Copyright and Video in the Classroom

By David Everett, Library Director

Disclaimer: The author is not a lawyer and this column should not be construed, in any way, as legal advice.

Lately, there has been a lot of discussion about copyright on campus. One question that is often asked about copyright is the use of video (either DVD or VHS tape) in the classroom. Copyright is definitely a consideration since copyright law gives the copyright holder the right to determine how a video will be shown. But every time you buy (or rent or borrow) a video, you also acquire licensed rights, which trump (or at least better define) copyright and how you may or may not use a video. License agreements generally fall into one of three categories:

Home Use – This is the most commonly licensed right and the one most people know, probably from the FBI warning notice. It allows you to view a video in your own home with family and friends. But what about showing it to a class? Fortunately, there is a face-to-face teaching exemption (§ 110) to the law. This allows you to show a purchased or rented video to a class. While the particulars of the exemption are not well defined, it is generally assumed to that the class is a regularly scheduled class meeting of a regularly scheduled course with the instructor present, and that the video has applicability to the curriculum.

Performance Rights – This is the next step up and allows the owner to show the video to the general public, although the specifics may vary depending on the company granting the rights. In many cases, it must be shown by a non-profit organization with no admission charged, although that does depend on the exact wording of the license. Note that not charging admission does not remove the need for performance rights. In the library’s collection, some type of performance rights.
Hidden Treasures

Smithsonian Studies in/Contributions to History and Technology

The Smithsonian Institution has been referred to as “America’s Attic.” Since its establishment in 1846, it has amassed enormous collections in its various museums and galleries, and printed thousands of publications about these materials and the research of the scholars who work there. Our library is home to many of these works, including several series of publications under the umbrella of Smithsonian Contributions and Studies (http://www.sil.si.edu/smithsoniancontributions/). Most of these are devoted to particular subject areas (e.g. Smithsonian Contributions to Zoology), while others are more wide-ranging in scope. Smithsonian Studies in History and Technology (since 2010, Contributions to) has some of the most fascinating and eclectic publications released by the Smithsonian. Begun in 1969, 57 monographs have been published, the latest in 2010, and are available in both print format and online, through the library’s catalog (SuDoc no. SI 1.28:).

The earliest one, an unnumbered volume, gives one an idea of what sorts of topics might be covered. Cynthia Hoover’s Harpsichords and Clavichords presents a tour of the Hall of Musical Instruments in the National Museum of History and Technology, while providing information on the history of the instruments themselves and the various styles represented there. Without missing a beat, the next volume sends us south, to examine Privateers in Charleston, 1793-1796 (by Melvin Jackson), a study of the ships that sailed from that harbor, empowered by the fledgling U.S. government to seize enemy ships. Sailing back to D.C., the third volume presents a Catalog of Meteorological Instruments in the Museum of History and Technology, by W.E. Knowles Middleton. The variety of subjects is remarkable in scope, and highly entertaining. Just a few of the many volumes include:

- History of Letter Post Communication Between the United States and Europe, 1845-1875 (1971)
- Small Arms Ammunition at the International Exposition Philadelphia, 1876 (1972)
- Political Cartoons in the 1848 Election Campaign (1972)
- Thirteen-Star Flags: Keys to Identification (1973)
- The Stone Money of Yap: A Numismatic Survey (1975)

The majority of the series was published before 1980 (#43), and fewer studies were released after that. A hiatus occurred in 2002, but the series under its new title, Smithsonian Contributions to History and Technology, was revived in 2010, with three volumes published recently. If the history of “stuff” interests you, then there may be no finer publication series that this one.

By Jeff Wanser, Government Documents and Collection Development Librarian

Copyright, continued from page 1

rights are included for videos from California Newsreel, Films for the Humanities and Sciences, Media Education Foundation, and others. Check their Web pages for exact details. This is also why videos from these companies cost more, often much more, than $100 per video.

Broadcast Rights – These rights allow you to broadcast the video over a television network, including a closed-circuit cable TV network like the one at Hiram College. In many cases, limited broadcast rights (often for closed-circuit within one building) are included in the wording for Performance Rights. Again, check the company’s Web page for exact details.

Lately, some video companies are including streaming rights with the purchase of DVDs, thus allowing them to be used more easily in educational settings. The library continues to look at this option.

The library rarely negotiates rights beyond the standard agreement that comes with the video. This helps keep down our costs, but it also means that checking the company’s Web page will give a fairly accurate reading of the rights the library acquired with the video. If you have questions, please contact me, but remember the disclaimer.