Advocates Workshop: Streaming Media

Copyright Support Team
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Media in the Classroom

- Showing a video in F2F classroom – OK
- Showing a video in online instruction – Has its issues

The WHY and the How

Law that applies to use of copyrighted materials in teaching

- Copyright Act (includes Fair Use)
- TEACH Act (covers online classroom)
- DMCA

Class Environments

<table>
<thead>
<tr>
<th>Face to Face</th>
<th>Online</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted:</td>
<td>Permitted:</td>
</tr>
<tr>
<td>Perform entire videos</td>
<td>Perform entire videos</td>
</tr>
<tr>
<td>- Commercial</td>
<td>- Home made</td>
</tr>
<tr>
<td>- Popular</td>
<td>- Licensed video</td>
</tr>
<tr>
<td>- Educational</td>
<td>- from UMKC Libraries</td>
</tr>
<tr>
<td>- Documentary</td>
<td>- Licensing Agency</td>
</tr>
<tr>
<td>- Home Made</td>
<td>- Videos with permission from rights holder</td>
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<tr>
<td>- Rental Store videos</td>
<td>- Videos meeting criteria of the TEACH Act</td>
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<tr>
<td>- Must be lawfully made and acquired</td>
<td></td>
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</tbody>
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Choices for Video in Online Teaching

<table>
<thead>
<tr>
<th>TEACH ACT</th>
<th>Fair Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>More specific, definite boundaries</td>
<td>Riskier, Vaguer</td>
</tr>
<tr>
<td>DMCA</td>
<td>narrowly tailored exceptions</td>
</tr>
</tbody>
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TEACH Act Criteria Allows entire performance of

- Nondramatic literary or musical work
- Recorded symphony
- Sound recording of a piece of literature
- Documentary Film
  - Trouble the Water
  - Eames: The Architect and the Painter

- Must be lawfully made and acquired

- Avoid using video/audio with infringing material
  - Let's Go Crazy (be careful with YouTube)
    - Newzbin, TVShack.net, PlanetMoviez.com, ThePirateCity.org, Movies-Links.TV, FilesPump.com, Now-Movies.com, Click Less, SpyVideo.net, and SpyTube.net

- See Handout

TEACH Act Criteria Allows partial performance for

Dramatic works
  - Lolita
  - The Great Gatsby
  - Of Gods and Men
  - Nine to Five

Online Best Practice

Streaming video

to deliver sound and video in content management systems
## DMCA, DRM

![Image of a locked DVD](http://www.jonathanfritz.ca/tag/presentation)

Jonathan Fritz, Nov. 29, 2010

### DMCA

**Digital Millennium Copyright Act**

- No tampering with TPMs (DRM)
- No distribution or communication to the public, without authority, works knowing that electronic rights management information has been removed or altered...
- No one may provide “the tools or expertise” to help anyone else circumvent access controls
- No reverse engineering

### DMCA Exemptions

**Triennial Exemptions (2012)**

- Some apply to teaching

### DMCA Exemptions

- **2010** all college/university faculty gained right to circumvent TPMs “solely in order to accomplish the incorporation of short portions of motion pictures into new works for the purpose of criticism or comments...”
- Also media studies students
- Also documentary/noncommercial filmmakers and videos.
DMCA Exemptions

- 2012 all college/university faculty gained right to circumvent TPMs “solely in order to accomplish the incorporation of short portions of motion pictures into new works for the purpose of criticism or comments...”
- Also all college/university students
- Also all educators - kindergarten – 12th grade
- Also documentary/noncommercial filmmakers and videos.
- Motion pictures/audiovisual works distributed by online services

DMCA 2012 Exemptions

- New emphasis on screen capture software
  - Heavily encouraged over circumvention
  - Screen capture sufficient for uses that do not require close analysis
- “The use of only short segments is critical to the Register’s determination that significant number of the desired uses are fair.”
- Emphasis on “comment” and “criticism” as essential purpose.

Resulting Conflicts

TEACH Act  v.  Fair Use

TEACH Act  v.  DMCA

Analog to Digital

- It is permissible for nonprofit educational institution to digitize an analog work for the purpose of performance or display to be used under TEACH Act provisions
  - If no digital version is available to the institution
  - If the digital version available is wrapped in TPMs

Section 112(f)(1) and (2)
Images, Sound, Video
UMKC Licensed Databases
Use In full – anytime – no worries about Fair Use or TEACH Act

- Dance in Video
- Films on Demand
- Naxos Music Library
- Naxos Video Library
- Opera in Video
- Theater in Video

Not the End