Due Diligence for Media Reproduction

A. Steps Taken Before Migrating VHS to DVD:

Scenario 1:

1. Find new VHS or DVD from vendors/organizations available for institutional purchase.
2. If no new VHS is sold and no new DVD was ever produced or sold, the video can be migrated into DVD format.

Scenario 2: DVD Produced - Not available for purchase

1. If a DVD was produced, but not available for sale through vendors/organizations, the librarian must contact the current rights holder (see instructions in Public Performance Rights - PPR on page 2) to obtain rights to reproduce VHS into DVD.*
2. With written permission from rights holder, the Library may reproduce VHS into DVD.

*If the librarian is unable to identify or does not receive a reply from the current rights holder after contacting 2 companies AND DVD/VHS is unavailable for purchase, the library may make DVD reproduction for educational purposes and for library use only.

B. Steps for Streaming, Downloading and/or Burning Creative Commons (CC) Licensed Videos:

1. Take a screenshot of CC streaming video including date, link, license and host information. Keep this information in your records.
2. If requested by faculty, download and burn video onto DVD for educational use.
3. On label of DVD, provide all information as described in Part C.

C. Labeling DVD Copies of VHS and CC Streaming Videos

Include the following information on the physical DVD:

1. Title of item
2. DVD # (or link to streaming video)
3. SCCC Logo
4. Property of _____________ Campus Library, (Address of Library)
5. “© (year when item produced)”
6. “For Educational Use only”
7. “Creative Commons License” (if applicable)
Public Performance Rights

Film screenings in virtual or face-to-face classrooms do not require acquiring Public Performance Rights (PPR) from the rights holder. Rights holders include production and distribution companies, as well as the creators of the media.

If a film is being screened outside of the classroom (i.e., a public performance), PPR should be acquired, whether or not admission fees are being charged. In other words, if the potential audience includes people who are not enrolled in a specific course for which the film is being screened, obtaining PPR is legally necessary.

Some examples of public performances:

- College/campus club or organizational events
- College/campus events such as film festivals or screenings for entertainment or for education to which people not enrolled in a specific class are invited
- Screening a film for a specific class in a venue in which people not enrolled in that class may attend

If the answer to any of the questions below is yes, PPR should be acquired:

- Has the screening been advertised or promoted?
- Are admission fees being charged?
- Will the audience potentially include people who are not enrolled in a specific course in conjunction with which the film is being screened?
- Is the screening in a public place, such as a campus auditorium or the library, as opposed to a regular class session in the regular class meeting place?

Purchasing PPR

PPR can be purchased at the same time that the media object (DVD, streaming media, etc.) is purchased or it can be purchased separately from the object. PPR can be purchased in perpetuity for the life of the media object or for a set number of screenings. Documentary/educational films purchased from the production/distribution company will most likely include PPR in perpetuity, and the PPR is typically included in the price of the object.

PPR for popular/entertainment media objects is typically purchased separately from the media object. For example, if a DVD for a popular film is purchased from Amazon.com or from baker & Taylor, PPR will not be included. It will be necessary to contact the rights holder to negotiate purchase of PPR for a set number of screenings.
Contacting Rights Holder

The rights holder can be found a number of ways, one of which is to search IMDB.com for the film and then looking through the “Company credits” list (see screenshot below). Production companies are the rights holders, and PPR can be purchased from the licensed distributors for a given geographic area.

If no one’s selling PPR, you cannot go ahead with a public screening unless it’s an out-of-copyright or orphaned work.

If IMDB does not provide the company information for obtaining PPR for a specific film, try searching the websites of The Criterion Collection, The Motion Picture Licensing Corporation, Swank Motion Pictures, or Movie Licensing USA. These companies and others are able to sell PPR for films in their collections.