

Using Videos, DVDs, and Films in the EMU Library Policies and Guidelines

Eastern Michigan University and the University Library adhere to the *Copyright Act of 1976* and all subsequent amendments and interpretations of the law. These guidelines will help you apply copyright law in the use of videos, dvds, and films in your course-related teaching.

For questions about showing a film for a non-course related purpose, please contact the Melissa Ginotti, Associate Director of Campus Life Programs, at 487.3045. She will work with Swank, a video copyright/licensing clearance center, to obtain permission to show the film on campus.

Classroom Use

Possession of a film, dvd, or video does not include the right to show the work. Section 110 (1) of the *Copyright Act of 1976* creates an exception to the copyright holder's exclusive right of performance.

§ 110. Limitations on exclusive rights: exemption of certain performances and displays.⁴¹

Notwithstanding the provisions of section 106, (fair use) the following are not infringements of copyright:

(1) 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 under this title, and that the person responsible for the performance knew or had reason to believe was not lawfully made;

The "face-to-face" exception allows you to use videos, dvds, or films if:

- The video, dvd, or film has a legal copyright notice, and
- The video, dvd, or film is part of the instructional program, and
- The video, dvd, or film is shown by students, faculty or guests, and

- The video, dvd, or film is shown in a classroom or other school location devoted to the instruction program in a face-to-face setting or where students and teacher(s) are in the same area, and
- They are viewed only by students and educators, and
- The video, dvd, or film and the course must have a direct relationship. Films or videos, even in a face-to-face classroom setting, may not be used for entertainment or recreation, without the copyright holder's permission.

Non-Classroom Use

In addition to use in classrooms, videos, dvds and films that are owned by the University may be viewed by students, faculty, or staff in the University Library in the Audio/Visual Room or other rooms with special arrangements made through Client Services (734.487.0020, x2199).

Videos may also be viewed at home or in a residence hall room if no more than a few friends are involved. For larger groups in residence halls or other large settings on campus, you must obtain a license for public performance rights. No fees for showing a video, dvd, or film are permitted even when public performance rights are obtained.

Rented Videos, DVDs, and Films

Videos, dvds and films available for purchase or rent from stores are meant for home use only. Face-to-face teaching in a classroom as described above is the only exception. Go to the Motion Picture Licensing Corporation Copyright site (www.mplc.com) for more information regarding the use of these materials.

Obtaining a Public Performance License

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