

SOUNDS LIKE TORONTO

Copyright and Fair Use

Year 12 – Music

Guiding Question: Who owns the legal rights to music? What is fair use?

Description

This lesson can act as a short unit in which students are asked to identify and critically reflect on copyright in music.

The timing, content, and delivery of the following content should be shaped according to your timetable, class length, and age of participants. Please make adjustments, edits, and/or additions as you and your students see fit.

This lesson is flexible. A teacher may wish to focus more on students' creative writing, reflective writing after listening, or summarizing among other curriculum and administrative expectations. Further inquiries and other artists you may include are suggested below.

Materials: projector with speakers/stereo, computers or tablets for students (they can share), student headphones, student journals, notebooks (or google classroom assignment)

Introduction/Minds On

Ask students: Who has been to Davenport Road and Yonge Street? At this corner is a historic music venue now called the [Concert Hall](#). Explore this venue on the Sounds Like Toronto exhibit.

Ask students, on their own or in pairs, to read the overview, "step inside" (including posts), "the rockpile," "Toronto's first above..." and "turn it up!" You may need to summarize information for students (for example, ensure they are aware that, in addition to amazing Canadian Acts, groups like Led Zeppelin and Public Enemy also performed at this venue.)

Your students may wish to visit this location and consider how it is changed. They can also view then and now pictures on the website. As you read, this venue was one centre for Canadian Hip Hop. This genre of music often makes use of samples: loops of pre-existing music/sounds (note record player interaction under "Concert Hall" profile -)

One of the Hip Hop artists that established their career at this venue is [Michie Mee](#). Let's learn more about Michie Mee and listen to some of the tracks by Michie Mee available on her Sounds Like Toronto profile.

The popularization of sampling is a major reason copyright laws have become much more of a concern.

Body/Action

What is copyright?

Watch the following video: [What is a copyright? \(Canada\)](#)

Review the following definition with students:

“Copyright is the exclusive legal right to produce, reproduce, publish or perform an original literary, artistic, dramatic or musical work. The creator is usually the copyright owner. However, an employer—for example, a film studio—may have copyright in works created by employees unless there is an agreement in place stating otherwise,” – [Government of Canada](#)

Ask students to discuss the following questions: on their own, in writing, and/or small groups:

- Who owns music? Why?
- Who wrote one of your favourite songs (it may not be the performing artist)? Who owns the copyright? (have students search for this information)
- Why do you think copyright is important? (eg. protect creators from large corporations making some, most, all of the money from their work, cultural appropriation).

Copyright can protect artists from anyone else making use of their music without permission. For example, this can include large corporations using music for advertising and promotion). There are many other forms of appropriating ideas and creative work. (for more on cultural appropriation see our lesson on “Sounding” Canadian)

Ask students together as a group:

- Can you think of when copyright might be bad for art/music? (eg. when creators cannot afford to use music/art that inspired them).

Some artists and theorists believe that artists should be free to borrow and that art (drama, dance, music, visual art, media) has always done this and is better because of it (see “**An Aside**” below)

Discuss the following:

- Can you think of music you love that borrows, even if not directly sampled, from other/earlier art? Or more directly, can you think of any music that is not inspired by other artists, songs, art?

An Aside - Furthering the case for free borrowing

Watch the following video about the musical loop considered to be the most sampled in history.

[“Amen Break”](#) - Watch the following

Note the Winstons were never paid, and the drummer was homeless at the end of his life

[“Video explains the world's most important 6-sec drum loop.”](#)

Discuss: Do you agree with this argument for free appropriation?

More...

[Gofundme campaign for Winstons](#)

[Everything is a Remix](#)

[Remix Culture](#)

Fair Dealing (fair use):

“Fair dealing recognizes that certain uses of copyright protected works are beneficial for society.”

Project and [read the text on this site page](#).

Activity/ Assignment: Remixing the Public domain

Because we are working in a school, within education, we are most likely covered by fair dealing.

However, just for practice, or in case your music “hits the charts” we will compose with a sample in the public domain.

Create a short piece of music using at least two samples:

- A short recording of one of your favourite sounds. Think about a “soundmark” from your daily life. Get as good a recording of it as you can with your phone or digital recorder. Some possible examples: train horn, subway door indicator, bird or other animals, a sound of cooking or cleaning dishes, a warning sound, etc.
- A short sample (or two or three) from public domain. How will you ensure the music you use is in the public domain. You can upload, edit, and mix audio using programs such as [soundtrap](#), garageband, or [FL studio](#).

You might consider your piece more a sound experiment/poem than traditional music. Length: Your composition can be a minute or two.

Form: Your composition can take the form ABA (a short section that repeats after a contrasting second section).

