

Copyright or Copywrong? Classroom Use of Videotapes



Federal copyright law provides that any showing (also known as a performance) of a purchased or rented pre-recorded video programs outside the home requires the purchase of a public performance license.

The “Fair Use” section (§110.1) of this law allows for classroom use of such videotapes without a public performance license ONLY if certain conditions are satisfied. These requirements are:

1. The use must take place in a non-profit educational institution.
2. The use must occur in a classroom or similar place devoted to instruction.
3. The use must be in connection with face-to-face teaching activities (i.e., related to the board-established curriculum and the particular skill being taught on that day).
4. The use must be exclusively by the instructor and the students in the classroom, in the course of face-to-face teaching activities (meaning the teacher must be present in the classroom during the performance and that other classes can’t simply choose to view what another class is watching).
5. The videotape is a legally obtained copy.

If all of the conditions of the fair use are met, it is permissible to show a legally obtained program in a classroom or school library without obtaining permission from the copyright owner, even if labels like “For Home Use Only” appear on the packaging. The fair use provisions supersede these written warnings of the copyright holder (but only when all the conditions are met).

Please note that the fair use exemptions apply only to face-to-face instruction. Using a videotape for entertainment, fund-raisers, or time-fillers (such as when it’s raining and we can’t go outside for recess) does NOT meet these conditions, so a public performance license would need to be purchased for such a use. Showing the video under these conditions without a license *is a violation of federal law!*

Why should you care?

Schools, school districts, and teachers can be and are sued for violating copyright law. Both the teacher who showed the videotape illegally and school personnel who provided the equipment have been named as defendants.

How will anyone find out?

Rumors abound that Disney, Warner Brothers and other production companies pay bounties of \$5,000 or more for reports of illegal uses of their videotapes in schools. Lawsuits can and do happen. Don’t let yourself be the target of one. When in doubt, play it smart... skip the video (and protect yourself).

If any videotape is so critical to your curriculum to make you willing to risk violating federal law, you need to request that it be purchased for the school media center.

How do I get a video approved?

Just come by the media center and pick up a copy of the non-school owned materials form. Fill this out and return it with the video to Mrs. White. The video and form will be circulated through the media committee and approved/declined based on educational value and fair use guidelines.