



## CAMPUS COUNSEL

A legal blog written for administrators, HR professionals, in-house counsel, and deans at colleges and universities

### May A College Or University Post A Video On A School Website?

DECEMBER 27, 2016

May a college or university stream a video on a school website? It seems like a simple question, but the answer can involve whether the video, or any background music in the video, is subject to copyright protection, if streaming the video is part of teaching activities, or if the video being streamed is part of the live coverage of a school activity, such as a commencement ceremony or a football game.

Streaming the video of a copyright-protected motion picture is a public performance, and without the appropriate license, it is an infringement unless done in the course of teaching activities. Video streaming in the course of teaching activities in a classroom setting is an exception to copyright infringement under 17 U.S.C. §110(1), and video streaming done in the course of teaching activities in a distance learning environment is an exception to copyright infringement under 17 U.S.C. §110(2).

Video streaming of the original live coverage of a school event, such as a commencement ceremony, may require a performance license for any background music that is part of the video. Video streaming of the original live coverage of a football game would usually be subject to any license agreements between the school and an athletic conference or a broadcast network. Video streaming of a student performance of a song or a play would require an appropriate license that may go beyond that required to perform the song or play before a live audience. Video streaming of a performance of a song parody without a license may have to rely on the fair use provisions of 17 U.S.C. §107.

**Client Tip:** *Colleges and universities usually have licenses to perform copyright-protected material as part of teaching activities and for the public. However, institutions should be aware that whether streaming a particular video on a school website falls within the scope of a license or an exception to copyright infringement will depend on the nature of the use of the video and the details of any license.*