

Copyright and Fair Use for Training/Instruction Videos

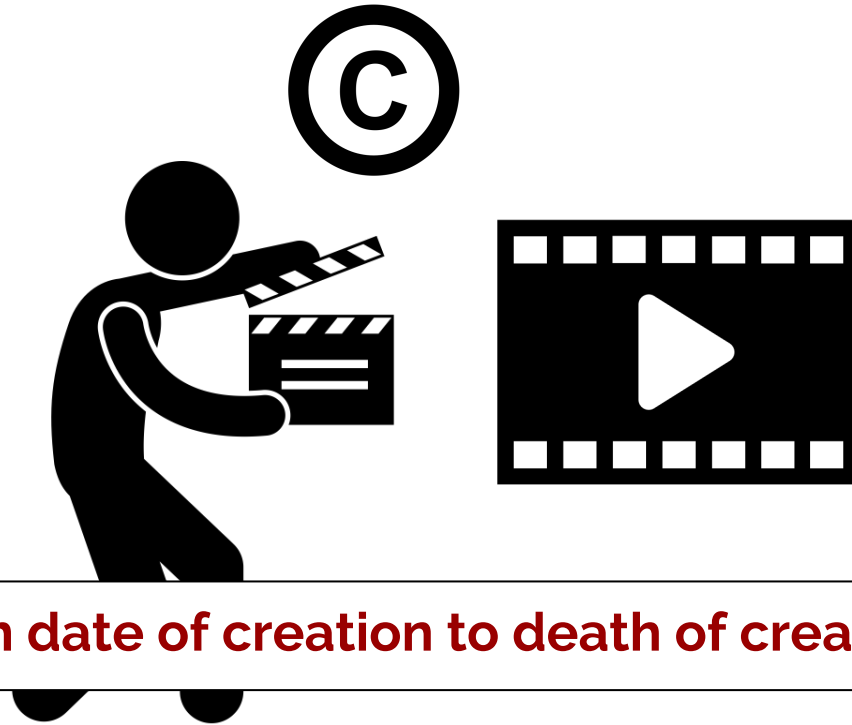
Anna Newman, Open Access Specialist
Digital Scholarship Services, BU Libraries
disc@bu.edu

Copyright is about...

original works

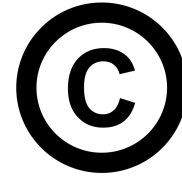
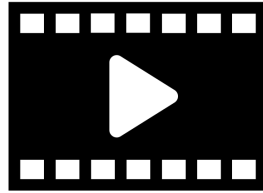
use & distribution

You author a work. You are the copyright holder.



Term = from date of creation to death of creator + 70 years

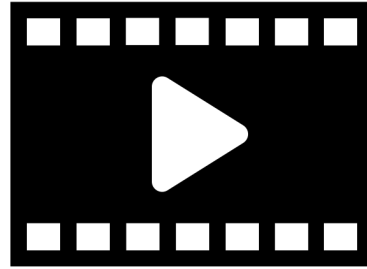
You author a work as an employee of BU. This is considered a **work for hire**. BU is the copyright holder.



