

DO I NEED TO OBTAIN A LICENSE TO SHOW A MOVIE?

YES -- YOU NEED TO OBTAIN A LICENSE:

- If the showing of the video is **open to the public**, such as a screening at a public event, OR
- If the showing is in a **public space where access is not restricted**, such as a showing of a film for a class but in a venue that is open to anyone to attend, OR
- If persons attending are **outside the normal circle of family and friends**, such as a showing of a film by a club or organization.

NO -- YOU DO NOT NEED TO OBTAIN A LICENSE:

- If you are **privately viewing** the film in your home with only family and friends in attendance, OR
- If you are an instructor showing the film **in class as part of the course curriculum to officially enrolled students** in a classroom that is not open to others to attend, OR
- If the film is in the **public domain**.

Please use this guide to help you understand the copyright compliance and showing a movie through a student club on campus. Feel free to contact the Office of Student if you have any questions.

When you buy, rent, or borrow a DVD or videotape of a movie (or any other audiovisual work) made by someone else, you normally obtain only the copy, and not the underlying copyright rights to the movie. You certainly are free to watch the movie yourself, but, beyond that, your rights are very limited by law. In particular, you do not have the right to show the movie to "the public." In most cases, doing that requires a separate "public performance" license from the copyright owner as outlined in the Federal Copyright Act. To determine whether you need such a license, you must determine whether what you want to do would constitute a "public performance", and, if so, whether there are any exceptions that would allow you to proceed legally without a license. The Federal Copyright Act specifies that copyrighted materials like movies can be used publicly if properly licensed.

What exactly is a public performance?

A public performance is the exhibition of a movie that is shown outside of someone's home.

Why should I obey copyright law?

Violating copyright law through unauthorized use of a movie:

- Could result in expensive fines and fees and negative publicity.
- Prevents those who worked hard on a film from receiving their just compensation.
- Essentially steals motivation to create from authors, computer programmers, playwrights, musicians, inventors, movie producers and more.

A public performance licensing fee includes money paid to the entire cast and crew who worked on the film from start to finish. If these men and women do not receive this hard-earned revenue through sources like licensing fees, they may no longer invest their time, research and development costs to create new movies.

Who does copyright law apply to?

This law applies to everyone, regardless of:

- Whether admission is charged.
- Whether the institution is commercial or nonprofit.

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- Whether a federal, state or local agency is involved.
- What year the movie was produced.

This means colleges, universities, public schools, public libraries, day care facilities, parks, recreation departments, summer camps, churches, private clubs, prisons, lodges, businesses and more all must properly license movies to show them publicly.

Do I need a license to show a movie for educational purposes? This activity is covered under the "Face-to-Face Teaching Exemption," right?

It depends. Under the "Face-to-Face Teaching Exemption," copyrighted movies may be shown in a college or university setting without copyright permission only if *all* criteria are met:

- A teacher or instructor is present, engaged in face-to-face teaching activities.
- The institution must be an accredited, nonprofit educational institution.
- The showing takes place in a classroom setting with only the enrolled students attending.
- The movie is used as an essential part of the core, required curriculum being taught. (The instructor should be able to show how the use of the motion picture contributes to the overall required course study and syllabus.)
- The movie being used is a legitimate copy, not taped from a legitimate copy or taped from TV.

This means the "Face-to-Face Teaching Exemption" does not apply outside the nonprofit, in-person, classroom teaching environment. It doesn't apply to movies shown online – even if they're part of course-related activities and websites. It also doesn't apply to interactions that are not in-person - even simultaneous distance learning interactions. It doesn't apply at for-profit educational institutions either. For specific requirements, please reference The Copyright Act of 1976, Public Law No. 94-553, 90 stat 2541: Title 17; Section 110(i), or consult your copyright attorney.

A small group is having an informal gathering in our facility. Do we still need a license?

Yes. A license needs to be obtained regardless of the number of people attending the screening if the movie is being shown outside the home.

A club would like to host a movie night and have a Q & A discussion after the showing of the movie, is this permissible without obtaining the license?

The short answer is no. As reviewed by the College's legal team, their response to the question as to whether the copyright laws permit a student club, as part of a club event, to show a movie and have a discussion immediately following the movie, the answer is no; such viewing is not permissible without obtaining proper permission from the copyright owner. Please see discussion below:

"Section 110(1) of the Copyright Act allows instructors and students to perform or display a copyrighted work (e.g., a movie) without seeking permission of the copyright owner in the course of *face-to-face teaching activities at a nonprofit educational institution in a classroom or similar place devoted to instruction*. There are no restrictions on the type or length of work for this purpose. This means you can show a full-length movie, play a full recording of a song, or show any image without a license *as long as it's within the classroom*. "

The face-to-face exemption covers a "classroom or similar place devoted to instruction." However, the courts have consistently found that the exception **does not apply to social club or recreational screenings of films or any exhibition that is not in "classroom"** (or "similar space devoted to instruction" where there is face-to-face instruction between teacher and student and where the exhibition relates to the educational instruction).

What if the movie is shown in a classroom setting and it is not shown for recreational purposes, but instead educational purposes?

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The classroom setting is less important as the fact that “educational *instruction*” has to be connected to an **actual college course**; anything else is considered “recreational” as it pertains to this law.

Do we need a license even if we don’t charge admission? What if someone owns the movie?

Yes. A license is required for all public performances regardless of whether admission is charged. The rental, purchase, lending or download of a movie does not provide the right to exhibit it publicly outside the home unless the screening is properly licensed.

If I purchased a license to show a movie, can I show that movie whenever I want?

Unfortunately, no. Licenses are valid for a specific, designated time frame. There are no annual licenses available to colleges and universities.

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