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## Films, DVDs & Videos: 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 films, DVDs and videos in class as part of non-profit educational instruction. See also our practical guide *Educational Institutions: Using Sound & Screen*. For information about screening films other than during educational instruction, see our information sheet *Films, DVDs, Videos & TV: Screening in Public*.

We update our information sheets from time to time. Check our website at [www.copyright.org.au](http://www.copyright.org.au) to make sure this is the most recent version.

**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.
- Schools may be able to obtain a “co-curricular licence” that allows movies to be screened for certain school activities outside the classroom environment.
- Make sure any DVD you play 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 specific amount of time – for example, in music and screenplays, copyright lasts for the life of the relevant creator plus seventy years. For detailed information, see our information sheet entitled *Duration of Copyright*.

While copyright lasts, the copyright owners’ rights include screening 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.

At this point in time, screening a film in which **all** copyrights have expired will be rare, 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; **or**
- 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 school for non-educational purposes

The Co-Curricular Licence allows schools to screen films for certain non-educational purposes such as rainy-day lunchtime screenings, excursions and school camps (provided the video or DVD is provided by the school). The Co-Curricular Licence also applies to after-school and holiday care programs operated by a school.

We understand that the licence currently covers state schools and Catholic Education Office schools and you therefore can immediately rely on the licence if you work in one of these schools. The licence is also available to other schools, but if you work in such a school, you will need to confirm whether or not your school has signed up for the licence.

You can find more information on this licence on the website of Roadshow Public Performance Licensing at: [www.roadshowppl.com.au](http://www.roadshowppl.com.au)

If your school doesn’t have a Co-Curricular licence, it should seek permission from the non-theatrical distributor to screen a film, video or DVD other than as part of class teaching.

### Screening a film, DVD or video in a boarding school

Students watching a DVD or video 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, if your school has the appropriate co-curricular license, then you could be covered, if your school does not, then the film or video should be hired from an outlet that 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

Always make sure that any DVD you play is not an infringing copy – as playing an infringing copy of a DVD may itself infringe copyright.

### 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 DVDs and videos 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 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 screen the material 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 publicly screen a film, DVD or video in a situation not covered by the special exception for classroom screenings or Co-Curricular Licence – for example, at a film night fundraiser run by a school – you will need permission from the relevant copyright owners.

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

- Film Australia;
- State Film Centres; and
- commercial organisations such as Roadshow PPL, Amalgamated Movies and Showbiz Music Video (for video clips).
- Departments of Education in some states have video resource libraries, or may be able to assist with further sources.
- 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 seminar program, see our website – [www.copyright.org.au](http://www.copyright.org.au) For information specific to schools, see the “smartcopying” website at [www.smartcopying.edu.au](http://www.smartcopying.edu.au), which has been developed by the Copyright Advisory Group (CAG), a committee of the Australian Ministerial Council for Education, Early Childhood Development and Youth Affairs (MCEECDYA).

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 [www.copyright.org.au](http://www.copyright.org.au)

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 advisors in the school sector is available on the “smartcopying” website at [www.smartcopying.edu.au](http://www.smartcopying.edu.au).

### **Reproducing this information sheet**

Our information sheets are regularly updated - please check our website to ensure you are accessing the most current version. Should you wish to use this information sheet for any purpose other than your reference, please contact us for assistance.

## 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 Australian Government through the Australia Council, its arts funding and advisory body.*

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