

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 or DVDs in your course-related teaching. For questions about showing a film for a non- course related purpose or for information on obtaining a public performance license, please contact Campus Life, at 487-3045. They will work with Swank, a video copyright/licensing clearance center, to obtain permission to show the film on campus.

Classroom Use

Possession of a video or DVD 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. 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 it was not lawfully made.

The “face-to-face” exception allows you to use videos or DVDs if:

- The video or DVD has a legal copyright notice, and
- The video or DVD is part of the instructional program, and
- The video or DVD is shown by students, faculty or guests, and
- The video or DVD 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 or DVD and the course must have a direct relationship. Videos or DVDs, 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 or DVDs that are owned by the University may be viewed by students, faculty, or staff in the University Library. 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 or DVD are permitted even when public performance rights are obtained.

Rented Videos, DVDs, and Films

Videos or DVDs 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.