



# COPYRIGHT CONTROVERSIES



Scan to review worksheet

Expemo code:  
1A5P-F1LB-A5K2

1

## Warm up

Discuss the questions in pairs or small groups.

1. Are you aware of Andy Warhol? What do you think of his work?
2. What does it mean to own a copyright? Do you know anybody who does?
3. Are you aware of any famous cases involving copyright law?

2

## Focus on vocabulary

Match the vocabulary with the correct definition.

brief (n)

dial it back (idiom)

file (v)

hindsight (n)

inquiry (n)

licensing fee (n)

parody (n)

turn on its head (idiom)

1. \_\_\_\_\_ an imitation of something with deliberate exaggeration for comic effect
2. \_\_\_\_\_ a written legal document
3. \_\_\_\_\_ submit a document
4. \_\_\_\_\_ a sum of money paid to another person for the right to use something
5. \_\_\_\_\_ cause something to be the opposite of what it was before
6. \_\_\_\_\_ make something less forceful or extreme
7. \_\_\_\_\_ the act of asking a question
8. \_\_\_\_\_ the ability to understand an event or situation after it has happened



### 3 Listening for comprehension

You are going to watch a video about a recent copyright case involving the artist, Andy Warhol. First, read the passage introducing the video and then do the task below.

#### Prince photographer sues Andy Warhol

In 1981, Lynn Goldsmith was hired by Newsweek to photograph the rockstar, Prince. Three years later, the artist Andy Warhol was paid by a different magazine to create images based on Goldsmith's photograph.

Warhol made 16 images in which he made the original photograph smaller and added various colours. When Warhol died in 1987, the Warhol foundation took ownership of the 'Prince series', licensing them to different publications and selling the originals for hundreds of thousands of dollars.

Goldsmith did not receive any of the money. She claims that Warhol and the foundation have broken copyright laws because Warhol did not 'transform' the image into something new.



Now, watch the video and decide if the following information is true (T), false (F), or not given (NG).

1. Andy Warhol changed the photograph by making it bigger. \_\_\_\_\_
2. Some people might not think that Warhol changed the photograph a lot. \_\_\_\_\_
3. The man who is interviewed is optimistic that the court will make fair use easier to understand. \_\_\_\_\_
4. Andy Warhol and Prince were close friends. \_\_\_\_\_
5. The woman who is interviewed does not think that current fair use laws are satisfactory. \_\_\_\_\_
6. The woman wrote a brief supporting the photographer, Lynn Goldsmith. \_\_\_\_\_





## 4

**Scanning for vocabulary**

**Part A:** Look at the text below about copyright protection. Find expressions or phrases which mean the same as the following.

1. \_\_\_\_\_ (n, para. 1): a legal term describing ownership of the rights to the use and distribution of certain works
2. \_\_\_\_\_ (n, para. 1): an action that breaks a rule or law
3. \_\_\_\_\_ (n, para. 1): the act of illegally copying and selling something
4. \_\_\_\_\_ (v, para. 2): to give a particular job or piece of work to someone
5. \_\_\_\_\_ (n, para. 2): payments that someone such as a writer or musician gets each time their work is sold or performed
6. \_\_\_\_\_ (phrase, para 2.): available for everyone to see or know about
7. \_\_\_\_\_ (n, para. 2): the writer of a book, article, document, etc.
8. \_\_\_\_\_ (n, para 3.): laws relating to how someone can legally copy parts of something without permission

**Part B:** Complete the sentences with the missing words from Part A. You may need to change the form of the word.

1. The writer had to be paid \_\_\_\_\_ when they turned his book into a film.
2. The woman had been selling music online illegally and was charged with \_\_\_\_\_.
3. \_\_\_\_\_ of the regulations is punishable by a fine.
4. The previously private information about the government is now \_\_\_\_\_.
5. The artist believed that they could reference the work because of \_\_\_\_\_ laws.
6. The teacher \_\_\_\_\_ us 40 problems to complete over the weekend.
7. The song was written 70 years ago but his family still own the \_\_\_\_\_.
8. The \_\_\_\_\_ won a very important literary prize.





