



# Intellectual Property no Jutsu: Copywrongs, Fair Use, and Naruto v. Slater

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## Essential Question(s)

- How can you use someone else's work ethically and legally within your own to create something new?

## Summary

In this lesson, students will learn the core concepts of intellectual property, copyright, and fair use as they study their own creative projects and real-world examples. They will design their own logos, weigh the ethics of copyright, learn how to transform and attribute others' works, and put it all into practice by starting their own portfolio of creative work. This resource helps teachers and students understand complicated legal concepts and how they apply to day-to-day club activities, especially in clubs related to writing, art, journalism, A/V, and other forms of media production.

## Learning Goals

## Attachments

- [Activity Slides—Intellectual Property no Jutsu Copywrongs, Fair Use, and Naruto v. Slater.pptx](#)
- [TASL Card—Intellectual Property no Jutsu Copywrongs, Fair Use, and Naruto v. Slater.pdf](#)
- [TASL Card—Intellectual Property no Jutsu Copywrongs, Fair Use, and Naruto v. Slater.png](#)

## Materials

- Activity Slides (attached)
- TASL Card (attached; about three cards per student)
- internet-enabled student devices

15 minutes

## Engage

### Teacher's Note: Club Curriculum

This lesson is part of a series of flexible curricula intended for student media clubs (such as journalism, art, or A/V clubs). Feel free to use this activity by itself or with others in the [Journalism Club Collection](#).

Using the attached **Activity Slides**, review the essential question and learning objectives on **slides 3 and 4**.

Move to **slide 5** and invite students to design a personal logo. Explain to students that this personal logo should be simple, like a symbol or silhouette, should be unique from other well-known logos, and should include a maximum of two colors.

### Optional: Example Logo

Consider creating your own personal logo to show students. Explain how your logo fits your personal “brand” and style. Help them understand your creative choices.

Have students take out a piece of paper and ask them to sketch a few different design ideas for their logos. Have them focus on quantity rather than quality during this step. Begin a [five-minute timer](#).

Next, ask students to take a few minutes and decide which design they’d like to refine. Move to **slide 6**. Have students to turn to an [Elbow Partner](#) and discuss the prompt on the slide: “Take turns to show and tell your partner which logo design you chose. Explain why you chose your design. How does it represent your personal brand of self expression and the creative identity you would like to grow into?”

Once students have discussed their personal logos, ask them to set aside their designs for now.

Move to **slide 7** and encourage students to think about the scenario displayed on the slide: “I took your logo, put it on a sweatshirt, and sold them for 60 dollars each.”

Then ask students to discuss the following questions with their Elbow Partner:

- How would you feel if this happened to you?
- What can you do about this?
- In this scenario, what do you think gives you the right to take action against me? What do you think protects me?

### Potential Student Responses

As students discuss the prompts above, particularly the third prompt, circulate the room to listen. If they have trouble inferring what gives them the right to take action, ask them specifically about possible legal rights and protections. Why might you be in the wrong for using the logo they created for profit? Conversely, why might you be able to use their logo anyway?

Once students have discussed these questions with their partner, have them share out their thoughts with the whole class.

Move to **slide 8** and facilitate a whole-class discussion over the prompts. Explain to students the legal implications of using a copyright protected logo without permission. Let students know that once they create something, like their logo, it is automatically protected by copyright law.

If desired, ask students who would choose to take you to court by a show of hands.

30 minutes

## Explore

### Teacher's Note: Word Cloud Preparation

Using [Mentimeter](#), create an account and select the Word Cloud feature. Choose a word cloud template with the following prompt: "What counts as intellectual property?"

Copy and paste the QR code to slide 13 of the Activity Slides to prepare for a collective word cloud activity at the end of the Explore phase.

If you prefer not to use Mentimeter, consider using the [Collaborative Word Clouds](#) strategy instead with the same prompt.

Move to **slide 9** and ask students if they've heard the phrase on the slide before ("information wants to be free"). Move to **slide 10** and have students read the full quote with the phrase in context: "On the one hand, information wants to be expensive because it's so valuable. The right information in the right place just changes your life. On the other hand, information wants to be free because the cost of getting it out is getting lower and lower all the time. So you have these two fighting against each other."

Use the [Think-Pair-Share](#) instructional strategy to have students take a few minutes to think about and reflect in writing on the prompt shown: "Thinking about the quote and what you have learned so far, what do you think 'information wants to be free' means in its full context?"

### Potential Student Responses

Students who are familiar with the phrase may associate it with the idea that all people should be able to access information without cost, that information tends to spread naturally, or that laws limiting transparency and access to information are unjust.

This is fine as a starting place.

For now, rather than telling students what this quote means, allow students to take the time construct their own understanding. This allows for a more authentic learning process.

Once students have had time to write down their thoughts, have them find a partner and share with each other.

