Film/Movie Screening Policy

Did you know that renting or buying a video does not allow you to show it outside of your home? The Federal Copyright Act (Title 17 of the United States Code) governs how copyrighted materials (such as film) may be used. The Copyright Law of the United States of America, and its provisions, protect the intellectual and physical property of the actors, directors, writers and everyone else involved in the production of a film. Individuals receive royalties based on sales and public performances. A public performance is defined as: "to perform or display at a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered" (US Copyright Law, Section 101).

What does this mean for student organizations at Southwestern? It means that you cannot show a film at organization events, unless you obtain the public performance rights, even if no admission fee is charged. The university uses SWANK, Inc. to purchase performance rights. This amount changes depending on the number of people to whom you are showing the movie, but averages about \$300 per showing. Some film makers will provide public performance rights for their films. If you are given the rights by a film maker, a letter to that effect must be given to the Office of Student Activities before the film can be shown on campus.

One common misperception is that if a film is used for educational purposes, then you can show it in a public setting. The law is very specific that fair use in educational environments is limited to:

- The movie is being shown as an essential component to the class being taught;
- The students viewing are enrolled in the class for which the movie is part of the curriculum;
- The teacher is in attendance.

Penalties for copyright violations:

- Criminal charges;
- Lawsuits;
- Fines up to \$150,000.

Advertising a Film Showing

You may advertise your program and film showing within your campus community to those persons covered by your license (meaning members of the Southwestern community). Advertising movie titles outside of the campus community to the general public is not permitted under the rights arranged by a Public Performance License. In essence, the fee you pay to get the rights to show a film only covers viewings held on campus for events at which only Southwestern students and staff will be in attendance.

Also, be advised that all print advertising must clearly show the studio copyright (example: ©Warner Bros.).

Film Policy Q&A

What is a Public Performance Exhibition? Any public showing of a copyrighted film that is not within the privacy of one's home or residence hall room is a public performance.

How do we legally show movies to la large group or people? You can either get permission from the distributor or you have to purchase the performance rights.

If we don't charge admission or if I own the film, can we show it without paying for the rights? No, that still constitutes a public performance and it is illegal to have a public performance of a film if you have not secured the rights.

If I download or rent the movie can I show it as a public performance without paying for the rights? No, the "home use" versions of movies obtained from retailers are not cleared for public performance use by colleges, schools, etc. because proper licensing fees to the copyright owners have not been paid for such use.

How does an organization get the rights to show a movie? To purchase the public performance rights for a film, an organization must contact the Office of Student Activities so that they can place the order.

For more information on copyright laws visit: www.copyright.gov/title17/92chap1.html#101, www.southwestern.edu/library/av/702_CopyrightFAQ.htm, www.movlic.com/copyschool.html.