



Department of Defense

DIRECTIVE

NUMBER 5535.4

August 31, 1984

Certified Current as of November 21, 2003

Incorporating Change 1, November 16, 1994
GC, DoD

SUBJECT: Copyrighted Sound and Video Recordings

1. PURPOSE

This Directive provides policy, prescribes procedures, and assigns responsibilities regarding the use of copyrighted sound and video recordings within the Department of Defense.

2. APPLICABILITY

2.1. This Directive applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components").

2.2. This Directive does not regulate the procurement or use of copyrighted works for authorized official purposes.

3. POLICY

3.1. It is DoD policy:

3.1.1. To recognize the rights of copyright owners by establishing specific guidelines for the use of copyrighted works by individuals within the DoD community, consistent with the Department's unique mission and worldwide commitments.

3.1.2. Not to condone, facilitate, or permit unlicensed public performance or unlawful reproduction for private or personal use of copyrighted sound or video recordings, using Government appropriated- or nonappropriated-fund-owned or -leased equipment or facilities.

3.2. Although the policy expressed in this Directive takes into account the copyright law of the United States, the application of that law to specific situations is a matter for interpretation by the U.S. Copyright Office and the Department of Justice.

4. PROCEDURES

4.1. Permission or licenses from copyright owners shall be obtained for public performances of copyrighted sound and video recordings.

4.2. DoD Component procedures established pursuant to section 5., below provide guidance for determining whether a performance is "public." These general principles will be observed:

4.2.1. A performance in a residential facility or a physical extension thereof is not considered a public performance.

4.2.2. A performance in an isolated area or deployed unit is not considered a public performance.

4.2.3. Any performance at which admission is charged normally would be considered a public performance.

4.3. Government audio and video duplicating equipment and appropriated funded playback equipment may not be used for reproduction of copyrighted sound or video recordings.

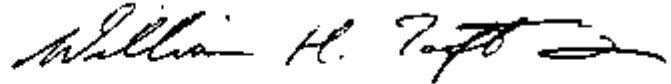
5. RESPONSIBILITIES

The Heads of DoD Components shall establish procedures to comply with this Directive and shall provide necessary local guidance and legal interpretation.

6. SUMMARY OF CHANGE 1. The changes to this issuance are administrative and update organizational titles and references for accuracy.

7. EFFECTIVE DATE

This Directive is effective immediately.

A handwritten signature in black ink, appearing to read "William H. Taft, IV". The signature is fluid and cursive, with a long horizontal stroke at the end.

William H. Taft, IV
Deputy Secretary of Defense