



Copyright

Showing Films in Classrooms

To show a film in the classroom, there are criteria that must be met in order for teachers or administration to be covered under “fair use” according to federal and state laws. **Per the DMCA Section 110(1) of Title 17, exceptions are made for educators without a license to show films as long as the institution uses a lawfully purchased copy of the work in a face to face setting for teaching purposes only.** However, to be extra careful, consider 1) the Fair Use checklist for purpose, nature, amount, and effect; 2) principal notification and a movie permission slip or a notice on the rating of the movie; and 3) a film license provided by SWANK or other movie licensing sites.

Refer to the Copyright - Background sheet for more information on the DMCA and TEACH laws and regulations.

1) Fair Use Laws:

There are four areas to analyze in Fair Use before showing a film. The Fair Use Checklist is a great way to double check the four areas:

- *Purpose*
 - Will the film be used for teaching, research, scholarship, nonprofit educational institution, criticism, comment, news reporting, transformative or productive use, restricted access, and/or parody?
- *Nature*
 - Is the film a published work, factual or nonfiction based, and/or important to favored educational objectives?
- *Amount*
 - Will the educator use a small quantity, the portion used is not central or significant to the entire work, or the amount is appropriate for favored educational purpose?
- *Effect*
 - Does the educator lawfully own or acquire a copy of the original work, only made one or few copies, with no significant effect on the market or potential market, no similar product marketed by the copyright holder, or have a lack of licensing mechanism (e.g. public domain)?

If possible, educators should try to fill out a Fair Use Checklist every time a film is shown. A link to the checklist is in the Further Links below.

2) Principal Notification and Rating/Permission Slip

Even with a Fair Use Checklist completed, notify the principal and/or administration of using the film in the classroom. This provides the principal a chance to evaluate the four pillars of Fair Use as well to determine if it is appropriate for an educational lesson.



Another method, especially for Elementary and Middle/Junior High Schools, is to send a parental permission slip including information such as the title, rating, and plot. This ensures that parents can choose to opt-out their children; in this case, consider providing extra information and details that explain the lessons from the film.

3) SWANK License

SWANK K-12 Streaming is a site that has access to 30,000 movies and documentaries for educational use through a streaming platform. These films are under an educational umbrella and provide an extra layer of copyright support. The site also contains useful study guides, teaching help guides, demos, and more articles.

To see the available Movie Site Licensing or Streaming Films, go to:

<https://www.swank.com/k-12-schools-selector/>

Further Links:

- American Library Association Fair Use Checklist:
<https://www.ala.org/advocacy/sites/ala.org.advocacy/files/content/copyright/FairUseChecklist.pdf>
- American Library Association Statement on Films in Classroom:
<https://www.ala.org/advocacy/sites/ala.org.advocacy/files/content/copyright/fairuse/web-digital%20delivery%20in%20classroomrev3psa.pdf>
- SWANK Licensing: <https://www.swank.com/k-12-schools-selector/>
- TEACH Act Checklist (Films in Digital Setting):
<https://guides.lib.utexas.edu/copyright/teachactchecklist>
- Teach with Movies (Copyright Discussion for Films in Classroom):
<https://teachwithmovies.org/copyright-for-using-movies-in-the-classroom/>