

Where Have I Heard That Before?

Musical Influence vs. Plagiarism

Adam Yeargin, Teresa Lansford
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Grade Level	9th – 12th Grade	**Time Frame**	195 minutes
		Duration	4 class periods

Essential Question

How can you determine if music has been plagiarized?

Summary

In this lesson, students will explore the differences between artists who blatantly rip off others' work and artists whose work is influenced by those who came before them. This is a conversation that remains unsettled, and there is room for nuance and debate. Students will listen to several songs and closely examine them to understand the ways in which artistic works are built upon, are influenced by, and/or are reactions to prior artistic works.

Snapshot

Engage

Students listen to popular song excerpts and make snap judgments about each to decide whether it's an example of musical influence or plagiarism ("similar or stolen").

Explore

Students watch a series of videos about some famous instances of debate on the influence/plagiarism spectrum. Students discuss their thoughts on the ethics of each case.

Explain

Students read and discuss two articles about recent controversies regarding musical influence and plagiarism.

Extend

Students use their previous observations and apply them to a new set of listening examples, making observations about what they find similar and influential.

Evaluate

Students select an activity from a Choice Board to demonstrate their understanding. All options require students to explain how their project pertains to musical influence and/or plagiarism and justify the connections they make.

Standards

Oklahoma Academic Standards (Fine Arts: Music (Middle School to High School (Intermediate)))

M.RE.2 : Analyze how the structure and context of varied musical works inform the response.
M.CN.2 : Relate artistic ideas and works with societal, cultural, and historical context to deepen personal understanding.

Oklahoma Academic Standards (Fine Arts: Music (Middle School to High School (Intermediate)))

M.RE.4 : Evaluate musical works and performances based on analysis, interpretation, and established criteria.

Attachments

- Choice-Board-Where-Have-I-Heard-That-Before - Spanish.docx
- Choice-Board-Where-Have-I-Heard-That-Before - Spanish.pdf
- Choice-Board-Where-Have-I-Heard-That-Before.docx
- Choice-Board-Where-Have-I-Heard-That-Before.pdf
- Influence-Detective-Teacher-Notes-Where-Have-I-Heard-That-Before.docx
- Influence-Detective-Teacher-Notes-Where-Have-I-Heard-That-Before.pdf
- Influence-Detective-Where-Have-I-Heard-That-Before - Spanish.docx
- Influence-Detective-Where-Have-I-Heard-That-Before - Spanish.pdf
- Influence-Detective-Where-Have-I-Heard-That-Before.docx
- Influence-Detective-Where-Have-I-Heard-That-Before.pdf
- You-Be-the-Judge-Where-Have-I-Heard-That-Before - Spanish.docx
- You-Be-the-Judge-Where-Have-I-Heard-That-Before - Spanish.pdf
- You-Be-the-Judge-Where-Have-I-Heard-That-Before.docx
- You-Be-the-Judge-Where-Have-I-Heard-That-Before.pdf

Materials

- Lesson Slides (linked here)
- Student Slides (linked here)
- You Be the Judge handout (attached; one copy per group)
- Influence Detective handout (attached; one copy per student)
- Influence Detective (Teacher Notes) (attached; for teacher use)
- Choice Board handout (attached; one copy per student)
- “Here’s What Makes a Song a Ripoff, According to the Law” article (linked here)
- “What Constitutes Music Plagiarism? The Sam Smith and Robin Thicke Trials” article (linked here)
- Internet access
- Classroom computer and audiovisual equipment
- Internet-accessible student devices (optional; one per student or one per group)

10 minutes

Engage

Introduce the lesson using the linked **Lesson Slides**. (Click the hyperlinked text to create a copy of the slideshow for your use.) Display **slides 3–4** to share the essential question and learning objectives with students.

Go to **slide 5** and inform students they are going to watch a video that compares several pairs of songs. Ask students to listen carefully to each pair of songs and make snap judgments about whether the newer song is an example of musical influence or plagiarism ("similar or stolen").

After each pair of songs, have students indicate their thoughts by raising their left hand if they think the songs are merely similar or their right hand if they think the musical idea was stolen. Repeat this process until you reach the end of the video.

