Instructors may play a “DVD” movie on their computer and share their screen via Zoom with students in their class under the following conditions:

1. The DVD movie has been lawfully acquired (purchased, borrowed, received as a gift, checked out from the library, etc.)
2. The movie is not available in hard copy or digital formats with educational or public performance rights for a *reasonable* price.
3. Only registered students in the course can access the Zoom link and session (e.g., distributed via the D2L course, not through a public website).
4. The instructor and students DO NOT record the session.
5. The DVD movie is played on the instructor’s computer.
6. The instructor’s computer screen is shared with students in the course via Zoom.
7. Only the portion of the movie necessary to support the instructor’s pedagogy is shown. Do not show the entire movie unless necessary to achieve the educational objective of the class.
8. Instructor commentary and lecture along with student comments and discussion during the playing of the movie greatly increases the position that it’s an educational activity that is supported by fair use.
9. If instructor wants to show the entire movie, a completed [Fair Use Checklist](https://www.minnstate.edu/system/asa/academicaffairs/policy/copyright/docs/Fair_Use_Checklist1.pdf) should be completed by the instructor to show the activity is supported by Fair Use.
10. The movie is being shown for nonprofit educational purposes, not for entertainment.

By limiting the movie to a “DVD” copy, this scenario mirrors very closely the face-2-face classroom exception in Section 110(1) of the Copyright Act. If an instructor can play the DVD movie in the physical classroom, then “fair use” should support the streaming of the same DVD in live time via Zoom to students in an online classroom. The end result is the same in both situations, the DVD’s contents are played by the instructor and viewed by the students in the class. There’s no copying of the DVD’s contents involved in either case. The only difference between the two situations is an online “transmission” of the DVD’s contents to students.

Section 110(2) of the Copyright Act (a.k.a. TEACH Act) authorizes transmissions for “reasonable and limited portions” of movies. Section 110(2) also involves making a digital copy of the movie or movie segments, and saving them to a college or university server. To rely on fair use to show a movie via Zoom in the present situation, an instructor must remain as close as possible to the face-to-face classroom exception in Section 110(1), where no copies of the movie are made. If the entire movie must be shown to achieve the educational objective of the class, then a [fair use checklist](https://www.minnstate.edu/system/asa/academicaffairs/policy/copyright/docs/Fair_Use_Checklist1.pdf) should be completed to show that fair use supports the activity.

Please refer questions to Gary Hunter, System Director for Policy, Procedure, and Intellectual Property at gary.hunter@minnstate.edu.

**Minnesota State sites**

* IP Tools and Forms Webpage <https://www.minnstate.edu/system/asa/academicaffairs/policy/copyright/forms.html>
* Fair Use Checklist <https://www.minnstate.edu/system/asa/academicaffairs/policy/copyright/docs/Fair_Use_Checklist1.pdf>
* TEACH Act Checklist <https://www.minnstate.edu/system/asa/academicaffairs/policy/copyright/docs/TEACH%20ACT%20CHECKLIST.pdf>