

Policy 600.6 – Movie Copyright

Date Adopted: 12/2/10

Date Revised:

References: Federal Copyright Act (Title 17 United States code, Public Law 94-553, 90 Stat. 2541)

Issuing Office: Administration & Finance

Approved By:

I. POLICY

The University of Montana Western complies with the Federal Copyright Act, which governs how copyrighted materials, such as movies, may be utilized publicly.

II. PURPOSE

The purpose of this policy is to comply with the Federal Copyright Act.

III. PROCEDURES

Excerpts taken from the following publication: “Film & Video Copyright Infringement, What Your College or University Should Know About the Public Performance of Movies,” issued by Swank Motion Pictures, Inc. (<http://www.swank.com/college/pdf/SwankCopyright.pdf>).

Neither the rental nor the purchase or lending of a videocassette or DVD carries with it the right to exhibit such a movie publicly outside the home, unless the site where the video is used is properly licensed for copyright compliant exhibition.

This legal copyright compliance applies to colleges and universities, regardless of whether admission is charged, whether the institution is commercial or non-profit, or whether a federal, state, or local agency is involved.

The movie studios who own copyrights, and their agents, are the only parties who are authorized to license sites such as colleges or universities. No other group or person is authorized to exhibit or license exhibitions of copyrighted movies.

Furthermore, copyrighted movies borrowed from other sources such as public libraries, colleges, personal collections, etc., cannot be used legally for showings in colleges or universities or in any other site which is not properly licensed.

- A. The following are examples of public screenings and are illegal, unless the film title being shown is a copy which was obtained with "Public Performance Rights":
1. in residence hall floor lounges
 2. in the cafeteria
 3. in common rooms open to residence hall populations
 4. in the campus library
- B. Face-to-Face Teaching Exemption
1. Use of a copyrighted film in classroom teaching, other than educational broadcasting, is a public performance which is exempt from the licensing requirement if all of the following conditions are met:
 - a. A public performance license is needed when using videotape programming in any public or private location where the audience extends beyond the scope of a single family and close friends.
 - b. It is illegal to conduct a public showing without first obtaining the necessary license for the program. Without such license, the public showing becomes a copyright infringement and the violators can be prosecuted and held liable for fines, penalties, court costs, and legal fees upward of \$50,000 per abuse. The copyright laws apply whether you charge admission or not.
 - c. There are no distinctions between profit and non-profit groups. Ownership of an individual video tape does not give one the right to show it in a public place; it is for HOME USE ONLY.
 - d. Not having the budget to pay for the license (and thus the royalties) is not an acceptable reason for renting from a local distributor and showing a video in a public area.

- e. Authors, producers, studios and lawful distributors are the copyright holders and are due rightful compensation for the public showings of their creations.
- f. Anyone connected 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 showings.

C. Events Requiring Food or Beverage Service

- 1. Events requiring food or beverage service will be scheduled in those UMW facilities specially equipped to provide such services.
- 2. A Movie Refreshment Form must be completed and submitted to Conference & Event Services 5 days in advance of the event.
- 3. Organizations or individuals using the University facilities may not sell or serve food and beverages that are provided by commercial or domestic sources other than the University Dining Service without prior approval.
- 4. Only if the needs or wants of the organization or individual cannot be reasonably provided by the University Dining Service resources will special consideration be given to such requests.
- 5. Any such service must meet all applicable federal, state, and local codes that pertain to the service of food and beverage for public consumption.
- 6. Vendor must submit proof of liability insurance.

IV. AUTHORITY

Federal Copyright Act (Title 17 United States code, Public Law 94-553, 90 Stat. 2541)

V. RESPONSIBILITY

Vice Chancellor for Administration, Finance, & Student Affairs, Dean of Students, Director of Conference & Event Services

University of Montana Western

SPONSORING GROUP NAME: _____

AUTHORIZED REPRESENTATIVE: _____

DAYTIME PHONE NUMBER: _____

DESCRIPTION OF EVENT-MOVIE TITLE _____

LOCATION OF EVENT: _____

DATE OF EVENT: _____ Time _____ to _____

Policy: Copyright/Performance Rights

*In accordance to Federal Copyright laws, institutions, organizations or individuals wishing to engage in non-home showings of videos and DVD must secure licenses to do so-regardless of whether an admission or other fee is charged. This legal requirement applies equally to profit-making organizations and nonprofit institutions.

*By law, as well as by intent, the pre-recorded video and DVD which are available in stores are for home use only-unless a license to show them elsewhere is obtained.

*Rentals or purchases of videos and DVDs do not carry with them licenses for non home showings. Before a video or DVD can legally be shown on campus a license which specifically authorized such use must be obtained.

*License fees are determined by such factors as the number of times a particular movie is going to be shown, how large the audience will be and so forth. While fees vary, they are generally inexpensive for smaller performances. Most licensing fees are based on a particular performance or set of performances for specified films.

*The major firms that handle these licenses are listed. The sponsoring group/individual is responsible for making arrangements to get appropriate license for the event.

Criterion Pictures, USA (800) 890-9494 / greatmovies@media2.criterionpic.com

Motion Picture Licensing Corporation (800) 462-8855 / info@mplc.com

New Yorker Films (212) 645-4600 / info@newyorkerfilms.com

Swank Motion Pictures, Inc (800) 876-5577

*Documentaries are not exempt from the same copyright laws and must be licensed to show as well. Again, it does not matter the purpose and/or intent of the showing or whether the group is not for profit, licenses to perform must be obtained.

*In some instances, it is not required to obtain a Movie copyright compliance site License when exhibiting copyrighted materials. The "Face to Face Teaching" exemption is very narrow in scope and only applies if : A Teacher is in attendance and the showing takes place in a classroom setting and the movie is used as an essential part of the current curriculum being taught.

**Proof of obtaining a Movie copyright Compliance Site License must be submitted to the Conference & Event Services Office two days before the scheduled showing. Without proof of compliance, the event will be cancelled by the University staff. Proof may be in the form of a credit card receipt, email confirmation or actual hard copy of license.*

*Penalties for willful infringement for commercial or financial gain are a federal crime as a misdemeanor. Even inadvertent infringement is subject so substantial civil damages. The University as well can be held liable for allowing use without enforcing compliance.

Please contact the following if you have additional questions regarding the copyright policy:

Kathy Simkins, Conference & Event Services, 683-7566; Nicole Hazelbaker, Dean of Students, 683-7338

Official Use only:

_____ Approve _____ Disapprove By _____ Date _____

Completed Form must be on file with Conference and Event Services, UMW Box 104, 683-7566