

# COPYRIGHT, FAIR USE, AND LICENSING

UNDERSTANDING HOW TO USE VIDEO MATERIALS  
RESPONSIBLY



## INTRODUCTION TO FAIR USE AND LICENSING

When utilizing video resources offered by the BOCES Media Center, it's important to understand that copyright laws apply, and what these copyright laws mean for you, the instructor.

All videos available through the Media Center, in whatever format (streaming, DVD, etc.), cannot be "publicly performed" (i.e., exhibited in a public place beyond one's own circle of friends and family) unless one of these two conditions applies:

- When public performance of the video falls under **fair use**
- When the particular title being performed falls under a **license for public performance** obtained by the Media Center



# MATERIALS LICENSED FOR PUBLIC PERFORMANCE

The BOCES Media Center has obtained licenses for the public performance of certain video titles. These licenses are not limited to items available to borrow from our collection; titles included under these licenses are covered regardless of format (DVD, Blu-ray, streaming, etc.) and when legally obtained from any consumer source.

For all items in our collection that are covered by a license, this will be indicated in the "Summary Notes."

We have obtained licenses for public performance from two companies: the **Motion Picture Licensing Corporation (MPLC)** and **Swank Motion Pictures, Inc.**

For information about the MPLC umbrella license, see here: <https://www.mplc.org/page/the-umbrella-license>

To search for titles licensed by Swank, see here: <https://www.swank.com/k-12-schools/>

## FAIR USE

Fair use is a legal doctrine that allows for the unlicensed performance of copyrighted material under certain circumstances—in particular, **when the material is used for nonprofit educational purposes.**

Please be aware that, although use of copyrighted films for educational purposes is often considered fair, it is not *necessarily* considered fair: other factors, aside from the purpose, apply in determining whether use is legally fair or not. It is up to individual instructors to determine whether their use of copyrighted, unlicensed videos is fair.

For more information about fair use, see the U.S. Copyright Office website: <https://www.copyright.gov/fair-use/more-info.html>

A free fair use evaluator tool, which can help to determine whether your use is fair and which generates a report that you can keep for your records, can be found here: <https://librarycopyright.net/resources/fairuse/index.php>

## Questions?

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