Next, invite students to share out what they discussed in their pairs. Move to **slide 11** and reference the slide to clarify what quote originator Stuart Brand was discussing at the time.

Move to **slide 12** to show students a message that may look familiar. Ask students if they have ever seen this image or one like it. Supply the term "DMCA takedown" if students don't come up with it first. Tell students that DMCA stands for Digital Millennium Copyright Act.

Help students understand that this message—one they've likely come across before in different forms—is an example of legal protection and an attempt to restrict content used without permission. This can happen when a person or corporation finds copyrighted media they own, like a song, movie, or other intellectual property, uploaded to a website like YouTube. The person or corporation affected files a DMCA takedown, and the website removes the content.

Move to **slide 13** and provide the QR code or link to your [Mentimeter](#) word cloud with students. Ask students to respond to the prompt on the slide: “What counts as intellectual property?”

### Optional: Collaborative Word Clouds

If not using Mentimeter, segue into the [Collaborative Word Clouds](#) instructional strategy instead.

Give students time to respond. Move to **slide 14** and explain to students that intellectual property is any creation—inventions, written works, art, music, etc.—that began as an idea; you can’t copyright a feeling, but you can protect a tangible version like a song, design, or article. Review the examples on the slide. Have students form groups of 3–4 to discuss which words in the word cloud might or might not be intellectual property.

Once students have discussed in their groups, ask them to share out their thoughts.

Move to **slide 15**. Remind students that the personal logo they created earlier is considered intellectual property. Ask students what else they’ve created recently that might be considered intellectual property. Then ask them if they’ve used or transformed something created by someone else (like a drawing or photograph).

Have students discuss with their same small groups their responses to these questions. Invite students to share their thoughts with the whole class.

Move to **slide 16** and begin to define copyright with students. Review the eight categories of copyrightable work on the slide:

1. Literary
2. Musical
3. Dramatic
4. Choreographic
5. Visual art
6. Film
7. Architecture
8. Sound

Point out which of these categories encompass the work your club or class most often works with. Consider providing different examples of such works to help them understand how the concepts you’ve been working with so far can apply to them as club members.

Move to **slide 17** and tell students that copyright protects all original works equally, regardless of quality or purpose. Reiterate that, by this principle, they legally own all the work they create in your club and for school.

### Optional: Video Resources

If you or your students need more clarification on the concepts covered so far, consider showing the following videos:

- [Introduction to IP: Crash Course Intellectual Property #1](#)
- [Copyright Basics: Crash Course Intellectual Property #2](#)

Move to **slide 18** and ask students to take out a piece of paper. Review the [Sketchnotes](#) strategy and invite students to sketch notes about the upcoming video, both taking notes and visually enhancing ideas with lines, shapes, dots, arrows, colors, diagrams, etc. Encourage them to focus on the key points and main ideas.

Move to **slide 19**. Play the video on the slide for students: [Copyright, Exceptions, and Fair Use: Crash Course Intellectual Property #3](#).

**Embedded video**

[https://youtube.com/watch?v=Q\\_9O8J9skL0](https://youtube.com/watch?v=Q_9O8J9skL0)

Once they have watched the video, encourage students to take a few minutes to look over their notes to add final thoughts or embellish existing sketches.

Move to **slide 20**. Invite students to respond at the bottom of their notes to the question on the slide: “What piece of knowledge do you think is or will be most useful to you?”

35 minutes

## Explain

Ask students, given what they've learned so far, if they would consider using someone else's work without permission stealing. Move to **slide 21** and ask students what the difference between stealing someone else's work and transforming it might be

Ask students how they would define the word "transform" in this situation.

### Potential Student Responses

Students should come to understand that "transform" denotes one thing changing into a new form. If needed, explain the idea that transforming a work is creating from something that someone else already created. Help students distinguish this from stealing another person's work without transforming it.

### Optional: Parody Examples

If students have trouble forming or articulating a viewpoint, consider showing students parody works such as [The Scream by Edvard Munch \(Spongebob Parody\) Poster featured for sale on a Redbubble storefront](#) or the paintings featured in this French article: ["Cet artiste transforme les Pokémon les plus célèbres en peintures de la Renaissance"](#) ("This artist transforms the most famous Pokémon into Renaissance paintings). These serve as examples of transformative works.

You might also compare it this way: transforming another creator's work within your own creative project is much like quoting outside sources in a research paper.

Make sure students understand that transforming work is acceptable under copyright law given it meets a certain standard; this is called fair use.

