



Copyright Office
University of Michigan Library
<https://www.lib.umich.edu/copyright>
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©Guide: Copyright and Using Video

Web version: <http://guides.lib.umich.edu/videocopyright>

Overview

Welcome to the Copyright and Using Video guide from the University of Michigan Library Copyright Office. This guide supplements our [Copyright Basics](#) guide with information specific to the use of video. It covers the following subjects:

- Using Video Without Permission
- Anti-Circumvention
- Getting Permission
- Video on Course Websites
- Resources

For assistance locating a copy of a particular video at the University of Michigan, please contact the Askwith Media Library. The Language Resource Center also has a library of materials for foreign language study, including videos.

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to the University of Michigan, please contact the Office of the General Counsel.

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Using Video Without Permission

When Permission is Not Required

You do not need permission if you are using something that is not copyrightable or is in the public domain, or if you are using it in a way that does not implicate one of the rights of copyright holders or is permitted by a user's right. You also don't need further permission if your use falls within an existing license.

Information on these topics that is specific to video can be found below. For more information on all of these topics, please see our [Copyright Basics](#) guide.

Public Domain Works

Works that are not subject to copyright are in the public domain. They may be used without permission. In the United States, a copyrightable work is in the public domain if:

- It was published before March 1, 1989 and did not comply with one or more of the required formalities. (Note: if the work was first published outside of the United States, copyright restoration may apply. For more information, see [Copyright Restoration Under the URAA \(PDF\)](#).)
- The term of its copyright protection has ended.
- Its copyright holder placed it in the public domain using the Creative Commons Public Domain Dedication.

Every country has its own rules about when a copyrightable work enters the public domain.

Public-Licensed Works

A public license permits certain uses of copyrighted materials by the public at large. If a work you wish to use has been released under a public license, you do not have to seek additional permission from the rightsholder in order to do the things authorized by the license. However, you do still need to follow the license terms. For example, the license may require attribution to the original author or it may forbid commercial uses.

[Creative Commons](#) licenses are public licenses. Other public licenses include the licenses on the [lists of free software licenses](#) maintained by the Free Software Foundation and the [licenses approved by the Open Source Initiative](#).

Sources of Public-Licensed and Public Domain Audiovisual Works

- [YouTube](#): YouTube has a large collection of videos licensed under one of the Creative Commons licenses or the Creative Commons Public Domain Dedication. Note that many videos on YouTube are under copyright and have not been licensed under any open license.
- [Vimeo](#): Vimeo has a large collection of videos licensed under one of the Creative Commons licenses or the Creative Commons Public Domain Dedication. Note that many videos on Vimeo are under copyright and have not been licensed under any open license.
- [Moving Image Archive from Internet Archive](#): The Moving Image Archive is a service of the Internet Archive. It contains free movies, films, and video, many of which are licensed under one of the Creative Commons licenses or are in the public domain.
- [Moving Image Research Center](#): The Moving Image Research Center at the Library of Congress provides a number of collections of early motion pictures, many of which are in the public domain.

Rights of Copyright Holders

Copyright law gives copyright holders specific rights. If your use of a work does not implicate any of those rights, it does not require permission.

For example, watching a DVD on a television set with your family or social acquaintances would not implicate any of the rights of the copyright holder. It would not involve reproduction, modification, distribution, or public performance or display of the work. It would qualify as a performance, but not as a public one.

Rights of Users

When you use a work under one of the user's rights in the Copyright Act, your use does not require permission. User's rights that may apply when you are using video include:

- Fair use,
- Section 110(1), which covers certain uses in face-to-face teaching, and
- Section 110(2), which covers certain uses in distance education.

