

Shenandoah Valley Audiovisual Materials Policy

Films and Video

Classroom Use:

Possession of a film or video does not confer the right to show the work. The copyright owner specifies, at the time of purchase or rental, the circumstances in which a film or video may be "performed". For example, videocassettes from a video rental outlet usually bear a label that specifies "Home Use Only". However, whatever their labeling or licensing, use of these media is permitted in an educational institution so long as certain conditions are met.

Section 110 (1) of the Copyright Act of 1976 specifies that the following is permitted:

Performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance, or the display of individual images is given by means of a copy that was not lawfully made...and that the person responsible for the performance knew or had reason to believe was not lawfully made.

Additional text of the Copyright Act and portions of the House Report (94-1476) combine to provide the following, more detailed list of conditions.

They must be shown as part of the instructional program.

1. They must be shown by students, instructors, or guest lecturers.
2. They must be shown either in a classroom or other school location devoted to instruction such as a studio, workshop, library, gymnasium, or auditorium if it is used for instruction.
3. They must be shown either in a face-to-face setting or where students and teacher(s) are in the same building or general area.
4. They must be shown only to students and educators.
5. They must be shown using a legitimate (that is, not illegally reproduced) copy with the copyright notice included.

Further, the relationship between the film or video and the course must be explicit. **Films or videos, even in a "face-to-face" classroom setting, may not be used for entertainment or recreation**, whatever the work's intellectual content.

Copying Videotapes / Off-Air Recording of Broadcasts, Including Satellite TV:

Copying videotapes without the copyright owner's permission is illegal. An exception is made for libraries to replace a work that is lost or damaged if another copy cannot be obtained at a fair price [Section 108 of the Copyright Act of 1976].

Licenses may be obtained for copying and off-air recording. Absent a formal agreement, "Guidelines for Off-the-Air Recording of Broadcast Programming for Educational Purposes", an official part of the Copyright Act's legislative history, applies to most off-air recording.

1. Videotaped recordings may be kept for no more than **45 calendar days** after the recording date, at which time the tapes must be erased.
2. Videotaped recordings may be shown to students only within the **first 10 school days** of the 45-day retention period.
3. Off-air recordings must be made only **at the request** of an individual instructor for **instructional** purposes, not by staff in anticipation of later requests.
4. The recordings are to be shown to students no more than two times during the 10-day period, and the second time only for necessary instructional reinforcement.
5. The taped recordings may be viewed after the 10-day period only by instructors for evaluation purposes, that is, to determine whether to include the broadcast program in the curriculum in the future.
6. If several instructors request videotaping of the same program, duplicate copies are permitted to meet the need; all copies are subject to the same restrictions as the original recording.
7. The off-air recordings may not be physically or electronically altered or combined with others to form anthologies, but they need not necessarily be used or shown in their entirety.
8. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.
9. These guidelines apply only to nonprofit educational institutions, which are further expected to establish appropriate control procedures to maintain the integrity of these guidelines.

Certain public broadcasting services (Public Broadcasting Service, Public Television Library,) impose similar restrictions but limit use to only the seven-day period following local broadcast

Common Questions:

May I purchase or rent a film from the local video store and use it in my class?

Tapes from a video store are labeled "Home Use Only", indicating a licensing agreement with the copyright holder. Nevertheless, use of such tapes is considered "fair use" in a face-to-face teaching situation. Tapes marked "Home Use Only" may also be placed on reserve and viewed in the Video Lab if they are used strictly for instructional purposes and not entertainment. **(Note: Title must be included on the acceptable use at SV) Forms can be obtained in the high school library.**

Is it permissible to make a copy of a rental video in order to use it again, later?

No. That would infringe on the rights licensed to the rental agency. (Absent reasonable return for service, rental agencies cannot survive.)

Can an auditorium or other large space be used to show a video labeled "Home Use Only" to a class?

Yes, so long as the performance is not open to the public and is for an instructional purpose within the structure of the course. Use for entertainment is prohibited. **(Note: Title must be included on the acceptable use at SV) Forms can be obtained in the high school library.**

If the school district already owns a videotape, and it has been used in the classroom, can I have it shown on the district video network?

Not unless explicit permission for closed-circuit distribution has been obtained.

Can a district-owned video be copied for Reserves?

Not unless permission for the copying has been obtained from the copyright owner.

May a club or other group show a video obtained from a local video store?

No. However, many film/video libraries and distributors offer the required "public performance rights" that are included in a higher rental fee.

Can a video tape be made of a film that is out of print and deteriorating rapidly?

Although the film is out of print, permission of the copyright owner is nonetheless required.

Sound Recordings**Non-Music Recordings**

Cassettes or disks may not be copied unless replacement recordings from a commercial source cannot be obtained at a fair price. Recording brief excerpts is considered fair use, however.

Music Recordings

A single copy may be made for the purpose of constructing aural exercises or examinations. Otherwise, the restrictions on copying non-music recordings apply.

Slides and Photographs***Reproduction***

Occasionally, slides of copyrighted images that are needed for classroom purposes cannot be obtained ready-made in a timely fashion. If the process of slide-making would fail to meet Fair Use requirements, the requestor must demonstrate that the copyright owner has granted permission.

Display

Copyright ownership of slides and photographs encompasses control over display as well as reproduction. However, Section 110 of the Copyright Act of 1976 addresses the display of copyrighted slides and photographs in educational settings by allowing "display of a work by instructors or pupils in the course of face-to-face teaching activities of a non-profit educational institution, in a classroom or similar place devoted to instruction" so long as the copy of the artwork was lawfully made. Furthermore, the purpose of the display must be integral to the course.

Educational Multimedia Fair Use

Key elements of the Educational Multimedia Fair Use Guidelines are summarized here. The Guidelines specify how much of copyright-protected sources may be included in multimedia products prepared by students or faculty members for course-related work. Use of larger portions requires permission from copyright owners. Creators of multimedia products may prepare a total of three copies, one of which is for preservation and replacement purposes only. One of the copies may be placed on Library Reserve. An

exception is allowed for joint projects: each principal creator may retain a copy. Fair Use status expires two years after the first instructional use of a particular multimedia product.

??????? How Much ???????

Motion Media

Up to 10% or 3 minutes of a source, whichever is less.

Text

Up to 10% or 1000 words of a source, whichever is less. An entire poem of less than 250 words, but no more than 3 poems or excerpts by one poet. No more than 5 poems or excerpts from one anthology.

Music, Lyrics, Music Video

Up to 10% but not more than 30 seconds total from an individual work.

Illustrations, Photographs

No more than 5 images by one artist or photographer. No more than 10% or 15 images, whichever is less, from any single published work.

Numerical Data Sets

Up to 10% or 2500 fields or cell entries, whichever is less.

Internet Sources

Though it can be difficult to determine what is copyright protected and what is in the public domain, the multimedia creator is responsible for adhering to copyright law.

Opening Screen Notice

"Certain materials are included under the fair use exemption of U.S. Copyright Law and have been prepared according to the educational multimedia fair use guidelines and are restricted from further use." Credit the sources and display the copyright notice and copyright ownership information if shown in the original source. Crediting the source must adequately identify the source of the work, giving a full bibliographic description where available (including author, title, publisher, and place and date of publication). The copyright notice includes the word "Copyright" or the copyright symbol, the name of the copyright holder, and the year of first publication.

Integrity of Sources

Any alterations of copyrighted items must be noted.

Computer Software

Software products that are not licensed to the district may not be used on district computers.