

## Showing Copyrighted Movies: Curriculum vs. Entertainment

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Many school districts show movies to students either before or after school or on rainy days for entertainment purposes. To avoid copyright infringement, movies must be shown as part of the face-to-face teaching activities of the school, and in a classroom or similar place devoted to instruction. Following is an excerpt from the United States Code that governs this issue.

### **Title 17 U.S. Code:**

#### **§ 110. Limitations on exclusive rights: Exemption of certain performances and displays**

Notwithstanding the provisions of section 106 (<http://www.copyright.gov/title17/92chap1.html#106>), the following are not infringements of copyright:

- (1) performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance, or the display of individual images, is given by means of a copy that was not lawfully made under this title, and that the person responsible for the performance knew or had reason to believe was not lawfully made;
- (2) except with respect to a work produced or marketed primarily for performance or display as part of mediated instructional activities transmitted via digital networks, or a performance or display that is given by means of a copy or phonorecord that is not lawfully made and acquired under this title, and the transmitting government body or accredited nonprofit educational institution knew or had reason to believe was not lawfully made and acquired, the performance of a nondramatic literary or musical work or reasonable and limited portions of any other work, or display of a work in an amount comparable to that which is typically displayed in the course of a live classroom session, by or in the course of a transmission, if —
  - (A) the performance or display is made by, at the direction of, or under the actual supervision of an instructor as an integral part of a class session offered as a regular part of the systematic mediated instructional activities of a governmental body or an accredited nonprofit educational institution;
  - (B) the performance or display is directly related and of material assistance to the teaching content of the transmission;
  - (C) the transmission is made solely for, and, to the extent technologically feasible, the reception of such transmission is limited to —
    - (i) students officially enrolled in the course for which the transmission is made; or

- (ii) officers or employees of governmental bodies as a part of their official duties or employment

As described in 17 USC §§504-506, Remedies for infringement: Damages and profits, violations of a copyright can incur a fine ranging from \$200 to \$150,000 including payment of the copyright owner's attorney fees.

For questions regarding this topic, or any other *Loss Control Bulletin*, please contact your Keenan Loss Control Consultant.