

Obtaining Rights For Your Video Project

If you have any interest in sharing or otherwise distributing the video projects that you or your students create, it's critical that you make sure you have rights to use all of the material the videos contain. Clearing rights can be a complex process, but the more you plan ahead and obtain permissions throughout the production process, the simpler it will be. Here are the basic types of permissions you may need to acquire, as well as suggestions about how to acquire them.

Original Material

This is the material that you videotape, photograph, or otherwise produce yourself. For most video projects that contain original material, there are two types of permissions that you may need to acquire, and a third type that you can avoid having to acquire if you plan and execute your shoots carefully.

- **Locations**

Before you begin, make sure you know where you will be taping and what permissions might be necessary. Generally speaking, you can videotape or take photographs in most outdoor public places without seeking permission. However, some cities require permits for these activities. Check the Web site of the city or town where you will be taping for regulations. Privately owned locations (such as stores, buildings, malls, homes, yards, and parking lots), government offices, or other institutions such as schools always require written permission. Make sure you have these in hand before you begin taping. You may want to use one or more existing locations releases to help you develop your own release, but be sure to revise them to meet your particular needs. Links to sample releases are available on page 13 of this activity.

- **Appearances**

Be sure to acquire written permission from any people who appear in your video. This includes all individuals who are identifiable in the background of a shot, even if they are not the focus of your video. If you use another person's voice as a narrator or storyteller, you will need to get that person's permission, as well. Links to sample releases to help you develop your own releases are available on page 13 of this activity.

- **Incidental Images and Sound**

Try to avoid capturing material, such as logos or copyrighted music, for which it will be difficult to acquire permissions. As you plan your shoots, do your best to avoid situations where you might encounter such things as brand names and logos on clothing or buildings, music playing in the background, televisions or computer screens displaying recognizable programs or Web sites, or even cell phones with copyrighted ring tones.

External Materials

These are the materials used in your video project that you did not create yourself. Here are some of the issues that are involved in using imagery and music that you did not produce, as well as three categories of outside materials for which rights acquisition tends to be more straightforward.

- **Video, Animation, and Photographs**

You must have written permission to use any video, animation, and/or photos that you did not create or videotape yourself. In some cases, this permission is granted up front by the owner of the material, as is the case with many public domain or creative common materials (see below). However, in all other cases you must request permission. In general, be very cautious about using imagery that you find online. When in doubt, request written permission. And, whenever possible, to ensure the widest possible distribution of your video project, it is

advisable to clear rights for all media and formats, whether now known or hereafter devised, worldwide, in perpetuity. This language may need to be negotiated with the owner of the material, but it doesn't hurt to ask.

- **Music**

Music rights can be very tricky and difficult to obtain, and are sometimes expensive. There are two types of music rights: composition (called a "synchronization," "synch license," or "music publishing license") and sound recording (called "sound recording," "master use," or "master recording rights"). You will likely need to obtain both types of rights. Think ahead about where you might want to distribute your video. If you want to post it on YouTube or other Web sites, you might need more clearances than you think.

- **Creative Commons**

In general, you can use Creative Commons material without obtaining additional permissions. Typically, Creative Commons music and imagery is accompanied by a Creative Commons license. Such material can be found on Web sites as far ranging as [Flickr](#), [Wikipedia](#), the [Free Music Archive](#), and others listed in Resources on page 13 of the activity. Keep in mind that there are different types of Creative Commons licenses, which allow for different levels or types of use.

- **Public Domain**

Public domain materials are works that are not protected by a copyright. This means that you don't need to obtain permission from a third party in order to use the material. Many government materials are in the public domain. Look for the permissions statements that typically accompany these materials, especially if you find them online.

- **Fair Use**

Fair use is a doctrine created by the courts and codified in United States copyright law. It allows limited use of copyrighted material without obtaining permission from the copyright owner for certain uses. Such limited uses include criticism, comment, news reporting, teaching, scholarship, or research. However, there is no clear test to determine whether or not a use is "fair". One resource that might be helpful in determining if fair use applies to your own project is the comic book "[Bound By Law?](#)" which was written by lawyers to help demystify fair use and public domain.

Your Own Video

With a finished video in hand, and plans to distribute your video, it's now time to think about how rights and permissions apply to you, the video producer. Here are two options for protecting your work.

- **Copyright**

You may want to consider copyrighting your own video to protect it from unauthorized use. See [U.S. Copyright Office](#) for information on how to file and the forms you will need to do so.

- **Creative Commons**

You may want to acquire a Creative Commons license. This will allow you to keep your copyright but allow others to copy and distribute your work, provided they give you credit—and only on the conditions you specify. For information about this, go to [Creative Commons](#).

For more resources on rights and where to find open-source material for your video projects, go to the "Copyright Law and Open Source Content" section of the Resources on page 13 of the activity.