Teacher's Note: Pausing for Responses

If you need more time for students to share their responses, you can pause the video after each pair of songs on the frame that reads "Similar or Stolen?"

Once students understand the task, play the "Similar or Stolen?" video.

Embedded video

https://youtube.com/watch?v=OJbJXKuNbEE

Optional Strategy

As an alternative to having students raise one hand or the other, you could use a modified version of the Fist to Five strategy. In this case, have each student hold up one finger if they believe the songs are merely similar, all five fingers if they believe the musical idea was stolen, or anywhere from two to four fingers if they think the newer song falls somewhere in between musical influence and plagiarism.

35 minutes

Explore

Teacher's Note: Start and Stop Times

In the Lesson Slides, the following videos are embedded with the start/stop timestamps pre-selected. If you are using the slides, you do not need to watch for the start/stop times listed below—every video should start and stop at the correct time.

Divide the class into groups of four. Provide each group with a copy of the attached **You Be the Judge** handout.

Go to **slide 6** and inform students they are going to watch a video clip that examines several One Direction songs on the spectrum of musical influence/plagiarism.

Ask students to use the "Notes" column on the handout to record any important points. Within each group, students should pass around the handout so that each group member can write something throughout the video clip.

When students are ready, play the first segment of the video, titled "18 Songs That 'Rip Off' Other Hits" (0:00–4:54).

Embedded video

https://youtube.com/watch?v=FHx3l6lu47k

After the video segment, give students time to consider whether there was anything unethical about these One Direction songs' similarities with other artists' songs. Ask students to discuss why or why not and whether they think it's fair. Students then should record their thoughts in the final column on the handout. (It's okay if not everyone in the group comes to the same conclusion; those who disagree can add their explanation to the handout, too.)

Once students have had enough time to complete the first row of the handout, ask for volunteers to share their group's thoughts with the whole class.

Teacher's Note: Student Slide Approach

If you are having students work in small groups with internet-accessible devices, you may share the linked **Student Slides** through your LMS to give students easy access to the following videos.

Have students use one device per group to watch the series of videos embedded in the Student Slides. These three videos cover some famous instances of debate on the influence/plagiarism spectrum.

Student groups should continue using their You Be the Judge handouts to take notes on each case while watching the videos. After each comparison, student groups should discuss their thoughts on the ethics of each case and record their conclusions in the final column.

Teacher's Note: Lesson Slide Approach

If internet-accessible student devices are not available, you may instead use **slide 7** from the Lesson Slides to present the three videos to the entire class.

As with the previous video, the following videos are embedded on slide 7 with the start/stop timestamps pre-selected. If you are using the slides, you do not need to watch for the start/stop times listed below—every video should start and stop at the correct time.

Inform student groups that they should continue using their You Be the Judge handouts to take notes on each case while watching the following videos. After each comparison, student groups should discuss their thoughts on the ethics of each case and record their conclusions in the final column.

Play the first clip from the following video, titled "7 Songs That 'Rip Off' Other Tunes" (2:17–3:40).

Embedded video
https://youtube.com/watch?v=t4ITk0yrISc?t=138

Play the second clip from the same video, "7 Songs That 'Rip Off' Other Tunes" (11:29–14:07).

Embedded video
https://youtube.com/watch?v=t4ITk0yrISc?t=689

For the third clip, play the following video, titled "Robin Thicke - Blurred Lines VS Marvin Gaye - Got to Give it Up" (entire video).

Embedded video
https://youtube.com/watch?v=ziz9HW2ZmmY

After students have watched the three video clips and completed their handouts, bring the class back together and go to **slide 8**. Play the concluding portion of the earlier video, "18 Songs That 'Rip Off' Other Hits" (13:32–14:07).

Embedded video
https://youtube.com/watch?v=FHx3l6Iu47k?t=812

After the video, have students summarize their thoughts and share any significant points with the class. Ask students if they have any ideas about how this topic might relate to their work in other classes. Highlight parallels with paraphrasing, summarizing, and plagiarism.

