**Intellectual Property – A User’s Manual**

A 50-minute high school or introductory college-level teaching module  
Version 1.0

A project by the Intergalactic Defenders of the Digital Universe

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This is intended to be a living document. Feedback, suggestions, and reports of your experience using these materials are welcome and encouraged. Please contact us at

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**Desired learning outcomes**

This module does not aim at analysis of laws and their variations world-wide.

Desired outcomes:

* Be able to identify basic types of intellectual property protected by copyrights, patents and trademarks.
* Understand basic types of licenses.
* Understand the basics of the allowed use of intellectual property.
* Understand main elements of social media service agreements.

**Lesson materials**

**Introductory discussion led by the instructor (15 minutes.)**

Name some items a person can own.

**Material property** (car, house, jewelry, phone, book, concert ticket, car repair tools)

Once stolen or taken away, it cannot be used by the original owner.   
If a car or tools are stolen, the original owner may lose their livelihood (means of earning money.)

Can a person own non-material items? What does it mean to own items that are not a physical “thing”?

**Intellectual property** (music, pictures, videos, text, art, art performances, computer software, inventions, trademarks.) Copying it does not prevent the owner from using their property, but diminishes its value: the owner cannot continue charging $1 for a song download if the thief who copied it sells it for half that price, or makes it available for free..

For this reason, most intellectual property is protected by **copyrights** or patents and distributed under **licenses**. Copyrights protect music, pictures, videos, text, art, art performances and software. Ideas, facts, and scientific laws cannot be copyrighted or patented.

**Video 1.**

Think about these issues:

* How long are US copyrights valid? (Creator’s lifetime + 70 years)
* What is “public domain”? (All work that can be used without license; everything from before 1923 is in the public domain.)
* What constitutes fair use in the US of copyrighted material? (Small fragments of copyrighted work can be quoted/presented without a license/permission in a work that comments on it, constitutes a critique or parody, or is intended for educational purposes.)
* “Understanding Copyright” <https://www.youtube.com/watch?v=XzzkSZ0Jrko> (2:42)  
  or “Creativity, Copyright and Fair Use” <https://www.youtube.com/watch?v=xvZHNwBHirQ> (4:40)  
  or “Copyright Basics with Jim the Librarian” <https://www.youtube.com/watch?v=Uiq42O6rhW4> (6:19)

Let’s explore different types of licenses:  
<https://creativecommons.org/choose/>

**Patents** protect inventions. Most vaccines are patented. Once Velcro was invented and patented in the 1950’s by George DeMestral nobody else could manufacture and sell Velcro, without permission/license of the patent holder. Patents are valid for a limited time, and the Velcro patent has expired. Once a patent expires, the invention enters the public domain.

**Trademarks** protect names of corporations and brands, such as “Google”. Although you can create your own company, you cannot call it “Google”. Trademarks do not expire, but if the word becomes a part of everyday vocabulary and is no longer recognized as referring to a unique brand, the trademark is lost (it can no longer be enforced). For instance, the continued or increased use of “googling” instead of “searching the web” could cause Alphabet (Google’s parent company) to lose the “Google” trademark. For this reason, trademark owners ask people not to use their name to refer to anything other than their product. “Escalator” and “Thermos” are two trademarked names that lost their legal protection.

**Video 2.**

The Velcro patent expired in 1978.

Think about the following issues.

* Can you produce and sell fasteners similar to Velcro? (Yes, because their patent expired.)
* Can you name your company “Velcro”? (No, because “Velcro” is a registered trademark.)
* Can you describe your fasteners as “Velcro” on their packaging or in advertisements? (No, because “Velcro” is a registered trademark.)

“Don’t Say Velcro” <https://www.youtube.com/watch?v=rRi8LptvFZY&t=134s> (2:14)

**Small group discussions (15 minutes.)**[ The class is divided into groups of 4-5 students. Each group receives the same set of questions to discuss/answer. Each group selects a secretary who keeps track of time and notes who volunteered

to present conclusions to the entire class. The secretary reads one question, allows for discussion and reads the answer before proceeding to the next question.The following is distributed or displayed on a screen for everybody to see. The material behind some questions has not been yet discussed; students need to make an educated guess based on their experience and compare it with the answer given on the back of the index card.]

**Index card 1**. (About 2 minutes.)

Front:

Some publications contain a copyright notice. For instance, “© 2021 Andy Willow”, means that the work has been created in 2021 and since then the copyright belongs to Andy Willow. Does the absence of a copyright notice indicate that the work is in the public domain (not under a copyright)?

