

## Policy & Law for Viewing/Showing of Movies

Thank you for your interest in showing a movie on campus. This page has been designed to provide student organizations with all of the necessary information to successfully program a movie event at IUPUI.

**. Video Tapes and DVDs that are available for purchase, rented from commercial establishments, or checked out of the library are for home viewing purposes only. This means purchased, rented or borrowed movies can only be viewed in your private living spaces.**

If you choose to show a film for public viewing, your first step is to purchase a public viewing license (\$300.00 - \$500.00) and rights to show the film in public, which includes a public performance fee (\$300.00 - \$500.00). Even if you choose to show the movie for free, you are still required to purchase the copyrights. Federal copyright laws protect all movies viewed in public areas regardless of format (35 mm, video tape or DVD)

For assistance with obtaining a license, you may contact the Campus & Community Life office, 274-3931 or [cclife@iupui.edu](mailto:cclife@iupui.edu). The Student Activities Programming Board (SAPB) works with a variety of film distributors including but not limited to: Criterion Pictures, Swank, New Yorker Films, and Universal Studios. In addition to the license fee and performance fee, there are shipping fees, and if you obtain a film on your own, you are required to provide Campus & Community Life with a copy of the license for the event.

### What the Law Says

The present copyright law establishes the principal that a copyright is property and no one can use someone else's property without permission of the owner or the owner's licensing agent. To protect this property right, the law gives the copyright owner the right to license any public performance of the work with only a few exceptions to this provision. The law also permits the owner or licensing agent to collect a fee when others use the protected work. It is because of copyright enforcement efforts that schools are now hearing of their obligations under the law.

By law, as well as by intent, the pre-recorded home videocassettes and videodiscs which are available in stores throughout the United States are *for home use only* - unless you have a license to show them elsewhere.

The Federal Copyright Act (Title 17 of the United States Code) governs how copyrighted materials, such as movies, may be used.

Neither the rental nor purchase of a videocassette carries with it the right to show the tape outside of the home. No license is required to view a videotape inside the home by a family or social acquaintances, and home videocassettes may also be shown, without a license, in certain narrowly defined face-to-face teaching activities (Federal Copyright Act, Title 17, section 110.1). All other showings of the home videocassettes are *illegal unless they have been authorized by license* .

Taverns, restaurants, private clubs, prisons, lodges, factories, summer camps, public libraries, day-care 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.

Businesses, institutions, organizations, companies or individuals wishing to engage in non-home showings of home videocassettes *must* secure licenses to do so - *regardless* of whether an admission or other fee is charged (Section 501). This legal requirement applies *equally* to profit-making organizations and non-profit institutions (Senate Report No. 94-473, page 59; House Report No. 94-1476, page 62).

### **Penalties for Copyright Infringement**

"Willful" infringement done for purposes of commercial or financial gain is a federal crime and is punishable as a felony, carrying a maximum sentence of up to five years in jail and/or a \$150,000 fine. Even inadvertent infringers are subject to substantial civil damages, ranging from \$500 to \$20,000 for each illegal showing.

### **Face-to-Face Teaching**

The face-to-face teaching exemption is valid only in situations where a teacher is present in a classroom, using a home videocassette for the purpose of teaching to students in a so-called "face-to-face" manner. This educational exemption is narrowly defined and only applies to full-time, nonprofit academic institutions.

### **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, an author, a computer programmer, or a musician does not retain ownership of his or her "work", there would be little incentive for them to continue. There would be little chance of recouping their enormous investment in research and development, much less profits to turn back into future endeavors.

Unauthorized public performances in the U.S. are estimated to rob the movie industry of between \$1.5-\$2.0 million each year alone. Unfortunately, unauthorized public performances are just the tip of the iceberg. The movie studios lose over \$150 million annually due to pirated videotapes and several hundred million more dollars because of illegal satellite and cable TV receptions.

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The following information was added by the Rotaract Club to assist its officers in making copyright-related decisions. It was not part of the original document received from CCL:

### **Additional information about movie performance copyright law:**

Issues with public performance

- <http://www.copyright.iupui.edu/pubperf.htm>

Detailed Information about these Issues

- <http://copyright.iupui.edu/section110.htm>

Obtaining a Performance License

- <http://www.copyright.iupui.edu/per Morg.htm>

"Fair Use" Checklist

- <http://copyright.iupui.edu/checklist.htm>