30 minutes

Explain

Teacher's Note: Activity Preparation

Students should work in pairs for this activity. Based on what works best for your class, decide ahead of time whether you'd like students to read both of the following articles or split the work. If you choose the latter option, assign the first article to half the class (each "Partner 1" in a pair) and assign the second article to the other half (each "Partner 2" in a pair).

Also, determine whether you'd like students to read the articles using their own internet-accessible devices (if available) or using paper copies of each article. If you choose the latter option, be sure to access both articles linked below and print out one copy of each per student or student pair.

- "Here's What Makes a Song a Ripoff, According to the Law"
- "What Constitutes Music Plagiarism? The Sam Smith and Robin Thicke Trials"

Starting with the groups of four from the previous activity, split each group into two pairs.

Inform students they are going to use the Paired Reading strategy to read two articles about recent controversies regarding musical influence and plagiarism.

Teacher's Note: Paired Reading Strategy

Using this strategy, pairs of students practice listening and comprehension skills. Students read silently and pause after a short segment. Then, one partner summarizes that section while the other partner listens. The listener should speak or interrupt only to clarify unclear points. For the next segment of text, students switch roles and repeat the process.

Display **slide 9** and share the following articles with student pairs:

- "Here's What Makes a Song a Ripoff, According to the Law"
- "What Constitutes Music Plagiarism? The Sam Smith and Robin Thicke Trials"

Each of these articles has pictures at regular intervals that function as natural stopping points. Ask students to pause each time they reach a picture, summarize the preceding text, and swap roles before repeating the process for the next segment of text.

Leave slide 9 on display for the duration of the activity so students can review the process if needed.

Once students have finished reading and summarizing in pairs, bring the class back together and use the POMS: Point of Most Significance strategy for class discussion and closure. Ask students to share the most significant ideas or learning they gained from reading the articles.

20 minutes

Extend

Display **slide 10** and pass out the attached **Influence Detective** handout to each student.

Inform students they are going to apply their previous observations and knowledge to a new set of musical examples, starting with the song “Blinding Lights” by The Weeknd. After they listen, their task is to compare it to similar songs from the 1980s, paying particular attention to musical similarities and elements of possible influence.

Teacher's Note: Listening Time

For each musical example in this section, please note there is no need to listen to the entire song. Approximately 30–60 seconds should be enough time for students to get some general impressions of each song. The arrangement of videos on each slide allows you to replay “Blinding Lights” for comparison between examples.

Once students understand the task, play the first 30–60 seconds of “Blinding Lights” (2019) by The Weeknd.

Embedded video
https://youtube.com/watch?v=fHI8X4OXluQ

Then, go to **slide 11** and play “Take On Me” (1985) by a-ha.

Embedded video
https://youtube.com/watch?v=djV11Xbc914

As they listen, have students use their handouts to take notes on any similarities to and differences from “Blinding Lights.”

If needed, you can play a portion of “Blinding Lights” again, alternating between the two songs to give students more time to listen, compare, and make observations.

Teacher Notes and Possible Student Responses

See the attached **Influence Detective (Teacher Notes)** document for discussion prompts if students are struggling to make comparisons. You can reference this document throughout the rest of this activity as needed.

Optional Slides

Slides 12, **14**, and **16** are optional if you have time. These slides contain fan-made mashup videos that incorporate elements from both songs. If you play these videos for students, discuss which parts work well together and which parts stand out as incompatible.

Slide 12 contains a mashup of The Weeknd's "Blinding Lights" and a-ha's "Take on Me":

Embedded video
https://youtube.com/watch?v=BuiY57hicks

Go to **slide 13** and repeat the comparison process with a different song: "Maniac" (1983) by Michael Sembello.

Embedded video
https://youtube.com/watch?v=6GCNUeTFSbA

Optional Slide

Slide 14 contains a mashup of The Weeknd's "Blinding Lights" and Michael Sembello's "Maniac":

Embedded video
https://youtube.com/watch?v=OEQik5by1DM

Go to **slide 15** and repeat the process once more with the final song: "Young Turks" (1981) by Rod Stewart.

Embedded video
https://youtube.com/watch?v=KEelZOXjjaw

Optional Slide

Slide 16 contains a mashup of The Weeknd's "Blinding Lights" and Rod Stewart's "Young Turks":

Embedded video
https://youtube.com/watch?v=rT8nxFZPHAM

After students have listened to the three songs from the '80s, have students share their thoughts about how "Blinding Lights" compares to each.