# Copyright protection

## The law

1. If an author creates a piece of work, it is automatically protected by the law. However, many people choose to officially register a copyright in order to protect against infringement. This is when someone's work is used without permission. Other problems that can occur involve piracy, which is illegally reproducing or selling copyrighted material.
2. If a person wishes, they may assign their work to someone else, or to a company. In return, the author usually receives payment or royalties. A third party can use someone else's work without having to pay royalties if it exists in the public domain. In the UK and the US, artworks enter the public domain 70 years after the death of the artist. For example, the original version of A.A. Milne's Winnie-the-Pooh entered the public domain in 2022.
3. Work can be referenced or quoted in newspapers, books, and news reports under fair use guidelines. It can sometimes be difficult to decide what the limits are. For example, a teacher may distribute selected pages from a published text, but they cannot hand out printed copies of the entire book.

Source: [copyright.gov](https://copyright.gov), [reuters.com](https://reuters.com)



## 5

### Focus on vocabulary

Match the vocabulary with the correct definition.

- |                             |  |
|-----------------------------|--|
| 1. <u>legitimate</u> (adj.) | a. an uncertain situation that cannot be controlled and in which there is no progress or improvement |
| 2. <u>derivative</u> (adj.) | b. the effect that an action, event, or decision has on something                                    |
| 3. <u>limbo</u> (n)         | c. money that is paid to someone in exchange for something   |
| 4. <u>pertinent</u> (adj.)  | d. reasonable and acceptable   |
| 5. <u>compensation</u> (n)  | e. relating directly to the subject being considered   |
| 6. <u>repercussion</u> (n)  | f. developed from or copies something else   |



## 6

**Reading for context**

Read the following extracts from the article on page five and decide which gaps (1-5) they should go in. You do not need to use all of the extracts.

- (A) The fascinating part of this process is that the resulting work can sometimes be beautiful and quite different from the work it is based on.
- (B) "They are at the frontier of the debate around what use of our data and our faces for work will be seen as appropriate."
- (C) The claim was dismissed, and the U.S. Court of Appeals affirmed, holding that Naruto was not able to sue under the Copyright Act because animals cannot sue for infringement.
- (D) They obviously hope to avoid prison sentences, despite all the evidence that the attorney has collected.
- (E) It may be the first piece created using AI-art generators to receive such recognition from the U.S. Copyright Office.
- (F) However, Ryan Abbott, a professor of law and health science at the University of Surrey, says algorithms should have rights, too.





