So You Want To Show a Movie...

Then you need to understand and abide by the Federal Copyright Act.

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 copy of a copyrighted work carries with it the right to publicly exhibit the work. Parks and recreation departments, colleges, universities, public schools, day care facilities, summer camps, churches, private clubs, prisons, lodges, businesses, etc. are all examples of situations where a public performance license must be obtained, regardless of whether admission is charged, whether the institution is commercial or non-profit or whether a federal, state or local agency is involved.

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

What is a Public Performance?
Suppose you invite a few friends over to watch a movie or a TV show that’s no longer available on TV. You buy or rent a DVD or Blue-ray disc from the corner store or a digital video file from an online store and show the film or TV episode in your home that night. Have you violated copyright law by illegally “publicly performing” the movie or show? Of course not.

But suppose you took the same movie or TV episode and showed it to patrons at a club or bar that you happen to manage. In that case, you have infringed the copyright in the video work. Simply put, movies or TV shows obtained through a store or online store are licensed for your private use; they are not licensed for exhibition to the public.

The concept of “public performance” is central to copyright and is the main issue of protection for these intellectual properties. Most of the persons participating in movie productions depend upon royalties for a major portion of their payment for work performed.

The “Education Exemption”
Under the “Education Exemption” copyrighted movies may be exhibited in a college without a license only if the movie exhibition is:

- An “integral part of a class session” and is of “material assistance to the teaching content.”
- Supervised by a teacher in a classroom.
- Attended ONLY by students enrolled in a REGISTERED class of an accredited nonprofit educational institution.
- Lawfully made using a movie that has been legally produced and obtained through rental or purchase.

**Please contact Student Activities before screening a film under this exemption.**

It’s Easy to Obtain a Public Performance License
Obtaining a public performance license is easy! 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 audiences. Brandeis University uses www.swank.com. Swank represents the following studios for public licensing:
Frequently Asked Questions

Q: Do we need a license even if we don’t charge admission?
A: Yes! A license is required for all public performances regardless of whether admission is charged.

Q: What if a video store or equipment provider says it is okay to exhibit rented or purchased movies?
A: These stores rent and sell movies for “home use only” and cannot provide legal permission for use outside the home or residence hall. You can only obtain licensing directly from a licensor (such as Swank Motion Pictures, Inc.), not from a third party.

Q: Who bears the responsibility if a film is shown without a license?
A: Brandeis bears the ultimate responsibility and consequences of copyright infringement. However, anyone involved, i.e. club leaders, with the public performance of copyrighted material should seek compliance.

Q: I own the movie. Do I still need a license to show it outside my home?
A: Yes. Neither the rental, purchase or lending of a videocassette or DVD carries with it the right to exhibit movies outside the home or residence hall.

Q: I want to show an old movie, from the 1930’s or 40’s. Do I still need a license?
A: Absolutely. Copyright pertains to all movies regardless of the year it was produced.

Q: A small group is having an informal gathering in our facility. Do we still need a license?
A: Yes! A license needs to be obtained regardless of the number of people attending the screening, if the movie is being shown outside your home, residence hall, or closed, private meeting space. Contact Student Activities with questions about what is considered a “closed meeting.”

Q: What are the restrictions of the license for my movie?
A: Your order is for a limited license to exhibit only to the agreed upon time and place. Violation of this is subject to the penalties set forth in the Federal Copyright Act. No movie or any portion thereof may be copied or duplicated in any manner.

Q: Are there any advertising restrictions?
A: Advertising through media such as public radio, public television or general public newspaper is strictly prohibited. Advertising must be used exclusively to inform members or staff of movie showings via on-premises bulletin boards or direct mail.

Q: Can I plan a fundraiser with my movie?
A: You may fund raise with any movie except for Walt Disney Pictures’ feature-length movies, for which you may only charge admission to help defray the rental cost of the movie.

Q: What if my screening is affected by unforeseen circumstances?
A: In the event of inclement weather, electrical problems, projector malfunction or other problems that prevent you from showing your film on your scheduled date, you have the option to show the film again within one year at no additional rental charge. Titles cannot be substituted for rescheduling. All advertising and admission policies still apply to the rescheduled show.

For any questions regarding copyright law or screening a movie contact the Department of Student Activities at 781-736-5065 or attend a Jump Start Meeting, Mondays at 3pm in SCC 315.

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