



# Public Performance Rights

## Frequently Asked Questions

### **What are Public Performance Rights?**

Public Performance Rights are the legal rights held by film distributors or producers over the showing of a film outside of one's home. The rights-holder can grant others the temporary right to show the film by selling them or granting them a Public Performance License.

### **When do I need to obtain a Public Performance License?**

Anytime a film is shown outside a person's home, the screening is considered "public". It does not matter if admission is or is not charged or if the entity screening the film is a non-profit organization, school, or library.

### **I bought a VHS tape or DVD. Does it include Public Performance Rights?**

No. VHS tapes and DVD's are for personal use only. In general, they do not grant Public Performance Rights.

### **I bought a VHS tape or DVD from a film distributor for my school or library. Does it include Public Performance Rights?**

Most tapes are sold WITHOUT Public Performance Rights, but some tapes or DVDs are sold with limited Public Performance Rights. They may enable you to play the tape or DVD for its lifetime in public screenings on CWU's campus. However, you may NOT copy the tape or DVD, lend it to other institutions or organizations, or charge admission for the screenings you hold with the tape or DVD. These rules may vary, so check carefully with each film's distributor when purchasing a DVD or VHS of this kind to make sure you understand all applicable rules.

### **What about the "Teaching Exemption"?**

The Copyright Act allows films to be screened in face-to-face teaching situations, defined by specific criteria. To be eligible for the teaching exemption, the screening is limited to students who are enrolled in a class in which the film is a part of systematic mediated instructional activities, the instructor is present, and the screening is an integral part of the classroom session. Playing films for a department, for honors students, or as a "film series" or lecture series does NOT qualify for the teaching exemption, but requires a Public Performance License.

## **Obtaining public performance licenses for films**

Obtaining a public performance license for a film is relatively easy and usually requires no more than an email or 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. While fees vary, they are generally between \$200-400 per showing.

*To obtain a public performance license:*

- *In the case of major feature films, you can use a licensing service. Note that services vary in the types of licensing offered and the particular studio or title represented. Costs of a license are usually related to the film's release date. See below of a list of some licensing services.*
- *Check with the distributor to see if they have the authority from the copyright holder to grant licenses. (This is a good method for documentaries.)*

*Some licensing services*

**Swank Motion Pictures, Inc. or Movie Licensing USA** (a division of Swank) - Major movie distributor and a public performance-licensing agent in non-theatrical markets where feature entertainment movies are shown. They offer special services for college campuses, and represent: Walt Disney Studios, Touchstone Pictures, Hollywood Pictures, Warner Bros., Paramount Pictures, Columbia Pictures, Tri-Star Pictures, Miramax Films, Universal Studios, DreamWorks Pictures, Metro-Goldwyn-Mayer, United Artists, and several independent studios.

**Criterion Pictures USA, Inc.** Offers non-theatrical performance rights and 1 year contract to show all films from companies they represent including: Twentieth Century Fox, New Line Cinema/Fine Line Features, Warner Brothers, Tri-Star Pictures, Columbia Pictures, 20th Century Fox, Fox Searchlight, Sony Pictures, Motion International, Astral, Canadian Famous Players, Lions Gate Films, plus many more.

Some companies may also handle their own label, such as: **Icarus Films, Women Make Movies, Films for the Humanities & Sciences, Kino International, Milestone Films**

*Next Step*

Complete payment for the copyright licensing according to the company's policy. Retain paperwork from your copyright licensing in your files to enable you to prove that you purchased a license for the public showing.

## **Films in the Public Domain:**

The following link will take you to information from the Library of Congress on films in the public domain: <http://www.loc.gov/rr/mopic/pubdomain.html>