# Artists seek legal protection from AI

## Can a computer create original artwork?

1. Whether you think they're legitimate artistic creations or artistically derivative and plagiaristic, AI-generated images exist in a strange legal limbo that no governmental body has yet worked out. Yet one artist may be breaking new ground, while opening up an even bigger can of worms for ownership in our progressively AI-driven world. Kris Kashtanova, a New York-based artist and former programmer, wrote on their Instagram page last week that their AI-generated art-based graphic novel had received U.S. copyright registration. \_\_\_\_\_<sup>1</sup> Image hosting sites such as Getty Images and Shutterstock declared they wouldn't accept AI-generated images on the site anymore, noting the ongoing questions surrounding copyright.
2. Most of the popular AI-art generators use technology that compiles millions of images from the Internet. It's led to criticism from the art community that AI-image generators are plagiarising their work, which makes the idea of monetising the images, let alone copyrighting them, all the more problematic. AI-artists use complex algorithms to generate AI-art. \_\_\_\_\_<sup>2</sup> However, it is the computer program that actually creates the art and, in theory, could be the author of the work. Although Section 101 of the US Copyright Act fails to define an author, recent case law suggests that the author cannot be a computer.
3. In the widely publicised "Monkey Selfie" case, Naruto v. Slater, a crested macaque (a type of large primate) named Naruto picked up a photographer's camera and took photographs of itself. The photographer, David Slater, and Wildlife Personalities Ltd. published the "Monkey Selfies" in a book and claimed copyright ownership. People for the Ethical Treatment of Animals (PETA) and Dr Antje Engelhardt sued on behalf of Naruto, claiming Naruto was the author of the photographs. \_\_\_\_\_<sup>3</sup> The U.S. Copyright Office relies on an old Supreme Court precedent that "copyright law only protects the fruits of intellectual labour that are founded in the creative powers of the mind." The Copyright Office's position is that this does not include "works produced by a machine or mere mechanical process that operates randomly or automatically without any creative input or intervention from a human-author."
4. Artists worldwide often have no real protection against AI-generated imitations such as deepfake videos, said Mathilde Pavis, a law lecturer at the University of Exeter, because legislation has struggled to keep up. \_\_\_\_\_<sup>4</sup> Computers are increasingly skilled at creating anything from music to stories, but their work lacks full protection in the United States as only humans can be listed as authors, he said. While machines do not need rights, lack of copyright protection leaves their owners and developers exposed, which might affect investment and innovation.
5. "You can have someone record my voice for an hour and train the AI to make music. And suddenly you can have an AI make award-winning music that sounded like it was coming from me," he said. "If we did that, I would say it would be unfair to have me listed as the author, because it would suggest I'm a great musician, when really, I'm absolutely terrible... Do we want to make it easier for businesses to do business, or... for creatives to get compensation?"
6. With recordings of work calls and video conversations having become commonplace during the pandemic, these decisions will have repercussions outside the entertainment industry in spheres such as workplace rights, said Pavis. "Performers are a little bit the lab rats for what we think is acceptable and unacceptable, legal and illegal," she said. \_\_\_\_\_<sup>5</sup>.

Sources: Business World, Gizmodo, Law career start

## Glossary

**open up a can of worms (idiom):** create a complicated situation in which doing something to correct a problem leads to many more problems



## 7

**Talking point**

Discuss these questions in pairs or with your teacher.

1. Do you believe that AI-generated art should be protected by copyright laws?
2. How might the spread of deepfake videos affect us in the future?
3. Do you think that AI is truly able to produce original work?
4. Are you worried about the effect that AI will have on employment opportunities?

## 8

**Focus on grammar**

Part 1: Modals of deduction in the past.

We can use modal verbs for deduction - estimating if something is true or false by looking at the information that is available. The modal verb we choose shows how certain we are about the possibility.

To use a modal verb for deduction in the past we use the structure:

**Modal verb + have + past participle**

For example:

*Tom was late for work again today. He **might have missed** his bus.*

→ **might have/may have**

We can use **might have** or **may have** + **past participle** when we think it is possible that something happened.

For example:

*I can't find my wallet. I **might/may have left** it in the café.*

**→ can't have/couldn't have**

We use can't have/couldn't have + past participle when we do not think it is possible that something happened.

For example:

*He **can't have gone** on holiday; I saw him ten minutes ago.*

**→ must have**

We use must have + past participle when we are sure what happened.

For example:

*The car is still in the drive. He **must have taken** the bus today.*

**Complete the sentences by using the correct modal verb.**

1. Do you know where Lydia is? She \_\_\_\_\_ left; her bicycle is still here.
2. Dan broke his wrist last night. Someone else \_\_\_\_\_ played piano at the concert this morning.
3. When I was younger my neighbour had a Ferrari. He \_\_\_\_\_ made a lot of money!
4. Look in the garage for your phone. You \_\_\_\_\_ left it there.
5. All the supporters looked very sad after the match. Their team \_\_\_\_\_ lost.
6. I didn't study at all before the test. I \_\_\_\_\_ passed.
7. You look absolutely exhausted; you \_\_\_\_\_ been working a lot last night.
8. I can't find my ID. It \_\_\_\_\_ fallen out of my bag when I paid for lunch.
9. She \_\_\_\_\_ been in the meeting; she is away on holiday all week.
10. Harry is an amazing dancer; he \_\_\_\_\_ had lessons.