



European
Commission

Showing films and other audiovisual content in European Schools

Executive Summary

A study prepared for the European Commission
DG Communications Networks, Content & Technology by:

UAB
Universitat Autònoma
de Barcelona

THINK TANK...
ON EUROPEAN FILM AND FILM POLICY

CUMEDIAE



Digital Agenda
for Europe

This study was carried out for the European Commission by:



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Executive Summary

ABSTRACT

The aim of this study is to provide the European Commission with reliable data and analyses on the educational use of audiovisual content in schools, pointing out obstacles and good practices from three different aspects: the educational, the legal, and the relationship with the film industry.

The study is divided in five main chapters.

The school chapter looks into the use of films and audiovisual content in European schools as determined by their curricula – use of film in general and film literacy education; access to relevant films and other audiovisual content and its costs; teaching methodologies and teacher training; physical conditions for film-showing.

The industry chapter focuses on how films can be made available for schools and what obstacles may exist. Examples of applied copyright law show how some countries have solved the access problem. This section includes examples of initiatives and activities carried out by a diverse sample of public film institutions and public-private stakeholders.

The legal chapter analyses how the copyright framework is implemented in the countries covered in the report. This chapter specifically looks into the terms of access to film and other audiovisual content for its use in schools.

The last two chapters summarize obstacles and barriers to effective film literacy teaching, followed by policy recommendations.

CHAPTER 1

Use of films and other audiovisual content in European Schools

This part of the study presents a detailed analysis on the use of films and other audiovisual content in schools. The analysis is primarily based on 6,701 replies from teachers and schools resulting from a comprehensive questionnaire.

The analysis of the questionnaire has been combined with desk and qualitative research, together with previous academic findings regarding the educational use of audiovisual content. We can summarize some of the findings as follows: film literacy is not generally considered to be an autonomous subject in European schools; it is most likely to be integrated into other subjects.

Film literacy is taught in a way to complement various compulsory subjects, and it is only considered to be a self-contained curricular subject in a few countries. Across Europe most teachers (62%) have indicated that the teaching of film literacy is an “uncommon and sporadic practice”, and only 5% states that it is a “widespread and common practice”. These remarkable percentages may easily be interpreted as strong obstacles to implementing film literacy in schools. However, 60% of teachers recommend that film literacy becomes a compulsory subject.

The lack of a solid public policy on film literacy is perceived as an important barrier by over 80% of teachers.

Many teachers believe that the cost of access to films represents an obstacle for film literacy. 75% of teachers consider that the lack of film literacy competences is a “very relevant” or “quite important” barrier.

Collaboration with external bodies is considered to be one of the key factors to a successful implementation of large-scale film literacy initiatives in schools. However, it appears that this collaboration is not as common as it could be.

There is a clear lack of networking and structured exchange of information and experience on film literacy among teachers: only one in ten teachers acknowledge the existence of any such network, local or international. And most teachers have said they are not aware of any ‘good practices’.

According to most teachers equipment is not the real obstacle to film literacy. In fact, school managers deem the level of technological infrastructure in their schools satisfactory. Only 17% of schools say

they are poorly or very poorly equipped.

Most film and audiovisual content available in schools is in DVD format. Specific online platforms for schools are still rare. Free-access web platforms such as Vimeo, YouTube, etc. are often mentioned as common source for audiovisual content other than cinema.

CHAPTER 2

The perspective of the Film Industry, Public Film Institutions and other stakeholders

No film without Film Industry

There is no film literacy without film and audio-visual content to be shown. The very existence of such content is the result of the professional work, and the economic and entrepreneurial effort of what can be collectively defined as the 'Film Industry'. Schools and teachers cannot independently assume the task of facilitating student access without the stable complicity of those who compose such industry, together with the different organisations, public and private which work to promote and support cinema.

The use of films in schools is commonly defined as 'non-theatrical' by distributors. This definition tends to reflect the specific nature of this kind of distribution, and it is related to the cost of material for educational purposes. Conditions for commercial film sale have been firmly established, and they follow certain rather standardised practices, but there is not a similar order for handling 'non-commercial' or 'non-theatrical' sales.

The study confirms the main industry players' active participation in facilitating relevant film access for schools. We can observe a strong awareness of the importance of film literacy, as well as an acknowledgement of the upcoming role film literacy must play to generate interest in European films among young audiences.

Multiple licensing models

According to our survey of stakeholders and experts, no two countries follow the same licensing guidelines to gain access to audiovisual material for schools. Major distributors may establish their own licensing structures, but as Europe is dominated by small production and distribution companies that are unable to set up proper licensing agreements, the role of right-holder associations and collecting agencies has become increasingly important within the process of creating a more unified European licensing system. Many producers and distributors have therefore delegated complex legal agreements to national and European umbrella organisations

so that films, DVDs and online content can be used for educational purposes in schools.

