Movies and Copyright Law

Showing a movie as a student club/organization activity may be a fun and relatively easy event to plan.

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. The "home use" versions of videocassettes and DVD titles are not cleared for public performance by colleges—except in certain narrowly defined face-to-face teaching activities [(Federal Copyright Act, Title 17, section 110)](http://www.law.cornell.edu/usc/17/110.html)—because proper licensing fees to the copyright owners have not been paid for such use. 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.

**Non-classroom use of a film at the college requires obtaining a public performance license.** Please work with the Office of Student Life to clarify this legal requirement and obtain necessary licenses.

**Once a movie is advertised – it is considered a public viewing and therefore needs to have prior permission from appropriate copyright authorities to show.**

"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 $250,000 fine. Even inadvertent infringers are subject to substantial civil damages, ranging from $500 to $20,000 for each illegal showing.

C:\Documents and Settings\SClemons\Local Settings\Temporary Internet Files\Content.IE5\DJJ3BKGD\MCj04248280000[1].wmf

**Showing a Movie***If your club wishes to show a movie they must go through the following steps:*

1. Select the movie you would like to show.
2. Take your selection to the Office of Student Life to see if there is availability through appropriate vendors on your selected date.   
   *\*See SWANK at* [*www.swank.com/college*](http://www.swank.com/college)*. Please allow at least two (2) weeks for shipping.*

OR

Contact the producer of the film to receive permission to show the film and bring a copy of   
the permission to the Office of Student Life for our records.

1. Ensure your club has sufficient funds to cover the copyright costs. Costs vary by selected film and size of audience.
2. If applicable, place order through Student Life – upon receipt of movie, Student Life will call the club contact.

**Office of Student Life**   
Penguin Union Building 160  
360.992.2441  
*Hours: Monday–Thursday 8 a.m.–5 p.m. and Friday 10 a.m.–4:30 p.m.*

**The “Face-to-Face Teaching Exemption**

Section 110 of the 1984 Copyright Act does provide a specific exemption to the licensing of what is clearly a public performance- “Face-to-Face teaching.”

To qualify for the exemption, the showing must occur in a face-to-face teaching situation at a non-profit educational institution and meet all of the following six criteria.

1. Performances and displays of audiovisual works must be made from legitimate copies, including pre-recorded videocassettes;

-not copies from legitimate copies

-not copies from broadcasts.

1. Performances and displays must be part of a systematic course of instruction and not for entertainment, recreation, or cultural value of any part of the audience;

-Instructor should be able to show how the use of the motion picture contributes to the overall course study and syllabus.

-Course does not have to be a credit course but must be one recognized by the university and for which people must register.

1. Performances and displays must be given by the instructors or pupils;

-No broadcasting from an outside source.

1. Performances and displays must be given in classrooms and other places devoted to instruction;

-Library screening rooms, residence hall lounges, rathskellers and cafeterias do not qualify.

1. Performances and displays must be a part of the teaching activities of non-profit educational institutions;

-Businesses that conduct educational seminars and some technical schools do not qualify.

1. Attendance is limited to the instructors, pupils and guest lecturers.

-Only people registered for the class may attend the screening. No fee specific to the showing may be charged.

