



INFORMATION SHEET

G032v09

Videos, DVDs & films: screening in class

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In this information sheet we give a brief overview of copyright law as it relates to the screening of videos, DVDs and films in class as part of non-profit educational instruction. See also our practical guide *Educational Institutions: Digital and AV Resources*. For information about screening films other than during educational instruction, see our information sheet *Videos, DVDs and films: screening in public*.

We update our information sheets from time to time. Check our website at <http://www.copyright.org.au/libraries> to make sure this is the most recent version, and for other information for libraries such as our training program.

The purpose of this information sheet is to give general introductory information about copyright. If you need to know how the law applies in a particular situation, please get advice from a lawyer.

Key points

- You do not generally need permission to screen a film, DVD or video in class for non-profit educational instruction.
- Make sure any DVD you play is legitimately acquired, and is not an infringing copy.

Permission is generally needed to screen films, DVDs or videos in public

A film is made up of different types of copyright material. Apart from the footage and the recording which makes up the soundtrack, there will generally be separate copyrights in the music and screenplay used for the film. Copyright lasts for a very long time – for example, in music and screenplays, copyright now lasts for the life of the relevant creator plus seventy years. (For detailed information, see our information sheet entitled *Duration of copyright*).

It's likely that you will only rarely be screening a film in which **all** copyrights have expired.

While copyright lasts, the copyright owners' rights include showing or playing material "**in public**". For the purposes of copyright law, screening a film, DVD or video outside the home is generally regarded as "in public". In one case, a court held that screening a training video to 11 employees of a bank when the bank was not open to the general public was a "public performance" of the music on the video. In another case, a court held that a motel transmitting videos which could then be watched in motel rooms was causing the film to be seen and heard in public.

Therefore, permission is generally needed to screen a film in any non-domestic setting, including, for example, a film night as an activity or fund-raiser. Permission may be needed even if a fee is not charged for viewing the film or video.

The fact that someone **owns** a physical copy of a video, DVD or film does **not** entitle them to screen it publicly.

Screening films, DVDs or videos in class

Under the Copyright Act, screening a film, DVD or video in class is not "in public" and doesn't require permission if:

- it is in the course of educational instruction which is not given for profit; **and**

- all the people in the audience are giving or receiving instruction, or are directly connected with the place where the instruction is given.

This exemption does not, however, apply if:

- a film, DVD or video is shown for entertainment purposes;
- the educational instruction is given for profit; or
- people such as parents are present, who are not giving or receiving instruction or who are not directly connected with the place where the instruction is taking place.

Screening a film, DVD or video in a boarding school

Students watching a film, video or DVD in a boarding school in a way that is similar to the way they would watch it at home are unlikely to be screening it in “public” for copyright purposes: for example, if some boarders rented a DVD to watch in the boarding house common room on a Sunday evening.

On the other hand, if a school organised for a film, DVD or video to be shown in a school hall or auditorium, this is more likely to be “public”. In such situations, the film or video should be hired from an outlet which can authorise “public” screening. As a practical rule of thumb, it may be that the less officially organised the screening, the less likely the screening will be “public”.

“Reticulating” films or videos from one room to another

In some cases, “reticulating” a film, DVD or video from one room to another (for example, from an IT department to the library so students can study it) may require a separate permission from the copyright owner. This is because the **transmission** of the signal from one place to another may constitute a “communication” of the material in the film, DVD or video “to the public”.

However, a provision in the Copyright Act provides that where such a communication occurs “merely to facilitate” playing or showing copyright material **to a class**, this is deemed **not** to be a “communication to the public”, and therefore not a situation where you need to get permission.

If you are concerned about whether your reticulation of films or other material falls inside or outside the scope of the provision in the Copyright Act, you should seek advice. If you are working in an educational institution, your peak organisation or governing body may be able to advise as to how you should approach this issue.

Playing infringing copies of DVDs

Playing an infringing copy of a DVD may itself infringe copyright. In other words, always make sure that any DVD you play is legitimately acquired and not an infringing copy.

