

University of Dubuque Guideline on Showing Movies on Campus

Most movies¹ are protected by copyright law, which gives exclusive rights to the copyright owner, including public performance rights. The law also provides some exemptions. The purpose of this document is to help University of Dubuque students, faculty, and staff understand the law in order to make lawful decisions when showing a movie on campus.

Any movie shown in a public place (including an auditorium or meeting room) or to any “substantial” group beyond the normal circle of family and friends is considered a public performance. Whether or not there is a charge to view the movie does not matter.

The law includes some important exceptions. Section 110 (1) of the Copyright law allows movies to be shown, without permission from the copyright owner, provided that they are shown “by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction” as long as the performance is from a legal copy of the movie. The University of Dubuque Copyright Committee has determined that “teaching activities” are generally those conducted by or under the direct supervision of a faculty member. There may be certain other circumstances in which Section 110(1) would permit a movie to be publicly shown without permission from the copyright owner. The circumstances are narrow, however, and no such showing should occur without prior consultation with the University of Dubuque Copyright Committee.

Some movies are not protected by copyright and may be shown without restrictions. Movies that are either in the public domain (published before 1923) or created by the U.S. government may also be viewed publicly without obtaining permission. Additionally, there are some copyright owners who explicitly make their work available with few restrictions.

Unless mentioned above, ALL other showings of movies require permission from the copyright holder before they can be shown. It is the responsibility of the sponsoring department or organization to secure permission or pay a license fee for any public showing. Permission is usually granted only after paying a licensing fee which generally ranges from \$200 - \$500. Some films will cost more. If the request for performance rights is denied or not received prior to the scheduled showing, the movie **cannot** be shown on campus.

For more information, contact the University of Dubuque Copyright Committee at 563-589-3350 or 563-589-3215.

¹ This document uses the term “movies” to include motion pictures and other audiovisual works in all formats.

Procedures for Securing Performance Rights

In many cases, obtaining performance rights is easy and the cost is reasonable. However, in some cases, it is difficult or impossible and/or prohibitively expensive. Therefore, any department or organization wishing to show a specific film is advised to begin the process early.

One of the easiest ways to get performance rights is to obtain a movie available from one of the companies who license movies on behalf of the film companies. (It is sometimes possible to obtain the movie locally and just pay one of these companies the licensing fee.) Some of the primary licensing companies are:

Swank Motion Pictures (<http://swank.com/>)

Criterion Motion Pictures (<http://criterionpicusa.com/>)

Kino International Corporation (<http://www.kino.com/>)

Milestone Film and Video (<http://www.milestonefilms.com/>)

Motion Picture Licensing Corporation (<http://www.mplc.com/index.php>)

New Yorker Films (<http://www.newyorkerfilms.com/>)

The websites of these companies provide the information to request necessary rights. For more information about this or for assistance in obtaining films, contact Mike Willis, Multimedia Specialist, at 589-3350.

If a movie is not available from one of these companies, permission may sometimes be granted directly from the copyright holder. The movie's website or the package that contains the movie will indicate the copyright holder. In most cases, this will be the movie studio.

Information on how to contact the company can usually be found on the company's website. The copyright holder may request information regarding the name of the organization which will showing the movie, the title and format of the requested movie, where and when the movie will be shown, the anticipated size of the audience, whether or not there will be an admission charge, and contact information.

As noted above, if the copyright owner grants performance rights, it will generally be for a fee and performance rights must be received prior to the showing of the movie.

Please remember that whenever paying an outside vendor, as in the case of obtaining public performance rights, purchasing procedures must be followed.

Questions? Please contact Mike Willis, Director of Media Services, at 589-3350 or Mary Anne Knefel, Library Director, at 589-3215.