



Delaware State University

University Area(s) Responsible: Division of Student Affairs; Department of Events and Conferences; Offices of Student Activities

Policy Number & Name: 6-10: DSU Movies Policy

Approval Date: 1/30/2013

Revisions: _____

Reviewed: _____

Related Policies & Procedures: 5-03 Use of Copyrighted Material

Purpose

The purpose of this policy is to ensure that any organization or department showing a movie/documentary/other copyrighted film material in a University public performance setting obtains all appropriate licenses prior to the showing

Scope

All movie/documentary/other copyrighted film material shown at a Delaware State University public performance or setting.

Policy

A copy of the license must be presented to the administration office of the building in which it is being shown and forwarded to the Department of Events and Conferences for approval one (1) week prior to the date of the event. If a copy of the license is not received, the Department of Events and Conferences will terminate the event.

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 movie carries with it the right to show the movie outside the home (includes residential hall room). Movies obtained through a

video store are not licensed for public performance. 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.

Licensing information is available from the Motion Picture Association of America at http://www.mpa.org/Public_Performance.asp

Obtaining a public performance license usually requires no more than a phone call. 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. The major firms (and their respective phone numbers) that handle these licenses include:

Swank Motion Pictures, Inc.
800.876.5577

Criterion Pictures
800.890.9494

Motion Picture Licensing Corporation (MPLC)
800.462.8855

New York Films
212.645.4600

Movie Copyright Infringement

The Difference Between “For Home Use Only” and “Public Performance Use”

By law, as well as by intent, the pre-recorded videocassettes and videodisks available for rental and purchase from stores and suppliers throughout the United States are licensed by the copyright owner “for home use only.” Any type of showing or exhibition that goes beyond this may infringe upon the performance rights that, through the U.S. Copyright Act and related laws, are owned exclusively by the copyright owner.

Let’s look at an example

Suppose you invite a few personal friends to your home for dinner and a movie. You purchase or rent a copy of your favorite movie from your local video store and you and your friends view the film in your home that evening. Have you violated the copyright law by illegally having a “public performance” of that movie. Probably not. But, suppose that you took the same videocassette and showed it to 25 people in a common area on campus, like a residence hall lounge. In this instance, you have infringed on the rights of the movie copyright holder.

Another common example

Suppose a faculty member has placed a movie in his/her lesson plan for educational use. If the faculty member shows the movie to their class and invites the general public to view the movie after class hours in a common area on campus would this be a violation of copyright law? Yes. In this situation in order to avoid violating the copyright law, the faculty member may show the movie so long as the movie is shown to his/her specific class, and is not general viewing. The faculty member would need to purchase a public performance license in order to show the movie to the general viewers and class.

Other examples of an Unlawful “public performance” would be:

- Showing cartoons at a church’s Christmas party
- Broadcasting a videocassette over a close-circuit system
- Playing a movie to entertain children at a nursery school
- Having a “movie night” in a residence hall lounge

These are all examples of a “Public Performance” of a copyrighted videocassette/DVD. Only the owner of the copyright of a motion picture has the right “to perform the copyrighted work publicly.” (United States Code, Title 17, Sections 101 and 106). Please visit the following website for more information: <http://www.copyright.com/content/cc3/en.html>

Consequences of Copyright Infringement

Anyone who publicly performs (uses) a copyrighted motion picture by using a videocassette/videodisk player and a prerecorded videocassette/videodisk without the owner’s permission to do so, violates the Copyright Act and subjects himself or herself to statutory damages, forfeiture of equipment and litigation. The penalties for copyright infringement may also include substantial fines and/or imprisonment.

Even innocent or inadvertent infringers are subject to severe penalties: Companies, organizations, individuals, and others who wish to publicly exhibit copyrighted motion pictures and audiovisual works must secure licenses to do so. This requirement applies equally to profit-making organizations and non-profit institutions, such as churches, hospitals, prisons and the like. You should be aware that copyrights in motion pictures are vigorously protected against infringers. If you have any doubt about the legality of your activities you should seek legal advice. For additional guidance you may also contact the Motion Picture Association of America, Incorporated.

A violation of this policy will be addressed by the Department of Events and Conferences and may result in the inability to show films by organization and departments depending on the severity. Any attempt to profit from copyrighted material constitutes a violation of the law and those who engage in it may be subject to prosecution.

Procedure

The Student Organization Advisor must contact the Director of Technology, Mass Communications Department to select a movie from the approved SWANK movie list. Communicate with the Director of Technology by email at vhelli@desu.edu. The student organization adviser must provide the Director of Technology with contact information. Movies MUST be ordered a minimum 30 days in advance a planned public showing date to allow for problems and delivery.

A purchase requisition will be created by the Office of Student Leadership and Activities (OSLA) or the appropriate office. The purchase requisition is for the cost or renting the movie and showing it publically.

Once purchase requisition is approved, the student organization may create the event in the Events Management System. The approved requisition is proof that the movie has been legally rented for public display. A copy of the approved requisition must also be provided to Conference and Events.

The Director of Technology will contact the student organization advisor when the film arrives, and the film will be picked up at ETV125.

The film must be returned to the Director of Technology on the day following the public showing.

Fox and Disney movies are not available through SWANK.