

The Face-To-Face Teaching Exemption

Section 110 of the 1984 Copyright Act does provide a specific exemption to the licensing of what is clearly a public performance – face-to-face teaching.

To qualify for the exemption, the showing must occur in a face-to-face teaching situation at a non-profit educational institution and meet all of the following six criteria:

1. Performances and displays of audiovisual works must be made from legitimate sources, such as pre-recorded videocassettes. Copies made from legitimate sources or broadcasts are not allowed.
2. Performances and displays must be part of a systematic course of instruction and not for entertainment, recreation, or cultural value. The instructor should be able to show how the use of the motion picture contributes to the overall course study and syllabus.
The course does not have to be a credit course, but must be one recognized by the institution and for which students must register.
3. The instructors or pupils must give performances and displays from the same location in which it is being screened; no broadcasting from outside sources (such as closed-circuit television) is allowed.
4. Performances and displays must be given in classrooms and other places devoted to instruction; library screening rooms, residence hall lounges, rathskellers and cafeterias **do not** qualify. Performance must take place during the scheduled class time.
5. Performances and displays must be a part of the teaching activities at a non-profit educational institution. Businesses that conduct educational seminars and certain technical schools do not qualify.
6. Attendance is limited to the instructors, pupils and guest lecturers. Only students registered for the class may attend the screening. No fee specific to the screening may be charged.