Copyright Considerations for Streaming Video in UA Courses

If you plan to include content or materials within your videos other than content or materials that you have created yourself (“Third Party Content”), be aware that there are potential copyright issues related to such Third Party Content. Specifically, a third party may own the copyright in the Third Party Content that you desire to use – even content and material pulled from the internet or other public venues may be copyrighted – so you want to make sure that you are respectful of the Third Party Content owner’s rights.

Generally, it is likely considered to be “fair use” to make appropriately tailored Third Party available to enrolled students via digital networks.

This is specifically covered in the Code of Best Practices in Fair Use for Academic and Research Libraries:

Of course, this leaves us asking what “appropriately tailored” means in this context. The following are some considerations that would support a finding of fair use when streaming video that includes Third Party Content for instructional purposes:

- **Make use of a legally acquired copy**
  At best, this would involve linking to an appropriately licensed copy. Alternatively, if you can’t locate such a service and are required to work from a physical copy, be sure this is a legal copy.

- **Limit access to those enrolled in the course**
  Only eligible students (as well as the instructor and any teaching assistants) should have access to the material.

- **Limit the time the work is accessible**
  The material should be made available only as long as needed to meet the instructional goals. This might be the end of a section of the course, or at the end of the semester at the latest.

- **Limit the amount of the work used**
  The material used should be directly tied to the instructor’s pedagogical purpose, and only the portion of the work needed should be used.

- **Limit further re-use**
  Reasonable measures should be taken to prevent or deter viewers’ ability to make this copy available outside the course site. This could include a clear statement that the work is protected by copyright and made available for the research and instruction.