



**THE CATHOLIC UNIVERSITY OF AMERICA**  
*Office of the General Counsel*  
Washington, DC 20064  
202-319-5142

## **Guidance for Use of Video for Class Instruction**

This guidance explains permissible use of videos in the classroom and off site under copyright law.

### **Use of Video in Class**

It is permissible to show a video in a face-to-face setting for a pedagogical purpose without restrictions.

### **Online Streaming of Video**

The potential to infringe copyright is higher when a video is streamed outside the classroom. A video may be streamed online if the University has a license to stream the video or if it can be characterized as Fair Use under copyright law. In no event should professors post (or ask staff or students to post) entire videos to a University server.

### **Licensing**

Licensing a video is the easiest way to make the video available either in class or off site. The University Libraries have a growing number of licensed streaming video resources that are available to the entire CUA community, both on campus and off-site.<sup>1</sup> The newest resource is *Kanopy* at <https://cua.kanopystreaming.com/>, which has thousands of titles available, including many classic foreign language films.

### **Public Domain Videos**

A video in the public domain may be viewed without restriction. Due to the current long term of copyrights (95 years for corporate works, and life of the author plus 70 years for other works) most commercially produced movies are not in the public

---

<sup>1</sup> This includes *Lynda.com*; *Counseling and Therapy in Video*; *PsycTHERAPY*; *Met Opera on Demand*; and *Opera in Video* all available through the Mullen Library.

domain. Your liaison librarian can assist you in identifying content that is in the public domain and that can be used without restriction.<sup>2</sup>

### **Fair Use Considerations**

“Fair Use” applies when a video is not in the public domain, a license cannot be reasonably obtained, or the video in question is out of print. Generally, if you wish to invoke Fair Use, the following conditions should be met:

- The video must be owned by the University or the instructor;
- The video clip or the video must relate to the material being taught in the class; and
- The streamed link must be password protected.

A Fair Use determination is made by the individual professor, not the University. Accordingly, any liability lies with the professor making the Fair Use determination. Use of the entire video is allowed when a pedagogical purpose can be stated for use of the entire video; however, it is best to use just a clip of the video when that is all that is necessary. If a license cannot be obtained at a reasonable price, or the item is not available for individual viewing at a reasonable cost, then a lawfully acquired video made available only to those in the class for a short amount of time is likely a Fair Use.<sup>3</sup>

### **Other Ways to View Videos**

If the video is not among the ones licensed by the University, and you do not wish to show the video in class, you may suggest the students join in small groups to rent the video on a Netflix, iTunes or other reasonably priced commercial service. The University Libraries has a small collection of videos. These titles may be placed on course reserve; similarly, a video/DVD in the personal collection of a faculty member can also be placed on course reserve by the University Libraries.

### **Questions?**

If you still have questions, your liaison librarian can provide guidance, and so can the Office of General Counsel. Faculty and staff are directed to the [University's Copyright Policy and Guidelines](#) for a general overview on copyright.

---

<sup>2</sup> A few of the many examples include [The Internet Archive](#), [American Memory \(motion pictures\)](#); [Annenberg Media Program Video Archive](#); [AP Archive Video](#); [British Movietone](#); [CDC TV](#); [Digital Public Library of America \(DPLA\) Video Collections](#); and [Vimeo](#).

<sup>3</sup> Access to course materials made available under fair use guidelines or a course specific license must be disabled at the conclusion of the course/semester.