DMCA § 2012 and Education

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www1.law.umkc.edu/faculty/callister/presentations/dmca.pptx
Problem

A faculty member wants help with software to “rip” segments from a DVD to use for a presentation in class. Assume the conditions of the TEACH Act will be met.

• Can IS rip the DVD?
• Would it matter if the movie were on Blue Ray or if it were from an online distribution service?
“To Rip or Not to Rip, That is the Question!”
Solving the Problem: The Basic Framework

License

Copyright Infringement

DMCA
Is Use Prohibited under a License?

Is Prohibition Enforceable?

Copyrightable & not in Public Domain?

TEACH Act, Library, or Fair Use Exception?

DMCA Circumvention?

DMCA Exception?

Color Key
License
Copyright
DMCA
Is Use Prohibited under a License?

Is Prohibition Enforceable?

Copyrightable & not in Public Domain?

Fair Use, Teach Act, or Library Exemption?

DMCA Circumvention?

DMCA Exception?

Get Permission?

Orphan Work?

Stop

Get Permission?

Go
DMCA Circumvention?

Use FREE Software to Copy any DVD Movie! Find Out How...

- Free DVD ripper included.
- Built in CSS decryption.
- Clone any DVD in as little as one click.
- Copy the entire DVD, or pick and choose the content.
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- Burn to recordable disc or backup to your hard drive.
- Multi episode support (e.g. TV series).
- Rip a double sided disc and burn onto a single DVD.
- Remove region protection.
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- Money back guarantee.

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(a)(1)(A) No person shall *circumvent a technological measure* that effectively 
controls access to a work protected under this title.

(2) No person shall manufacture, import, offer to the public, *provide*, or otherwise 
traffic in any technology, product, *service*, device, component, or part thereof, that--

(A) is primarily designed or produced for the purpose of *circumventing a
technological measure* that effectively controls access to a work protected under 
this title . . . .

(3) As used in this subsection--

(A) to "*circumvent a technological measure*" means to descramble a scrambled 
work, to decrypt an encrypted work, or otherwise to avoid, bypass, remove, 
deactivate, or impair a technological measure, *without the authority of the copyright 
owner*. . . .
No Fair Use or Teach Act Exception for Circumvention!
DMCA Exception?

2012 Copyright Office: Triennial Exceptions

1. Is the motion picture contained on DVD (not a Blue Ray) with CSS or is it “acquired via online distribution” with Technological Protection Measures (“TPM”)?

2. Is the use for general “educational purposes” or for “film studies or other courses requiring close analysis of film”?

An affirmative answer to either case 1 means that an exception may apply. However, note that the rule would not apply to Blue Ray discs.

The answer to 2 matters. For general “educational purposes,” you may only use screen capture technology on a lawfully decrypted copy. But for “film studies,” you can use a “ripper” or decrypter.

In either case, you may only use “short portions.”
The End