



FEATURE

Put to Fair Use: A Battle of Copyright

Meets National Core Arts Anchor Standards 1, 3, 5, 7 and 9

OBJECTIVES

- Generate and conceptualize artistic ideas and work (Cr1)
- Refine and complete artistic ideas and work (Cr3)
- Develop and refine artistic work for presentation (Pr5)
- Perceive and analyze artistic work (Re7)
- Apply criteria to evaluate artistic work (Re9)

MATERIALS

- *Music Alive!* magazines (January 2017)
- *Music Alive!* Classroom Worksheet #12: Staff Paper (download at musicalive.com)
- Computer or mobile device with Internet access
- Classroom keyboards

START

1. **Have your students** to read "Put to Fair Use: A Battle of Copyright" on pages 10-13. Then go over the following high-lighted words. [This reinforces comprehension and vocabulary.]

ADMINISTER—to direct the affairs of

DEEMED—judged

PRECEDENT—something that comes before

DELIBERATE—done on purpose

ALLEGEDLY—claimed to be the case

DEVELOP

1. **Play** "Crescent City Blues" by Gordon Jenkins (Hear the Music playlist **track 5** on musicalive.com).

ASK

- **What time signature is this song in?** (4/4.)
- **Is it in a major or minor key?** (Major—B \flat major.)
- **What's the instrumentation?** (Guitar, piano, bass, drums, and horns.)
- **Can anyone identify the form that the song is based on?** (The 12-bar blues.)
- **Name the I, IV, and V chords in the key of B \flat .** (B \flat , E \flat , and F.)

- ▶ **2. Play** "Folsom Prison Blues" by Johnny Cash (Hear the Music playlist **track 6** on musicalive.com).

ASK

- **What's the time signature?** (Cut time—2/2.)
- **What's the key signature?** (Major—F \sharp major.)
- **What's the instrumentation?** (Acoustic and electric guitars, bass, and drums.)
- **Does anyone know what form the piece is based on?** (The blues, but a 22-bar form, rather than the traditional 12.)
- **Name the I, IV, and V chords in the key of F \sharp .** (F \sharp , B, and C \sharp .)
- **What does "Folsom Prison Blues" by Johnny Cash have in common with "Crescent City Blues" by Gordon Jenkins? Be specific.** (Subjective.)

- ▶ **3. Play** "Taurus" by Spirit (Hear the Music playlist **track 7** on musicalive.com).

ASK

- **What are the first instruments you hear?** (Strings and then flute.)
- **What instrument comes in at around 0:44?** (Acoustic guitar.)
- **Is the guitar part strummed or arpeggiated?** (Arpeggiated.)
- **Is the key signature minor or major?** (Minor—A minor.)
- **What happens to the key signature at around 1:12?** (It moves to the parallel major key, A major.)
- **What instrument joins the guitar at around 1:36?** (Harpsichord.)
- **Does the piece have lyrics?** (No—it's an instrumental.)

4. **Play** "Stairway to Heaven" by Led Zeppelin (Hear the Music playlist **track 8** on musicalive.com).

ASK

- **What's the first instrument you hear?** (Guitar.)
- **What's the time signature?** (4/4.)
- **Do the first few bars sound familiar? Why or why not?** (The descending chord progression is similar to that heard in the previous selection, "Taurus" by Spirit.)
- **Does this song move to a major key like "Taurus" does?** (No.)
- **What's one of the biggest differences between the two pieces?** (This song, "Stairway to Heaven" by Led Zeppelin, has lyrics.)
- **Do you think "Stairway to Heaven" copied "Taurus"? Why or why not?** (Subjective, but explain that in June 2016, a jury concluded that Led Zeppelin was not guilty of plagiarizing Spirit.)

CLOSE

- ▶ **1. Play** "Oh, Pretty Woman" by Roy Orbison (Extended Play playlist **track 8** on musicalive.com). Write out the main riff—which starts off on a guitar's low E and outlines an E9 chord—on the whiteboard. Hand out copies of the staff paper worksheet (or have the students use notation software) and then ask students to compose their own short pieces based on this riff. After they've completed their compositions, have them play them on classroom keyboards or other instruments.

ASSESS

- **Did the students read the article?**
- **Did they discuss the listening selections?**
- **Did they compose and perform their compositions based on "Oh, Pretty Woman"?**