Term = 95 years from date of publication or 120 years from date of creation

Rights Granted Under Copyright

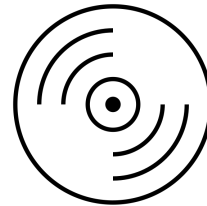
Reproduce



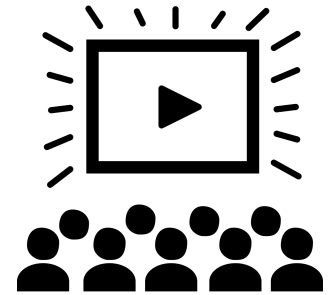
Create
Derivative Works



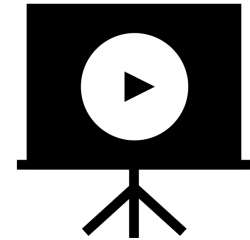
Distribute



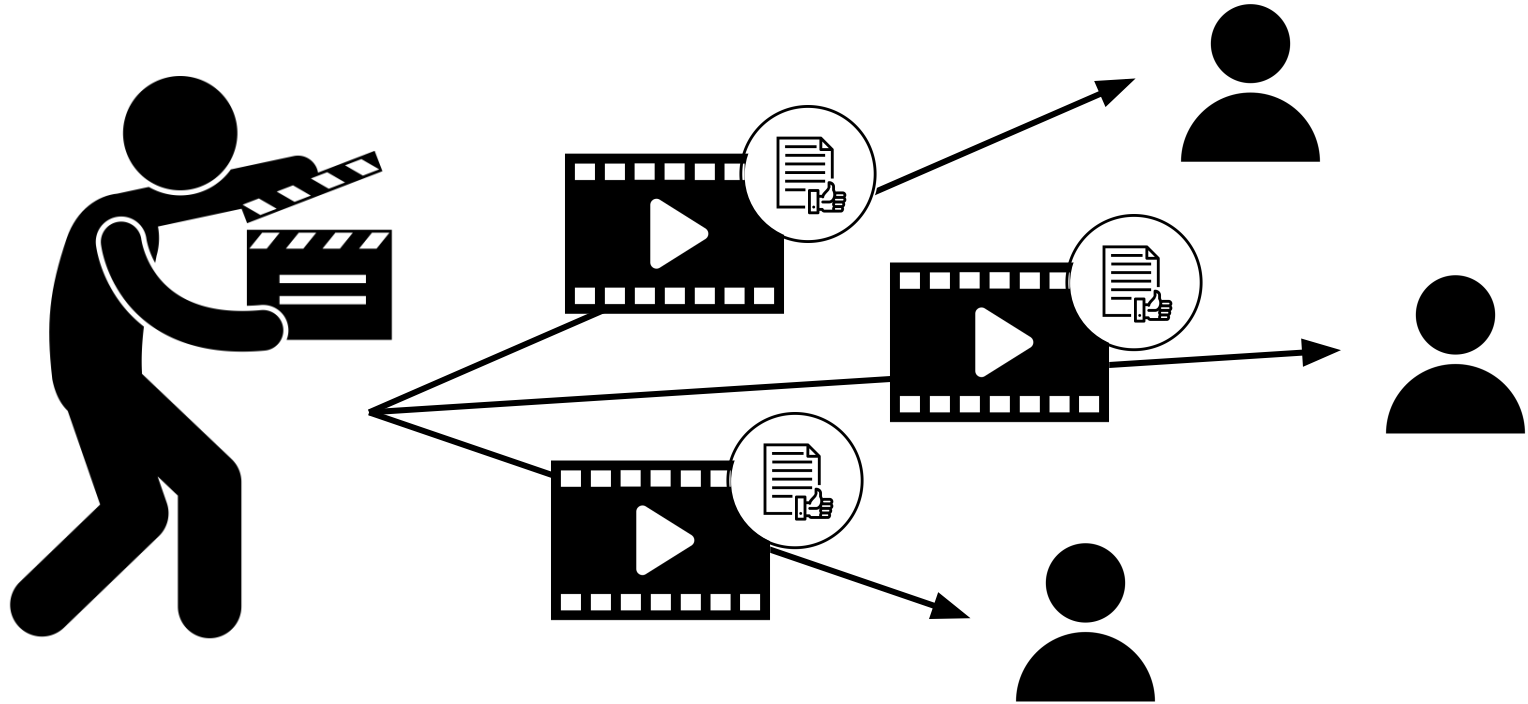
Perform



Publicly Display

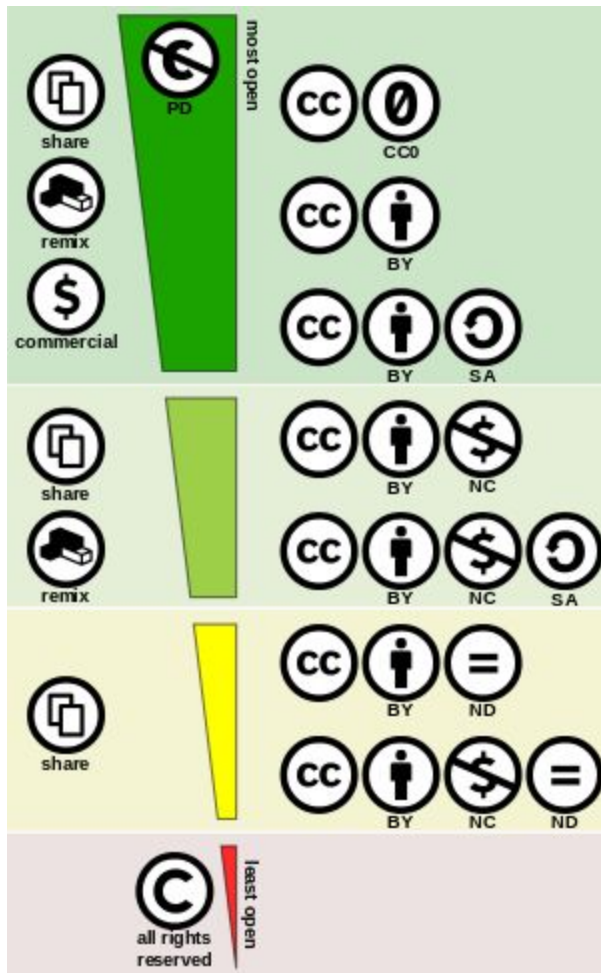


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Creative Commons Licenses





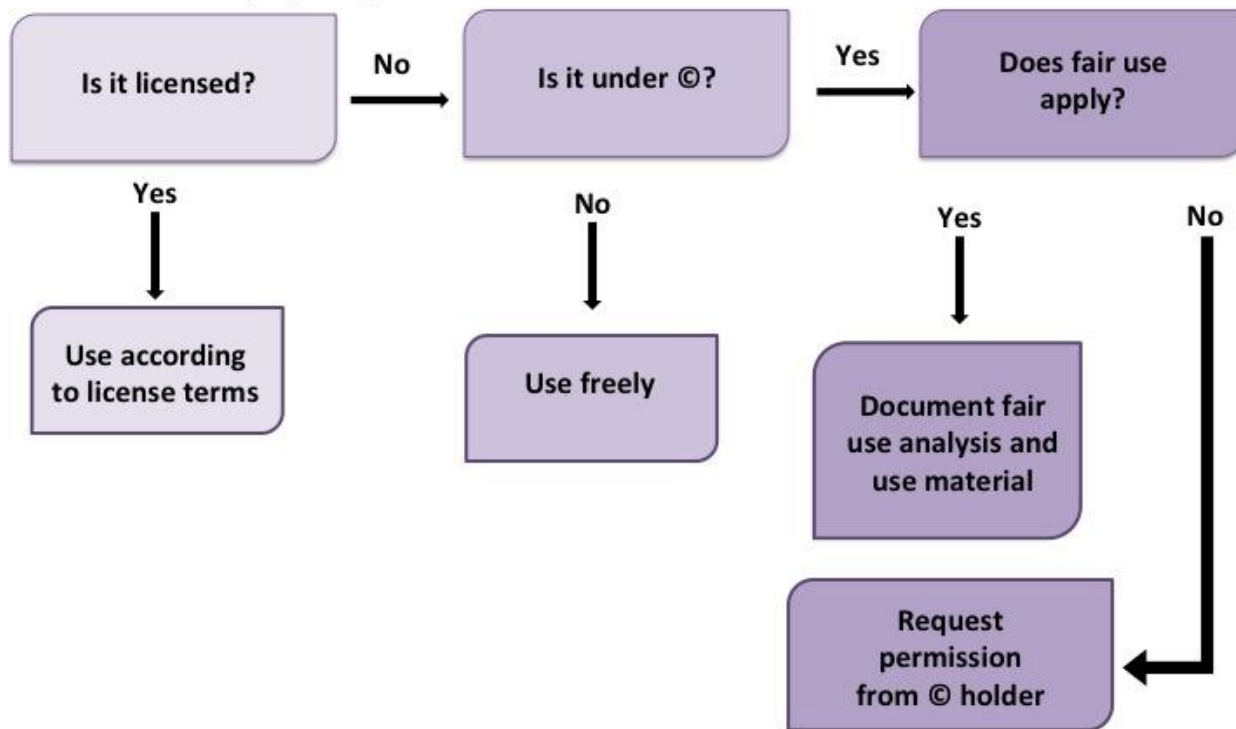
Open Licensing for Videos that are Works for Hire

Works of general educational interest in your field, with no University confidential information

Check with your immediate supervisor

**I want to use another work.
What do I need to think
about?**

Copyright Permissions Workflow



Does fair use apply?

Fair Use

1. Purpose and character of use
2. Nature of copyrighted work
3. Amount used in relation to whole work
4. Effect of use on the market value of the work

Monster Communications v. Turner Broadcasting (1996)

The makers of *Ali--The Whole Story*, a documentary about Mohammed Ali, used clips (40 sec-2 min of historic footage from the movie *When We Were Kings*. The footage documented the 1974 title boxing match between Mohammed Ali and George Foreman (“Rumble in the Jungle”).

Fair use factors:

1. Purpose and character of use
2. Nature of copyrighted work
3. Amount used in relation to whole work
4. Effect of use on the market value of the work

LA News Service v. KCAL-TV Channel 9 (1997)

While covering the 1992 LA riots, the LA News Service filmed nighttime rioting, including the iconic segment, “Beating of Reginald Denny.” LANS refused to grant Channel 9 a license to broadcast the footage. Channel 9 used 30 seconds from the 4-minute video on their commercially sponsored news programs, saying that the footage depicted a newsworthy event, so it was a fair use.

