**Films and Videos**

Teachers regularly use films and videos for educational and other purposes. The films or video content could be from a range of sources such as Netflix, YouTube, Stan, Google Play, Amazon Prime, iTunes or Apple TV.

**What is a film?**

In this section, the term film refers to all [audio-visual](https://smartcopying.edu.au/glossary/audio-visual/) material such as films, videos and DVDs that show moving images with or without sound.

Examples of films include:

* videos
* feature, short and documentary films
* animations or cartoons
* on demand television programs offered by subscription services
* film trailers
* television advertisements
* corporate or education videos
* video and computer games
* [podcasts](https://smartcopying.edu.au/glossary/podcast/) and vodcasts of audio visual material.

We are not talking here about television broadcasts, which include any [audio-visual](https://smartcopying.edu.au/glossary/audio-visual/) material that is:

* broadcast on free-to-air television
* free-to-air television content made available online by the broadcaster at the same time or after the broadcast of that content
* scheduled broadcast content on subscription TV (eg Foxtel), excluding any on demand content offered by those subscription services (eg Foxtel On Demand and Kayo Sports).

If you are using television broadcasts, you may be able to rely on the [Statutory Broadcast Licence](https://smartcopying.edu.au/guidelines/education-licences/statutory-broadcast-licence/).  For more information see [Radio and Television Broadcasts](https://smartcopying.edu.au/guidelines/radio-and-television-broadcasts/).

It is essential that films played in schools are obtained from legitimate sources. Films, for example, may be purchased or hired from non-theatrical film distributors, licensed lending libraries or educational sources for screening on school premises or downloaded from legitimate film sites (eg iTunes).

Playing pirated copies puts you, your school, your principal and your educational body at risk of serious civil penalties which include payment of compensation to the copyright owner as well as criminal penalties. For this reason, schools should not accept donations or loans of DVDs or videos from students or parents. We recommend that schools source their own films to ensure that they are not pirated copies.

**Playing films**

**In class**

Teachers and students at schools or TAFE can play films (eg stream from YouTube, Netflix or Stan or play from a DVD) in class under a special exception in the Australian Copyright Act (section 28) provided it is:

* in the course of education and is not for profit; and
* the people in the audience or class are giving or receiving instruction or are directly connected with the place where instruction is given.

The class may be a ‘virtual’ class, where class content is delivered (eg using virtual classroom software or Zoom) to students who are learning remotely.

Teachers can upload films to a school intranet or [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) in order to play them in class, but they should remove them from the [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/), or remove access to the films by students, as soon as the class is over.

For further information on s 28, schools should see [Performance and Communication of Works and Audio Visual Material in Class: What am I allowed to do?](https://smartcopying.edu.au/performance-and-communication-of-copyright-material-in-class/)’ and TAFE institutes should see [Performance and Communication of Works and Audio Visual Material in Class: What am I allowed to do?](https://smartcopying.edu.au/performance-and-communication-of-copyright-material-in-tafe-classes/)

**For non-teaching purposes**

S 28 will not apply to teachers and students playing films for non-teaching activities (eg at camps, on bus excursions or for lunchtime entertainment on rainy days).

***Co-Curricular Licence***

The Australian school sector has negotiated a voluntary blanket licence, called the Co-Curricular Licence, with Roadshow Public Performance Licensing (‘Roadshow’) for the playing of films by schools for non-educational purposes. This includes:

* at school for entertainment purposes (eg at lunchtime on a rainy day)
* on bus excursions, where the school provides the DVD (not the bus company)
* at school camps and excursions, including outdoor screenings at camp, where the school provides the DVD (not the camp)
* at after-school care and holiday programs conducted at and by the school.

Not all schools in Australia are covered by the Co-Curricular Licence. Schools that are not covered by this Licence must seek permission from the non-theatrical distributor of the film to play the film for non-educational purposes. To find out whether your school is covered by the Co-Curricular Licence, contact your [local copyright advisor](https://smartcopying.edu.au/contact-us/). Note that this agreement does not apply to TAFE.