First, ask students to give some examples of musical influence among these songs. Then, ask students whether someone could argue that “Blinding Lights” is an example of musical plagiarism—if so, what would be their reasoning?

Go to **slide 17.** Ask students to consider a spectrum with “influence” on one end and “plagiarism” on the other. Have students explain where they think “Blinding Lights” belongs and why.

Optional Strategy

In addition to an informal discussion, you could return to the modified Fist to Five strategy used in the Engage section. In this case, have students hold up one finger if they believe “Blinding Lights” is simply a case of musical influence, all five fingers if they believe the song is explicitly plagiarized, or anywhere from two to four fingers if they think the song falls somewhere in between.

Teacher's Note: Subjectivity

It’s worth noting this conversation is highly subjective. There is no quantifiable measure for determining musical plagiarism. High-profile cases involving music from Led Zeppelin to Lady Gaga have shown that there is still a lot of room for debate, and that lawyers, judges, and expert musicologists can have reasonable disagreements as to where one draws a conclusion.

Rather than searching for a “correct” conclusion, the more appropriate goals of this lesson are for students to (1) listen more purposefully to music, (2) identify and describe individual musical elements within a song, and (3) recognize that all elements of culture are built upon what has come before. This is apparent not only in music but also in art, literature, politics, etc.

After discussing as a class, revisit the essential question on **slide 18**. Ask students how they can determine if a piece of music has been plagiarized or merely influenced by other artists.

100 minutes

Evaluate

Inform students they are going to use the Choice Board strategy to select an activity that helps them demonstrate their understanding.

Go to **slide 19**. Pass out the attached **Choice Board** handout to each student and review the eight options as a class. See the handout for more detailed descriptions of each activity.

Go to **slide 20**. Inform students that all projects must include (and students should be prepared to share):

- An explanation of how their activity pertains to musical influence and/or plagiarism.
- Justification of the connections they made and why they made the choices they did.
- An explanation of how they decided between musical influence and plagiarism.
- Citations for all the sources they used *(some activities will require more external sources than others).*

Alternative Activity

If you wish, you may offer students the option to create their own activity. Be sure that students' ideas capture the spirit of the exercise and meet the general expectations outlined in the bulleted list above.

Have students work independently on their projects for the remainder of the class period. Walk around the classroom to observe and answer questions where needed.

Teacher's Note: Additional Time

Students are likely to need more than one class period to complete their projects. Depending on the circumstances of your classroom and calendar, you may choose to offer students another day of class time to work, or consider other options where appropriate.

Finally, consider building in time for project share-outs or a Gallery Walk activity that allows students to showcase their work.

Resources

- A-ha. (2010, January 6). A-ha - Take On Me (Official 4K Music Video) [Video]. YouTube. https://youtu.be/djV11Xbc914
- Chesterfield, J. (2013, November 1). Robin Thicke - Blurred Lines VS Marvin Gaye - Got to Give it Up [Video]. YouTube. https://youtu.be/ziz9HW2ZmmY
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- David Bennett Piano. (2019, November 5). 18 Songs That 'Rip Off' Other Hits [Video]. YouTube. https://youtu.be/FHx3l6Iu47k
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- Michael Sembello - Topic. (2018, August 10). Maniac [Video]. YouTube. https://youtu.be/6GCNUeTFSbA
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- Stewart, R. (2015, October 5). Young Turks [Video] YouTube. https://youtu.be/KEelZOXjjaw
- The Weeknd. (2019, November 28). The Weeknd - Blinding Lights (Official Audio) [Video]. YouTube. https://youtu.be/fHI8X4OXluQ
- TJA Mashups. (2020, March 23). The Weeknd VS Michael Sembello - Maniacal Lights (Mashup) [Video]. YouTube. https://youtu.be/OEQik5by1DM
- Ugwu, R. (2015, March 6). Here's What Makes a Song a Ripoff, According to the Law. Buzzfeed. https://www.buzzfeed.com/reggieugwu/what-the-law-says-about-music-plagiarism