

Steps to legally show a movie on campus:

Step 1: Determine the needs of your event.

Answer all these questions prior to visiting with the office. Why do you need to show this movie? When will the movie be shown? Who and how many people will be in attendance? How will the movie be advertised? What equipment will you require to show the movie? Where will the budget come from to pay for potential licensing costs?

Step 2: Schedule a meeting with the CSI staff. (Must be at least two weeks prior to date of showing.)

A staff person will review with you the event needs and can facilitate communication with appropriate agencies to gain the right to show the movie.

Step 3: Reserve space and equipment.

After the movie license has been received, reserve the space and equipment for the space. Provide a copy of the license agreement to the Student Union office if they are reserving the space for you.

Step 4: Host the event.

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TRUMAN STATE UNIVERSITY

showing MOVIES on campus

film and video
public performance
guidelines



What is a “Public Performance?”

Suppose you invite a few personal friends over for dinner and a movie. You purchase or rent a copy of a movie from the local video store and view the film in your home that night. Have you violated the copyright law by illegally “publicly performing” the movie? Probably not.

But suppose you took the same movie and showed it at a club or bar you happen to manage. In this case you have infringed the copyright of the movie. Simply put, movies obtained through a video store are not licensed for exhibition. Home video means just that: viewing of a movie at home by family or a close circle of friends.

Why is Hollywood concerned about such performances?

The concept of “public performance” is central to copyright and the issue of protection for “intellectual property.” If a movie producer, author, computer programmer or musician does not retain ownership of his or her “work”, there would be little incentive for them to continue and little chance of recouping the enormous investment in research and development, much less profits for future endeavors.

Unauthorized public performances in the U.S. are estimated to rob the movie industry of between \$1.5-\$2 million each year. Unfortunately, unauthorized public performances are just the tip of the iceberg. The movie studios lose more than \$250 million annually due to pirated movies and several hundred million more dollars because of illegal satellite and cable TV receptions.

The law says:

The Federal Copyright Act (Title 17 of the U.S. Code) governs how copyrighted materials, such as movies, may be used. Neither the rental nor the purchase of a movie carries with it the right to show the movie outside the home. In some instances no license is required to view a movie, such as inside the home by family or social acquaintances and in certain narrowly defined face-to-face teaching activities.

Taverns, restaurants, private clubs, prisons, lodges, factories, summer camps, public libraries, daycare facilities, parks and recreation departments, churches and non-classroom use at schools and universities are all examples of situations where a public performance license must be obtained. This legal requirement applies regardless of whether an admission fee is charged, whether the institution or organization is commercial or non-profit, or whether a federal or state agency is involved.

Legal sanctions:

“Willful” infringement for commercial or financial gain is a federal crime carrying a maximum sentence of up to five years in jail and/or a \$250,000 fine. Civil damages for willful infringement may be as high as \$150,000 per work, and even inadvertent infringers are subject to substantial civil damages, ranging from \$750 to \$30,000 for each work illegally shown.

The MPAA and its member companies are dedicated to stopping film and video piracy in all its forms, including unauthorized public performances. The motion picture companies will go to court to ensure their copyrights are not violated. For example, lawsuits have been filed against cruise ships and bus companies for unauthorized on-board exhibitions.

If you are uncertain about your responsibilities under the copyright law, contact the MPAA, firms that handle public performance licenses, or the studios directly. Avoid the possibility of punitive action.

Obtaining a public performance license:

Obtaining a public performance license is relatively easy and usually requires no more than a phone call. 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 include:

Swank Motion Pictures, Inc.

<http://www.swank.com>
(800) 876-5577

Criterion Pictures

<http://www.criterionpicusa.com>
(800) 890-9494

Motion Picture Licensing Corporation

<http://www.mplc.com>
(800) 462-8855

What about showing movies for educational purposes?

Films and videos may be used in classroom instruction. The Copyright Act of 1976 states that:

“ Performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance, or the display of individual images is given by means of a copy that was not lawfully made...and that the person responsible for the performance knew or had reason to believe it was not lawfully made. ”

Movies can be shown when it is part of a traditional classroom experience. This “face-to-face” clause does not adequately cover a student organization’s use of a film even if there is discussion. The clause holds that a movie can be shown when it is in a traditional credit awarding classroom setting. The showing must be part of a curriculum. Showing a movie in any other setting will require gaining the appropriate license.