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Elvis Presley Enters., Inc. v. Passport Video (2003)

Passport produced and sold *The Definitive Elvis*, a 16-hour documentary on Elvis Presley's life, using video clips owned by the plaintiffs. The clips made up 5-10% of the documentary, overlaid with narration or commentary not directly related to the video clips themselves. The documentary also featured significant portions of Presley's appearances on 1950s and 1960s TV shows. Passport did not obtain licenses to use the copyrighted material.

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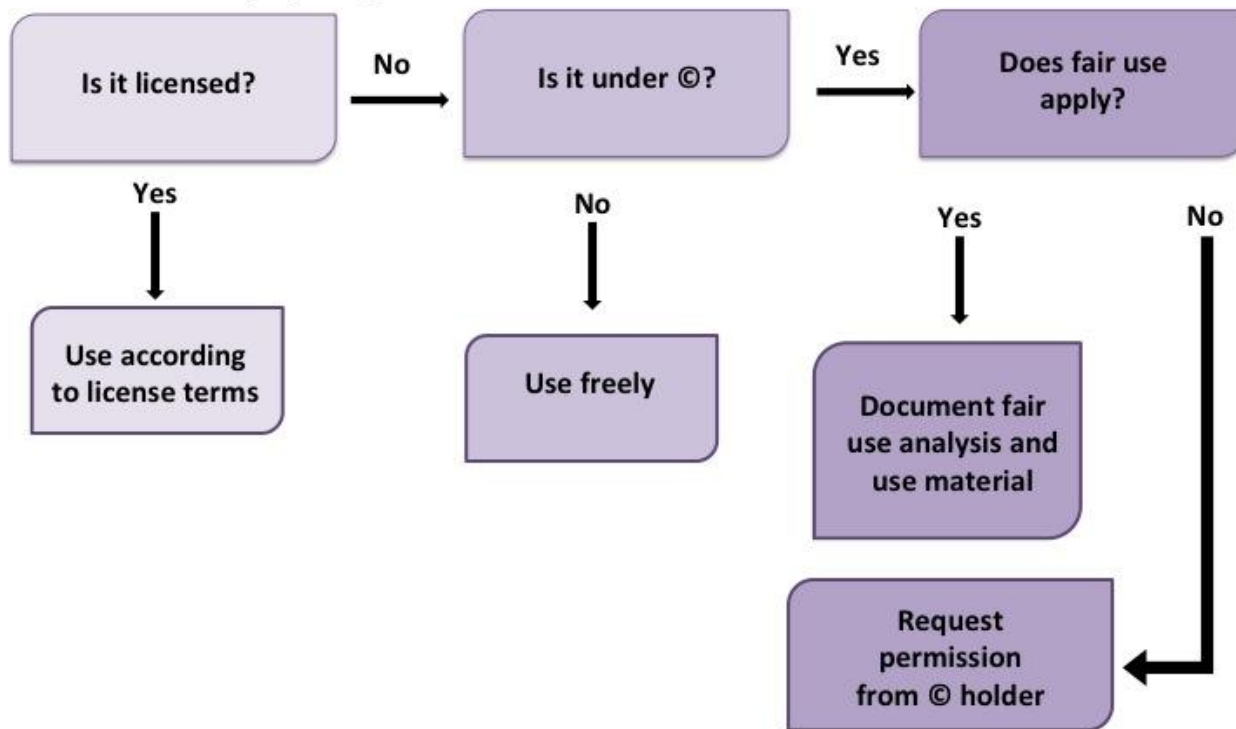
Fair Use and Captioning

Copyright protects a copyright holder's rights to make derivative works and reproduce a work

No copyright limitation or exception for accessibility-oriented activities

Fair use, as long as it is a lawful copy

Copyright Permissions Workflow





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Filters

FIND IMAGES I CAN...

- Use for commercial purposes
- Modify, adapt, or build upon

SEARCH WITHIN:

- Title
- Creator
- Tags

RESULTS PER PAGE:

- 20
- 50
- 100

SEARCH FROM THESE COLLECTIONS:

- Photographs
 - 500px
 - Flickr
- Cultural works
 - Europeana
 - Metropolitan Museum of Art
 - New York Public Library
 - Rijksmuseum

Feedback

Help at BU

BU Libraries Digital Scholarship Services

bu.edu/disc
disc@bu.edu

General questions about
copyright and fair use

Office of General Counsel

bu.edu/ogc
(617) 353-2326

Any complex questions or
high-risk situations

Resources

[Boston University Intellectual Property Policy](#)

[Stanford Copyright and Fair Use Center](#)

[Cornell Copyright Information Center](#)

[Columbia University Copyright Advisory Services](#)

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April Hathcock, [Copyright Permissions Workflow](#)