Resources on Fair Use and Video

- [Code of Best Practices in Fair Use for Online Video](#): This code of best practices “helps creators, online providers, copyright holders, and others interested in the making of online video interpret the copyright doctrine of fair use.”
- [Code of Best Practices in Fair Use for OpenCourseWare](#): This code of best practices helps “those preparing OpenCourseWare (OCW) to interpret and apply fair use under United States copyright law.”
- [Documentary Filmmakers’ Statement of Best Practices in Fair Use](#): This statement of best practices “makes clear what documentary filmmakers currently regard as reasonable application of the copyright Fair Use doctrine.”
- [Society for Cinema and Media Studies Statement of Fair Use Best Practices for Media Studies Publishing](#): This statement “identifies what media scholars consider to be fair use of copyrighted works within media studies publishing in the United States.” It is a PDF.
- [The Society for Cinema and Media Studies’ Statement of Best Practices for Fair Use in Teaching for Film and Media Educators](#): This statement “clarif[ies] some of the issues concerning the permissible use of media for teaching.” It is a PDF.
- [Visual Resources Association Statement on the Fair Use of Images for Teaching, Research, and Study](#): This statement “describes six uses of copyrighted still images that the VRA believes fall within the U.S. doctrine of fair use.”

Anti-Circumvention

Circumvention of Copyright Protection Systems

Even when copyright law permits your use of a work, it may be illegal to circumvent an access-control technology to make that use.

[17 U.S.C. § 1201](#) prohibits the circumvention of any technological measure that “effectively controls access” to a work that is protected under U.S. copyright law. For instance, it is generally illegal under this provision to circumvent the Content Scramble System that restricts access to in-copyright works on some DVDs. This is known as the anti-circumvention provision of section 1201. Section 1201 also prohibits trafficking in tools that circumvent effective access controls or circumvent controls that protect “a right of the copyright holder under this title.” That is known as the anti-trafficking provision.

Every three years, the Library of Congress and the U.S. Copyright Office create exemptions to the anti-circumvention provision. The most recent exemptions were issued in 2015. Some other anti-circumvention exceptions are written into the statute, including exceptions for encryption researchers and law enforcement officers.

For information about the current exceptions, please consult the following resources.

- [2015 Exemptions to Anti-Circumvention Provision of the Copyright Act](#): This page contains the full text of the 2015 exemptions created by the Librarian of Congress.
- [New DMCA Exemptions](#): This blog post from Ohio State’s Copyright Resources Center explains the 2015 rules.

Getting Permission

Obtain a License

This page lists a number of ways to get permission to use an audiovisual work. Remember that you do not need a license if you are using something that is not copyrightable or is in the public domain, or if you are using it in a way that does not implicate one of the rights of copyright holders or is permitted by a user's right.

Films the University of Michigan Library Has Already Licensed

- [Mirlyn](#): The library purchases some videos (primarily documentaries, not feature films) with public performance rights (PPR). Those copies can be shown outside the classroom in a public location on the University of Michigan campus when no admission fee is charged. To determine whether the library has purchased PPR for a video, look up the video in the Mirlyn catalog. Click on the "Description" tab. If the library has purchased PPR, it will say "Terms of use: U. Michigan public performance rights obtained."
- [Library Digital Films Service - Streaming video for instructors](#): This guide describes how the library provides streaming of licensed video on Canvas course websites. It also provides information about streaming video databases to which the library subscribes that are available to the University of Michigan community.

Netflix Educational Screening Policy

Netflix allows one-time educational screenings of some Netflix Original documentaries. For more information, see Netflix's policy on [Educational Screenings of Documentaries](#).

Collective Management Organizations for Audiovisual Works

The following organizations issue licenses for public performance or display of audiovisual works.

- [Criterion Pictures](#): Criterion Pictures licenses non-theatrical public performance of feature films from studios, including Paramount Pictures (select titles only), 20th Century Fox, Fox SearchLight, and DreamWorks Animation.
- [Swank Motion Pictures](#): Swank Motion Pictures licenses non-theatrical public performance of movies and TV shows from studios, including Disney, Warner Brothers, MGM, Columbia Pictures, and NBC Universal.

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- [Kino Lorber EDU](#): Kino Lorber EDU licenses films for one-time community screenings by colleges, universities, libraries, and non-profit organizations. It specializes in art-house and international films.
- [Motion Picture Licensing Corporation](#): The Motion Picture Licensing Corporation offers a blanket license, called the “Umbrella License,” that gives licensees public performance rights for its full catalog of audiovisual works. MPLC does not issue licenses for individual works.

Film Studios and Distributors

If you want to license a work or a right not covered by licenses from the collective management organizations listed above, going directly to the studio or the distributor is another option. For instance, if you are seeking a license for clips or stills from a studio film, it is common to get that license from the studio. Licensing departments for many major studios and distributors are linked in the list below.

