

Using film, television and other audiovisual material in education

screenrights

COPYRIGHT

What is copyright?

When a film or television program (or a piece of text, music or artwork) is created, it is protected under copyright law. These laws specify what can and can't be done with the work. By giving copyright owners control over the use of their material, they are able to charge a fee (and hence make a living) from their work.

Who owns the copyright in AV material?

There is generally more than one copyright in any film or television program, including copyright in the script, music, artwork and the film itself. This means there may be more than one copyright owner in the work. Contracts (such as distribution and broadcast agreements) will often contain terms specifying who owns or controls the rights in the material.

What rights do the copyright owners have?

Copyright owners have a number of exclusive rights, including the right to:

- Make copies of the film or program;
- Play the film or program in public; and
- Communicate the film or program to the public online.

EDUCATIONAL USE

Can I play a television program in class?

Yes, provided there are only students and a teacher in the class and you are playing it for educational instruction. If you have copied the television program, you need a Screenrights licence (see below).

Can I play a bought or hired DVD in class?

There are no copyright problems with doing this, however most retail and hire outlets sell and rent DVDs for domestic purposes only. This is a condition of their contract with the distributor. Therefore you may need to obtain DVDs from an outlet that can rent or sell titles for educational purposes.

Can we have a film night as a school fundraiser?

Again, you would need to obtain a copy of the film you want to show from a distributor or outlet that can hire it to you for this purpose. There are two that are able to do this:

Roadshow Film Distributors (Tel: 02 9552 8600) and Amalgamated Movies (Tel: 07 4787 1086).

Can I make a back up copy of a DVD that we buy or hire?

Generally speaking, no. There are no provisions in the Act that allow you to make back up copies of DVDs or videos for educational use. There is an exception for libraries that buy two copies of a DVD with the intention of keeping one as a back up. If the library then loses or destroys one of these copies it is allowed to make a replacement from the back up copy.

We have a number of old videotapes in the library and would like to copy these into digital form – can we do this?

If the video tapes were originally bought (and not recorded from television), there are no general provisions that allow you to make digital copies for educational use. There is a limited exception that would allow some copying in certain circumstances. To find out more visit www.copyright.org.au

If the tapes are of programs that you recorded from television after 1990, you can make further copies of these recordings under a Screenrights licence. This is because there are special provisions in the Copyright Act that allow educational institutions to copy from radio and television – these are discussed below.

Can I copy programs from TV to show in class?

Yes, you can. Schools, TAFEs and universities can copy whatever they like from television for teaching purposes whenever they like, provided they have a licence with Screenrights. You can make as many copies as you like and use these to show students or to keep in the library as a resource. To find out more visit www.screenrights.org

Can we play audiovisual material over a video reticulation system, such as Video Commander?

Yes you can, provided the program is played to staff and students only.

Can we store all our programming on a hard drive or network server?

You can use a hard drive to store any programs that you have copied from television under your Screenrights licence, but you cannot store bought or hired DVDs as there is no general licence that allows you to copy them.

Can I download AV material from the Internet for teaching?

Under the Screenrights licence, teachers can download a podcast or vodcast of a free to air broadcast that has been put online by the broadcaster. This would cover, for example, downloading a podcast of The Chaser's War on Everything from the ABC site for use in the classroom.

However, apart from this, there is no general exception that allows you to download material from the Internet for educational use. Material on the Internet may have been illegally uploaded, in which case you cannot download it. Where it has been placed on a site legally, you would need to check whether the conditions of use allow for downloading for educational purposes.

Can my students copy AV material from the Internet to include in their work?

Students would first need to ensure that the material has been placed on the Internet legally (that is, with the permission of the copyright owner). If this is not the case, they cannot download it.

Where it has been legally placed on the Internet, students would need to carefully check whether there are any conditions of use. In the absence of conditions to the contrary, students can use or download the material

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provided the use is “fair” and it is for their own research or study.

Where can I get more information?

The [Australian Copyright Council](#) can give teachers more detailed information about using audiovisual material in teaching.

The Screenrights licence

As discussed above, in most instances your educational institutions will need a Screenrights licence in order to use audio visual material. The good news is that most institutions already have a licence, including all universities and TAFEs, and almost all schools. The licence allows you to copy from television and radio for educational purposes, and to communicate the copies. If you would like to find out more about your Screenrights licence, visit www.screenrights.org