The main stakeholders with international experiences and wide perspectives, such as the IVF ("International Video Fédération") and the FIAPF ("International Federation of Film Producers' Associations") state that the current European legal framework, the European Copyright Directive (EUCD), covers the limitations and exceptions to the ordinary copyright film and audiovisual regime within the context of education. The EUCD gives Member States enough flexibility to implement exceptions in the case of illustration for teaching purposes, and to encourage licensing solutions negotiated with rights holders. According to both organisations, educational institutions requiring a broader use of copyright protected materials, which are not covered by national exceptions can explore licensing alternatives with the relevant rights holders.

Online platforms which are specifically set up for school use are perceived by many industry players as a highly recommended method, as it can combine a pre-selected catalogue intended for school usage with the matching licensing scheme which supports the usage. Although such cases exist, it cannot yet be considered a generalised scheme in Europe.

Facilitating access out of Schools

Film experts and professionals, as well as teachers, underline the importance of screenings out of schools, as this will be the only way for many students to experience and learn about film.

'School in Cinema' programmes offer theatrical screenings for students in commercial cinemas; film clubs organise screening programmes in and out of school, which are supported by public film bodies and distributors; film festivals may include a specific educational dimension and complement their main activities; "itinerant festivals" secure access to movies that would not be available otherwise; and finally film archives and cinémathèques also play an important role, though mainly for schools in proximity of their location. Such a diversity of options requires structured collaboration between schools and external parties: film distributors, theatres, and indeed, dedicated institutions of public or private nature.

CHAPTER 3

The legal framework

The copyright directive and international treaties

The legal tool under which European schools are allowed use audio-visual content and films is – as far as the remit of this report project is concerned – the “Directive on Certain Aspects of Copyright and Related Rights in the Information Society” (Directive 2001/29/EC), hereinafter referred to as “EUCD”. The EUCD has already been implemented in the copyright laws of all Member States. The Directive establishes a harmonized formulation as regards three economic rights protected by copyright: the reproduction right, the communication to the public right and the distribution right. In a specific provision, it grants legal protection to technological protection measures applied to works and other subject matter, against both acts of individual circumvention and commercial dealings in circumvention devices. Essentially, the rights established by the Directive are mandatory under international copyright convention law and follow similar (though not identical) provisions under international multilateral legal instruments. The EUCD foresees that Member States may introduce or maintain a range of limitations or exceptions to the exclusive rights. Limitations to the reproduction right, and limitations to the rights of reproduction and communication to the public right are generally not mandatory: they may or may not be established by Member States. Moreover, the EUCD provisions as regards limitations and exceptions are understood as a “maximum”: that is, Member States cannot introduce more exceptions or more extensive exceptions or limitations. At the same time, any limitations to the rights the Directive recognizes must sit the so called “three step test”: limitations must be (a) for certain special cases, (b) where there is no conflict with a normal exploitation and (c) as far as they do not unreasonably prejudice the legitimate interests of the right holder.

Teaching limitation to copyright

The EUCD includes an exception which allows the use of works for the purpose of illustration for teaching, which covers, under certain conditions, the use of films in schools. This teaching limitation may, therefore, cover certain uses of audio-visual works and films in schools. Our study analyses this complex legal framework in depth, and the specific way it has been implemented in the different countries (EU Member States and Norway) covered in the analysis. Non EU States such as Switzerland are not bound by the EUCD, but applicable international treaties lead to very similar results.

As far as screening of films in schools is concerned, there are differences between Member States on the one hand related to the rights affected by such use, and on the other to the acts allowed under the teaching exception. A screening in a classroom is generally considered to be a public performance (in which case copyright is affected), but another interpretation draws a parallel with private screenings to which no restrictions under copyright law apply.

A small number of Member States maintains limitations for teaching purposes, which are so restrictive that in fact they cannot cover any of the film screening activities analysed in our report. Teaching exceptions in these countries generally only allow certain acts of copying. Accordingly, every use of a film requires authorisation and a license must be obtained. A second group permits the screening of films in the classroom, and therefore in those countries the exception also applies to the right of public performance. A third group has added further uses under the teaching exception, following the implementation of the EUCD. In this case the exception also applies to the right of communication to the public and particularly includes, online use via an intranet.

The report examines and comments on the different existing models, each of them showing potential sub-sections depending on the country: a) free screening of films in a classroom b) statutory licensing requiring payment of compensation or remuneration, and c) framework agreements based on voluntary collective licenses and managed by collecting societies. In addition, direct licensing contracts between schools and platform operators, based on technological protection measures, are generally available and in those cases the teaching exception is hardly relevant.