Move to **slide 22**. Go over the four factors on the slide to help students understand what to consider when determining fair use. If needed, reference these talking points:

- Why are you using it?
  - If you're using it for school, a project, or to teach or comment on something, that's usually fair. Example: Making a video essay about a movie and using short clips to explain your points.
- What kind of thing are you using?
  - Part of something already published (like a book or song) is fairer to use than something unpublished. Something factual is fairer to use than something from a fictional or creative work. Example: Quoting a news article rather than copying a comic strip.
- How much are you using?
  - A small part is better than a big chunk. Only use what you need. Example: Using 10 seconds of a song in your podcast intro rather than the whole track.
- Will it hurt the original creator's money or audience?
  - If your version replaces theirs or stops people from buying it, that's a problem. Example: Remixing a song you like and uploading it to YouTube rather than uploading the original song.

Move to **slide 23**. Go over the two golden rules on the slide. Encourage your student creators to respect and follow them.



- Golden rule #1 asks students to treat others how they'd like to be treated in matters of responsibly referencing and remixing others' work.
- Golden rule #2 serves to remind students that the real-life enforcement of IP and copyright laws often depends on who ultimately owns the IP in question. In other words, a student who uses a picture of Mickey Mouse in an art project is more likely to run into trouble than a student who uses a picture of a lesser-known character from an independent animation studio.

### Teacher's Note: Understanding the Golden Rules

Golden rule #1 encourages students to think empathetically: *Would I be okay if someone used my work the way I'm using theirs?*

Golden rule #2 introduces a critical lens: *Sometimes the law protects the powerful more than the small creator.* This rule helps students stay aware of how copyright systems are enforced in practice. It also reinforces that fair use isn't a loophole—it's a defensible position rather than an ironclad right.

The purpose of showing these contradicting claims is to help students connect copyright and fair use to real-world ethics and power dynamics in media. It is important to understand not only what is strictly legal, but also how the law isn't always equally or ethically enforced.

### Optional: Lines of Agreement

Consider adding movement into your lesson by engaging students in the [Lines of Agreement](#) strategy. Ask students to commit to whichever one of the golden rules is more important. Have students form two lines facing each other: one line for the golden rule #1 and one for golden rule #2.

Have the two lines face each other. Students should partner with the student(s) across from them and discuss their reasoning for why the rule they chose is more important. You can have each student speak one at a time to hear out all arguments, or you can have pairs discuss by themselves to save time. After the discussion, ask the whole group if anyone would like to switch lines based on what they have heard.

Move to **slide 24** and pass out three of the attached **TASL Card** templates to each student. Go over what TASL stands for:

- T: Title
- A: Author
- S: Source
- L: License

These cards are tools to help students find and catalogue resources they can reference and transform in their own work.

**Teacher's Note: TASL Card Examples**

TASL cards are modeled after trading cards—Pokémon or Magic the Gathering cards may come to mind. Think of TASL cards as cataloging individual resources, articles, and other creative works in order to create a “deck” of pre-cited creative inspiration.

Consider copying or modifying the example card slide to make a TASL card for a resource your club would find useful.

Move to **slide 25** and review an example of a completed TASL card with students.

After reviewing the example, move to **slide 26**. Depending on the content of your class, direct students to websites, books, magazines, and other classroom resources available to use to gather information. Make sure students are researching content that is relevant to your class. For example, art clubs or other visual media clubs may benefit from art or design references in books and magazines.

Consider directing students to the [Creative Commons Openverse portal](#) to find CC-licensed works.

**Teacher's Note: Common Terms**

Common terms students may encounter as they search for resources include:

- Public domain: A work in the public domain is not protected under copyright. Anyone can use it without permission or citation.
- Creative Commons: A work in the Creative Commons has some rights reserved. It is protected by copyright, but the owner has chosen to permit its use for certain purposes. See the Creative Commons' [About CC Licenses page](#) for more information on what CC permits.
- Royalty-free: The “royalty-free” label does not grant you permission to use the work for free. Instead, royalty-free work is available for a one-time purchase without incurring royalties. Royalties are percentage-based earnings to be paid to the owner of the intellectual properties. Advise students to avoid works with this term.

Give students time to find and review resources and gather different sources of information like articles, pictures, podcasts, music, and videos. Make sure students gather enough information to fill out three TASL cards apiece.

30 minutes

## Optional Extend

Move to **slide 27** and display the photo of the monkey selfie. Briefly explain that in 2011, a wild monkey named Naruto took this selfie with a photographer's camera and remote shutter. The photographer, David Slater, set this up by acclimating a group of monkeys to his presence and equipment.

Move to **slide 28** and review what happened next with the selfie. Explain that Slater published the photo, which then became a viral success. Wikipedia shared the photo on Wikimedia Commons because they believed it to be in the public domain. According to Wikipedia, Slater did not own the photo because he did not physically take it with his camera. The photo would normally belong to the person who physically took the selfie, but since Naruto is a monkey, Wikipedia did not believe she would be able to own intellectual property.

Move to **slide 29**. Ask students to turn to their Elbow Partner and discuss the questions on the slide:

- Are Wikipedia's claims true? Who owns the photo?
- Who do you believe *should* own it?

