

## Film and Video/DVD

1. **Can we make back-up copies of commercially purchased DVDs or videos that our school or TAFE owns?**

No. Not without permission from the copyright owner of the film. The copyright owner of a film is generally the film producer.

You can make copies of films or television programs that you copied from television under the Statutory Broadcast Licence.

For further information on copying films or television programs from television, see:

2.7: Television and Radio Broadcasts  
Education Licence A: Statutory Broadcast Licence

2. **Can we copy podcasts?**

Podcasts of previously broadcast free-to-air radio or TV programs made available on the broadcaster's website can be copied under the Statutory Broadcast Licence. In other circumstances, you must check the terms and conditions of the podcast.

3. **Can we make copies of films for students with disabilities?**

Yes. Schools and TAFE institutes can copy films for the purpose of assisting people with an intellectual disability.

You can also make captioned versions of films for hearing impaired students when it is not possible to buy a captioned version of the film.

See 3.2: Disabilities Access Measures for further information

4. **Can we screen a video or DVD, which has been hired by a student or teacher, in class?**

Yes. You can show a video or DVD in the classroom as long as it is being screened for teaching purposes.

You can also communicate the video or DVD for performance to a classroom/virtual classroom for teaching purposes.

For further information, see:

2.5: Film, Video/DVD (c) Other Educational Exceptions  
Information sheet, "Performance and Communication of Works and Audio Visual Material in Class - What am I allowed to do?"

5. **Can we screen a video or DVD, which has been hired by the school from our local video store, on a bus during a school excursion?**

Yes. If the film is being screened for teaching purposes. For example, if students are expected to complete a work sheet on the topic of the excursion as they watch the film.

You can only screen the film for entertainment purposes if you, or the bus company, have obtained permission from the film's copyright owner, which is generally the film's producer.

6. **Can we convert commercially purchased videos into another format (eg from NTSC to PAL)?**

Yes. You will be able to format shift a commercially purchased video into another format, provided:

- the original copy of the video is a lawful (non-pirate) copy;
- the copy is made for the purposes of educational instruction;

- it is not possible to buy the video in the new format within a reasonable time; and
- the use does not unreasonably prejudice the copyright owner.  
See Flexible Dealing Information Sheet for further information

See information sheet, "Technological Protection Measures" or contact your local Copyright Manager for further advice.

**7. Can a student use an extract from a film in their own short film?**

Yes. A student can use an extract of a film for research or study, criticism or review or parody or satire provided that the use is a fair dealing.

See 2.5: Film and Video/DVD (a) Fair Dealing for further information

Students may not be able to rely on fair dealing to use footage in films they plan to exhibit outside the classroom, enter into competitions or distribute commercially, and in this case they should obtain permission from the copyright owner of the footage.

**8. Can our school or TAFE library make replacement copies of films if the original is damaged?**

Libraries, including school or TAFE libraries, can make preservation copies of films held in their collections, if the original has been lost, stolen or damaged and a replacement is not commercially available. The librarian must make a declaration that, after reasonable investigation, they are satisfied that a new copy of the film cannot be obtained within a reasonable time at an ordinary commercial price.

**9. Can I use a still image from a film in a teaching resource?**

Yes. In most circumstances this will be covered by the new Flexible Dealing Exception.

For further information, see information sheet "Flexible Dealing"

**10. Can I screen a pirate copy of a DVD, which was brought in by one of my students, in class?**

No. It is an offence to deal with a pirate copy of DVDs and videos, which includes playing the DVD on the school or TAFE premises.

For further information, see information sheet "Screening Pirated DVDs in Schools"

**11. Can a school or TAFE lend copies of its videos and DVDs to its students?**

Yes. It can lend students copies of:

- television programs copied under the Statutory Broadcast Licence.  
See 2.7: Television and Radio Broadcasts (c) Statutory Broadcast Licence for further information
- commercially purchased videos and DVDs, unless the School or TAFE has been made aware, prior to their purchase, that it is not allowed to lend them.

The Smartcopying website has been produced by the National Copyright Unit on behalf of the Copyright Advisory Groups (Schools and TAFEs).

Except where otherwise noted, content on this site is licensed under a Creative Commons Attribution 4.0 International Licence.

ditional Copyright Unit  
Level 7, 105 Phillip  
St, Parramatta  
Tel: 02 7814 3855  
Email:  
pying@det.nsw.edu.

