

## Copyright Guidelines for Showing Movies and Other Audiovisual Works\*

(Adapted for Willamette University with permission of the author, Steven McDonald, General Counsel for the Rhode Island School of Design)

When you buy, rent, or borrow a recording of a movie (or any other audiovisual work, which can include television shows and some sporting events\*\*) that is made by someone else, you normally obtain only the copy, and not the underlying copyright rights to that movie. You are free to watch the movie yourself, but, beyond that, your rights are quite limited by law. In particular you do not have the right to show the movie to “the public”. In most cases, a public showing requires a separate “public performance” license from the copyright owner.

To determine whether you need a license, you must figure out if your plans constitute a “public performance”, and, if so, whether there are any exceptions that would allow you to proceed without a license.

### Is it a “public performance”?

Showing a movie is considered to be a “public performance” if either of the following is true:

- You will be showing the movie to people other than members of your family or a small group of your friends.
- You will be showing the movie in a place that is open to people other than members of your family or a small group of your friends (for example: a classroom, an auditorium, or a campus commons), whether or not any such people attend.

(Generally speaking, showing a movie in your home or residence hall room will not constitute a “public performance”, as long as you limit attendance to family and friends. Most other showings will constitute “public performances”.)

### Is there an applicable exception to the license agreement?

Even if your proposed showing will constitute a “public performance”, you will not need to obtain a license if any of the following are true:

- You will show the movie in the course of “face-to-face teaching activities” (that is, not through a course management system, such as WISE, or other forms of electronic transmission) that will take place in a classroom or similar place devoted to instruction (that is, not in an auditorium or other public venue, unless it is being used for, and restricted to, participants in teaching the teaching activities), AND you have a legitimate copy of the movie (which, in general, does not include one you have recorded yourself from a broadcast).
- Your copy of the movie came with an express license authorizing the particular manner of showing. (For example, some educational movies, such as those purchased directly from [California Newsreel](#) at the “institutional” price, comes with licenses to show the movies for certain noncommercial institutional purposes.)
- The movie you wish to show is in the “public domain”. (Determining whether a movie is in the public domain can be difficult, and even movies that are quite old can still be protected by copyright. The Public Domain Movie Database publishes a list of movies it believes to be in the public domain, but it is neither complete nor authoritative.)

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Note, however, that there is no general “educational”, “nonprofit”, or “free of charge” exception. Even a showing that is all three of those things will require a license if it constitutes a “public performance” and does not fall within one of the exceptions listed above. Thus, most showings outside of the class context will require licenses.

If you do need a “public performance” license (or need help determining if your event is a “public performance”, contact the Office of Student Activities. We can help you to:

- Rent the movie directly from a distributor that is authorized to grant such licenses, such as Swank Motion Pictures or Criterion Pictures USA. Student Activities has contracts with these (and other) distributors and can help you quickly determine the licensing fee and availability of the movie that you’d like to show.
- Contact the copyright holder (generally the studio) directly

In most cases, you will be eligible for a “non-theatrical” public performance license, which is considerably cheaper than what a commercial cinema must pay. Still, the cost is likely to be at least several hundred dollars (and sometimes over one thousand dollars for a new release movie). This might seem unreasonable, but keep in mind that inability or unwillingness to pay is not a valid defense to a copyright infringement lawsuit. Student organizations showing films for entertainment are responsible for paying licensing fees and any royalties associated with the film.

If you have any questions about movie licenses or copyright law, please contact the Office of Student Activities.

Final notes:

\*in reading these materials, please keep in mind that they do not constitute, and should not be considered substitute for, specific legal advice. The resolution of legal issues frequently hinges on slight changes in the facts and circumstances, and your particular situation may be different from those described in these materials. If you have questions about your situation, contact Student Activities.

\*\*Many sports organizations have copyrighted and trademarked their team names, game or event names, and the rights to show live or pre-recorded sporting events in public places. If you have questions about this, contact the Office of Student Activities.