### Teacher's Note: Naturo v. Slater

This case helps students explore the limits of copyright law, especially when authorship isn't straightforward. Feel free to leverage the humor inherent in this particular case. The following discussions should test students' reasoning despite the absurd details.

Students should eventually take note of the ethical questions raised in this case that tie in with this activity's core learning objectives. Plan to have students discuss non-human ownership of intellectual property with this example first, and use this discussion to segue into discussion of AI in creative spaces.

Move to **slide 30** and explain the results of the case to students. Tell students that Slater sued Wikipedia. He argued he should own the photo since he set up the conditions for Naruto to take the picture. In response, PETA sued Slater on Naruto's behalf, claiming that the monkey itself should be able to own the copyright on the picture it took. Mention that any proceeds PETA won from the case were planned to go to environmental conservation for Naruto's forest habitat.

Move to **slide 31** to continue reviewing results of the case. The U.S. Copyright Office ruled that: 1) Slater does not own the picture since, despite bringing about the conditions for the picture to be taken, he did not take the picture itself; and 2) only humans can own copyright. As a result, the photo is currently considered **public domain**—free for anyone to use.

Help students understand that copyright currently requires human authorship. Move to **slide 32** and lead students to consider the "gray areas" by prompting the following questions about AI:

- What do you think about art or writing made with AI?
- Can you own something made by AI?
- Should AI creations be labeled?
- Should everything posted online be fair game for AI to reference and remix?

Once students have had a few minutes to think about these questions, have them discuss the questions in a small group.

**Teacher's Note: Guiding the Discussion**

As students discuss or even before they do, help them understand this situation is still developing and heavily debated. Only people can hold IP, yet the law does not always keep pace with technology. Ask students to consider, given the considerations around IP and AI, what values they want to focus on when it comes to their own creative work.

**Optional: Anchor Chart**

Consider making an Anchor Chart with some of the key discussion points mentioned as a set of club norms to follow going forward.

15 minutes

## Evaluate

Move to **slide 33**. Remind students that they are creators and encourage them to be intentional with what they make and when they use what others make. Reinforce the importance of creators having values such as respect, curiosity, and creativity. Facilitate a whole-class discussion by asking the question on the slide: “Considering what you have learned about ethics, respect, and creativity so far, how will that knowledge change how you make and use different works?”

After a brief discussion, move to **slide 34** and invite students to start their own portfolio. Have students set up a portfolio by walking them through the following steps:

1. Navigate to [canva.com](https://canva.com).
2. Select **create**, then **websites**.
3. Choose the **portfolio website** option.
4. Select a template.

### Optional: Alternative Portfolio Formats

If you prefer not to use Canva or want to give students other options, feel free to offer alternatives like the ones below:

- Physical portfolio (binder, paper, printed out images, etc.)
- [Adobe Portfolio](#)
- [Squarespace](#)
- [Behance](#)

Move to **slide 35** and have students begin creating their portfolio. First, ask students to make a title page that includes their personal logo, type of work they do (such as journalism, 3D art, etc.) and their name. Also, as an option, invite them to include a tagline. A tagline is a phrase or slogan the portfolio owner includes about themselves to encompass the skill on display, comparable to a social media bio. It should go somewhere on the title page.

Once students have created a title page, move to **slide 36**. Have students add to their new portfolios one piece of work they have completed for the club so far. Ask students to include the following:

- A photo or visual representation of the piece. If they wrote an article, have them add the text or a screenshot of the featuring page.
- A brief explanation of their creative choices in regards to the piece.
- An attribution if the piece incorporates or transforms someone else's work.

### Teacher's Note: Licensed Work

Consider having students license this first work in their portfolio. In doing so, they would be granting certain copyright permissions to the general public, allowing others to use the work. Have students use the [Creative Commons license chooser](#) to research and apply a Creative Commons or public domain license if they'd like. Otherwise, if students prefer not to license their work, they can do nothing. If they choose not to, they solely reserve all rights to their work and do not grant permission for others to use it—"all rights reserved."

Encourage students to add as many works as they would like to their portfolio. Help them understand that this portfolio should be used to document all of their creative works and can help them in the future with career opportunities, interviews, and preserving and showcasing creative work.

# Research Rationale

For more information, see [When “Journalism Kids” Do Better: A Reassessment of Secondary and Postsecondary Achievement and Activities.](#)

## Resources

- [atvidIQ]. (2024, September 26). Everything you NEED to know about NOT getting a copyright claim! [Video]. YouTube. <https://www.youtube.com/watch?v=z6sOGNjOmVU>
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<https://creapills.com/pokemon-peintures-renaissance-jocum-20231103>

<https://learn.k20center.ou.edu/strategy/165>

<https://creativecommons.org/share-your-work/cclicenses/>

<https://creativecommons.org/chooser/>