



### **Handout 3 - Case B, The Wu-Tang Clan, "Can it Be All So Simple"**

Gladys Knight & The Pips, "The Way We Were," released 1974

Featured on:

The Wu-Tang Clan, "Can it Be All So Simple," released 1993

#### **The Courtroom:**

Group A will argue that The Wu-Tang Clan is protected under Copyright Laws

Group B will argue that The Wu-Tang Clan is in violation of Copyright Laws

- Phase 1: Return to your pre-trial research, rereading the materials if necessary. Use the terminology and definitions you have gathered to develop a concise, written argument supporting your case
- Phase 2: As a class, try the case in court, allowing each side to present its findings. Rather than assigning a "lead lawyer," have each group member present on one issue.
- Phase 3, Post-Trial: Rather than determining a victor, discuss the issues you've raised as a class. You may find the following questions helpful for discussion:
  - Does The Wu-Tang Clan's use of "The Way We Were" constitute "transformative" use? Why?
  - Is The Wu-Tang Clan's recording original?
  - How does it differ from the Knights' recording?
  - Does the author of the "The Way We Were" deserve credit for authorship of "Can it Be All So Simple"?
  - Does the author of the "The Way We Were" deserve financial compensation for from the sales of "Can it Be All So Simple"?
  - Does the Wu-Tang Clan's piece represent assimilation and dissemination of an idea?
  - Should the Wu-Tang Clan need to obtain permission before using this sample?
  - Should the author of "The Way We Were" be able to deny the use of the sample?
  - Can you think of any ways in which sampling is a legal practice and in which the artistic and financial concerns of both sides are considered?