

SECTION 25

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.

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 of the Copyright Act provides a specific exemption to the licensing of what is clearly a public performance – face-to-face teaching.

- Performances and displays of audiovisual works must be made from legitimate sources, such as pre-recorded videocassettes. Copies made from legitimate sources or broadcasts are not allowed.
- Performances and displays must be part of the systematic course of instruction and not for entertainment, recreation, or cultural value.
 - The instructor should be able to show how the use of the motion picture contributes to the overall course study and syllabus. (A copy of the syllabus may be requested to verify activity.)
 - The course does not have to be a credit course but must be one recognized by the institution and for which students must register.
- The instructors or pupils must give performances and displays from the same location in which it is viewing screened; no broadcasting from outside sources (such as closed-circuit television) is allowed.
- Performances and displays must be given in classrooms and other places devoted to instruction.
 - Library screening rooms, residence hall lounges, rathskellers, and cafeterias **do not** qualify.
 - Performances must take place during the scheduled class time.
- Performances and displays must be a part of the teaching activities at a non-profit educational institution. Businesses that conduct educational seminars and certain technical schools do not qualify.
- Attendance is limited to the instructors, pupils, and guest lecturers.
 - Only students registered for the class may attend the screening.
 - No fee specific to the screening may be charged.
- 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 Office of Legal Affairs.**

Some movies are not protected by copyright and may be shown without restrictions. Movies that are either in the public domain (generally those 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.

¹ This document uses the term “movies” to include motion pictures and other audiovisual works in all formats. For more information, see the UT Tyler Copyright Guidelines webpage available [here](#).

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 - \$1,500. 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.

How to Secure 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.

Contact Student Engagement with the name of the movie and how it will be used. As they frequently show movies, they are a good resource to see what is and what is not needed.

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.)

Student Engagement uses Swank Motions Pictures, but some others are provided below:

- [Swank Motion Pictures](#)
- [Criterion Motion Pictures](#)
- [Kino International Corporation](#)
- [Milestone Film and Video](#)
- [Motion Picture Licensing Corporation](#)
- [New Yorker Films](#)
- [Movie Licensing USA](#)

FYI: A license dated September 11, 2013, for a public performance license of a documentary cost \$99.00. A license dated September 18, 2003, for a one-time showing of the films Ordinary People and A Beautiful Mind cost \$331.00 per film for a total cost of \$662.00. (However, please keep in mind that the cost of the movie is also based on the audience size.)

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 who will be 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 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.

For more details about how to secure permission, see the University of Texas Libraries' Getting Permissions webpage [here](#).

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

More than likely, **a contract will need to be executed by Legal.**