



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert H. Corbin

January 22, 1986

Mr. John T. Hestand
Maricopa County Office
4215 N. Brown Avenue, Suite D
Scottsdale, Arizona 85251

I87-016 (R86-176)

Dear Mr. Hestand:

Pursuant to A.R.S. § 15-253(B), this office has reviewed the opinion expressed in your letter to the Superintendent of the Casa Grande Elementary School District, and concurs with your conclusion that it would not violate copyright laws for a local videotape rental store to donate the use of certain videotapes to the Casa Grande Elementary School District to be utilized as part of a reward system for students of the district. As long as the district is simply showing or giving the videotapes to the students and not making copies of those videotapes or charging students to view them this would not constitute copyright infringement under the provisions of 17 U.S.C. § 501 to -506.

Sincerely,

A handwritten signature in cursive script that reads "Bob Corbin".

BOB CORBIN
Attorney General

BC:SHM:jas

LAW OFFICES OF

JOHN T. HESTAND

Maricopa County Office:
4215 N. Brown Avenue, Suite D
Scottsdale, Arizona 85251
(602) 994-4675

Pinal County Office:
Post Office Box 1421
Florence, Arizona 85202

EDUCATION OPINION

ISSUE NO LATER THAN

11-25-86

October 21, 1986

Mr. W. Dean Skaggs
Superintendent
Casa Grande Elem. School Dis.
1460 N. Pinal Avenue, Suite D
Scottsdale, AZ 85222

886 176

Martin
11/26/86

Dear Dean:

You requested that I answer a question concerning copyright and videotapes. A local videotape rental store wishes to donate the use of certain videotapes to the Casa Grande Elementary School District to be utilized as part of a reward system for students of the District. Your question, understandably, is whether such use would violate copyright laws. The answer is no. Clearly, it is permissible for a school district to use certain forms of entertainment as rewards for proper student behavior. Of course, when we were children such rewards usually took form of a rented film which was run off the film projector. Technology now dictates that the majority of such films would today be found on videotape.

While the warnings at the front of videotapes vary and some appear generally quite harsh, the message they communicate is that you cannot legally use the copyrighted material for commercial gain. Thus, it would be illegal to use a copyrighted videotape, whether purchased, rented or donated for a gathering in which the District charged admission or a fee of any nature. Thus, the District would not legally play videotapes in a classroom after school and charge fifty cents admission per student. Similarly, it would be illegal for the District to rent or borrow a videotape and to duplicate that videotape without permission.

The law however does not restrict private non-commercial use. Thus, it would be legal for an individual to rent a videotape and invite 20 or 30 of his/her friends to a party in which the videotape was shown, as long as no fee was charged. Legally, there would be no distinction if the use of the videotape were donated to the District rather than rented.

Mr. Dean Skaggs

October 21, 1986

An analogy would be a book in the library. It would be a violation of copyright laws to duplicate that book without permission. It is not a violation of copyright that five or twenty or a thousand students are allowed to read that book without additional copies being purchased. Similarly, it is not a violation of copyright to allow 20 or 30 students to watch a rented or donated videotape as long as no copies are made and no fees collected.

As always, please do not hesitate to contact me if you have any questions or if I can be of any assistance.

Sincerely,

LAW OFFICES OF JOHN T. HESTAND

John T. Hestand

JTH:jz