CHAPTER 4

Obstacles

Different kinds of obstacles

Obstacles which prevent film literacy from being implemented in schools comprise general educational policies, pedagogical and cultural aspects, and the economic, legal, technological and practical conditions under which schools operate.

Curricular and pedagogical restrictions

Film literacy is generally not recognised as being equivalent to spoken and written language. Film literacy is therefore not usually recognised in national curricula across Europe.

As a consequence film literacy only has a minor feature in teaching syllabi.

In addition, teachers lack autonomy, which makes it difficult for them to decide how to introduce film literacy in their lessons. Adequate teacher training is not prioritised, as it should be; access to relevant films and other audiovisual material depends on the demands of individual schools, which also applies to appropriate infrastructure for teaching film literacy.

With no mandatory requirement for teaching film literacy, film literacy as a self-contained subject is still poorly developed. Film and other audiovisual material is widely used to support other key subjects, but is rarely the main source of independent study. A cultural barrier can be observed between traditional literacy and film/media literacy – teachers are not familiar with a pedagogical approach to the use of audiovisual material due to lack of training, and may refrain from a confrontation with film and computer informed students.

Practical restrictions in schools

Appropriate infrastructure for film screenings are an obstacle in many countries. Screening rooms which emulate the cinema experience are scarce. A lack of high-speed internet connections prevents the use of diverse and valuable content of films and programmes which are often available online for free. Links to dedicated platforms are likewise prevented without broadband access.

The conditions of the traditional classroom are not ideal for displaying images and sound; investment in improving these conditions will, for many schools, be a major problem.

Economic and legal conditions

The availability of film and other audiovisual resources is an important constraint for teaching film literacy. 63% of teachers report the use of 'own material'. This indicates that the schools lack a regular agreement for film provision. Teachers consider the purchasing cost of films an obstacle and are often not aware of license agreements that their schools may have included.

Schools, teachers and right owners are not the right partners with whom to negotiate license agreements.

Framework agreements which cover the use of films for all schools in a country or a constituency are best established between the public school authorities and right owner organisations (collective management organisations). Wider access to relevant material will remain an obstacle until the responsibility is removed from schools and teachers and passed on to the relevant central bodies.

Lack of communication and understanding between schools and rights-holders

There is an important distance and communication problem, between schools and rights holders. Teachers generally do not pay attention to copyright or licensing issues behind their screenings at school; they are not usually familiar with licensing agreements available to them or that are present even in their schools. At the same time, the film industry does not have the educational use of films among its priorities.

CHAPTER 5

Recommendations

Recommendations for improving film literacy in schools are based on overcoming identified obstacles to obtain an effective implementation of film literacy, and the FilmEd study in general.

Public film literacy policy

The EC should encourage Member States to acknowledge Film Literacy as a compulsory subject in school curricula, either as a self-contained subject or a clearly defined subset to media literacy skills. This would include producing resources to establish pedagogical parameters, and an appropriate physical and technological environment.

Film literacy promotion

The EC and Member States should actively spread awareness among teachers and schools on the impact of audiovisual media on children and young people, and on the importance of acquiring critical and creative competences through effective and competent film and media literacy teaching. The EC should boost campaigns for teachers and parents addressing the need for a cultural shift as regards the impact of image-based content on young people, who require complex, meaningful and qualified studies.

Lifelong training for teachers

The EC should recommend that all Member States implement media and film education programmes in teachers' colleges and universities at Masters level.

In addition, the EC should also recommend the promotion of permanent courses for teachers in order to make teachers confident, competent and skilled users of media, information and communication technologies.

Online educational platforms

The EC should recommend that access to relevant films and other audiovisual material is regulated by framework agreements between central school authorities and appropriate organisations who represent right holders, and thus remove obstacles encountered in many schools.

The EC should promote European educational VOD/SVOD platforms push their availability to schools. Such platforms should aim at increasing the volume of films and other audio-visual content for teaching purposes; give access to non-national European films; and contribute to European cultural diversity and world cinema awareness.

The EC should consider acquiring screening licenses for a selection of European films to be made available for all schools on one or several online platforms. A catalogue of 50-100 films would generously contribute to the spreading of European culture – and as an added value there would be an increased interest in viewing new European films. All films should be contemporary and available in their original languages, with the option of subtitles in national languages. Film literacy experts from each country could select exemplary films, bearing in mind each of their young target audiences.

Preferable infrastructure for creative classrooms

The EC should recommend the establishment of 'Creative Classrooms', whose facilities are suitable for the exhibition, creation, discussion and study of any type of media or online resource. In this context, it is important to promote the use of specific spaces for film screening (auditoriums or wall-projections in blacked-out rooms with proper sound will increase concentration and learning quality). The EC should encourage Member States to secure proper access to high-speed internet, allowing internet connection in classrooms and in common facilities.

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