



Name _____
Date _____
Period _____

Bellwork: Copy...Right?

INSTRUCTIONS

Read over the case. For each question posed in the left column below, discuss the item and provide a brief response in the right column. Your response notes will help your group give a brief presentation of the case to the class.

The CASE

Jane, a designer at a large firm has been fired but is suing the corporation she was employed with. The firm lost a major account because an entire marketing campaign was built around the aforementioned designer's identity package and logo in particular. Jane failed to submit designs for copyright and/or trademarking purposes and the process was not followed up on within the design corporation's legal team. The logo was already similarly trademarked and as a result, rendering Jane's work useless to the sporting goods corporation who employed Jane's design firm. The sporting goods store refused to pay for any compensation although they had approved designs and identity systems throughout the process.

QUESTIONS ABOUT THE CASE

RESPONSES

1. What is happening in this case?

2. What additional information would have been helpful to further understanding of the case?

3. Based on information provided, who is at fault in this case? Why? Explain.

4. What could have been done to prevent this situation? Or to make sure it's not repeated? Could the Logo have been used?

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COPYRIGHT VS TRADEMARKS

What do they protect?

An original creative work (such as a play, novel, song, sculpture, photograph, choreography or architectural plan).

Which Federal Offices issue copyrights?

U.S. Copyright Office / United States

How often do I need to copyright?

Lifetime of the author, plus 70 years. You do NOT need to renew but do require an initial application fee of \$30-100.

If I do not copyright my work what are the consequences?

Without a registered copyright, you still own all rights to your creative work. But with a registered copyright, you can enforce federal copyright protection in court.

Who typically apply for copyright protection?

Authors, artists, choreographers, and other creative professionals.

Copyright notice:

The copyright notice consists of three elements:

- the "c" in a circle (©)
- the year of first publication
- the name of the owner of copyright.

A copyright notice is no longer legally required to secure copyright on works first published on or after March 1, 1989, but it does provide legal benefits.

May only mention phrases such as Powered by, Brought to you by, Supplied by.

What do they protect?

A name, logo or symbol used to identify commercial goods or services.

Which Federal Offices issue trademarks?

U.S. Patent and Trademark Office / United States

How often do I need to register trademarks?

Unlimited, so long as the owner renews every 10 years and continues to use the trademark. Initial application fees can amount anywhere from \$200-100,000+ dependant upon the volume of the TM.

If I do not trademark my work what are the consequences?

So long as you are not infringing on another trademark, you can gain rights to the mark simply by using it. But with a registered trademark, you can enforce federal trademark protection.

Who typically apply for trademark protection?

Business or product owners. Freelance Designers

Trademarks can be owned, but also licensed.

Example: Lego bought a "license from Lucas-Films to use and promote the Lego Star Wars. "Star Wars" carried a trademark (TM) but was purchased for use by Lego.

™ (the "trademark symbol", which is the letters "TM", for an unregistered trademark, a mark used to promote or brand goods)

® (the letter "R" surrounded by a circle, for a registered trademark, used to promote the entire entity, company, brand, goods and ideas related to the company)



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Assignment: Intra-Act Copy...Right?

INSTRUCTIONS

Read individually and analyze as a group the (1) of the assigned 5 cases at the link here:
<http://99designs.com/designer-blog/2013/04/19/5-famous-copyright-infringement-cases/>

AFTER READING answer the following questions with a (+ for yes or - for no) for each member of your group including yourself. As a group discuss your answers, how they relate to the articles and why we as designers should pay attention to these cases. **Each group will present findings!**

| Questions to Consider? | Group Members | | | | |
|---|---------------|--|--|--|--|
| No original artwork should be referenced for inspiration in our original artwork or design? | + / - | | | | |
| If photography, music, or graphic design aren't necessarily art so we should be able to use freely? | | | | | |
| If changes to original artwork give new or different meaning to the art it is ok to use? | | | | | |
| Larger firms do not need to worry about the ramifications of copyright because they most likely can carry the financial fallouts? | | | | | |
| Discussion Points: | | | | | |

ON THE REVERSE:

When Prompted please reflect on today's lesson. Describe the importance of copyrighting, patenting or trademarking your work as a designer. Discuss how the cases we discovered as a class are important for us to study and keep in mind.





© Lesson Plan #1: COPY...RIGHT?

INSTRUCTOR: Mr. Jared Parker

PERIODS: 6-7 Junior Digital Design Students

DATE OF LESSON: 12-6-14

I. Goal(s): Students will be able to analyze and identify the importance of protecting personal property and knowledge in regards to design copyrights and realize the infractions involved with use of others art and design in personal designs. Reading Comprehension for our content area is of special emphasis!

II. Objective(s): By the end of the lesson, students will be able to reflect on the case studies and court cases provided to form an educated answer to the INTRA-ACT assignment with supporting arguments for their "+ Yes, - No" answers each question.

III. Standard(s):

Strand 1: Business Operations/21st Century Skills

Outcome 1.7: Entrepreneurship/Entrepreneurs

Competency 1.7.13. : Protect intellectual property and knowledge (e.g., copyright, patent, trademark, trade secrets, processes).

The protection of intellectual property and knowledge as it pertains to copyright, patents, trademarking and the processing of such items directly effects each student on a daily basis while creating artwork but will be of the utmost importance while students progress from students to employees.

IV. Rationale: This lesson is important because it is a great way to introduce the importance of copyright laws and protection of artist work. The Bellwork connected is meant to be a scenario hook to help students simply connect prior knowledge to the overall topic before looking into case studies appropriate to the subject.

V. Materials:

- Bellwork: Case Studies for each student
- Connection to <http://99designs.com/designer-blog/2013/04/19/5-famous-copyright-infringement-cases/> Via: fairmontdigitaldesign.com
- INTRA-ACT worksheet for groups, writing utensils, computers

VI. Procedures:

A. Beginning: At the beginning of class students will each be assigned a case study (see Attached) to work on as a group. Each group will be given 10 minutes to read and discuss answers to each case. As a class we will then discuss the case and dissect how it relates to the Standard. Mr. Parker will use a "hook" piece where he has stolen students artwork for profit.

B. Middle: Mr. Parker will discuss the importance of 1.7.13. Protect intellectual property and knowledge (e.g., copyright, patent, trademark, trade secrets, processes). Class will define Trademark, Copyright and discuss.

C. End: Groups will be asked to work to analyze the articles via:

<http://99designs.com/designer-blog/2013/04/19/5-famous-copyright-infringement-cases/>

and complete the Intra-Act Worksheet together, while writing a reflection on the reverse side of the sheet utilizing details from one or more articles and submit to the "BOX" before the end of class.

VII. Differentiation: Students will be engaged in group settings to complete the Bellwork, while individually reading to comprehend the Cases from the blog site and reflecting individually. Students can also be grouped based on ability levels for peer mentoring support.

VIII. Assessment: The Bellwork will work as a formative assessment while we are beginning our discussion, while a checklist and observation will be performed during the group reflection on the blog Cases. A formative assessment will be achieved through the individual reflection of the INTRA-ACT Worksheet and will be a good indicator of things that need to be taught, retaught, or scaffolded