How much of a video (film, movie, etc.) can I use in my online course or D2L under the TEACH Act and/or Fair Use?

Flowchart

Is the video a lawfully made copy and lawfully acquired?

Yes → **Is the video produced or marketed primarily for online educational purposes?**

No → You cannot use any portion of the video in your online course.

Is the video produced or marketed primarily for online educational purposes?

Yes → **Are your circumstances "unique" so they constitute "Fair Use"?**

No → **Is the video in the public domain?** (*copyright expired, copyright transferred to public domain by copyright owner, video is a work of the U.S. Government.*)

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Yes → You can use the entire video in your online course, or as much of the video as authorized by the copyright owner.

No → **Do you have written permission from copyright owner to use the video in your online course?** (*letter, email, creative commons license, institution/library subscription, etc.*)

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No → **Does your college/university comply with the requirements of the TEACH Act?** Use the TEACH Act Checklist to make this determination.

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Yes → You can use REASONABLE and LIMITED PORTIONS of the video in your online course as authorized by the TEACH Act. See *Senate Notes*.

No → **Are your circumstances "unique" so they constitute "Fair Use"?** Use the *Fair Use Checklist* to determine if Fair Use applies to your situation. ***Note:*** *If a streaming license is available for a reasonable cost, you cannot play the entire video or a significant amount under a claim of fair use unless the impact would be de minimus on the streaming market for the video.*

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Yes → You can use REASONABLE and LIMITED PORTIONS of the video in your online course as authorized by the TEACH Act. See *Senate Notes*.

No → You can use the amount of the video that is justified under FAIR USE, which may range from a small portion to the entire video in unique situations.