Guide for Using Video in Instruction

The vast majority of videos are copyrighted and must be used in instruction under in compliance with copyright law. Two amendments to the copyright act, the Technology, Education and Copyright Harmonization Act (TEACH Act) of 2002, and the Digital Millennium Copyright Act (DMCA) of 1998, also provide specific affordances for using digital video. Fair Use is a defense for infringement in specific circumstances, and must be determined on a case-by-case basis. In all cases, it should be noted, the video must be:

- Lawfully obtained.
- Part of your instruction and not used solely for entertainment purposes.
- Accompanied by a notice to students that the material may be copyrighted.

1. Classroom Screening

You may:

- Check out library DVDs for viewing in face-to-face classroom teaching,
- Stream titles licensed by the Libraries for such purposes.
- Screen videos freely available on the internet, such as on network websites or those posted legally to YouTube.
- In addition, you may be able to use your personal Netflix account for classroom screening for some educational content in Netflix.

You may not:

- Use your personal subscription service (Amazon, iTunes), or
- Screen DVDs or streaming videos that were obtained unlawfully.

Applicable Copyright: Section 110(1) of the Copyright Act of 1976 permits instructors at nonprofit educational institutions to show entire films in the course of face-to-face classroom teaching provided that the material was lawfully made. The Libraries provide DVDs for this purpose and also have license agreements with content providers that allow this use in streaming format. You may not use your personal subscription account for this purpose because the contract terms supersede copyright provisions and Fair Use.

2. Stream Videos Out of Classroom

You may:
• Place a link in your Canvas site to videos licensed by the Libraries, or those available freely and legally online so students will be able to view the film from any location with Internet access.
• Require your students to obtain them through low-cost streaming services, such as Amazon, iTunes, Google Play, HuluPlus, or Netflix. The cost to stream a video on Amazon, iTunes, or Google Play is usually under $5. Basic subscriptions to Netflix or HuluPlus are under $10 per month. (as of January 2018)

You may not:

• Digitize entire or substantial portions of analog videos (DVDs, VHS, BlueRay) and provide them online for your students, except in very narrowly defined circumstances (see below).
• Make copies of DVDs, etc. for personal backup.

Copyright: Films and episodes you may use are either freely available or this use is permitted via licenses to the Libraries or to individuals. Digitization of analog videos are restricted by various portions of both the TEACH Act and the DMCA, and a Fair Use evaluation must be made.

3. View a Video in the Library

You May:

• Ask individual students or small groups of students to check out Course Reserve videos and DVD drives from the Lending Desk and watch them in the Library.

You may not:

• Screen videos for anyone except your students without obtaining “public performance rights” from the copyright holder.

Locations for Viewing:

The Library has Group Study Rooms that can be reserved by students and faculty. These rooms are very popular and reservations should be made in advance.

Most of the computers in the Library can play DVDs. Headphones and external DVD drives for laptops can be checked out at the Circulation Desk.

Copyright: The Library purchases DVDs for the collection, and they may be loaned out for personal viewing under the first sale doctrine. Section 110(1) of the Copyright Act of 1976 permits entire films be shown by educators, students or guest lecturers to students and educators in a space dedicated to instruction, and the students and instructors should be in the same location.

4. Guidelines on Digital Conversion

This is where legal guidelines get tricky, and the above options are always preferable. However:

You may:
• Convert “other works” (e.g. feature films, operas, music videos—the vast majority of what are needed in instruction falls in this category) and screen “reasonable and limited portions,” provided you:
  o Verify no digital version is available at a reasonable cost;
  o Show the work in a situation similar to a single class setting at your direction or actual supervision;
  o Only allow access to the video to your students during the period of time they are required to view it;
  o Undertake reasonable measures that prevent the material from being copied and distributed.
  o Use a technology that does not circumvent protection measures on the DVD/BlueRay, such as Camtasia.

• Convert and stream in its entirety any work for which you own the rights or have obtained permission from the copyright holder;

• Convert non-dramatic literary or musical works (works that do not rely on both action and sound to convey the narrative, such as poetry read aloud) and screen them online in their entirety, provided you:
  o Verify no digital version is available;
  o Show the work in a situation similar to a single class setting at your direction or actual supervision;
  o Only allow access to the video to your students during the period of time they are required to view it;
  o Undertake reasonable measures that prevent the material from being copied and distributed.

**You may not:**

• Circumvent protection measures on DVDs for which a digital version is available at a reasonable cost;

• Circumvent protection measures on DVDs without permission of the copyright holder, unless you are teaching a film studies or similar course that requires “close analysis” of the film (such as lighting, perhaps) and you believe non-circumvention technologies do not provide the resolution necessary. You still need to meet all the provisions in the TEACH and/or Fair Use guidelines, and use only “reasonable or limited portions.” Some guidelines suggest under 20% of a film.

• Circumvent protection measures if the DVD is accompanied by a license that specifically prohibits it.

**Copyright:** While the TEACH Act permits converting streaming entire “non-dramatic” works and reasonable and limited portions of “other works,” the DMCA specifically prohibits circumventing protection measures on DVDs and BlueRay. The DMCA also allows, however, for the Librarian of Congress to determine exemptions to this provision, to be re-evaluated every three years, which currently provide the exemptions listed above. New guidelines are due to be published in October, 2018. Again, you must only use a short portion of the film (minutes).
This document adapts material created by Georgetown University, Xavier University, the University of Georgia, the University of Texas at Austin, and Ohio State University.