Legal obligations other than copyright

In some cases, when you buy or hire a film, DVD or video you may be required to agree to screen it in private and domestic situations only. If this is the case, you may be in breach of the agreement if you screen it in another situation – for example, in class.

Some videos and DVDs have a printed notice on the packaging, or a notice before the opening credits, which states that it is for “domestic” and/or “private” use only, or that the video may not be used in educational instruction. Such a notice will not, however, affect your ability to screen a video or DVD in class unless it forms part of the terms of the purchase or hire agreement. This might be the case, for example, if the person who sells or rents the DVD or video to you draws your attention to such a notice and makes it one of the terms of the purchase or hire agreement. However, if such a notice is **not** drawn to your attention in this way and is **not** incorporated into the terms of the hire or purchase agreement, the wording won’t affect your ability to use the video or DVD in class.

To prevent this issue arising, some governing and peak bodies in the school sector have advised their schools to borrow from video shops in the name of the school, rather than under a teacher’s name. If you are uncertain as to whether or not you should be following this procedure, check with your governing body.

Getting permission

If you want to show a film, DVD or video in a situation which is public, and which is not covered by the special exception for classroom screenings – for example, at a film night run by a school – you will need permission from the relevant copyright owners.

Generally, you can get permission buying, renting or borrowing the film, DVD or video from an authorised supplier, which can give you permission on behalf of copyright owners. Some of these include:

- Film Australia;
- State Film Centres; and
- commercial organisations such as Roadshow Non-Theatrical 16mm & Video, and Showbiz Music Video (for video clips).

In addition, the Departments of Education in some States have video resource libraries, or may be able to assist with further sources. Alternatively, the *Yellow Pages* and similar publications contain listings and contact details of film and video distributors who may be able to give you permission.

Your local video store will generally **not** be able to grant permission to screen a film or video in public.

You may also need separate permission for the “public performance” of the music on a film, as this is administered by the Australasian Performing Right Association (APRA), not by the bodies we refer to above. Most educational institutions are, however, already covered by licences with APRA through the relevant department or peak administrative or representative bodies.

Consequences of unauthorised public screening

Screening a film, DVD or video in public without permission will usually infringe copyright. A person may also infringe copyright by authorising another person to screen a film, DVD or video without permission. In addition, a person who permits premises to be used for an unauthorised public screening of a film, DVD or video may be liable for infringement.

A copyright owner who becomes aware of an infringement may take legal action up to six years after the infringement has occurred. A copyright owner whose rights are infringed may seek orders from a court, including orders for financial compensation.

Further information

For further information about copyright, and about our other publications and training program, see our website – <http://www.copyright.org.au>. For information specific to schools, see the “smartcopying” website at <http://www.smartcopying.edu.au>, which has been developed by the Copyright Advisory Group (CAG), a committee of the Schools Resourcing Taskforce (SRT) of the Australian Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA).

If you meet our eligibility guidelines, a Copyright Council lawyer may be able to give you free preliminary legal advice about an issue that is not addressed in an information sheet. This service is primarily for professional creators and arts organisations but is also available to staff of educational institutions, libraries and governments. For information about the service, see <http://www.copyright.org.au/advice> or our information sheet *Australian Copyright Council: who we are, what we do*.

Many educational institutions have their own advisers, so before contacting the Copyright Council for legal advice, check if there is someone in your institution or sector you should approach. Contact information for advisers in the school sector is available on the “smartcopying” website at <http://www.smartcopying.edu.au>.

Reproducing this information sheet

You may download and print one copy of this information sheet from our website for your reference, or you may purchase a printed copy from our online shop – <http://shop.copyright.org.au> – or direct from us.

Australian Copyright Council

The Australian Copyright Council is a non-profit organisation whose objectives are to:

- assist creators and other copyright owners to exercise their rights effectively;
- raise awareness in the community about the importance of copyright;
- identify and research areas of copyright law which are inadequate or unfair;
- seek changes to law and practice to enhance the effectiveness and fairness of copyright;
- foster co-operation amongst bodies representing creators and owners of copyright.



Australian Government



The Australian Copyright Council has been assisted by the Commonwealth Government through the Australia Council, its arts funding and advisory body.

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