Consider the following ways to create contrast with sound/music: Repetition, development, silence within, drastic, abrupt, or slow shifts of rhythm (faster/slower and longer/shorter), pitch (higher/lower), dynamics (louder/softer). A lot of repetition can be okay if interesting enough or if followed by a drastic shift.

Illuminating the Creative Process: While composing consider the Creative Process as presented on page 15 of the 11 and 12 Ontario Arts Curriculum (challenging and inspiring, imagining and generating, planning and focusing, exploring and experimenting, producing preliminary work, revising and refining, presenting and performing, reflecting and evaluating):

Journaling/reflection questions: What noises sound good together (layered, in sequence, patterned together and looped)? Why? What made you choose the sound(s) and sample(s)? Should you incorporate space/silence?

Consolidation

Students are invited to share their pieces with a partner, small group of peers, or the whole class. Each listener is asked to comment on one aspect they enjoyed about the composition as well as a suggestion for consideration of further edits. Discuss what this activity felt like.

Further inquiry section:

Glen Gould manifesto (p. 347)

A resource for further lessons on [Hip Hop. DOC guidelines.](#)

Consider the following quotes on copyright

“Things can be copyrighted, thoughts cannot be copyrighted, meditations cannot be copyrighted. They are not things of the marketplace. Understand the difference between an objective commodity and an inner experience.” — **Osho**

“Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he (sic) is the author.” — **United Nations, Universal Declaration of Human Rights**

Assessment

The work produced in this lesson does not need to be formally assessed (assessment of, evaluated), however, here are some suggestions for doing so.

If you wish to evaluate this work (assessment “of”) it is suggested that you co-create success criteria along with students.

1. Brainstorm
2. Sort and Categorize
3. Make and post a T-chart
4. Add, revise, refine

From Gregory, K, Cameron, C., & Davis, A. (2011). *Knowing What Counts: Setting and Using Criteria*

A sample of Success Criteria (with rubrics) are given below for reference

See below for curriculum expectations covered a sample of student created success criteria.

Sample Rubric

Criteria for Compositions	4	3	2	1
Application of Previous Musical Experience (accuracy of notes, rhythms, instrument role, harmony, dynamics)				
Ensemble/Production/Consistency (balanced, consistent style/genre)				
Creative and “Musical” (well-chosen musical ideas matched with an engaging and musical arrangement/composition choices - well composed beginning, middle, and ending)				
Intention (clear choices made for beginning, middle, ending, consistent to genre/instrument)				

Criteria for Journal	4	3	2	1
<p style="text-align: center;">Analysis</p> <p>(clear description of listening to examples, of own ideas, and/or final performance/recording)</p>				
<p style="text-align: center;">Process</p> <p>(evidence of listening, generating ideas, revising, work reflections, goals set, revising, revising, generating, revising, mistakes and fixes)</p>				

CURRICULUM

We have listed grade 11 and 12 Music curriculum objectives below, however this work could easily be adapted for other grades and/or subjects.

From the front matter: ETHICS IN THE ARTS PROGRAM The arts provide students with real-life situations that require them to develop an understanding of ethical issues, such as intellectual ownership and use of copyright material. In a technological world in which it is very easy to copy and use various kinds of materials, students must become aware of the ethical issues concerning, for example, reproducing visual images, copying aspects of someone else’s style, and incorporating soundtracks in their own works. Distinctions must be made between being inspired by others’ works in the arts and reproducing others’ works or aspects of them as they create their own works (p. 47).

AMU3M/O and AMU4M/O

A. *Creating and Performing*

A1. The Creative Process

A1.2 apply the creative process when composing and/or arranging music

A2. The Elements of Music

A2.3 apply the elements of music and related concepts appropriately and effectively when composing and/or arranging music in a variety of forms.

A3. Techniques and Technologies

A3.2 apply compositional techniques when composing and/or arranging music.

A3.3 use a variety of current technologies in various applications related to music, including composing, arranging, performing, and/or recording music

B. *Reflecting, Responding and Analysing.*

B1. The Critical Analysis Process.

B1.2 listen in a purposeful way to selections from a wide variety of musical styles and genres, and analyse and reflect on their responses to and interpretation of them

C. *Foundations*

C3 Conventions and Responsible Practices

C3.3 demonstrate an understanding of ethical and legal practices with reference to both consumers and producers of music, with particular emphasis on copyright issues.

AMU4E

C. Foundations

C3 Conventions and Responsible Practices

C3.3 demonstrate an understanding of legal and ethical issues related to music, with respect to consumers and producers.

AEA30/AEA40

C. Foundations

C3 Conventions and Responsible Practices

C3.3 demonstrate an understanding of ethical and legal practices related to the various arts disciplines, and apply these practices when creating, presenting, or promoting art works, including integrated art works/productions