of your home with tools that are relatively easy to acquire.*

-Mia Garlick (Creative Commons)

*Sampling is the kind of technology that's really shifted the way that people consume and produce culture. The consumers have become producers.*

-Jeff Chang (Solesides Records)

*The whole point of what we do is that we sample. It's not some feature of what we do. It's all we do. Just totally illegal, insanely illegal, and impossible to clear. It would be impossible to release what we release, if you did it through legal channels.*

-Ian Edgar (Eclectic Method)

*Sampling law has created two classes. You are either rich enough to afford the law or you're a complete outlaw.*

-Jeff Chang (Solesides Records)

*We live in a remix culture now and the laws have to change to be able to help that culture do what it has to do.*

-Jeff Chang (Solesides Records)

*That's how society moves forward. It doesn't just invent new things. It evolves through taking old things and changing them.*

-Tom Silverman (Tommy Boy Records)





**Teacher Handout A: Assignment Rubric – Media Production (Lesson 4)**

Criteria	6	5	4	3	2	1
Content	Excellent, in-depth research into the artist. Covers topic in-depth with excellent details and examples. Knowledge of subject is excellent.	Good research into the artist. Covers topic with some details and examples. Subject knowledge is good.	Researched the artist. Includes essential knowledge about the topic. Subject knowledge appears to be good.	Contains some research into the artist. Includes the most important information about the topic with one or two factual errors.	Insufficient research into the artist. Includes some of the important information with several factual errors.	Lacks research into the artist. Content is minimal and there are several factual errors.
Presentation	Project is well-organized with clearly labeled sections. Layout is dynamic, making excellent use of color and graphics. Shows original thought and creativity.	Project is well-organized with clearly labeled sections. Makes good use of color and graphics. Shows some original thought and creativity.	Project is organized and labeled. Makes use of color and graphics. Shows some original thought and creativity.	Project is organized and some sections are labeled. Uses some color and graphics. May show some creativity and original thought.	Project is not clearly organized, and sections may or may not be labeled. Uses limited color and graphics. Shows limited creativity.	Is not organized and sections are not labeled or are labeled incorrectly. Uses little or no color and graphics AND they distract from the content. Writing is somewhat legible OR is in pencil.

## Scoring Guide:

**6 Exemplary**  
complete, correct, comprehensive

**5 Accomplished**  
complete, correct, comprehensive

**4 Satisfactory**  
complete, correct

**3 Developing**  
complete, incorrect

**2 Unsatisfactory**  
incomplete, incorrect

**1 Unsatisfactory**  
incomplete, incorrect



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David Maduli is an independent educational consultant who has contributed many curriculum guides and conducted various workshops for PBS programs. He has a master's in teaching and curriculum from Harvard Graduate School of Education and continues to work as a veteran Bay Area public school language arts and social studies teacher. He is also a DJ and a writer.

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**About ITVS:**

The Independent Television Service (ITVS) funds and presents award-winning documentaries and dramas on public television, innovative new media projects on the Web and the Emmy Award-winning weekly series *Independent Lens* on Tuesday nights at 10 PM on PBS. ITVS is a miracle of public policy created by media activists, citizens and politicians seeking to foster plurality and diversity in public television. ITVS was established by a historic mandate of Congress to champion independently produced programs that take creative risks, spark public dialogue and serve underserved audiences. Since its inception in 1991, ITVS programs have revitalized the relationship between the public and public television, bringing TV audiences face-to-face with the lives and concerns of their fellow Americans. More information about ITVS can be obtained by visiting [itvs.org](http://itvs.org). ITVS is funded by the Corporation for Public Broadcasting, a private corporation funded by the American people.

**About *Independent Lens*:**

*Independent Lens* is an Emmy® Award-winning weekly series airing Tuesday nights at 10 PM on PBS. Hosted this season by Maggie Gyllenhaal, the acclaimed anthology series features documentaries and a limited number of fiction films united by the creative freedom, artistic achievement and unflinching visions of their independent producers. *Independent Lens* features unforgettable stories about a unique individual, community or moment in history. Presented by ITVS, the series is supported by interactive companion websites, and national publicity and community engagement campaigns. Further information about the series is available at [pbs.org/independentlens](http://pbs.org/independentlens). *Independent Lens* is jointly curated by ITVS and PBS, and is funded by the Corporation for Public Broadcasting (CPB), a private corporation funded by the American people, with additional funding provided by PBS and the National Endowment for the Arts. The series producer is Lois Vossen.

**About PBS:**

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