Back

Answer. No, every new work is automatically copyrighted and the copyright infringement can be litigated (taken to court), whether the work contains a copyright notice or not. The copyright notice and separately a copyright registration give the copyright holder some additional advantages in the case of litigation.

**Index card 2.** (About 5 minutes.)

Front:

Question 1. Danny posted on social media a video with a copyright notice of a dance involving new original moves. The next day TikTok is full of videos by other users who started performing the same moves. Do they constitute an infringement?   
Question 2. Dorothy posted a video of a skit with a copyright notice with a potted plant used in the skit as a hat. Another user posts another skit with the same use of a potted plant. Is this an infringement of the copyright?  
Question 3. Ted posts a news report in which he describes a street fight by the courthouse. An hour later UVXYZ radio station broadcasts their news with a very similar description of the same fight. Did UVXYZ infringe on Ted’s copyright?

Back:

Answer 1. No. Danny can copyright the video and audio track. Using the same video/audio in a work by another user would constitute a copyright infringement. However, ideas, such as dance moves, cannot be copyrighted, unless they amount to the level of “choreographic work”, as determined by courts.  
Answer 2. No. Dorothy can copyright the video and audio track, and the text of the skit. Using the same video/audio in a work by another user or performing the same skit would constitute a copyright infringement. However, ideas such as the use of specific props cannot be copyrighted.

Answer 3. No. Facts cannot be copyrighted.

**Index card 3.** (About 4 minutes.)

Front:

Tik-tok allows users to upload short videos in the performing arts genre (dance, song, stunts, jokes, etc.), which can be viewed by other users.  
Question 1. One of Bradley’s videos has been banned by TikTok and another was muted (the video plays without an audio track.) What are two potential reasons why TikTok did this?   
Question 2. Are users allowed to modify videos posted by others on TikTok and post their versions?

Back:

Answer 1. TikTok will remove content which infringes on copyrights or violates TikTok Community Guidelines (depicting violence, hate, crime, self-harm, nudity, sex, address/phone of any person, etc.)

Answer 2. Users can use only those videos/music whose creators have given permission; these materials are available in the TikTok Creative Center with information telling where the modified material can be placed/posted (i.e. what platforms).

**Index card 4.** (About 4 minutes.)

Front:

Instagram allows users to upload photos, which can be then viewed by other users.  
Question 1. One of Zaria's images has been banned/removed by Instagram. What are two main reasons Instagram does this?   
Question 2. Are users allowed to modify images posted by others on Instagram and post their versions?

Back:

Answer 1. Instagram will remove content which infringes on copyrights or violates Instagram Community Guidelines (depicting violence, hate, crime, self-harm, nudity, sex, etc.)

Answer 2. When you post an image on Instagram, you retain the copyright, but you give Instagram a right to use and modify the image, and allow Instagram to pass these rights to other Instagram users.

**Presentations of conclusions and further discussion lead by the instructor**

**(20 minutes.)**

What questions do we need to ask before we start using somebody else’s intellectual property?

* Can you modify/distribute the licensed work?  
  Assume “no” unless you see a permission.
* Can you make commercial use of the licensed product (sell it or incorporate it in your own product for sale)?

Assume “no” unless you see information to the contrary.

* While authorized to modify/distribute the licensed work, do you need to give credit to the original author?  
  Assume “yes” unless you see information to the contrary.
* While authorized to modify/distribute the licensed product, what license needs to be attached to your derivative product?  
  Assume “the same license as for the original product” unless you see information to the contrary.

On existing social media platforms service agreements may change. Also new platforms may emerge with their own user agreements. What intellectual property issues are worth paying attention to in these cases?

* Who owns the copyright to the material you post?
* Does the platform have the right to modify your material and distribute it?
* Can the platform pass its rights on to others?
* If you remove your material from the platform, do the platform’s rights to the material cease, or can they continue to use your material?
* Can I modify material posted on the platform by others, can I post it elsewhere and monetize it?

**Possible assignments**

[The assignments are designed to reinforce strategies from the class and to have some social impact.]  
  
Discuss these issues with a friend who is not in this class, without asking any intrusive questions, and write a short report on the outcomes, without any identifying information about the person you talked to.

If you are a Teacher Candidate, propose discussing this topic with your supervising teacher. If approved, prepare an appropriate modification of this module and a lesson plan. Notice that materials for elementary schools need to present main ideas but skip a great number of secondary items.

**Acknowledgement**

We acknowledge with thanks the work of Malina Thiede who reviewed the copyright issues.