

Copyright Guidelines for Showing Movies on Campus

Whenever we buy, rent, or borrow a DVD or videotape of a movie (or any other audiovisual work) made by someone else, we are likely to think that we can use it as we choose. Unfortunately, copyright law controls our ability to use and display the movie because we have really only obtained the copy and not the underlying copyright rights to the work itself. Legally, any showing of this movie is regarded as a “performance” of a dramatic work, whether it’s being shown to a small group of friends or to a large group in a campus classroom.

What this means is that there are several questions which must be answered so that we’re certain we’re complying with federal law. Please refer to the attached flowchart for a simplified version of the decision process.

1. Is this movie showing a “private” or “public” performance?

Showing the movie to members of your family or a small group of friends is regarded as a **private** performance. A private performance, such as showing a video to a small group in a residence hall room, is permissible and does not violate the rights of the copyright owner.

A performance is **public** if the movie is being shown to people other than family members or a small group of friends, **or** if it is being shown in a place that is open to people other than family members or a small group of friends. Showing a movie in a residence hall lounge or campus classroom is a public performance if it is open to more than a small group of friends. That may infringe on the copyright owner’s rights unless you have purchased **public performance rights (PPR)** from the copyright owner, or there is some applicable exception to the PPR requirement.

Anyone needing to secure public performance rights should contact Media Services for assistance. The College’s collection includes many videos or DVDs marked “PPR” which may be used for public performances. The College’s licensing agreements for its videos and DVDs permit their use only in face-to-face classroom instruction. Any other uses, such as showing at conferences or campus-wide events, will necessitate obtaining public performance rights from the distributor or copyright holder. In checking out a video or DVD, the borrower assumes responsibility for using it in accordance with the College’s licensing agreements and U.S. copyright law.

2. Is there an exception which will allow showing the movie without PPR?

Even if your showing fits the definition of a public performance, you can show it without PPR if either of the following exceptions applies:

- A. The movie will be shown by an **instructor** (including an RD acting in his/her role as an educator) in the course of **face-to-face teaching** activities in a

classroom or similar place devoted to instruction. The showing must be for **instructional purposes** (not for recreation, entertainment, or general cultural value) with the instructor or a student leader **personally present**. Typically, the movie must **directly relate to a course's curricular goals** as described in the course syllabus. A showing by an RD should include an introduction and discussion of the movie. The copy of the movie being shown must have been **lawfully made**. A legal copy purchased or rented from a store or distributor or borrowed from a library may be used. **A movie taped or recorded from television or copied without permission may not be used.**

- B.** The movie you will be showing is in the “public domain.” Generally, this means that no person or organization has any proprietary interest such as a copyright or that any copyright to the movie has expired. Even movies which are quite old may still be protected by copyright. It's often difficult to determine whether a film is in the public domain, but helpful information is found at:

<http://www.desertislandfilms.com/>

<http://emol.org/movies/freemovielist.html>

http://www.moviesfoundonline.com/public_domain.php

<http://movies.magnify.net/>

<http://www.openflix.com/>

<http://www.fesfilms.com/masters.html>

Bottom Line: Copyright law does not permit a public performance of a movie unless one of these exceptions applies or public performance rights are obtained. There is no general “educational,” “nonprofit,” or “free of charge” exception. This means that most movie showings outside the context of face-to-face classroom teaching will require you to have PPR. No admission fee may be charged for a movie showing nor may the movie showing be publicized to the general campus unless public performance rights have been secured.

So you want to show a movie on campus . . .

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| Are you going to show the movie to anyone other than your family or a small group of your friends? | | Go: your showing is not a public performance, and you do not need to purchase public performance rights. |
| Yes ↓ | No ↓ | |
| Are you going to show the movie in a place that is open to anyone other than your family or a small group of your friends (e.g., a classroom, auditorium, or residence hall lounge)? | | |
| Yes ↓ | No → | |
| Caution: Your showing is a "public performance". ↓ | | |
| Will you be showing the movie as part of live, face-to-face teaching activities in a classroom or similar place devoted to instruction, and do you have a legitimate copy? | | Go: Your showing falls within one of the applicable exceptions, and you do not need to purchase separate public performance rights. |
| No ↓ | Yes → | |
| Did the movie come with an express license specifically authorizing you to show the movie in the manner intended? | | |
| No ↓ | Yes → | |
| Is the movie in the public domain? | | |
| No ↓ | Yes → | |
| Stop: You need to purchase public performance rights. | | |