



Streaming Video - Fair Use Evaluation

Lauinger Library, Georgetown University

What is fair use?

Fair use permits the limited use of copyrighted material without having to obtain a license or permission from the rights holder. Fair use is a flexible right that allows portions of any copyrighted work to be used. Fair use analysis is subjective, and users and copyright holders can disagree on whether a particular use is fair.

How much can I use?

There is no easy answer to the question of how much of a film can be digitized and streamed relying on fair use. Due to that uncertainty, each film or film clip has to be analyzed on a case-by-case basis looking closely at what is being used, how it is being used, and the potential risk in asserting fair use rights.

In rare cases, showing an entire film could qualify as fair use; in the vast majority of cases, however, use of an entire film will not constitute fair use and could be challenged by the film's owner or distributor.

Read more about fair use:

- [Fair Use](#) (Stanford University Libraries)
- [Fair Use of Copyrighted Materials](#) (University of Texas Libraries)
- [Fair Use](#) (Center for Media and Social Impact)

**Your fair use determination should be based on
weighing and balancing the four factors on the next page.**

**If you have any questions about creating or using copyrighted material at Georgetown,
please email the Library's Copyright Office at librarycopyright@georgetown.edu.**

Purpose and character of your use (is it transformative?) Fair use is most likely to apply if your use of the film is transformative. Using a feature film for educational purposes, such as commentary and criticism, will strengthen your fair use argument since that use differs from the original purpose of the film - entertainment. Showing a film produced for the educational market, however, is unlikely to be transformative use since viewing by students is the primary purpose of the film.



Nature of the work Films are generally creative works, which weakens the fair use argument.



Amount used. The amount of film you use should be only as much as is necessary to support your lesson or illustrate your point. In rare cases, showing an entire film could qualify as fair use; in the vast majority of cases, however, use of an entire film will not constitute fair use and could be challenged by the film's owner or distributor.



Effect on the market. To minimize the effect on the market, access to the film will be restricted to students registered for your course and will be available for only a limited period of time. However, there is a potential impact on the market if the film is available for purchase.



Use the space below to explain how this material will be used and why the amount requested is appropriate for your pedagogical purpose.