

Factsheet 4

Sharing testimonies of lived experience: Can I use videos from video sharing platforms?

Standard 1.5.1 states that *“Training providers must ensure that the views and experiences of people with lived experience of being in receipt of restrictive interventions should both inform and be explicit in training content.”*

This can be achieved in several ways: case studies, reference to the literature, spoken testimony etc.

Testimonies can be given in person, recorded, and shared with training delegates and in some instances publicly available resources might be used.

Such videos can be found on video sharing platforms such as YouTube, Vimeo, Dailymotion, TED and VEVO and news websites to name a few.

It is essential that when a publicly available video is used that the training provider makes sure that they acknowledge the necessary permissions to use the resource.

Using such a video is not necessarily unlawful under UK copyright law, however Bild ACT recommend that training providers only use content for which they have the authorisation of the copyright owner.

The following questions can be asked, to determine whether it is appropriate to use the content.

1. Does the source seem trustworthy?

Who uploaded the content? Are they clearly indicated? Videos posted by a named organisation are on balance likely to be more trustworthy than an anonymous uploader. This isn't a guarantee however as well-intentioned individuals and organisations can upload third party content without considering the implications of doing so.

You should keep a record of the source, and the rationale for your determination of trustworthiness

2. Are there any statements that explicitly limit or restrict the sharing of the video content?

By being able to name or quote the video source its provenance can be checked by third parties.

Such checks would make explicit any claims to ownership as well as any restrictions on sharing or using within the context of a commercial enterprise.

You should look for any disclaimer, copyright notice or a Creative Commons licence. Such things may be in the opening or closing credits of a video, or in the panel in an information panel on the platform page where the video is hosted.

Where permission is not given or is unclear and your intended use isn't covered by statutory exceptions to copyright, you are likely to need consent from the copyright owner.

Always assume you don't have permission to use any video until you can prove otherwise.

You should also be certain that the person granting permission is authorised to do so.

3. Does the rights owner consent to your use of the clips in the way you intend?

Where it is clear there is ownership, and/or a requirement to license the use of the video for commercial purposes (ie training delivery) you would need to obtain that license and be able to evidence its existence.

In some instances, where the use is not-for-profit the license owner may waive license fees. Again, this is something that should be able to evidence.

To summarise, your own videos will always be much easier to justify the use of.

For all copyright related matters Bild ACT recommend that you obtain qualified legal advice.

If you are found to have breached copyright it will likely amount to a non-conformity, which could jeopardise your certificated status.