PUBLIC VIEWING OF FILM/MOVIES (DVD’S AND VIDEO TAPES)

From Office of Student Organizations Handbook

This policy has been developed to serve as a guideline for student organizations, college departments or individuals who wish to hold a public showing of a film/movie.

The U.S. Copyright Act (U.S.C. Title 17, Sections 101 and 106) grants all rights of public exhibition of a copyrighted work to the owner of the copyright. Under the current U.S. Copyright Act, viewing movies are classified into two categories (in addition to classroom use): Private home showings for members of family and a limited number of guests; and Public performances at which anyone may attend or at which the audience is not a family. Congressional reports on copyright applications define public performances to include “semi-public” places such as clubs, lodges, factories, summer camps, fraternities, residence hall lounges and schools. These rules apply whether or not admission is charged.

DVD’s and video tapes that are rented from video stores, purchased or checked out of the library are for home viewing purposes only, meaning they can only be viewed in your private living spaces. For campus purposes, this means your residence hall room/suite. The same rules apply for movies and/or television shows that are recorded at home on VCR’s. The purchase of a pre-recorded film/movie does not give the tape owner the right to a public performance of that film/movie. Permission must still be obtained.

Therefore, any student organization, college department or individual interested in showing films/movies (DVD’s and video tapes) as entertainment, whether to its members or to the “general public”, must purchase the public viewing rights (copyright) for that particular film/movie. In addition, purchasing public viewing rights does not depend on audience size or charging of admission. In other words, the public viewing rights will need to be purchased regardless of the size of the anticipated audience and still apply even if you are offering the film/movie for free.

The only exception to the public performance fees is for colleges and universities in the case of face-to-face classroom instruction by a faculty member. Section 110 of the 2006 Copyright Act does provide a specific exemption to the licensing of what is clearly a public performance and what is face-to-face teaching. This means that a faculty member may show a film/movie in or outside of the normal class period, however, it is only for those students who are registered for the class. In addition, showing the film/movie must be an integral part of the class. Finally, the film/movie must be shown in spaces that are designated for instruction; therefore library screening rooms, residence hall or student union lounges and cafeterias do not qualify.
Please remember that showing a film without first obtaining the copyright puts the university, college, your organization and yourself at risk of liability, which can include fines, penalties, court costs and legal fees. Any willful infringement of the copyright “for purposes of commercial advantage or private financial gain” is a federal crime. The first offense is punishable by up to five years in jail, or a $250,000 fine, or both. Anyone involved with the illegal showing of a copyrighted film can be named in a copyright infringement suit. This includes student organizations, academic departments, organization advisors, and college officials as well as the individual who knowingly operated the equipment at the illegal showing(s). Even innocent or inadvertent infringes are subject to substantial civil penalties.

If your student organization would like to show a film/movie for an event, please contact Swank Motion Pictures to purchase copyright permission. Their website is www.swank.com. If your student organization would like more information on laws regarding public viewing, please visit www.copyright.gov or www.mpaa.org. Please direct any further questions regarding the viewing/showing of films/movies on campus to the Office of Student Activities, CMU 229, or 477-2790.

This policy has been developed from information from the following:
Albion College, Worcester Polytechnic Institute, Macalester College, and Swank Motion Pictures, Inc.

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Please see other documents regarding showing of movies& films at http://www.mnstate.edu/schedule/policies.html