- 20th Century Fox Clip Licensing Department (phone only): (310) 369-3605
- [Walt Disney Studios Licensing Website](#): This site explains how to license clips, stills, and other materials from Disney’s catalog, which includes Lucasfilm, Marvel Films, Miramax Films, and Dimension Films.
- [Warner Brothers Clip and Still Licensing Info](#): This site explains how to request licenses for clips and stills from the Warner Bros. Entertainment Inc., Turner Entertainment Co., Castle Rock Entertainment, New Line Cinema (including Picturehouse and Fine Line), and Hanna Barbera feature, television, and animation libraries.
- [Universal Studios Media Licensing](#): This site offers clip and still licenses for works from the Universal Pictures, Focus Features, DreamWorks Animation, and MCA Television libraries.
- [Sony Pictures Film Clip & Still Licensing](#): This site explains how to request licenses of clips, stills, and other items from Columbia Pictures, TriStar Pictures, Sony Pictures Animation, Screen Gems, Stage 6 Films, and Revolution Studios.
- [Paramount Theatrical Library](#): This site explains how to license clips from Paramount’s Theatrical Library, including some DreamWorks films.
- [MGM Media Licensing](#): This site allows users to request clip and still licenses for works from MGM’s collection.

Other Rights in Audiovisual Works

Many audiovisual works contain “layers” of copyrights and other rights that may be controlled by separate rightsholders. In some cases, (e.g., when you obtain a public performance license from a licensor such as Criterion or Swank) the licensor provides all the rights you need. In other cases, a single licensor may not be able to provide all the rights you need. For example, in some cases, a studio may not be able to license the background music in a film clip.

Video on Course Websites

University of Michigan instructors can share videos with their students by using [MiVideo](#), which is integrated into Canvas. The [Library Digital Films Service](#) offers assistance streaming licensed films.

For more information on when you can use a particular video on a course website, please see our guide to [Copyright and Course Websites](#).

When to Use a Work on a Course Website

University of Michigan policy allows instructors to make their own decisions about posting materials on course websites, such as Canvas sites. Often, those decisions involve legal questions about copyright. The guidelines below are meant to assist instructors in making these decisions.

1. Only post a work on a course website if:
 1. The work is not copyrightable,
 2. The work has entered the public domain,
 3. The use you are making does not implicate any of the rights of the copyright holder,
 4. The use you are making is permitted by fair use or another user's right,
 5. You hold the copyright in the work, OR
 6. The use you are making is permitted by a license from the copyright holder.
2. Where possible, link to a legitimate online copy of the work instead of posting a copy of the work on your course website. US copyright law always permits you to link to a legitimate copy of the work hosted elsewhere, even when the work is protected by copyright. For instance, it is permissible to link to many of the electronic resources purchased by the library. If you need to use a licensed resource in a way that is not permitted by the license, contact a relevant library [subject specialist](#). These librarians may be able to help you obtain library resources for your course.
3. If you post a copy of the work, always include (and never remove) copyright information associated with it. For instance, be sure to include copyright notices (the c in a circle symbol, ©, and any information following it) as well as authors'

and publishers' names. You don't need to track down additional copyright information – you just need to retain what is already there.

4. Even when copyright law permits your use of a work, it may be illegal to circumvent copy-prevention technology in order to make that use. For instance, it is generally illegal, under [17 U.S.C. § 1201](#), to circumvent the Content Scramble System that restricts access to works on some DVDs. However, the US Copyright Office creates specific exceptions to this law every three years. For information about the current exceptions, please consult the [2015 Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies \(PDF\)](#).

MiVideo

In Canvas, MiVideo manifests as the Course Media Gallery, My Media (your personal media repository in your Canvas profile), and the Embed Media button in the rich text editor. On Canvas, you can manage the scope of access to videos, and you can edit, publish, and track your media in one place.

University units may also use MiVideo to host media in stand-alone websites. This product is called MediaSpace. In these cases, units are responsible for putting the appropriate restrictions in place.

For more information on MiVideo services, please see the [MiVideo](#) website.