

FAIR USE AND COPYRIGHT

For videos and films

WHAT IS FAIR USE?

Right to use copyrighted material without permission or payment under some circumstances.

Includes criticism, comment, news reporting, teaching, scholarship, and research.

The law is written vaguely to allow flexibility, however this leaves the individual responsible for evaluating fair use and liability.

HOW TO ESTABLISH FAIR USE

- The **purpose** and character of the use, including whether the intended use is commercial VS. for nonprofit educational purposes.
- The **amount** and significance of the portion used in relation to the entire work.
- The **nature** of the copyrighted work.
- The **effect** of the use upon the potential market for or value of the original.
- Must be legally acquired copy

WHAT IS THE TEACH ACT?

Allows use of copyrighted works in distance learning.

- Copy of work using must be lawfully made and acquired
- The work must be a regular part of a systematic mediated instructional activity made by, or under the direction or supervision of, a teacher
- The work must **not** be something produced or marketed primarily for use in the online distance education market
- Use technology that reasonably limits the student's ability to retain or further distribute the materials
- Use a “reasonable and limited” portion of the work

ASK YOURSELF

1. Was the work you plan to use legally made and acquired?
2. Do you have permission from the work's copyright holder to use the work the way you want?
3. How will you use the work?
 - a. For a class (either in-person or online)?
 - b. To show as part of a public event (student clubs, speaker series, etc.)?

STREAMING VIDEOS FOR ONLINE EDUCATION

- Films on Demand
 - Includes public presentation rights
- Hoopla (only available to San Mateo County Public Library, San Mateo City Public Library, Redwood City Public Library)
- Swank
 - Available at CSM, can purchase rights to individual movies for public performance

REFERENCES

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http://www.librarycopyrightalliance.org/storage/documents/ibstreamingfilms_021810.pdf