COPYRIGHT LAW

What Your Organization

NEEDS TO KNOW

About the Public Performance of **MOVIES**.



SWANK

MOTION PICTURES, INC.

WHAT IS CONSIDERED A PUBLIC PERFORMANCE?

The concept of “public performance” is central to copyright and clearly defined by the law. For films, this means that anytime a movie is shown outside of someone’s home, it must be properly licensed.

WHAT THE LAW SAYS

The Federal Copyright Act (Title 17, United States code, Public Law 94-553, 90 Stat. 2541) governs how copyrighted materials, such as movies, may be utilized publicly. The rental, purchase, lending or download of a movie does not grant the right to exhibit it publicly outside the home, unless the screening is properly licensed.

This legal copyright compliance requirement applies to everyone, regardless of whether admission is charged, whether the institution is commercial or non-profit or whether a federal, state or local agency is involved. This means colleges, universities, public schools, public libraries, daycare facilities, parks, recreation departments, summer camps, churches, private clubs, prisons, lodges, businesses and more all must properly license movies to show them publically.

Movie studios own the copyrights to the films they produce, and their agents are the only parties who are authorized to license their content. No other group or person has the right to exhibit or license exhibitions of copyrighted movies. Copyrighted movies borrowed from other sources such as public libraries, colleges or personal collections cannot be used legally for showings on any site which is not properly licensed.

WHY LICENSING?

Funds from licensing costs consist of royalties, which is the money paid to authors, computer programmers, playwrights, musicians, inventors, movie producers and more out of the proceeds from the sale, performance or use of their work. Nearly everyone participating in a movie production depends on these royalties as payment for any work performed.

If these men and women lose ownership of their work and do not receive revenue, much of which is collected through licensing fees, there would be little incentive for them to continue to invest their time, research and development costs to create new songs, plays, shows and other forms of entertainment. In terms of films, unauthorized use of a movie outside of the home prevents those who worked hard from receiving their just compensation.

The licensing fee for your public performance includes royalties to the entire cast and crew who worked on the movie from start to finish. If you have any doubts about these statements regarding copyright, please consult your copyright attorney to have legal questions answered or verified.



THOSE WHO VIOLATE COPYRIGHT LAW CAN BE PROSECUTED — CONSULT YOUR LEGAL COPYRIGHT ADVISOR OR ATTORNEY

The Motion Picture Association of America (MPAA) and its member companies are dedicated to stopping film and video piracy in all its forms, including unauthorized public performances and illegal downloading. Motion picture companies will go to court to ensure their copyrights are not violated, so avoid the possibility of embarrassing publicity and fines by consulting your legal copyright compliance advisor or attorney if you are uncertain about your responsibilities under copyright law.

FREQUENTLY ASKED QUESTIONS

DO I NEED A LICENSE IF I'M SHOWING THE MOVIE FOR EDUCATIONAL PURPOSES, FOR EXAMPLE AS PART OF A Q&A?

Yes! You need a license unless you meet all the educational exemption requirements noted.

DO WE NEED A LICENSE EVEN IF WE DON'T CHARGE ADMISSION?

Yes! A license is required for all public performances regardless of whether admission is charged.

WHAT IF A DVD SUPPLIER, STREAMING SUPPLIER OR EQUIPMENT PROVIDER SAYS IT IS OKAY TO EXHIBIT RENTED OR PURCHASED MOVIES?

These suppliers rent and sell movies for "Home Use Only" and cannot provide legal permission for use outside the home. You can only obtain licensing directly from a licensor (such as Swank Motion Pictures, Inc.), not from a third party.

WHO BEARS THE RESPONSIBILITY IF A FILM IS SHOWN WITHOUT A LICENSE?

The management of the venue or premises where the movie is shown bears the ultimate responsibility and consequences of copyright infringement. However, anyone involved with the public performance of copyrighted material could be implicated.

I OWN THE MOVIE. DO I STILL NEED A LICENSE TO SHOW IT OUTSIDE MY HOME?

Yes! The rental, purchase, lending or download of a movie does not provide the right to exhibit it publicly outside the home, unless the screening is properly licensed. This includes streaming.

I WANT TO SHOW A MOVIE THAT'S BEEN OUT ON DVD FOR MANY YEARS. DO I STILL NEED A LICENSE?

Yes! Copyright pertains to all movies regardless of the year it was produced.

IF I PURCHASED A LICENSE TO SHOW A MOVIE, CAN I SHOW THAT MOVIE WHENEVER I WANT?

No. Licenses are for a specific, designated time frame mutually agreed upon by the licensee and Swank Motion Pictures.

A SMALL GROUP IS HAVING AN INFORMAL GATHERING IN OUR FACILITY. DO WE STILL NEED A LICENSE?

Yes! A license needs to be obtained regardless of the number of people attending the screening if the movie is being shown outside the home.

Studios Swank Represents

Swank Motion Pictures provides both public performance licensing rights and licensed movies to numerous non-theatrical markets, including U.S. colleges and universities, worldwide cruise lines, K-12 public schools and libraries, American civilian and military hospitals, motor coaches, correctional facilities and other markets such as parks, art museums and businesses.



OTHER SOURCES
for information on copyright...

THE MOTION PICTURE ASSOCIATION OF AMERICA (MPAA)

www.mpaa.org

Office of the Chairman and CEO
1600 Eye St., NW
Washington, DC 20006
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