

Interim Policy on Showing Videos and Films at Oberlin College

Nicholas Jones, Associate Dean, Sept. 30, 2008

An ad hoc committee chaired by Director of Libraries Ray English has been meeting over the summer of 2008 to reconsider the college's various statements about copyright. While the committee's formulation is not yet final, the following interim statement about showing films and videos is being circulated to guide departments and individuals about the showing of films and videos within fair use. This is an interim and partial statement about a complex issue; a fuller statement will be forthcoming later this year.

The policy is based on the premise that compliance with copyright law is the responsibility of each member of the community. Those who willfully violate copyright law do so at their own risk and may also be subject to relevant College disciplinary proceedings. There are also legal penalties for wilful or inadvertent breach of copyright.

The committee believes that the law is clear that performances that are not public, such as those shown among friends in a private setting, are exempt from the requirement of a license from the copyright holder. "Friends" are considered to be people who have "a social relationship," including acquaintances who come together for a social purpose or activity, such as a gathering in a dorm room.

A public performance is one that is either open to the public (whether or not the public actually attends) or taking place where a substantial number of people who are not family members or friends are gathered. This interim policy primarily concerns public performances that are exempt from a licensing requirement because of being used for "face-to-face instruction."

A copyrighted film or video may be shown without a specific license in a face-to-face teaching situation. The committee interprets this exemption to include not only a specific course meeting in a classroom but also showings that go beyond a regularly scheduled class session, if the showings are required or strongly recommended for a course, or group of courses, or area of coursework. This includes showings in language houses under the supervision of a faculty member, house director, or language teaching assistant, for which students in relevant courses of study have been notified. The showings must not be advertised publicly -- that is, beyond the group of students engaged in this course or area. Under no circumstances may such showings be announced openly on the web, in campus news sources, or on openly displayed posters.

For showings for which a license for public performance is needed, it may be obtained by either renting the film or video directly from a distributor that is authorized to grant such licenses (rather than from a regular video store) or by contacting the copyright holder (generally the studio) directly. Among others, the film distributors below are authorized to grant these licenses:

- Swank Motion Pictures, Inc., 1-800-876-5577
- Kino International, 1-800-562-3330
- New Yorker Films, 1-877-247-6200
- Criterion Pictures USA, 1-800-890-9494
- Modern Sound Pictures, 1-402-341-8476