

Appendix: Appropriated Video and Copyright

If you want to play it safe - film it yourself or get permission

If you want to be sure that your film can be distributed and submitted without complications, make sure that you have the rights to every aspect of what you film. Get signed releases for all recognizable people, places, things, and music that appear in your film. Most film festival submission guidelines require that you make a statement declaring that you have secured all rights for all aspects of your film.

Amaze Films – Feature/Short Film Distribution Clearance Guidelines

http://www.amazefilms.com/film_resources/clearance_guidelines.html

Example: Taos Mountain Film Festival Entry Form

<http://www.mountainfilm.net/2005FilmEntryApplication.pdf>

Images or footage in the “public domain” can be used because the copyright has expired or the creator has specifically granted permission for it to be used by anyone. Check that the terms for the specific item you want to use allow for your specific use (such as on a Web site).

Creative Commons

<http://creativecommons.org/>

Internet Archive

<http://www.archive.org/>

If you want to use something without permission - get a lawyer

If the appropriated footage is itself the subject of commentary or parody, your film is more likely to be protected under “fair use”. However, “fair use” is an intentionally ambiguous legal defense that is often decided on a case-by-case basis. It is a defense that you use *after* the copyright holder sues you. You may win in the end, but it will take time, money, and lawyers. If you want to create something you think will fall under fair use, it is best to consult an intellectual property lawyer before you get too far into the project.

***Food Chain Barbie & the Fight for Free Speech*, by Tom Forsythe**

<http://www.ncac.org/issues/foodchainbarbie.htm>

***The Bootleg Files: "Superstar: The Karen Carpenter Story"*, by Phil Hall**

<http://www.filmthreat.com/Features.asp?Id=840>

Bleary Days for Eyes on the Prize – Wired News, Dec 22, 2004

<http://www.wired.com/news/culture/0,1284,66106,00.html>

Stanford University Libraries – Copyright and Fair Use

http://fairuse.stanford.edu/primary_materials/

“Fair Use” from Wikipedia

http://en.wikipedia.org/wiki/Fair_use

“Appropriation Art” from Wikipedia

http://en.wikipedia.org/wiki/Appropriation_Art

If you want to change the law - get involved

If you think copyright law is too restrictive and should be changed, or if you think fair use should be interpreted more liberally, you can join the groups that are working to protect (even expand) the rights of artists to use existing materials in their work. You can help by voting, getting involved with lobbying groups, and staying in touch with your congressional representatives.

Duke Law School: Center for the Study of the Public Domain

<http://www.law.duke.edu/cspd/>

Don't Waste Culture. Recycle! A Brief Primer on Art and Copyright

<http://journalism.berkeley.edu/projects/biplog/archive/000390.html>

Negativland's Statement on Fair Use

<http://www.negativland.com/fairuse.html>

Kembrew McLeod (*owner of the trademark on the phrase "freedom of expression®"*)

<http://kembrew.com/>

Detritus.net

<http://www.detritus.net/manifesto.html>