Media Copyright in the Digital Age: In the Trenches Summary

Video and presentation slides from April 7th Streaming Media COI meeting:
https://blc.org/special-highlights/media-copyright

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Library Media Trends

• Streaming service demand is outpacing physical media.

• VHS is plentiful and dying.

• Accessibility needs to improve.
Key Takeaways

• Know your campus and library guidelines and survey others.
• Educate faculty and students about guidelines.
• Viewpoints vary—decide what is important to you and clientele.
• Apply 17 USC 107 Fair Use TRANSFORMATIVE
• Don't be too cautious or fearful—be specific about your risk.
What guidelines and justifications do you use for digitizing media requested by faculty?

Considerations:

- Pedagogy—is it required viewing?
- Do you own the title in another format?
- If not available or affordable, digitize.
- Economic impact is smaller for larger distributor than independent one.
- Better case if lesser quality.
Digitization Considerations

• How much can you digitize? Let faculty be the judge about needing a clip or entire title.

• Embed code in LMS. Limit access to students in class for duration of class.

• LMS leverages technology for face-to-face instruction. Online classroom is extension of physical classroom.
Can the library convert VHS directly to streaming format?

• Depends on institutional/library policies.
• Apply Section 108: Purchase DVD if available at a reasonable price.
• Can make up to 3 DVD copies.
• Store digital file in dark archive to make circulating DVD from file.
• Preservation DVD can circulate to local campus.
Do you need permission to add closed caption or video description to a video?

• Make campus content as accessible as possible.
• Find out what your campus requirements are.
• Apply fair use: transformative, effect on marketplace.
• Related cases: Hathi Trust, Chafee Amendment, Section 121 of Copyright Act, Marakesh Treaty to facilitate access to published works for persons who are blind, visually impaired or otherwise print disabled.
Can instructor screen Netflix etc. from personal subscriptions in the classroom?

• Read title’s licensing terms.
• Obtain DVD if available.
• Is educational streaming license affordable?
• Pedagogical use trumps personal.
• Use Hathi trust argument for accessibility.
• Determine use case if not available any other way.
Can the library link to YouTube videos in campus learning management system for a class?

• Yes. YouTube allows your use of embed code.
• Link, don’t copy.
• 99% of commercial YouTube videos are licensed.
• May get take down notice.
• Accessibility concerns—poor quality captions.
• Can screen capture comments.
Can students/faculty integrate news photos into their presentations?

- Fair use - adjust size and quality = transformative!
- Classroom use exemption applies. If photography class, smaller concern.
- Use open sources such as Creative Commons.
- Ask permission when in doubt—AP is very strict.