

VIDEO USE LAW

Many groups on-campus are interested in showing films for entertainment purposes and this is a great idea. However, there are laws that govern the public showing of videos/dvds for non-personal use. These laws were established to guarantee that authors, producers, studios and lawful distributors received their rightful compensation for the public showing of their creations. As a result of these laws it is imperative that a "Public Performance License" be obtained.

A public performance license is needed when using videotape programming in any public or private location where the audience extends beyond the scope of a single family and close friends. These videos must be shown within your home or residence hall room.

It is illegal to conduct a public showing without first obtaining the necessary license for the program. Without such a license, the public showing becomes a copyright infringement and the violators can be prosecuted and held liable for the fines, penalties, court costs, and legal fees upwards of \$50,000.00 per abuse. The copyright laws pertain whether you charge admission or not. There are no distinctions between profit and non-profit groups. Ownership of an individual videotape does not give the right to show it in a public place: it is for HOME USE ONLY.

Not having the budget to pay for the license (and thus the royalties) is not an acceptable reason for renting from a local distributor and showing a video in a public area. Anyone connected with the illegal showing of a copyrighted film can be named in a copyright infringement suit. This includes student organizations, academic departments, organization advisors, and college officials as well as the individual who knowingly operated the equipment at the illegal showing.

For further information please feel free to contact Larry Mosher at ext. 5007. We want to make sure that your film event is successful and is within the limits of the law. This information does not pertain to face-to-face Teaching Exemptions. A faculty member cannot show it for his/her class and then open it up to the rest of the campus. In order to invite others, the public viewing rights must be purchased. Acceptable attendance for films in which the copyright is not purchased only include students registered for the class, the instructor and guest lecturer(s).

The "Education Exemption"

Under the "Education Exemption," copyrighted movies may be exhibited in a college without a license only if the movie exhibition is:

- An "integral part of a class session" and is of "material assistance to the teaching content."
- Supervised by a teacher in a classroom.
- Attended only by students enrolled in a registered class of an accredited nonprofit educational institution.
- Lawfully made using a movie that has been legally produced and obtained through rental or purchase.