

COPYRIGHT GUIDELINES FOR FILMS AND VIDEOS

Most videos and films are protected by the same copyright restrictions that limit what can be done with print materials. The following guidelines are intended as an overview on how to legally access and show films and videos for educational purposes.

Inside the Classroom

Instructors are permitted to use film and video in an educational setting as long as the following conditions are met:

- The video or film must be screened as part of an instructional program.
- Only students, instructors, or guest lecturers may show videos or films and then only to students enrolled in the class and/or other educators.
- The video or film must be shown in either a classroom or other campus location devoted to instruction.
- The video or film must be shown in a face-to-face setting where instructors and students are in the same general area.
- The video to be shown must be a legitimate copy that displays the copyright notice.
- Videos or films may not be used for entertainment or recreational purposes, regardless of whether no admission is charged for a viewing.

Outside the Classroom

- Faculty, staff, and students are welcome to check out and view videos and films owned by Northwestern College. These materials may be viewed at home, in a dorm lounge, or a library study room, provided no more than a few friends or family members are present.
- Public viewings of videos or films constitute public performance and are not permitted unless permission from the copyright owner is secured in advance. Public Performance Rights (PPR) are needed to avoid a copyright infringement. Note that the library staff purchases DVDs with PPR whenever possible or affordable and is glad to assist any member of the campus community by contacting the appropriate organization to secure rights for a screening. Permission is often expensive and any fees are to be paid by those organizing the screening.

Digitizing and Streaming Video for the Online Classroom

The TEACH Act of 2002 extends the fair use protections to distance education to allow educators to stream video content in online courses, as long as the following provisions are met. The proposed use must be:

- An integral part of a single, typical class session.
- Part of a systematic, mediated instruction activity.
- At the direction of or under the actual supervision of the instructor.

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In addition, the following conditions and guidelines apply:

- Instructors should only use a reasonable portion of a film or video (no more than 20%) for dramatic works like feature films.
- Instructors may use an entire work for non-dramatic musical works (e.g. simple, unadorned, or non-orchestrated playing and singing of songs).
- All works to be digitized and streamed must have been lawfully acquired.
- Access to the video or film must be restricted by a password to only those formally enrolled in the course.
- Instructors should inform students when they are watching a copyrighted work and should warn students against copying and/or distributing it.
- Access to the video or film should be terminated at the end of the lesson or at the close of the term.
- Instructors and other staff may not copy DVDs and distribute them to students, either for free or for a fee. In most cases, this is a flagrant violation of the 1998 Digital Millennium Copyright Act and is strictly prohibited.
- Before having a copyrighted analog work (e.g. VHS) digitized to a computer format, ask the library or LRC staff whether a digital version is available for purchase.

The TEACH Act is not intended to cover videos and films an instructor wants students to view outside of class or on their own time.

Copying Videos and Films

Copying videos or films without the expressed permission of the copyright holder is illegal. Works may be copied to a different format only by libraries in order to replace a lost or damaged copy when a licensed copy in the desired medium cannot be obtained at a fair price. Colleges and universities may digitize analog video and produce digital copies of works in order to make authorized displays and performances as long as: 1) such copies are retained only by the institution and used only for the activities noted above, and; 2) in digitizing analog works, there must be no digital version of the work already available for purchase/copying. If these extensions prove restricting for a proposed use, the fair use exemption still permits instructors to make copies, derivative works, and to display and/or perform works publicly as long as the proposed use qualifies as fair use.

Multimedia Presentations

Portions of copyrighted video content may be used by instructors and students in multimedia presentations given certain limitations. The "Fair Use Guidelines for Educational Multimedia" specify that up to 10% or three minutes, whichever is less, of a "motion media work" may be reproduced when part of a multimedia project intended for educational use (e.g. student presentation, faculty portfolio, end-of-term project, etc.).

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Linking to Videos and Films

Providing the URL to a copy of a film or video does not appear to constitute a copyright violation. When a link is listed or a video embedded into an online Blackboard course, the video and any copyrighted content that appears in the embedded link still reside on local or Blackboard servers. This type of use does not qualify as direct infringement but it may be an instance of contributory infringement. If you are aware that you are linking to an infringing video or film, or that any reasonable person would know that the video or film constitutes an infringement, and your linking contributes materially to the infringement, then it is possible that you could be held liable for infringement as your actions may have helped others to violate copyright.