For further information on the Co-Curricular Licence, see information sheet [Playing Films for Non-Educational Purposes](https://smartcopying.edu.au/films-playing-for-non-educational-purposes/). TAFE institutes will need to obtain a licence to play a film for non-teaching purposes.

***Boarding Schools***

It is generally fine for students in a boarding house to screen a film for their own private purposes as it won’t be considered a public performance.

**Making a copy of a film and uploading it to a school’s**[**DTE**](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/)

If a teacher wants to make a copy of a film for a specific educational purpose (eg they want to upload a documentary on World War II to the school’s [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) in order to show it to a year ten history class), they may be able to do this under the [flexible dealing exception](https://smartcopying.edu.au/flexible-dealing/) provided:

* they, or the school, own a copy of the film, but the copy is not in a format that they require and they are not able to buy it in the required format
* the film can only be viewed by the teachers and students in the relevant class (i.e. the film is accessible to students in one course as opposed to the students enrolled in the entire institute)
* the teacher removes the film from the [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) or disables access by the students to the film immediately after the class.

Some examples of uses that are permitted under the flexible dealing exception include:

* making a digital copy of a DVD to upload to a school’s [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) in order to play to a geography class
* compiling extracts of audio-visual material for use in class (eg making a compilation of short extracts of several films for an English class) when it is not possible to buy a similar teaching resource
* downloading a YouTube video to play in class. For information on downloading YouTube videos see [Youtube – Using](https://smartcopying.edu.au/using-youtube/).

**Labelling copies**

It is good practice to label copies made under the [flexible dealing](https://smartcopying.edu.au/flexible-dealing/) exception with words similar to:

‘This material has been copied and communicated to you in accordance with the educational use provisions of the Copyright Act. Any further reproduction or communication of this material by you may be the subject of copyright protection under the Act. Do not remove this notice [insert date material has been copied and made available to students].’

For further information see [Flexible Dealing](https://smartcopying.edu.au/flexible-dealing/).

**Other copyright exceptions**

Teachers may also be able to rely on one of the copyright exceptions when a copying films or videos for specific purposes.

[**Fair dealing**](https://smartcopying.edu.au/glossary/fair-dealing/)

Teachers and students may be able to [copy](https://smartcopying.edu.au/glossary/copy/) and [communicate](https://smartcopying.edu.au/glossary/communicate/) films under the [fair dealing for research and study exception](https://smartcopying.edu.au/guidelines/copyright-basics/copyright-exceptions/). Teachers will only be able to rely on the [fair dealing exception](https://smartcopying.edu.au/guidelines/copyright-basics/copyright-exceptions/) in limited circumstances, (ie it must be for their own research and study and not the research and study of their students), but students using films as part of their study will generally be able to rely on the [fair dealing exception of research and study](https://smartcopying.edu.au/guidelines/copyright-basics/copyright-exceptions/).

For more information see [Copyright Exceptions.](https://smartcopying.edu.au/guidelines/copyright-basics/copyright-exceptions/)

**Disability exceptions**

If you are [copying](https://smartcopying.edu.au/glossary/copy/) or [communicating](https://smartcopying.edu.au/glossary/communicate/) films in order to make them accessible to a student with a disability, you may be able to do this under the [disability exceptions](https://smartcopying.edu.au/guidelines/library-exam-and-disability-copying/disability-access-exceptions/).

For more information see [Disability Access Exceptions.](https://smartcopying.edu.au/guidelines/library-exam-and-disability-copying/disability-access-exceptions/)

**Exam copying**

Teachers are allowed to [copy](https://smartcopying.edu.au/glossary/copy/) and [communicate](https://smartcopying.edu.au/glossary/communicate/) films for use in online and [hardcopy](https://smartcopying.edu.au/glossary/hardcopy/) exams. This exception does not extend to practice papers.  You can only rely on this exception to copy and communicate text for actual exams and assessments.

For more information see [Copying for Exams](https://smartcopying.edu.au/copying-for-exams-what-am-i-allowed-to-do/).